

## **The three Islands: (Abu Musa, the Greater & Lesser Tunb Islands) Integral parts of Iran\***

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**Abstract:** In addition to its many aspects of importance, the Persian Gulf surmounts the world regions in terms of territorial and border disputes, national tensions as well as border conflicts and struggles. Almost all Persian Gulf states, especially the Arab Sheikdoms have sort of territorial and border disputes among themselves that stem from their expansionist objectives. In a bid to cover up their own differences, the Arab states of the region have constantly been attempting to exaggerate Iran's border disputes with its neighbors. The issue over Iran's triple islands is one example of such, in which the Persian Gulf littoral states accuse Iran of pursuing expansionist policy. Iran maintains that there is no dispute but repeated baseless claims by United Arab Emirates (UAE) over Iranian islands. Based on historical facts these islands had always been part of Iranian territory until the Britain colonialist presence in the Persian Gulf by which these islands were occupied. The pretext for occupation of the islands included punishment of pirates, preventing slavery, security and safeguarding of

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shipping in Strait of Hormoz. They were then handed over to the Sharjah and Ra'as-ol-khaimah Sheikhdoms.

Finally and after 68 years of occupation, Iran's consistent and continuous efforts resulted in the recovery of these islands by Iran through formal negotiations and agreement made in 1971. This article examines some large numbers of historical, geographical and legal documents as well as formal and semiformal maps which strongly prove that the UAE claims on Iranian triple islands as groundless. Such claims which have already been resolved through negotiations contradict the will toward peace and security in the region and would be interpreted as breach of 1971 agreement by the UAE. An effective and strong diplomacy along with exercising practical and logical strategies by Iranian government could alleviate the misunderstandings and prevent such claims in the future.

### **Geographical position of the three islands**

The Abu Musa island is located between longitudes 55-01' and 55-04' E and latitudes 25- 51' N and it is 50 km east of Siri Island. The island is situated 67 km from Bandar-e Lengeh and almost rhombus in shape. The population of the island includes Bandar-e Lengeh Iranians and Sharjah Sudanese Arabs. (Mojtahedzade 1996: 38-42)

The Greater Tunb island is located between longitudes 55-16' and 55-9' E and latitudes 26-15' and 26/19' N and it is 27 km S.W. of Qeshm island and its width is about 2.5 miles. This brown circular island is situated 50 km from Bandar-e Lengeh and 70 km from Ras al Khaimah. The population of the island is a combination of Bandar-e Lengeh Iranians and Dubai Baniyas Arabs. (Mojtahedzade 1992: 88-89)

The Lesser Tunb, locally called Tunbo or Banitunb which mean small hill in the Persian dialect spoken in southern Persia, is located between longitudes 55- 8' and 55- 9' E and latitudes 26- 14' and 26- 15' N and is situated 45 km from Bandar-e- Lengeh and 80 km from the Ras al Khaimah in the Persian Gulf. This island is almost triangular in shape and without inhabitant. (Mojtahedzade 1992:90-89)

### **Historical background of the disputes over the three islands**

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In 1165 B.C. the Persian Gulf and its islands including Abu Musa were under the dominance of Iranian Elamite Empire especially in "Shilhak-In- Shushinak" era. In Medes epoch, this island with other islands in the Persian Gulf was part of a southwestern province and part of Kerman. In Parthian era and in the time of Mehrdad I (138-87 BC.), Persian Gulf ports and islands were under the reign of this Iranian dynasty. In Sasanid era these islands and ports were part of Ardeshir town of Pars province. After the arrival of Islam, all ports and islands of the Persian Gulf were governed by Al-e-Bouyeh dynasty. Then these islands were under Kerman Saljouqi rule till 626 A.H. and were managed by local government of Bani Ghaisa. Timur (Tamer lane) Gurkan annexed the ports and islands of the Persian Gulf to his territory. Portuguese were among the first colonial powers that entered the Persian Gulf and grasped at the Hormoz Island in 1507 due to the commercial importance of Persian Gulf and pearling in its islands. (Roodgarmi 2003:5)

England naval forces were next who entered into the Persian Gulf. In 1767 Britain concluded an agreement with then Persian king, Karim Khane Zand and expanded their influence in the Persian Gulf and later in 1853, under the pretext of inability of the people of the region to exercise sovereignty over their territories, signed an agreement with nomadic Sheikhs and unknown tribes of the region in the South of Persian Gulf and then turned their attention to the other islands. (Lormier 1915:719)

At the same time, then Qajar king of Iran, Nasser-e-din Shah, presented to British minister plenipotentiary in Tehran an official map of the region used by the Britain War Office in which these islands were marked and printed as Iranian territories. Despite this fact, the Britain kept quiet until the early twentieth century when they took advantage of Iranian government's pre-occupation with internal issues caused by the Constitutional Revolution strife. At that time, the islands were occupied and brought under the flag of Qasemi Sheikhs. Iran raised protestation repeatedly against this unlawful act, a process which extended until early 1970s. By the end of 1971, the British government fulfilled its announcement for withdrawal of its forces from east of Suez Canal and Persian Gulf. At the same time, knowing

of the strategic position and importance of Abu Musa for the regional peace and security, Iran was determined to reestablish its sovereignty over its three islands. (Wilson 1928:1-6) Therefore it had proclaimed that it will not recognize the British built Federation of United Arab Emirates, due to inclusion of Iranian islands. Britain had no alternative but opening the long due promised negotiations since 1904, on the clarification of Iran's ownership over the islands. Amir Khosro Afshar, then Iranian Ambassador to London and Sir William Louse, the last British envoy to the Persian Gulf were two side negotiators. (Dancalwell 1996:52)

The final stage of talks on November 11, 1971 was quite sensitive and conclusive due to its coincidence with British withdrawal and declaration of the UAE federation establishment. (Mojtahedzade 1990:200-201) By the November 18, talks ended and on his departure from Tehran, William Louse asserted that all Iran and Britain differences on these islands had been resolved. Then he moved to Sharjah in order to forward the output of the talks and then left for London. (Ettelaat Newspaper, November 1971) With regard to the Greater and Lesser Tunbs, Asad Homayoon, an informed source to the negotiations has noted that Iran and Ras al Khaimah failed to reach an agreement because the Sheikh of Ras al Khaimah was asking a large sum of money that was not acceptable to Iran. (Litwak 1968) Both Iran and Britain, however, did not considered necessary the consent of Sheikh of Ras al Khaimah, since the Greater and the Lesser Tunb islands were located upon the division line of Persian Gulf. The talks gave rise to Iran's control over these islands after the withdrawal of British forces. It is worthy of mentioning that recapturing of the two islands by Iran had been based on an unwritten agreement and Iran did it at the presence of British forces and deployed its forces one day before their withdrawal (Homayoun 1994) so that to obviate any doubt on its sovereignty and ownership over them (Mojtahedzade 2004) and once again the Greater and Lesser Tunbs came under the direct control of Iran. (Jafari Valdani 1997:335) British foreign minister while addressing the Britain House of Commons on December 13, 1971, 13 days after the deployment of Iranian forces on the islands, said that Sheikh of Ras Al Khaimah had already been informed that

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any military interference by Britain was unlikely due to the termination of their protectorate agreement and thus, British navy (two British battleship named Eagle and Albion cruising around there) never interfered at the time when Iranian forces had entered into the islands. (Momtaz n.d: 244)

With regard to the Abu Musa Island the following 'Memorandum of Understanding' (MOU) between Iran and Sharjah (under the supervision of the Britain) including an introduction and 6 articles has been concluded and Sheikh of Sharjah officially announced it on 29 November 1971:

### **'Memorandum of Understanding' between Iran and Sharjah'** November 1971

Neither Iran nor Sharjah will give up its claim to Abu Musa nor recognize the other's claim. Against this background the following arrangements will be made:

1. Iranian troops will arrive in Abu Musa. They will occupy areas the extent of which have been agreed on the map attached to this memorandum.
2. (a) within the agreed areas occupied by Iranian troops, Iran will have full jurisdiction and the Iranian flag will fly.  
(b) Sharjah will retain full jurisdiction over the remainder of the island. The Sharjah flag will continue to fly over the Sharjah police post on the same basis as the Iranian flag will fly over the Iranian military quarters.
3. Iran and Sharjah recognize the breadth of the island's territorial sea as twelve nautical miles.
4. Exploitation of the petroleum resources of Abu Musa and the sea bed and subsoil beneath its territorial sea will be conducted by Buttes Gas & Oil Company under the existing agreement, which must be acceptable to Iran. Half the governmental oil resources hereafter attributable to the said exploitation shall be paid direct by the Company to Iran and half to Sharjah.

5. The nationals of Iran and Sharjah shall have equal rights to fish in the territorial sea of Abu Musa.

6. A financial assistance agreement will be signed between Iran and Sharjah. (Arabian Geopolitics n.d:490)

It should be taken into consideration that admission by Iran of MOU on Abu Musa island signed on 29 November 1971 originated of a letter sent by then Iranian foreign minister to his British counterpart stating that: "nothing in this MOU would restrict Iran's powers to take necessary measures to maintain peace and security of Abu Musa island and its forces there". "Your admission clause has been received and forwarded to Sheikh of Sharjah"<sup>1</sup>, British foreign minister stated in his response. Amir of Sharjah (Sheikh Khaled Ebne Mohamad Al Qasemi) in a radio broadcast on 29 November announced that he had signed the MOU in accordance with keeping friendly relations with Iran as well as maintaining the peace and security of the region. He further emphasized that it also secures the interests of Sharjah people and is consistent with the hopes and aspirations of the Sharjah people. (Dabiri 1994:263-270)

Consequently Iran restated its sovereignty over Tunbs and Abu Musa islands (after about 68 years of Iranian protests and demands) and Iranian forces, entered into the islands on 30 November 1971. This was done one day prior to the withdrawal of British forces from Persian Gulf and two days before the declaration of establishment of UAE federation. However, after the arrival of Iranian forces to the triple islands, some radical Arab governments in Algeria, Libya, Iraq and South Yemen submitted their claim on the island to the United Nations Security Council and the Council considered it on 9 September 1971. Representatives of Kuwait and UAE which were admitted as state members of the UN on the same day, joined the other Arab states. The chief of Iran-Britain negotiations team was representing Iran at the Security Council special session in which he announced that any development over the triple islands is inherently an internal issue and he was not there to negotiate his country's internal issues; he was there to make clear that Iran would not allow its sovereignty or territorial integrity be violated and therefore, the Security Council put an end on islands issue.

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Based on Iran-Sharjah agreement signed on November 29 and parts of its executive paragraphs, the Sharjah's flag would be raised over the police station that, according to the international practice, signifies the task of maintaining the domestic order. As far as Iran was concerned, once it is mentioned that the Iranian flag would be raised within all the territory under its jurisdiction and the other time it is talking about the flag over military headquarters (whose troops' tasks are the defense of independence, sovereignty and territorial integrity). Therefore it indicates of Iran's sovereignty rights over the island. From another hand, Iran foreign minister's letter to his British counterpart on 25 November 1971, forwarded to the Sharjah concerning Iran's freedom of action to maintain security of the Abu Musa Island certified that bottom line would have been drawn by Iran. Iranian then prime minister, while addressing to the parliament underscored that there is no way for Iranian government to surrender its dominance and inalienable sovereignty over Abu Musa Island. (Foreign Ministry n.d:12-13) Sheikh Saghar, brother of Sheikh Mohamad Ben Al Qasemi, welcomed Iranian forces when they had entered into the Abu Musa island and said: "on behalf of myself and my brother and all people of Abu Musa island I'd like to welcome you, we spent 80 years of safekeeping the island and now we proffer it to you and hereby we announce our permanent integrity to our great homeland". (Afshar Sistani 1992:83)

Iranian government accepted to delegate parts of the administrative tasks of Abu Musa to Sharjah so that it could maintain order of the island provided that the overall security of the island being undertaken by Iran. This has been pointed out to by then Iranian foreign minister's (Abbas Ali Khalatbari) letter to his British counterpart and this letter is an integral part of the 1971 MOU.

Thus, the Sharjah inhabitants were permitted to stay at Abu Musa Island and enjoy a peaceful life alongside Iranian citizens. Despite respecting some administrative rights given to Sharjah government, the island security had been recognized as natural right of Iran and Iran parliament announced that preserving the security of Abu Musa Island was inevitable responsibility of Iran. (Jafari Valadani 1997: 432-433) Such position is comparable to the one Iran took during

the Iraqi-imposed war: Iran strengthened its military fortification and took defensive measures in Abu Musa alongside the airport. The movements of Iranian military forces within the Sharjah administrative controlled zone after the 1978 coup (Momtaz n.d.:242) in this emirate, all were done within the same context.

It is noteworthy that these islands were always considered parts of Iranian territory in provincial divisions during the time of separation and after rejoining to Iran in 1971, were designated as part of Hormozgan province. Later, in 1991 Abu Musa Island got the township status with Tunb islands as its districts. The origin of some Arab inhabitants of Abu Musa who have Sharjah nationality, are from Sudan tribe of Khan village in Sharjah and others are Iranians from Bandar-e-Lenagh. The Greater Tunb island's inhabitants have Iranian citizenship (there is no habitation on the Lesser Tunb island).

#### **Testimonies:**

- The former British ambassador to Tehran, Sir Denis Right, in his book titled *Britain role in Iran* stated that: "as far as Qasemi Sheikhs were governors of Lengeh and these island and were paying taxes to Iranian government, there were no disputes and these islands generally belonged to Iran". (Right n.d. 102)

- British famous politician, Lord (George) Curzon, in his book titled *Persia and the Persian Question* reminded that: "The Qasemi Sheikhs had been living in this island and mandated as Iran representative to administer of Lengeh and its peripheral islands for generations". (N. Curzon 1996:409)

- The British well-known diplomat in the 19th century, James Morier, in his memoirs of journey to Persian Gulf describes the Greater and Lesser Tunb islands as "barren lands which had belonged to Iran". (Morier Esq 1818:30)

- In the early 1904 Belgian manager of Iran customs, Monsieur Dambrine, while visiting the Persian Gulf ports and islands on board of Mozaffari ship, realized that Sharjah's flag was raised on Tunbs and Abu Musa islands. He lowered the Sharjah's flag down and hoisted

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Iranian flag instead. He also garrisoned two Iranian soldiers in Tunb and Abu Musa islands<sup>2</sup>.

- Based on historical documents, there were no indications of existence of the Qasemi Sheikhs before the collapse of Safavi dynasty. Qasemi Sheikh expressed his obedience to Iranian commander Mohamad Taqi Khan when Nader Shah forces had disembarked on Oman's to subdue the Imam of Masqat. The Britain admits that Qasemis emerged just after the Nader Shah's demise and by decline of Iran's influence in the Persian Gulf. (Movahed 1994:94)

- Waterfronts, Castles, ports, inns, and markets as well as defensive fortifications left from Nader Shah and Karim Khan era, are among the most famous historical buildings and monuments of the Abu Musa island, all signify its Iranian historical origin. (Afshar Sistani 1995:98)

-British representative at UN Security Council in 1971 acknowledged the ownership of Iran over the three islands and said: "British foreign office special envoy surveyed the Persian Gulf issue and an agreement has been signed between Iran and Sharjah on 29 November [1971] and on 30 November Iran deployed forces on the island. According to the agreement neither sides gave up its claim to Abu Musa but a group of Iranian troops had already entered into the island and Sharjah representative welcomed them". With regard to the other two islands he added that: "they are located close to the Iranian coast and Iran has constantly emphasized on his ownership over them and talks between Iran and Britain on these two islands has been continued and UAE claim, therefore, is groundless". (Foreign Policy 1992:188)

-While due to the rise of piracy (in the Persian Gulf) the Britain decided to punish the local bandits (called Javaasem), asked Iran as the central government to deal with them as its subjects. (Movafagh Yasaghi 1999:100-104)

-Then foreign minister of Iran, Moshir-o-Dolleh, in his letter to the British minister plenipotentiary asserted: "I'd like to inform you about the Tunbs and Abu Musa islands -which Iran government considers them as integral part of its territory- that whatever measures Iranian customs officers' have taken were in accordance with exerting

such sovereignty rights. The output of the discussions between Your Excellency and me had been reported to His Majesty and under his guideline these officers have suspended their actions for the time-being and until new arrangements are established neither party would hoist flag there". (IPIS 1989:278)

- In a note to his foreign minister in 1905, Mozafar-e-din Shah Qajar pointed out that: "in our talks with British embassy last year they asked us that until new study and negotiations over the issue, we remove our flag from these two islands. While we are sure these islands are inseparable part of our territory, how come the British government could expect us to compromise our territory to Sheikh and let him to raise his flag there? Just keep negotiating! There is no way for us to suspend our inalienable right." (IPIS 1989:278)

- In a document attributed to Bani Moeen Sheikhs and endorsed by Mohamad-Ben- Salmeen, Saleh-Ben-Hassan, Ahmad-Ben- Mohammad and Yahya-Ben-Mohammad, it was verified that: "according to what we have heard from our ancestors, we attest that the four islands of Siri, Farur, Abu Musa and Tunb are certainly belonged to Bandar-e-Lengeh. There was no habitation in Abu Musa and mostly was used by inhabitants of Bandar-e- Lengeh for grazing their herd". In an other document attributed to Sheikh Hassan Mohammad Abdollah Moeeni it was stated that: "I swear to God that I was informed of correspondence made between Saeed-Ben-Ghazib, the Lengeh governor and Sheikh Sultan-Ben-Saghar, the governor of Qavasem that Siri, Tunb, Lesser Tunb and Abu Musa islands were belonged to Lengeh governor and two sides were sending their sheep and horses to Abu Musa for grazing."

- In a document attributed to the Haleh Sheikhs that was signed by Rashed-Ben-Obeid, Mohamad-Ben-Ahmad and Mahmoud Al Meymod on 9 Jamady al Akher 1305 A.H. it was asserted that: "we were settled in the Siri island by order of Lengeh governor and have lived there since Ben Saeed Khalifa era and ever since we have only recognized Lengeh governor as our ruler and we've lived in peace and prosperity and we hope there would be no other governor as far as we're living so" (Jafari Valdani 1997:174-176)

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- The reports sent to Shahzade Mohamad Mirza, governor of Bandar Abbas and Bandar-e-Lengeh by Qasemis in 1881 and 1887 as well as reports sent to Saed al Molk, the governor of Bandar Abbas and Bandar-e-Lengeh of 1885-86, by Lengeh Qasemi's governors about management of affairs in Lengeh and its districts including Tunbs and Abu Musa islands such as collecting taxes of ranchers in Tunb island, all are evidences of Iran's ownership on these islands. In the same regard, five letters sent from the deputy governor, Sheikh Yousef to Saaed Al Molk, newly appointed Lengeh governor, in 1885-86, in which there were directions on residing of Sheikh Hassan, the dismissed Qeshm island governor, in Tunb and collecting the taxes of herd grazing in this island, are worthy of taking into account. These letters had been presented to British authorities during Iran and Britain correspondences on Tunb island conducted two years later. British government, therefore, got hesitant on pursuing its claims on Tunb and as a result abandoned the issue until 1904.

- In a note sent from British foreign office to its political representative in the Persian Gulf in 1900, it is obviously asserted that the ownership of Tunb island have always been under question and although British never approved the Ras Al Khaimah's claim on Tunb but it continuously believed that Tunb and Siri were belonged to Qasemi tribes.

- In a report published in 1874 by British political office in the Persian Gulf one year after settlement of disputes among Sheikhs of Ras Al Khaimah and Bandar-e-Lengeh, it is acknowledged for the first time that "the Greater and Lesser Tunbs, Farur, Bani Farur and Abu Musa islands are among districts of Lengeh and were located within the limits of Fars governorship."

- In the formal maps published by British War Ministry and British Navy Ministry as well as maps printed under the supervision of Lord Curzon between 1887 and 1892, as the same time as Lengeh Qasemis' dismissal, Tunbs and Abu Musa islands are marked with the same color of Iran homeland.

- In a report sent by Haji Ahmad Khan, Bandar Abbas governor, to Iran's chancellor, in 1887 on the situation of Iran territorial districts in the Persian Gulf, Siri, Tunb and Abu Musa

islands were included as well. This report had been presented to British envoy in the Persian Gulf, Edward C. Ross, and he forwarded to British minister plenipotentiary in Tehran. (Jafari Valdani 1997:176-179)

**British formal reports and publications**

- In the report about Iran Empire borders, sent in 1813 by British delegation headed by Sir John Malcolm to the Court of Fath-Ali Shah, then Qajar King, Abu Musa and Tunbs were recognized as islands under the dominance of Iran.

- In the second chapter of his report titled *lights and record book of the survey of the Persian Gulf* in 1829, Captain Haines, East Indian Company and Indian Navy famous hydrographer, the names of all islands belonged to Iran are mentioned in which Tunbs and Abu Musa islands were introduced as districts of Lengeh.

- In the report by Captain Gorge Barnes Bruce, the East Indian Company special envoy, written in 1825 for this company about customs, traditions and religions of inhabitants of Persian Gulf ports and coasts and their political dependencies, the Tunbs and Abu Musa are mentioned as islands belonged to Iran. (Jafari Valdani 1997:96-97)

- In a report regarding the political and geographical survey of Persian Gulf ports and islands, dated February 25, 1836 by Robert Taylor, British political representative in Arabia of Ottoman, sent as reply to the letter # 25 of 1835 of Bombay Marine, in chapter concerning Iran's ports and coasts, it was verified that; "on the other side of Oman coasts there are Gang, Lengeh, Shinass, Mogho, Bistano, Charak, Nakhilo, Kangan, Naband and Taheri ports among which Abu Musa, Siri and Farur islands are recognized by our navy. The annual revenue Iranian Government earns from Gang, Lengeh, Mogho, Chark does not exceed than 1500 Toman and ..." (Hermidas Bavand 1992:8-9)

- Captain Stief and Constable in their reports to Bombay government on these islands have written that: "the ruler of Lengeh, who annually pays tax to Iranian government, controls all lands located between lake of Sofleh and Bostane village as well as Siri, Farur and Bani Farur, Tunb, Bani Tunb and Abu Musa islands". These

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reports were published under the title of *Persian Gulf Pilot* by British Navy.

- British government and English government of India in 1880 rejected Ottoman government claim on the Sharjah and Ras Al Khaimah Sheiks' ownership of Abu Musa island. The Ottoman government in 19<sup>th</sup> century claimed the ownership of many coastal parts of Southern Persian Gulf and even Bahrain island. Therefore, it had been steadily attempting to grasp the southern islands and coasts of Persian Gulf. Then as a scheme for this purpose, Ottoman government in 1880 signed a contract with an English national, called Michel, to entrust the construction of lighthouses in Red Sea and parts of Persian Gulf including Farur and Abu Musa islands.

The British Chamber of Commerce in its reply letter of August 22, 1881, sent to British foreign office pointed out that there were no relation between Abu Musa Island to southern coasts of Persian Gulf and this island was entirely out of Ottoman territory. British foreign office emphasized through many letters and notes to Ottoman government emphasized that Abu Musa island did not belong to Sheikhdoms of southern part of Persian Gulf and requested Ottoman government to amend the contract and remove Abu Musa from it and things were arranged accordingly<sup>3</sup>.

- Colonel Kemball, British agent in the Persian Gulf in his 1901 report stated that: "with the exception of Basido port located in southwest of Qeshm, which we control, all other islands are under the sovereignty of Iran".

In 1902 British Nave published a brochure for the members of foreign office in which geographical, political, economic, commercial, military and defensive positions of Persian Gulf ports and islands were explained. Tunbs and Abu Musa islands were referred as Iranian islands in this brochure.

There are some formal, semiformal and other countries' maps in which the triple islands are shown as parts of Iran. In the next section just the formal maps are being referred due to their importance.

### **Formal Maps**

-In the Persian Gulf map published by French Foreign Ministry (as *Earte du Golphe Persique*) in 1764, Tunbs and Abu Musa islands were marked in the same color as Iranian land.

-In the Persian Gulf map, *the Gulf of Persia*, drawn by Captain G.P. under the order of East Indian Company in 1826, the Tunbs and Abu Musa islands were shown as Iranian territories. In the annexed note to this map, these three islands belonged to Iran.

- In the map of the Persian Empire of 1813 project in black and white (by John Mc Donald, the political advisor of Sir John Malcolm, in his mission to Iran) and the colored map, re-drawn by J. Arosmith in 1832, Tunbs and Abu Musa were marked as the same color as Iran territory.

- In the central Asia map comprising Kabul, Persia, the Indus river and countries eastward of it drafted based on authentic maps by Alexander Bornes and in the colored version by Arosmith, these islands were marked in the same color of Iranian territory.

- In the map of the limits of the activities of the tribes of pearl coasts projected in 1835 by Captain Henel, the British interim political representative in the Persian Gulf, the triple islands were verified as territory of Iran.

- In the map of Persian Gulf drawn in 1878 by Captain John at the request of British government of India in Bombay, the three islands are in the same color as Iran's territory.

- In the Persian Gulf map published by British War Ministry in 6 pieces in 1886, the Tunbs and Abu Musa islands were marked part of Iranian territory. A copy of the map had been offered to then Iranian Qajar king, Nasser-E-Din Shah in 1888 and he said: "based on this self-evident map, British arguments on the ownership of Arab Sheikhs over these islands are proved to be groundless. Sir Drumond Wolf, British minister plenipotentiary, lamented offering a map to Iranian king who could asserts on Iranian sovereignty and ownership of Iran on these islands. Therefore Lord Salisbury, British foreign minister, proscribed offering any map to others; however the map was re-published and distributed in 1891.

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- In the official map of Persia projected in 6 pieces by the Surveying Section of Indian Topographical Research Department of the British foreign ministry of India in 1897, the Tunbs and Abu Musa islands had been demonstrated as the same color as Iran territory.

- In the map of Iran, Afghanistan and Western Pakistan in the World Atlas, pp. 143-144, projected under the supervision of Ministerial Council of Soviet Socialist Republics in 1967 on the commemoration of the 50<sup>th</sup> anniversary of the October Revolution, the name of Iran was addressed along with the Tunbs and Abu Musa islands<sup>4</sup>.

- In the map distributed in the United Nations Security Council in 1971 Abu Musa island had been referred as "BAMUSA, IRAN".

### **Legal Arguments**

The MOU signed between Iran and Sharjah in 1971 on Abu Musa is an official and credible document that leaves no right for any other state to tamper with it. The return of the Tunbs islands to Iran was based on an unwritten agreement due to the lack of any doubt about the ownership of Iran on those islands. Any attempt for written document might inverted effects on absolute ownership and sovereignty of Iran on these two islands.

The UAE came to existence after the return of these islands to Iran and withdrawal of British forces from east of Suez Canal in 1971. According to the International Law a government can not retrospectively claim against the agreements concluded before its establishment unless it officially denounces the prior agreements made before its creation as inapplicable; this is not the case while UAE government has officially insisted on its commitment to 1971 MOU and even urged Iran's compliance of this agreement too.

In the Supreme Council meeting of UAE federation held in 1992, the governor of Sharjah, who is the main party of the agreement with Iran on Abu Musa, refused to delegate his powers to the federation government and while asserting Sharjah's satisfaction of its

official agreement with Iran, left the meeting. (Mojtahedzade 2004: 4-13)

According to the International Law and the Succession of States (1978) Law, there would never be any changes in territorial agreements following the succession or change of states. Therefore the UAE's claim is baseless from this point of view as well. Therefore Iran believes there is no credible dispute but misunderstanding and the UAE could not raise fanciful territorial claim against the three Iranian islands.

#### **Iran responses to the United Arab Emirates' claims**

The followings are the main points argued by the United Arab Emirates and Iran's response to them:

- *Priority in occupation:*

A- The entity called the UAE and its comprising Sheikhdoms did not even exist prior to 16<sup>th</sup> century and before the appearance of the embryonic signs of some tribal polities as emirates on the political map of the region in early 19<sup>th</sup> century, Iran was an ancient nation since 550 B.C.-A.D.670 and the only nation-state government since 1501 in the Persian Gulf region and in the vicinity of these islands. All historical documents verify that all islands of northern half of the Persian Gulf have always belonged to Iran.

B- Ras al-Khaimah Sheikhdome did not even exist at the early 20<sup>th</sup> century so that it could raise claim of any land or offshore territorial possession prior to that date. Also Sharjah was not an emirate of territorial dimension at that time to be able to make such claim.

C- In the 19<sup>th</sup> century and during the era of Fath Ali Shah in 1811 and Naser al-Din Shah in 1856, based on some special arrangements, Iran had granted the Sultan of Oman lease title to some part of north and southern Persian Gulf coastal areas including Bandar Abbas and Minab and from east of Oman to west of Bahrain. Should all these lands belong to Iran, how come the islands of Abu

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Musa and the two Tunbs situated in geographical centre of these lands could have been left "unattended".

D- Iran's sovereignty and ownership of these islands, as well as all other offshore and inland areas of the country, were traditionally established without the display of flags as a sign of their identification and sovereignty. Marking the ownership and sovereignty of territories by hoisting flags was a new European method introduced to the region by Britain. Therefore, questioning the possession of lands solely due to the absence of a raising flag (prior to its being as a customary proof of ownership) is against all conventional laws and moral principles. (Mojtahedzade n.d: 54-55)

- *Priority in Control*

The claim that Qasemis' control over the southern shore and islands of Persian Gulf precedes dwelling of Iranians in north coast is untrue and against the historical facts of the region;

It is not clear which branch of Qasemi tribes had established its control over the Tunbs, Abu Musa and Siri islands. If the Qasemis of Lengeh are in mind, long before their dismissal in 1887, they were appointed as Iranian national and governors by Iranian authorities. The letter of 1904 sent by British minister plenipotentiary in Tehran to Iranian foreign ministry stating that raising flag by Sheikh of Sharjah had been in unoccupied islands contradicts the claim of priority in control. Moreover, some extra documents of British government indicate that after the settling of one branch of the Qasemi tribe at Lengeh and its vicinity, they occupied the Iranian islands. This was probably done in the period of time subsequent to the death of then Iranian king, Nadir Shah. This further indicates that Tunbs, Abu Musa and Sirri islands belonged to Iran and were illegally occupied by Qasemis in the chaotic situations and failing of authority in Iran.

- *19<sup>th</sup> century correspondence*

Apart from resorting to these old and long exhausted arguments put forward by the Britain during the colonial era, the

UAE bases its claims over these islands on a number of letters exchanged between the Qasemis of Bandar Lengeh, Sharjah and Ras al-Khaimah. Some of these letters date as far back as 1864. They are contradictory and make fanciful claims on various localities up and down the region. The most notable of these letters from Sheikh Yusef Al-Qasemi of Bandar-e-Lengeh to the Sheikh of Ras al-Khaimah, he states: "You, Qasemis, the island of Tunb is for you". There is little doubt about the nature of this sentence as standard oriental complimentary statements. A few lines below this statement, Sheikh Yusef adds a further compliment: and "the Lengeh town is yours". No one has ever been under any illusion, then or at any other time that Bandar-e-Lengeh had ever belonged to any country but Iran. When this reference to Lengeh as belonging to the Sheikh of Ras al-Khaimah has never been and cannot be taken as anything other than a courtesy/compliment, one must ask, how could a similar reference to Tunb Island be taken literally?

- *The prescription*

Referring to the prescription is only applicable when occupation of a territory is continued steadily and there is no protested or challenge by any other state. From the occupation to recovery of these islands by Britain, Iran evidently had continued its protests.

- *Signing the agreement under Duress*

Iran never talked to Sharjah directly so that it could force Sharjah to sign the agreement. The talks were between Iran and Britain which the latter had been considered as a super power at that time and it was impossible for Iran to force such a great power to conclude the agreement despite its will. In contrary, Iran could claim that Britain deprived it from its unconditional rights with regard to Abu Musa island.

- *Modus Vivendi (provisional arrangements)*

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There was no timeframe in arrangements for implementation of the MOU signed between Iran and Sharjah that could be applied as a pretext to consider it as *Modus Vivendi*. Besides, any agreement or arrangement dealing with right of sovereignty of a state could never be regarded as provisional. In contrast, Iran could claim that Britain, on behalf of Sharjah (used to be its protectorate), had been attempting to extend the negotiation and playing with time in order to put pressure on Iran. During 68 years of constant endeavors Iran found no other alternative but recover its absolute sovereignty on Abu Musa by acting on Britain's formula. Iran accepted this option only because of sensitive situation and time constraint, since the Britain was to withdraw from Persian Gulf on the 1<sup>st</sup> December of 1971 and Iran was about to apply its rights and complete sovereignty on Abu Musa once more. In introduction of the 1971 MOU it is verified that Iran will never give up its full sovereignty rights to Abu Musa nor recognize the UAE's claim. (Mojtahedzade, 1996:83-96, 1990:212-231, 1990: 54-57)

### **Conclusion:**

In terms of geographical, natural, geopolitical and geo-strategical point of view, the triple islands are so important. Long after settlement of the disputes over these three islands, the UAE (under support of some states which don't have any right and share) is attempting to reopen the dossier and create an issue regarding the islands. Iran has always believed that there was no dispute but some baseless claims raised covetingly by UAE over Iranian territory.

According to the historical evidences, these islands had always been under the control of Iran until the occupation of the Persian Gulf by the England colonialist government under pretext of punishment of pirates, preventing the slave trafficking, security and safeguard of shipping in Strait of Hormoz, occupied these islands and handed them over to the Sharejah and Ra'as-ol-khaimah Sheikhdoms.

Finally and after 68 years of occupation, Iran's consistent and continuous efforts resulted in the recovery of these islands by Iran through formal negotiations and agreement made in 1971. This article

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examined some large numbers of historical, geographical and legal documents as well as formal and semiformal maps which strongly proved that the UAE claims on Iranian triple islands as groundless. Such claims which have already been resolved through negotiations contradict the will toward peace and security in the region and are interpreted as breach of 1971 agreement by the UAE. An effective and strong diplomacy along with exercising practical and logical strategies by Iranian government could alleviate the misunderstandings and prevent such claims in the future.

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**Notes**

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<sup>1</sup> Iran foreign minister (Abas Ali Khalatbari) letter (No: m/21284, date: 25 Nov 1971) to Britain foreign minister (Sir Alec Dooglas-Home), Ibid- p: 492-93.

<sup>2</sup> **Foreign Office Confidential Records and Correspondence**, London, 416/17, Government of India to Mr. Brodrick, enclosure in telegram, April 1909, p. 143.

<sup>3</sup> **Confidential: correspondence reporting light house**, Red Sea and Persian Gulf, August 22\1881.

<sup>4</sup> For more information on formal and semiformal maps from other countries with regard to Abumusa and Tunbs islands see: Mojtahedzade, Piruze (1990) *Persian Gulf, States and Borders*, Tehran: Atayee.