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WORLD MARITIME UNIVERSITY

WMU

Malmö, Sweden

**NORTHERN ARABIAN GULF A CRITICAL AREA
FOR MARITIME SAFETY AND SECURITY**

By

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Republic of Iraq

MASTER OF SCIENCE

In

MARITIME AFFAIRS

(MARITIME SAFETY AND ENVIRONMENTAL ADMINISTRATION)

2013

DECLARATION

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

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ABSTRACT

Title of Dissertation: The Northern Arabian Gulf; a Critical Area for Maritime Safety and Security.

The purpose of this study is to look for a solution for the problem on maritime safety and security in The Northern Arabian Gulf (NAG). Due to the absence of an agreement between the countries of the North Arabian Gulf and the existence of cases of instability, which took advantage of the other parties to carry out criminal acts adversely affect the safety and security of the region came this research for the purpose of shedding light on this problem and then propose appropriate solutions in accordance with international laws of the seas and oceans. It also intends to provide a mechanism that will encourage the three countries to enter into an agreement in order to deter the crimes at sea. As there are no clear rules as to the control power of each country over the area, considering the peculiar situation and considering UNCLOS with respect to territorial jurisdiction and SOLAS an in depth study and analysis is needed to find a solution to the problem.

KEYWORDS: NAG, UNCLOS, SOLAS, Continental shelf, Delimitation, Safety, Security, Iraq, Kuwait, Iran, Arabian Gulf

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List of abbreviations

bbl. /d	barrels per day
DOALOS	Division for Ocean Affairs and the Law of the Sea
CLCS	Commission on the Limits of the Continental Shelf
CTF	Combined Task Force
EIA	USA Energy Information Administration
GCC	Gulf Cooperation Council
IBRU	International Boundaries Research Unit
IHO	International Hydrographic Organization
IJC	International Joint Commission
ILO	the International Labour Organization
IMO	International Maritime Organization
ISA	International Seabed Authority
NAG	Northern Arabian Gulf
NIOC	National Iranian Oil Company
MEMAC	Marine Emergency Mutual Aid Centre
P&I	Protection and Indemnity Club
RECSCO	Regional Clean Sea Organization
ROWA	Regional Office for West Asia
Riyadh MOU	Riyadh Memorandum of Understanding on Port State Control
ROPME	Regional Organization for the Protection of the Marine Environment
Third Conference	Third United Nations Conference on the Law of the Sea (1973-1982)
UKHO	United Kingdom Hydrographic office
UN	United Nation
UNCLOS	United Nations Convention on Law of the Sea
UNCTAD	United Nations Conference on Trade and Development
UNEP	United Nations Environment Program
WCO	World Customs Organization
WMD	Weapons of Mass Destruction
WWI	World War I
WWII	World War II

1. INTRODUCTION

1.1. Overview

The Arabian Gulf has historically been of geostrategic importance, increasingly so over the last century as a result of rapid international developments at all levels, particularly for economic concerns, as the artery of trade and revenue for the bordering Gulf States. The importance of the Arabian Gulf in international relations and politics comes from its strategic geographical location as an international corridor for trade (Sajedi, 2009).

The Arabian Gulf is a body of water extending North West from the Indian Ocean and land, with a surface area of approximately 250 thousand square kilometers. Its length is approximately 990 kilometers and a width ranging between a 277 km maximum, and a minimum of 55.56km at the Strait of Hormuz (Figure1). It is bounded to the west by the deserts of the Arabian Peninsula, to the east by the Zagros mountain range and to the north by the Mesopotamian floodplain. The sea is one of the shallowest in the world, averaging only 35 meters. (Gillespie, 2011).



Figure: 1the Arabian Gulf

Source: (<http://mapsof.net/>)

The Gulf occupies a historical geographical location due to its location in the middle of the Old World (Asia-Africa-Europe) trade routes. Trade to and from the Mediterranean and Red Sea transported overland via the Zagros-Taurus road from Turkey, Jordan, Syria, Palestine and Egypt, linked to India, Pakistan and other Eastern countries by the Arabian Gulf and Indian Ocean. Bordering this vital sea route are eight States: Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, U.A.E., Oman and Iran.

The Northern Arabian Gulf (NAG) region, bordered by Iraq, Iran and Kuwait, represents a significant area of maritime activities. These activities are both legal and illegal such as crude oil exports, maritime trade, fishing and smuggling. These activities, particularly crude oil exports, have global impacts beyond the local and regional areas.

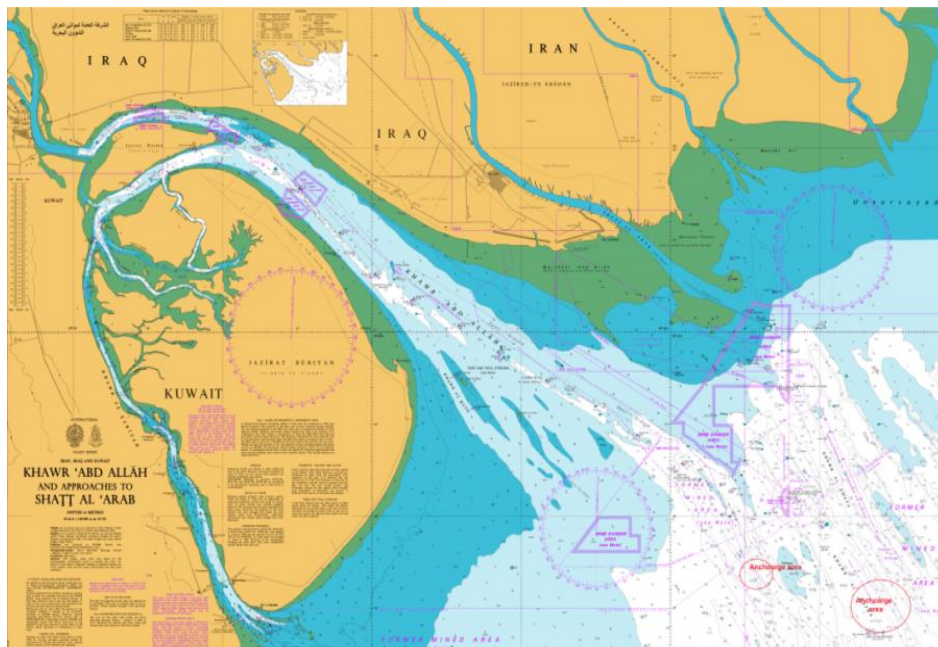


Figure: 2 Anchorages Area (Admiralty chart)

Despite the shared maritime boundaries where anchoring, waiting and port approaches take place; there is no formal agreement for mutual cooperation for maintaining safe navigation channels, law enforcement, or emergency response.

As a result, issues such as maritime security is problematic. Malign actors, such as pirates, smugglers and armed thieves have found safe havens only minutes away by crossing the maritime boundaries, halting pursuit by law enforcement agencies (ICC.IMB, 2013).

Maritime safety is impacted by the limited coordination and cooperation of the NAG states. For example, the Shatt Al -Arab marks the border of Iraq and Iran (“UK sailors”, 2007). Without close cooperation, the approaches to Iraqi ports cannot be properly maintained or marked, leading to the increased risk of maritime incident resulting environmental damage and loss of life and property. For example, the grounding of many vessels in Shatt al Arab entrance due to lack in cooperation between Iraq and Iran (GCPI, 2012).

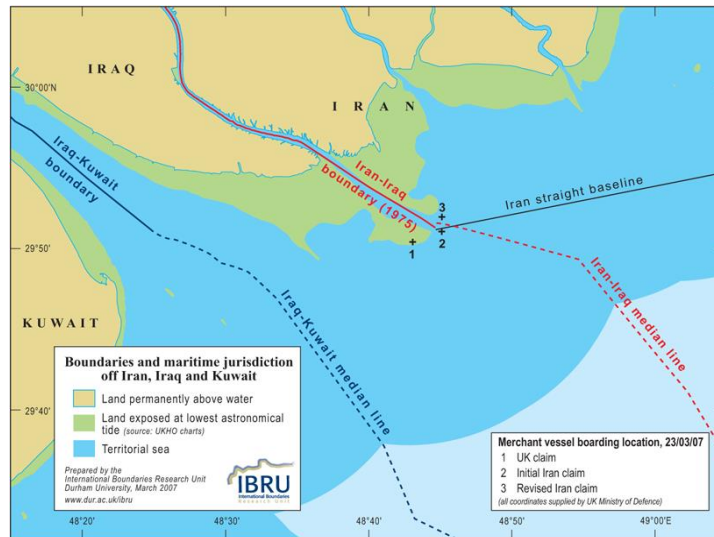


Figure: 3 Boundaries and maritime jurisdiction off Iran, Iraq and Kuwait (IBRU, 2013)

It is important to note that while the UN Conference on the Law of the Sea (UNCLOS) has provisions regarding territorial jurisdiction , an in depth analysis and study is needed to investigate potential resolutions to the maritime safety and security problems that arise from uncoordinated safety and security activities . This is of particular interest when several countries share maritime boundaries in a narrow geographic area, such as the three countries in the Northern Arabian Gulf.

In general the Arab Gulf region has been heavily influenced by economic, political and military factors. The political ambitions of the great powers in the region, as well as control of the seaports and territorial waters, and the trade strategy in order to liaison between East and West, North and South even in peace or war as strategic points, known in military concept (market sites), which is the tactical side places that facilitate the movement and control of enemies and get the supplies needed to maintain armies and processing.

During the 16th century the presence of the Portuguese were present under the pretext of helping the Shah of Iran against the Ottoman Empire in 1507 AD. As the Netherlands gained international prominence in the early 17th century, it imposed itself in the Gulf in 1614 in order to control the Strait of Hormuz, a choke point for the Arabian Gulf region, and thus controlled maritime trade in the Gulf region. Napoleonic France followed in the late 18th and early 19th centuries by imposing its control in the region until the fall Moriius Islands to Britain in 1810.

Throughout the 19th century, Britain expanded its control on the Gulf, bolstering its regional presence in the 20th century, through alliances with major military forces, such as the United States in order to maintain its interests in the region (Sajedi, 2009).

The Gulf retained its importance in the Second World War as a critical allied supply route for military supplies to support Russia as it defended itself against the military expansion of Germany, preventing German occupation of the Gulf and maintaining a source of fuel for allied war effort (Peterson, 2001).

Oil was discovered in the Arabian Gulf State region in the twentieth century in the region, leading to the formation of the Anglo- Persian Oil Company in 1908 to facilitate extraction and production of the oil (Sajedi, 2009). Iraq oil production started in 1927 with the first commercial well in Kirkuk (www.sib.com, 1987), followed by production in the State of Bahrain. In 1936, oil production had started in Saudi Arabia followed by

oil production in 1946 by Kuwait, in 1949 by Qatar, and in 1962 by Abu Dhabi. Despite late discovery of oil in 1962, the Sultanate of Oman played an important role at the regional and international levels due to the strategic location at, and control of the entrance of the Arabian Gulf.

The United Arab Emirates (U.A.E.) composed of the separate principalities of; Abu Dhabi, Sharjah, Ras Al Khaimah, Ajman, Umm Al Quwain, has occupied a prominent position in the production of oil and the global reserve, since 1948 they began to search and drill for oil in Abu Dhabi and oil was discovered in 1958 (Owen, 2008). Moreover, Dubai occupied an important place among Arab Gulf States as an international natural pearl production and trading center until the WWII (“United Arab Emirates profile”, 2013).

However, having promoted the pearling industry in international markets had a direct impact on Dubai's position in this area but it has regained its prestige and economic significance having discovered oil in commercial quantities in 1966. Nevertheless, the economic importance of the Gulf through the production of oil is as follows:

Where the amount of crude oil exported from the region due to its daily oil flow of almost 17 million barrels per day (bbl. /d) in 2011, between 15.5-16.0 million (bbl. /d) in 2009-2010. Flows through the Strait in 2011 were roughly 35% of all seaborne traded oil, or almost 20% of oil traded worldwide. On average, 14 crude oil tankers per day passed through the Strait in 2011, with a corresponding amount of empty tankers entering to pick up new cargos. More than 85% of these crude oil exports went to Asian markets, with Japan, India, South Korea, and China representing the largest destinations (EIA, 2012).

Despite the passage of such large quantities of production of the Gulf region oil through the Arabian Gulf, there are several alternatives existing on the ground and could be cited, from which to export oil and gas around the world without passing through the

Arabian Gulf. For example, there is north Iraqi pipeline between Iraq and Turkey to the port of Ceyhan on the Mediterranean Sea; nevertheless, it was limited quantities due to closure of the strategic pipeline that connects the north and south of Iraq. In addition to the presence of the Abqaiq oil pipe lines (Petrolaan) to the Red Sea, Saudi Arabia's oil export through the Red Sea has a nominal capacity of about 5 million barrels / day, with the current movements estimated at 2,000,000 barrels / day. In addition, Abqaiq - Yanbu natural gas liquid pipeline, which runs parallel to Petrolaan to the Red Sea, has a capacity of 290,000 - barrels / day (EIA, 2012).

Tables 1 and table 2 show that amount of oil which is supplied from the Arabian Gulf is 28.848916% from the world total oil supply.

Table: 1 Total Oil Supply (Thousand Barrels Per Day)

	2008	2009	2010	2011	2012
Arabian(Persian) Gulf	24371.58	22896.54	23929.83	25478.27	25709.03
Bahrain	48.59778	48.68543	47.15771	48.15771	49.15771
Iran	4177.537	4178.296	4243.073	4225.614	3538.386
Iraq	2384.553	2399.167	2402.876	2628.993	2986.641
Kuwait	2727.895	2505.943	2460.293	2691.818	2796.788
Qatar	1203.828	1212.72	1440.861	1641.176	1579.184
Saudi Arabia	10782.3	9757.172	10522.33	11154.26	11545.68
United Arab emirate	3046.873	2794.552	2813.244	3088.256	3213.194

Source: EIA

Table: 2 the world total oil supply

	2008	2009	2010	2011	2012
World oil supply	85476	84581	87077	87329	89116

Source: EIA

1.2. Statement of problem

Despite a long history of maritime trade in the Arabian Gulf in general and the NAG region specifically, the failure of the Gulf States to agree on maritime boundaries and

cross-boundary cooperation has a negative impact of economic growth, sustainable development and security in the region (Khan, 2011).

1.3. Objective of the Research

The purpose of this study is to look for a solution for the problem on maritime safety and security in NAG where trans-maritime boundary conflict can occur. It's also intends to provide a mechanism that will encourage the three NAG countries to enter into an agreement in order to deter the crimes at sea and enhance maritime safety.

As there are no clear rules as to the control power of each country over the maritime space, considering the peculiar situation and international conventions such as UNCLOS with respect to territorial jurisdiction and SOLAS, an in depth study and analysis are needed to find a solution to the problem.

1.4. Research Methodology

The research will take a qualitative method. By defining and analyzing the current NAG maritime borders and activities, a comprehensive impact of the current situation can be developed and analyzed. From this, a cost benefit analysis will be created and examined for multiple courses of action. In order to weigh the options, maritime areas where similar problems exist, or have existed, will be researched and analyzed, such as North Sea case-Germany, Netherlands and Denmark, Libya and Tunisia, Canada-US maritime border disputes. The plan of research will be implemented by using relevant data and resources, such as charts, internet sites and UN and IMO conventions and resolutions related to the topic, through the use of the university library and the adoption of trusted sources on the subject from internet. The materials will be well checked, referenced, summarized and structured to create the research.

1.5. Limitation of the Research

This dissertation is limited to the reporting accidents, so many accidents have occurred in the area which has been handled by local authorizes and not reported to International Maritime Bureau (IMB). The paper will not address in depth to many of the excesses of security and safety that have occurred in the north of the Arabian Gulf.

CHAPTER 2

2. INTERNATIONAL MARITIME CONVENTIONS

2.1. Introduction

The international conventions were developed to maintain peace, justice and govern the relationship of international States. Without international agreement on maritime delimitation legal issues regarding boundary-making, complex questions of State sovereignty will exist. The maritime boundaries between States may easily affect mutual relations and in some cases may affect the international peace and security. Thus, the potential political and security risks of boundary disputes remain high. Such disputes may affect the economic activities, for example the exploitation of fishing locations, due to fear of action by the other States. Moreover, unsettled maritime boundaries may also cause arguments over certain areas of jurisdiction between States in case if oil and/or gas discoveries are made in overlapping demanded areas (Jamine, 2007).

Pollution which occurred as a result of acts of throwing waste caused anxiety of coastal States. Moreover, maritime accidents lead to damaging to the marine environment; therefore, it will damage the coastal State economics as a result of pollution. The result will in turn affect the industry, fishing operations, tourism, and the effects of healthy living of people near the area.

Pollution transported by current , wind and sea are also a concern of coastal states .The impact of maritime pollution , which can affect fisheries , tourism and health of the impacted area, does not recognize maritime boundaries. Maritime pollution does not respect maritime boundaries, thus the coastal States that may be impacted must have instruments in place to ensure an effective response.

There are legal entities established by the United Nations to consider claims and international issues and border disputes.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It was established in June 1945 began work in April 1946. The ICJ Court's role is to resolve, in agreement with international law, legal disputes submitted to it by States and to give recommended opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. It is located in Hague (Netherlands).

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. The court official languages are English and French" (ICJ, 2013).

In addition, three more bodies were established under the UNCLOS82 Convention to monitor its implementation has become operational. They are:

The International Tribunal for the Law of the Sea (ITLOS), located in Hamburg, Germany;

The International Tribunal for the Law of the Sea is an independent judicial body established by the United Nations Convention on the Law of the Sea to adjudicate disputes arising out of the interpretation and application of the Convention. The Tribunal is composed of 21 independent members, Tribunal has jurisdiction over any dispute concerning the interpretation or application of the Convention. The Tribunal is open to States Parties to the UNCLOS 1982 convention. It is also open to entities other than States Parties (ITLOS, 2013).

The International Seabed Authority (ISA), located in Kingston, Jamaica;

The International Seabed Authority is an autonomous international organization established under the 1982 United Nations Convention on the Law of the Sea and the 1994 Agreement relating to the Implementation of Part XI of UNCLOS. The Authority is the organization through which States Parties to the Convention shall, in accordance with the regime for the seabed and ocean floor and subsoil thereof beyond the limits of national jurisdiction (the Area). The Authority became fully operational as an autonomous international organization in June 1996, when it took over the premises and facilities in Kingston, Jamaica (ISA, 2013).

The Commission on the Limits of the Continental Shelf (CLCS), based at UN Headquarters in New York.

“The aim of the CLCS of the “UNCLOS Convention in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. According to, UNCLOS1982, the coastal State shall establish the outer limits of its continental shelf where it extends beyond 200 nautical miles on the basis of the recommendation of CLCS. The CLCS make recommendations to coastal States on matters related to the establishment of those limits; its recommendations and actions shall not prejudice matters relating to the delimitation of boundaries between States with opposite or adjacent coasts” (DOALOS, 2012).

2.2 Objectives

The principal research objectives of this research are to determine the appropriate international conventions that serve the existing situation in the NAG region. The dissertation will study the needs of the region and application of the appropriate international conventions. The application and implementation of these conventions will be examined and their ability to fulfill international obligations regarding security, safety

of navigation and protection of the marine environment in order to, improve inter-state relations, improve the safety, security and economic development in the region.

2.3 UNCLOS 1982 and its development

Historically, customary international law has ruled the ocean, as well as maritime zone delimitation. “The traditional conception of customary international law is based on consistent trends of state practice and it was to such practice that courts, tribunals and other decision-makers had to turn in order to determine the substance of the law” (Harrison, 2008, p. 17). The first attempt to develop an international law of the sea regime was carried out by the League of Nations. The League of Nations was founded after the First World War and was aimed at preventing wars and resolving disputes between nations. It is based in Switzerland. This League was replaced by the United Nations (UN) because of their inability to prevent the Second World War. The UN is a modern version of the free world's super national governing body (UN, 2009). The interest in the idea of codifying the international law began in the early twentieth century by the belief that codification contributes to the enhancement of international peace and security (Harrison, 2008).

It was believed that the reduction rules for writing enhanced clarity and certainty on the applicable law. This aspect of the Law of the Sea has developed more numerous treaties adopted at the Hague peace conferences of two in 1899 and 1907 and later in the International Maritime Conference held in London in 1909. The non-military aspects of the law of the sea, however, been neglected until after the First World War. (Harrison, 2008)

In the 1920s several characters for the Law of the Sea develop the law. Such private institutions and individuals, including the International Law Association, International Law Institute, the American Institute of international law, the German society for international law, Japanese Association of International Law, and quickly followed

Harvard Law School. These initiatives by the governments are to attempts codification. In 1924 the Council of the League of Nations began the process of codification of international law. In response to this recommendation, the Hague 1930 codification conference, attended by delegates from forty-seven governments, including states who were not members of the League (Harrison, 2008, p. 21). The 1930 conference assembled in The Hague tried to address defining territorial sea boundaries, but an agreement could not be reached. However, a draft convention was prepared for future consideration regarding the legal status of the territorial sea (Jones, 1972). After World War II, under the auspices of the United Nations there were three conferences that picked up where the failed Hague Conference left off, which were crucial in the process of organization of the Law of the Sea (LOS): (UNCLOS I, II and III: 1958, 1960 and 1973-82, respectively).

The UNCLOS I Conference which was held in Geneva in 1958, included participants from eighty-six states. At the time, only eighty-two states were members of the United Nation. The UNCLOS I Conference led to the arrangement of four conventions that allocated some areas of the LOS: the Convention on the Territorial Sea and the Coastal Zone; the Convention on the Continental Shelf, the Convention on the High Seas, and the Convention on the Fishing and Conservation of the Living Resources of the High Seas. UNCLOS I recognized much of international customary law; however, an agreement could not be reached on a number of issues. One such important issue was the extent of the Territorial Sea. The High Seas Convention, with 62 ratifications, was the most widely accepted of the four treaties. The Fisheries Convention, on the other hand, only managed to attract 37 contracting parties (Harrison, 2008). UNCLOS II later assembled in 1960 with representatives of eighty eight States in attendance to address problems left by the first conference, yet the conference ended without outcomes (Jones, 1972). No agreement has been reached because the participation of developing nations

and third world countries participated only as clients, allies, or dependents of the United States or the Soviet Union, with no significant voice of their own.

UNCLOS III met from 1973 to 1982, with eleven sessions held over a period of ten years. 164 States had contributed, as well as 102 observers composed of international organizations (IOs). The outcome of the UNCLOS negotiations can be counted as one of the greatest diplomatic dealings of humanity and in the history of international relations.

On 30 April, 1982, the UNCLOS III was adopted, by 130 votes in favor, 4 against, and 17 abstentions. Most industrialized States and the Soviet States did not vote in favor of the Convention; the US, Turkey, Israel and Venezuela voted against the Convention. “The US delegate stressed that whilst those parts dealing with the traditional aspects of the law of the sea reflected prevailing international practice, the deep seabed mining regime was largely unacceptable” (Harrison, 2008) Although for different reasons. Turkey and Venezuela both objected to the methods that were described in the agreement for the delineation of the continental shelf and the exclusive economic zone, Israel, on the other hand, opposed to provisions on the Strait contained in part III of the Convention.

UNCLOSIII entered into force in 1994, and as of 7 August 2013, the number of States Parties was 166 (DOALOS, 2013). It still falls short of the 193 states who are currently members of the United Nations (UN member States on the records, 2013).

The UNCLOS 1982 Convention regulates the matters pertaining to sovereignty and international borders. In addition it to regulate the issue of pollution and other issues directly related to the authority of the State in its right and sovereignty over the territorial sea, contiguous zone, EEZ and continental shelf.

The UNCLOS 1982 convention was composed of 17 parts, each containing several articles that addressed the international relations of the seas and the oceans, as well as

the maritime border and sovereignty of each State. It controls the way to deal with territorial sea, contiguous zone, EEZ, continental shelf, the area and the High Sea. In addition, it monitors an environmental assessment.

According to Third Conference all coastal States entitled to 12 nautical miles territorial sea, 24 nautical miles contiguous zone, 200 nautical miles EEZ and– Extended continental shelf (beyond 200 nautical miles) – subject to Article 76 rules (UNCLOS, 1982).

The establishment of the new maritime zones noticeably increased the importance of maritime boundary delimitation in the new international maritime legal regime. The most distinguishing feature of these new zones is their excessive distance from the coast. International law authorizes a State to extend its EEZ seaward to a distance of 200 nautical miles from its baseline. Illustrated by article 57 of UNCLOS III, in some case it may much farther as declare by article 76 (UNCLOS, 1982).

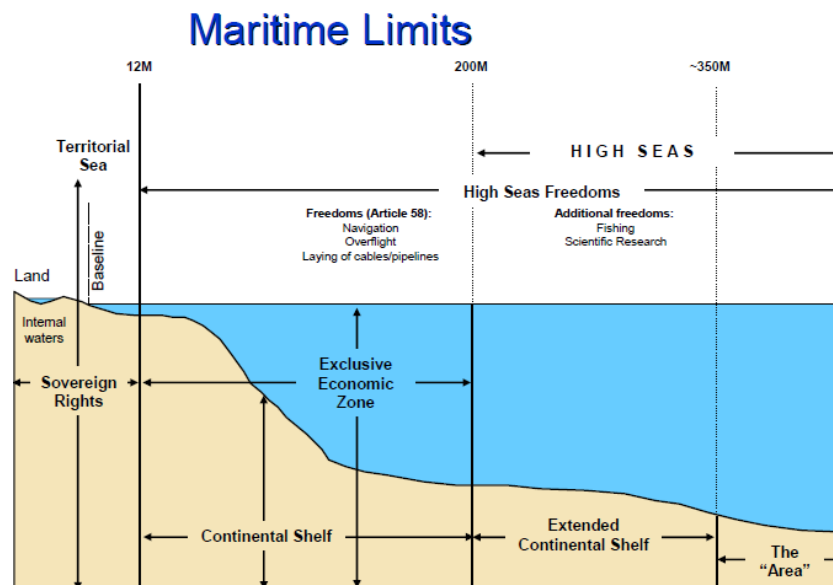


Figure: 4 Maritime limits (UNCLOS1982)

2.4. UNCLOS and Delimitation

Problems may arise when the maritime zones of two States meet and overlap, and the line of separation has to be drawn to distinguish the rights and responsibilities between the States. Thus, maritime delimitation is a process concerning the partition of maritime areas in a condition where two (or more) States have conflicting rights. For both States, this act may involve limit of their sovereign rights (Dundua, 2007).

The maritime delimitation procedure is a complex subject, due to both the number of real and possible situations. It is clear that delimitation by agreement remains the main rule of international law. The negotiating is very significant for accomplishing agreement. The delimitation procedure required agreement between parties on the source of international law, Law of maritime delimitation was developed in three stages: the prior to 1958 when the customary international law only recognized the sovereignty of a coastal State over the waters which was, adjacent to its coast about 3 nautical miles, as territorial sea. Some States have also claimed a zone of high seas contiguous to the territorial sea. Then the Period was between 1958 and 1982 the maritime delimitation was governed by the 1958 Geneva Conventions: the convention on the Territorial Sea and the contiguous Zone, the convention on the continental Shelf, the convention on the High Seas and the convention on Fishing and Conservation of the Living Resources of the High Seas. The last stage is after 1982 which is governed by UNCLOS1982 (Jiuyong, 2010, p. 277).

2.4.1. Truman Proclamation on the Continental shelf (1945)

The Truman proclamation was considered a coup point in the delimitation of the maritime borders. Prior to 1945, the States claimed only narrow territorial sea and exercised its sovereign right over the water Colum, seabed, subsoil and air space. As a result advances in technology have enabled the extraction of natural resources from the ocean floor and the increased ability to control larger areas, and the development of fishing techniques. States began to extend its control over larger areas of the seas and

oceans (Collins, 1982). “The Truman Proclamation extends the U.S. claim to submerged lands and offshore resources of the outer Continental Shelf in the interest of conservation and prudent development of the natural resources of the seabed” (www.cclme.org).

2.4.2. 1958 Geneva Convention: Territorial Sea and Contiguous zone

According to the 1958 Geneva Convention and the reference to article 12, “1” the determination of the territorial sea is subject to the principle of the equidistance; however, it is not binding in historical or special circumstances, so the 1958 Geneva Convention has been used to determine the territorial sea between opposite or adjacent State (Convention on the Continental Shelf, 1958).

According to 1985 Geneva Convention article 12 “1. Where the coasts of two States are

2.4.3. 1958 Continental Shelf Convention Article 6.1

The 1958 Geneva Convention on the Continental Shelf issue requires; Presence of an agreement between the two disputed parties, and in the absence of agreement or special circumstances, the application of the principle of median line in case of opposite States, and equidistance principle in the case adjacent states (UN Convention on the Continental Shelf, 1958).

In this regard, countries resort to the principle of special circumstances. Despite that the special circumstances are not specifically provided under UNCLOS for maritime boundary delimitation. However,

a number of geographical, historical, political, economic, security or other factors may be taken into account during the maritime boundary delimitation process in a negotiation process States have wide latitude and flexibility in trying to influence the outcome of negotiations in favor of their right and interest by using as many factors as they deem appropriate for the construction of the line or lines they consider and

satisfactory. In other words, there is no limit the factors which States may take into account when negotiating (UN, 2000).

The following conclusions can be drawn from the practice of international courts which have been called so far to give a concrete content to the abstract rule providing for the achievement of an equitable solution in the delimitation of the continental shelf or exclusive economic zone.

the equidistance line plays the role of a logical starting point, as a reference to evaluate whether a delimitation effected on the basis of equidistance leads to an equitable solution; if not, the equidistance line may be adjusted according to relevant circumstances, in particular geographical circumstances, such as the length and shape of the coastlines or the presence of islands; islands context. (scovazzi, 2013)

Geographic elements are: Non-encroachment, coastal geometry, opposite or adjacent coasts, coastal lengths, use of islands and rocks, baselines, and proportionality.

Part I which is offers an overview of the formulation of the conventional rule of delimitation of sea boundaries between States. It begins with The Hague Codification conference of 1930 and ends with relevant discussions held during the Third United Nations Conference on the Law of the Sea (UNCLOS III). Part II is concerned with the consideration of the fundamental principles and methods of maritime delimitation: the principles of equity and equidistance/median line (Dundua, 2007).

2.5. Methods of delimitation

2.5.1. Equidistant

The definition for the equidistant is similar to what already mention in 1958Conventions regarding the territorial Sea “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” (Convention on the Territorial Sea and the Contiguous Zone, 1958). The convention used the term median line for equidistant line between opposite States, and mentions principle of equidistance in the case of adjacent boundary determined. The equidistant principle is dependence on the baseline. However, the adoption of some countries to the normal baseline or straight baseline will cause some difficulties. (Dundua, 2007, p. 15)

2.5.2. Equity and the equitable principle

The notion of equity is at the heart of the delimitation of the continental shelf and entered into the delimitation process with the 1945 proclamation of US President Truman, concerning the delimitation of the continental shelf. In cases where the continental shelf extends to the shores of another States, or is shared with an adjacent State, the boundary shall be determined by the United States and the State concerned in accordance with equitable principles (Dundua, 2007, p. 33).

2.5.3. Single maritime boundary

In the case of adjacent coasts, a line drawn seaward from the coast will usually separate only the territorial waters of the two States for the first twelve nautical miles. Beyond that, if States agree, the same may separate the two maritime zones EEZ and continental shelf between them. For example, the first case concerning a single maritime boundary between

adjacent States was the 1984 Gulf of Maine case between US and Canada (Dundua, 2007, p. 39).

2.5.4. Proportionality

The concept of proportionality plays an important role in various domains of international law and the law of the sea, and in particular maritime delimitation. The Court and tribunals have to estimate roughly, or calculate exactly, the lengths of the relevant coastlines and compare that ratio to the ratio of the provisionally delimited relevant water and continental shelf areas. The 1969 North Sea case is the first of the maritime delimitation cases between adjacent States to apply the concept of proportionality. It was not an exaggeration to say that proportionality is incorporated in maritime delimitation and it is an applicable criterion for both the adjacent and opposite States in maritime delimitation process. (Dundua, 2007, p. 43)

2.6. SOLAS 1974

The Safety of Life At Sea Convention 1974 (SOLAS) is an international IMO convention that deals with safety of human life at sea. On 14 April 1912 the passenger ship Titanic sank after it collided with an iceberg. More than 1,500 passengers and crew died in this disaster. The Titanic disaster was the catalyst for the adoption of the SOLAS Convention. The conference was attended by representatives of 13 countries to develop international regulations. New international requirements dealing with safety of navigation for all merchant ships were introduced such as provision of life-saving appliances, fire prevention and firefighting appliances on passenger ships as well as watertight and fire resistant bulkheads. Moreover, other requirements dealt with the carriage of radiotelegraph equipment for ships carrying more than 50 persons. In addition, the agreement was approved on establishing a North Atlantic ice patrol.

Although the SOLAS Convention was adopted on 20 January 1914, it did not enter into force in July 1915 due to the First World War which had broken out in Europe. The SOLAS Convention was signed by only 5 States; however, it led to extensive application regulations in the United States, the United Kingdom, France and Scandinavia. The conference was attended by representatives of 13 countries to develop international regulations. .

In 1929 the second SOLAS Conference was held in London according to a proposal which was made in 1927. The 1929 London Conference was attended by 18 countries, resulting in the 1929 SOLAS Convention. It contained sixty articles on ships safety which related to lifesaving equipment, fire prevention and firefighting, wireless telegraphy equipment, navigation aids and rules to prevent collisions, and ship construction. The SOLAS Convention 1929 version entered into force in 1933.

As a consequence of technical developments the SOLAS 1929 was overtaken, which invited the United Kingdom to host an international conference in 1948 which adopted the third SOLAS Convention. The third SOLAS Convention covered a wider range of ships and went into significantly larger elements .

In 1960 another conference was held in London and a new convention was founded. The SOLAS 1960 Convention was the first main mission for the International Maritime Organization (IMO) after its establishment. The SOLAS 1960 was adopted on 17 June 1960 and entered into force on 26 May 1965. The SOLAS 1960 Convention was a significant step forward in updating regulations and in keeping bound with technical developments in the shipping industry.

In order to keep the Convention up to date periodic amendments were done. Nonetheless, the amendments procedure was very slow, so it would be impossible to achieve the entry into force of amendments within a realistic period of time. In this regard a totally new Convention was adopted in 1974 .

On 21 October 1974 The SOLAS 1974 Conference was held in London. The new Convention included updated amendments which were aggregated in addition to a new amendment procedure in order to ensure that changes could be made within a specified and suitably short period of time. The 1974 Convention (SOLAS, 1974) entered into force in 1980.

Some 162 IMO Member States have signed this convention. The Republic of Iraq, the Islamic Republic of Iran and Kuwait have ratified to SOLAS 1974 (IMO, 2013). Therefore, NAG States have an international obligation to fulfill the requirements defined by SOLAS 74.

Chapter V of SOLAS 1974 deals with the safety of navigation by identifying certain navigation safety services which should be provided by Contracting Governments (IMO, 2004).

The main requirements provision of chapter V is

- Navigational Warnings (Regulation 4)
- Meteorological Services and Warnings (Regulation 5)
- Search and Rescue Services (Regulation 7)
- Life Saving Signals (Regulation 8)
- Hydrographic Services (Regulation 9)
- Ships Routing (Regulation 10)
- Ship Reporting Systems (Regulation 11)
- Vessel Traffic Services (Regulation 12)
- Aids to Navigation services (Regulation 13)

Chapter XI-1 of SOLAS 1974 deals with “special measures to enhance maritime safety which is clarifying the requirements relating to authorization of recognized organizations (responsible for carrying out surveys and inspections on Administrations' behalves); enhanced surveys, ship identification number scheme, and port State control on operational requirements” (IMO, 2004).

Chapter XI-2 of SOLAS is to enshrine the International Ship and Port Facilities Security Code (ISPS Code). The ISPS Code was a reaction, in 2002, to the events of September 11, 2001. As a result of the World Trade Center attacks and then the attack on the French oil tanker on 6 October 2002 in Gulf of Aden, stimulated the International Maritime Organization (IMO) to take the necessary steps against terrorist acts ("Yemen says tanker blast was terrorism", 2002). A new chapter under the number XI-2 was added to SOLAS 1974 Convention, which entered into force on 1 July 2004. The aim of the ISPS Code is to establish an international framework for the purpose of the cooperation between the contracting governments, government agencies, shipping companies, maritime industries, shipping companies, ports, and ports facilities, in order to detect security threats and take the necessary measures to prevent against security incidents affecting ships and port facilities. The implementation of the Code required continuous and effective cooperation among the stakeholders which are ports and port facilities, ship owners, shipping companies, passengers and port staff in addition to the local and national security authorities. It should be noted that the ISPS Code has recognized other international laws relating to personal freedoms and it does not conflict with international laws issued by the International Labour Organization (ILO) relevant to international standards for workers at the sea or human rights organizations. However, it pays special attention to ensuring compatibility with provisions of other international convention such as the STCW 1978, and ISM Code (IMO, 2003). In addition to, the ISPS Code, a number of legal initiatives have been undertaken with attention to improve maritime security aboard ships, ports and sea, such as the conclusion of the 2005

protocol on Convention of the Suppression of Unlawful Act against the Safety of Maritime Navigation (SUA). Further examples are bilateral agreement between the United States and largest ship registry States, informal partnership operating under non-binding Proliferation Security Initiative(which involved vessels carrying weapons of mass destruction), unilateral action, such as Australia declaration of 1,000 mile identification zone (Klien, 2011).

2.7. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA), 1988

The main purpose of this Convention is to ensure that appropriate action is taken against persons committing unlawful acts against ships. The Convention obliges Contracting Governments to extradite or prosecute perpetrators and add a protocol to include the resolution of illegal acts is not only ships but even against fixed offshore platforms and drilling rigs for oil exploration or gas in the sea. The Convention was Adopted on 10 March 1988 and entered into force on 1 March 1992 (IMO, 2010).

CHAPTER 3

3. NORTHERN ARABIAN GULF (NAG) COUNTRIES

3.1. Introduction

This chapter focuses on several aspects of NAG countries regarding geographical location, natural resources, population and global economic impact. In addition, a historical overview of the nature of the relationship between these countries and treaties that govern these relationships will be discussed.

The North Arabian Gulf region, which includes Iran, Iraq and Kuwait, is an important and sensitive economic and environmental area. The NAG region contains several important ports with far-reaching economic impacts. It is also Iraq's only maritime access to the Arabian Gulf along a relatively small portion of NAG, with only two deep channels, deep enough for large ocean going vessels to transit, the Khor Abdullah and the Shatt al-Arab.

Southern Iraq has a network of marshes, canals, streams and narrow waterways which meet mostly in the Shatt al-Arab which flows into the Arabian Gulf. The Shatt Al-Arab River is formed by the meeting of the Tigris and Euphrates rivers at Qarmat 'Ali, 160 kilometers north of the Arabian Gulf. This river runs southeastward and passes the Iraqi ports of Basra (Almaaqal), Abu Flous, Almaamer and Fao. However, Iran has four ports deployed in the Shatt al-Arab, including a free trade zone in the port of Khorramshahr, Abadan, Khesroabad, and Arovi Kanar before flowing into the Arabian Gulf. The river depth ranges between 8-15 meters. The difference in water level between low and high tide is approximately 1.5 meters during the summer and 0.25 meters during the flood season (Al-Hassan, 1999).

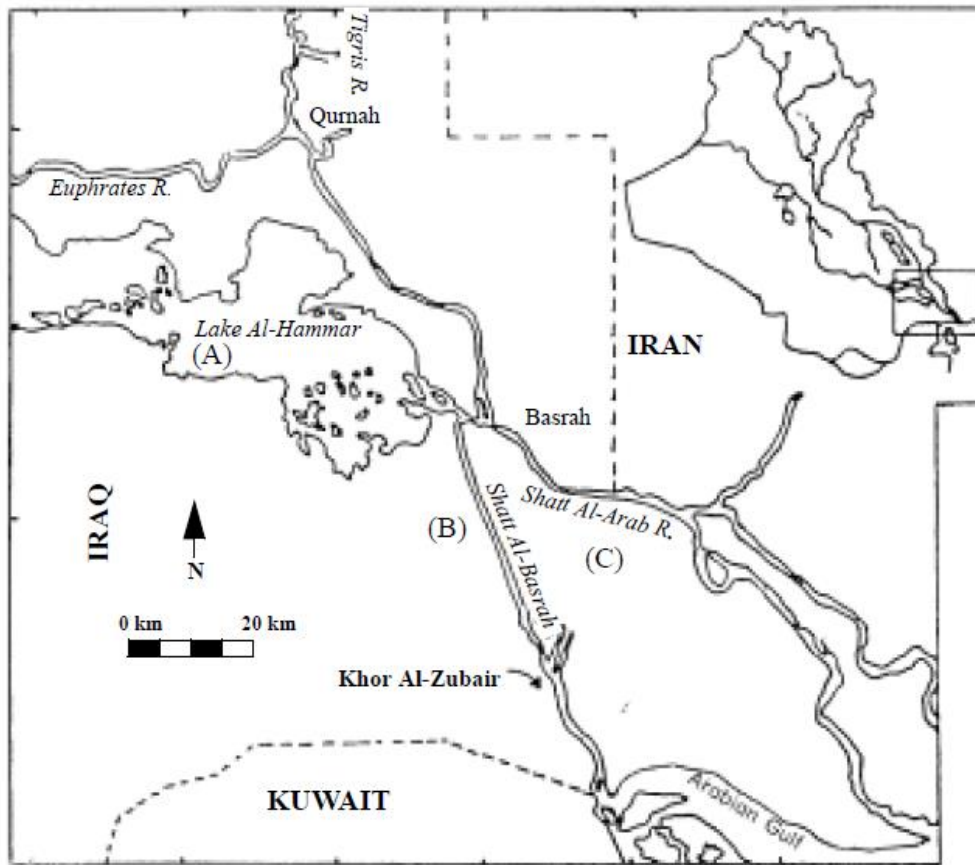


Figure: 5 Shatt al Arab

Source: <http://www.cbr.washington.edu/>

Iraq and Iran have disputed navigation rights on the Shatt al Arab since 1935. According to, the International Commission Iraq had full control on Shatt al Arab except the approaches to Abadan and Khorramshahr, the two main Iranian ports (El-Afandi, 2000). In 1975 Iran and Iraq negotiated territorial agreements over the Shatt al Arab waterway. However, by the end of the decade conflict broke out between the two States beginning in September 1980, lasting for eight years with much fighting occurring in the coastal zone. To date the Shatt al Arab remains a source of political conflict, as limited water access and unresolved maritime boundaries continue.

The other water way Khor Abdullah channel is a narrow waterway that leads in from the Arabian Gulf, separating Bubiyan and Warba islands to south west from Iraq's Al Fao Peninsula on the northeast. The widest point is about 16.5 kilometers. The Khor Abdullah provides access to the NAG for Iraq's only deep water commercial ports, Umm Qasr and Khor Al Zubair.

With only 58 kilometers of coast line Iraq has limited access to the Arabian Gulf; compared to Kuwait has nearly 290 kilometers of coastline and nine islands (National Bank of Kuwait, 2010, p. 5).

Iraq and Kuwait share the Khor Abdullah equally, with the border drawn down the middle, but the navigable portion of the channel is closer to the Kuwaiti side. Therefore, Kuwait efficiently controls one of only two maritime approaches to southern Iraq. According to the 1993 Treaty, Iraq and Kuwait share the Khor Abdullah equally, with the border drawn down the median line. However, the navigable portion of the channel is closer to the Kuwaiti side. Thus, the control and maintenance of maritime approach to Iraq's only deep water commercial seaport are controlled by Kuwait (Brown, 1994). Furthermore, Iraq and Kuwait both started building their large ports on the Khor Abdullah: The Iraqi Grand Fao project and the Kuwaiti Mubarak Al Kabeer port on Bubiyan Island.

Kuwait did not have any influence in the Khor Abdullah until 2003, after the Iraq war and occupation of Iraq by the United States. Kuwait began naval patrols in the Khor Abdullah and intercepts ships entering the ports of Iraq under the pretext of passing within Kuwaiti territorial waters and its claim to raise the Kuwaiti flag. In addition, the Kuwaiti coast guards are subjecting the Iraqi fishermen to exposure by detention and abuse.

Kuwait has three main commercial ports i.e., Shuwaikh which is considered as the main port in Kuwait. It consists of 21 berths, and the Shuaiba Port, which has 20 berths. The

port of Doha is a small coastal port with a depth of 4.3 meters. It should be mentioned that the current Kuwaiti ports have met the needs of Kuwait for more than 20 years to come and do not require new ports. Kuwait Ports Authority was established and developed during the Iraq-Iran war in order to fill the need for Iraq over the previous period due to the closure of the Iraqi ports (Ismail, 2013). However, Kuwait initiated the establishment of Mubarak al-Kabir port on Bubiyan Island in the Khor Abdullah as an alternative to the Iraqi ports in addition to obtaining political gains and to lure oil companies to the island in order to explore the oil in the island.

“Kuwait is looking to be a trade hub for goods bound for Iraq. Mubarak al-Kabeer Port could handle as much as 80 percent of Iraq's imported goods, according to former Kuwaiti Minister of Finance Bader al-Humaidi. Kuwait has been positioning itself as a major transshipment hub for the region” (International Relations and Security Network, 2012).

Mubarak al-Kabeer Port is representing chokepoint to Iraq; Kuwait understands such a chokepoint will control against future Iraqi hostility. Kuwait does not want to see a restored and rebuilt Iraq capable of exporting 10 million to 12 million barrels of oil per day and organizing a large, professionalized army. From Kuwait's perspective, political and security instability in Iraq as long as it remains is better than a neighbor that could pose a future threat or challenge to global oil prices (International Relations and Security Network, 2012).

3.2. Republic of Iraq



Figure: 6 Iraq map

Source: <https://www.cia.gov/>

Modern Iraq grew from the ancient civilization of Babylon, Sumer which is, found in Mesopotamia (as it was named by the Greeks) between the Tigris and Euphrates rivers. Iraq is located in western Asia in the northern part of the Arabian Gulf. The capital is Baghdad and the currency is the Iraqi dinar. The Government is federal republic with parliamentary system. The official languages are Arabic language and Kurdish language. Iraq has an area of 438.317 square kilometers with the population of 32.96 million people (www.world Bank .org, 2012). Iraq is bordered by Iran from the east Turkey from the north Syria, Jordan and Saudi Arabia from the west, Kuwait and the Arabian Gulf from the south. Iraq is connected to the Gulf by the Shatt al-Arab and Khor Abdullah, see (Figure 6).

Iraq's primary export and economic driver is crude oil, making eight worldwide production of liquid petroleum, with daily production of 3 million barrels per day in 2012 (EIA, Iraq, 2012). Figure 7 shows the petroleum liquids production and consumption from 1990 to 2012.

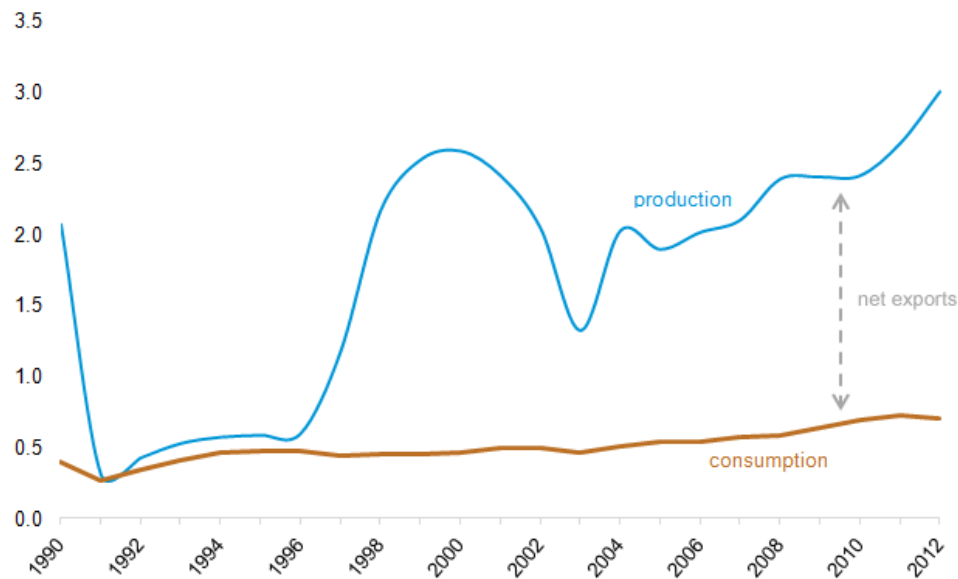


Figure: 7 Iraq petroleum liquids production and consumption 1990-2012 in million barrels per day

Source: US Energy Information Administration, 2012

Iraq's crude oil is exported via its terminals in the NAG and through the oil pipeline through Turkey. Iraq exported 2.4 million barrels per day of crude oil in 2012 (EIA, Iraq, 2012). Oil export pipelines in Iraq are dispersed in the north, south and west. In the north, the export pipeline runs through Turkey, from Kirkuk to the Turkish port of Ceyhan on the Mediterranean. The capacity of this line is 1.65 million bbl. /d. According to repeated disruptions in Iraq, the export from the northern fields via this pipe is limited. To the west is the Kirkuk-Banias pipeline, with a design capacity of 700,000 bbl. /d. This pipeline has been closed since the 2003 war in Iraq. The Saudi Arabia pipeline was to the south of Iraq, with a capacity of 1, 65 million bbl. /d. This pipeline has been

closed since 1991 following the Gulf war. Saudi Arabia has reportedly converted it to a natural gas line and there is no plan to reopen this line again. However, Iraq used the Arabian Gulf to export its crude oil, through the two oil terminals and a new single point mooring (SPM). The Basra Oil Terminal exported (1.5) million bb.1/d. in 2012, and the other oil terminal is Khor al-Amaya Terminal which was less functional than its full capacity. Moreover, three single-point mooring systems (SPM) with a capacity of 850,000 bbl. /d each were established; the first two mooring systems were completed in 2012 (EIA, 2012).

The majority of Iraqi oil exports go to the United States and to refineries in Asia, especially India, China, Europe, and South Korea, as shown in Figure8.

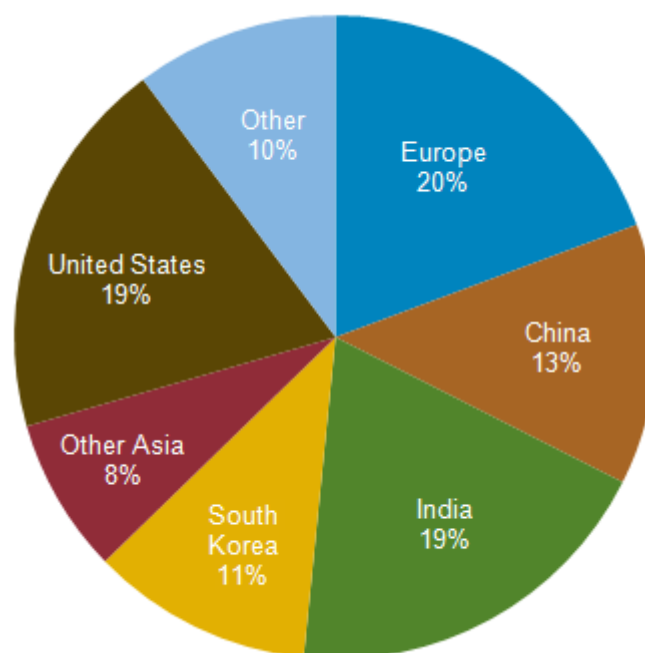


Figure: 8 the majority Iraqi oil export of crude oil

Source: US Energy information Administration, 2012

3.3. Islamic Republic of Iran

Iran located in the west of the continent of Asia, is bordered from to the north by three post-Soviet states: Armenia, Azerbaijan, Turkmenistan, and the Caspian Sea, to the west by Turkey and Iraq, to the east by Afghanistan and Pakistan, and the south by the Arabian Gulf and the Gulf of Oman (Figure 9). Iran is the second largest economy in the Middle East and North Africa, after Saudi Arabia. However, Iran has an area of 1,648,195 square kilometers with a population of 74.8 million people, following Egypt. Tehran is the capital of Iran or Persia, officially the Islamic Republic of Iran. The Iranian Rial is the local currency. The official language is Persian language; it is a unity State with a theocratic government (www.worldbank.org).



Figure: 9

Source: USA Energy Information Administration, 2013

Iran is a member of OPEC and ranks fourth in global oil reserves after Venezuela, Saudi Arabia and Canada (Figure10) and second in the world in liquefied gas reserves (Figure11).

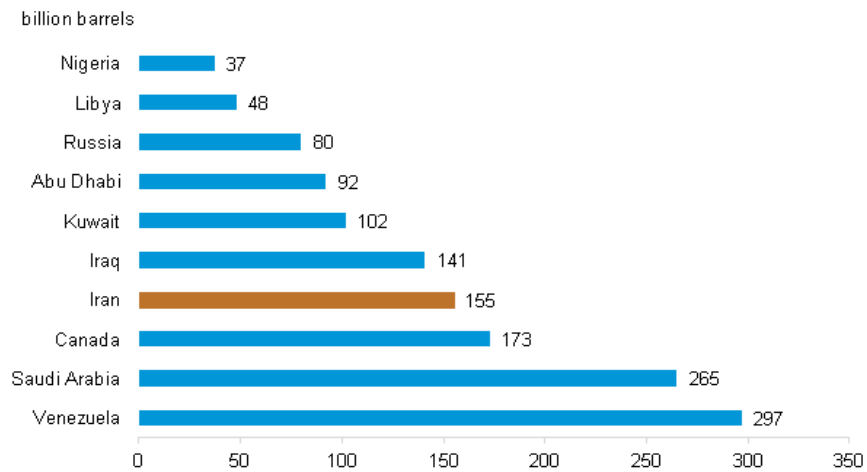


Figure: 10 countries with larger proven oil reserve, January 2013

Source: USA Energy Information Administration, 2013

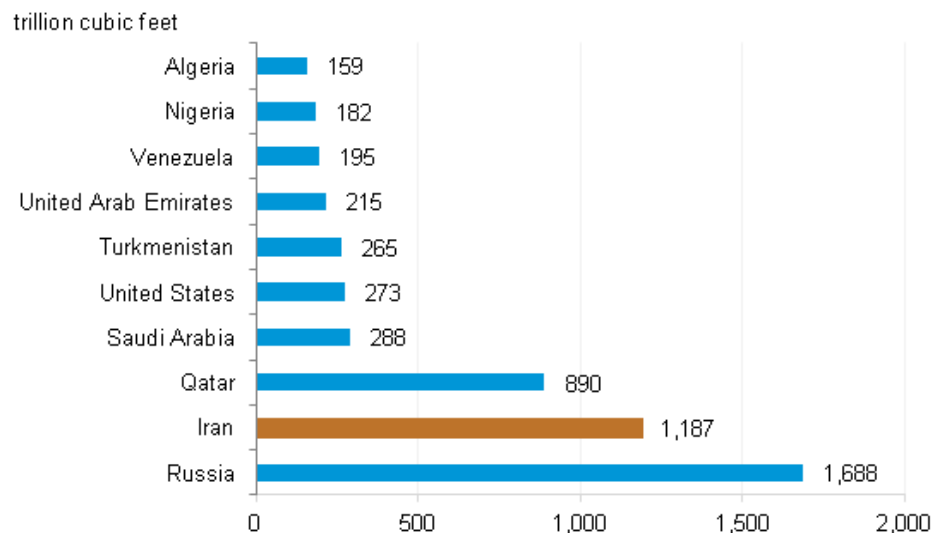


Figure: 11 largest proven holders of natural gas

Source: USA Energy Information Administration, 2013

3.3.1. The back ground between Republic of Iraq and the Islamic Republic of Iran

Throughout history, the conflicts have always arisen between the neighboring empires to impose control and hegemony on the region and to show the power of each empire: the Ottoman-Persian competition over Mesopotamia. This situation began to appear in 1420 with the emergence of the Safavid in Persia and the existence of the Ottoman Empire, which controlled Iraq at the time (Ghasemi, 2013). However, in the seventeenth century, the border between Iraq and Persia was the subject of political confrontation and negotiation. As a result of the conflict between the two empires, several agreements were signed between them. In 1639 “treaty zwahab” was a vaguely defined boundary which included the areas of influence lines instead of the border. In the eighteenth century in the "Kordan Treaty" (1746), this was not ratified by “the Ottoman sultan,” but still involved the relationship between the two empires. Even in 1823 when it was a "Treaty Erzurum" the first and Treaty Erzurum II (1847) reaffirmed agreements Zwahab and Kordan in demarcating them from the border areas between the two Islamic empires (El-Afandi, 2000).

It should be noted that in this period the intervention of foreign powers which had ambitions and goals in the Arabian Gulf such as Russia and Britain which in turn used a reconciliation role in the region. All of these treaties recognize the sovereignty of the Ottoman Empire across Shatt al-Arab River and some regions in the east. However, the Persians did not consider the above-mentioned settlements, to be quite satisfactory to ensure freedom of navigation of their ships in the Shatt al-Arab River, so that Persians continued their claims to the west. Their aim was to control part, if not all, of the Shatt al-Arab River in order to allow Persian fishing vessels unimpeded navigation rights.

After the WWI the Ottoman Empire was demise and Iraq became under British colonial rule. The Persian demanded parts of Iraq, but this was contrary to the claims of the British plan ("History of Iraq", 2010). Iran claimed to apply the principle to determine

the border line between Iraq and Iran, which means applying a line drawn border line in the middle of the navigation channel. This requirement was rejected. Britain decided to grant Iraq independence and make it conditional on the acceptance of the League of Nation (Library of Congress, 2005), and Persia, now Iran, withholding recognition of the new country pending the recognition of Iranian territorial demands. A compromise for negotiations to begin between the two neighbors was taken to define its borders. That was called to the conclusion of 1937 Treaty. The treaty was expected to settle disputes between the parties. It provides for limits to run along the left bank of the Shatt al-Arab, except for a stretch of 8 kilometers in front of Abadan where the line will be applied.

The two kingdoms enjoyed working relationship between them. Iran and Iraq, along with others, joined "the Baghdad Pact (US Department of state of Hisorian, 1960), military alliance aimed at curbing the spread of communism in the region. But when the stabbing stability kingdoms, first in Iran in 1953 under Mossadegh, and then in Iraq in 1958, with the end of the monarchy at the hands of a military coup, relations between the two countries deteriorated again. Iran renewed its claims line to be applied on the Shatt al-Arab completed. As a result of the fall of the Iraqi monarchy, the Shah fears increased with the spread of communism in the region. This fear was reinforced when Iraq withdrew from the Baghdad Pact. The Shah began the military and political pressure on Iraq to get his point of view. But when the Baath regime took power in Iraq in 1968, they warned the Shah. The return of the Baath party in power meant an increase in the desire to create a United Front for Arabic nations (after the 1967 war with Israel) under the tutelage of an Iraqi. This meant a shift in positions of power, and potential conflict with Israel, near the Iranian border. It was then that the Shah cancelled the Treaty of 1937, demanding the application of the boundary line between the two countries. The 1969 decision appealed against the Shah demand in cancelling the Treaty of 1937. However, the Shah changed the conflict from the legal arena to the military arena. Moreover, the Shah began to support the claims of the Kurdish population to self-

rule within Iraq. He actively supported the Kurdish insurgency, and pledged to reduce its support until the dispute was settled the Shatt al-Arab to his satisfaction. In 1975, in Algeria's capital, the Iraqi Vice President, Saddam Hussein, and the shah of Iran, signed an agreement that gave Iran a Thalweg in Shatt al-Arab (United States department of GeographerOffice of the GeographerBureau of Intelligence and Research, 1978). Therefore, Iran pledged not to interfere in the internal affairs of Iraq and to stop supporting Kurdish uprising. The committees were established to redraw the boundary lines, but the work of these committees has not been completed due to the fall of the Shah's regime in 1979. Both Iraq and Iran accused each other of interfering in the internal affairs of one another, and provoked instability and chaos. On 22 September 1980, Iraq canceled the1975 Treaty under the claim that Iran had failed to meet their treaty obligations. Iraqi forces crossed the border into Iran in what marks the beginning of the Iraq Iran war (El-Afandi, 2000).

Table: 3 treaties and war between Ottoman Empire (Iraq) and Persia (Iran)

Treaty name	The year	notes
zwahab	1639	
Kordan Treaty"	(1746),	
	1821-1822	Persia-Turkish war
Treaty Erzurum I	1823	
Treaty Erzurum II	1847	
	1848-1852	Crimean war
	1911	Persia-Turkish war
Constantinople protocol	1913	
Treaty 1937	1937	
Algeria Treaty	1975	
	1980-1988	Iraq-Iran war(first gulf war)

Source: US Bureau of Intelligence and Research

3.4. State of Kuwait

The State of Kuwait is an Arab country located in Western Asia. Situated in the northeastern edge of the Arabian Peninsula at the tip of the Arabian Gulf, Between

latitudes `30.06` - ° 28.30` North and longitude 48°.30` - ° 46.30` East . The total area of Kuwait is 17,818 square kilometers. Kuwait has a population of 3,632,009 while 1,164,448 of them are Kuwaiti nationality and the rest from various nationalities. Kuwait has a common border with Iraq to the North, Saudi Arabia to the South the Gulf to the East. Figure 12 show the Kuwait border. Kuwait has ten ports except Mubarak Al-Kabeer port which is, under construction.



Figure: 12 Kuwait map

Source: Center Inelegance Agency fact book, 2011

The economy is dependent on oil; the official language is the Arabic, the official religion is Muslim. The local currency is Kuwaiti dinar, and the capital is Kuwait .Oil and natural gas is the main sources of imports of the State of Kuwait, where oil was discovered in 1938 and began to be exported in 1946. However, Kuwait is an OPEC member country. It was exporting the fourth largest volume of oil among the OPEC

group in 2010. Figure 13 shows countries with larger proven oil reserves, January 2013 and Figure 14 shows the Kuwaiti oil production and consumption 1987-2012 (EIA, 2013).

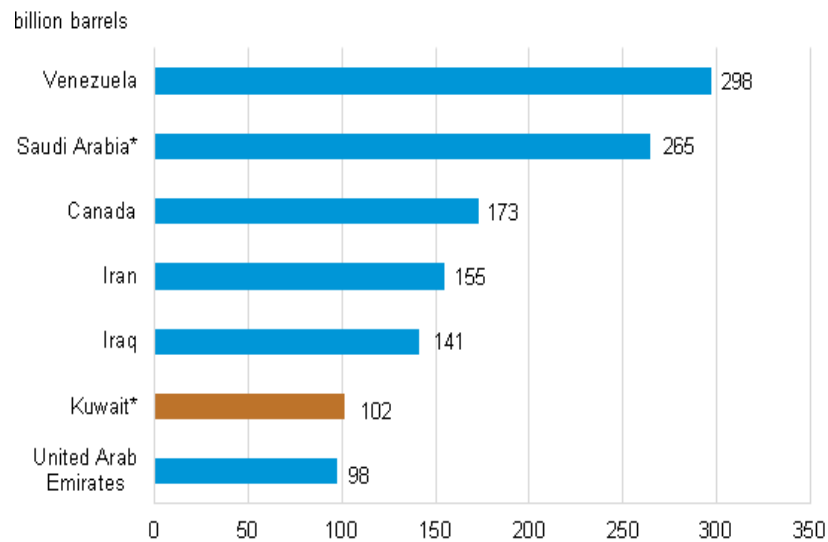


Figure: 13 countries with larger proven oil reserve, January 2013

Source: U.S Energy Information Administration (EIA)

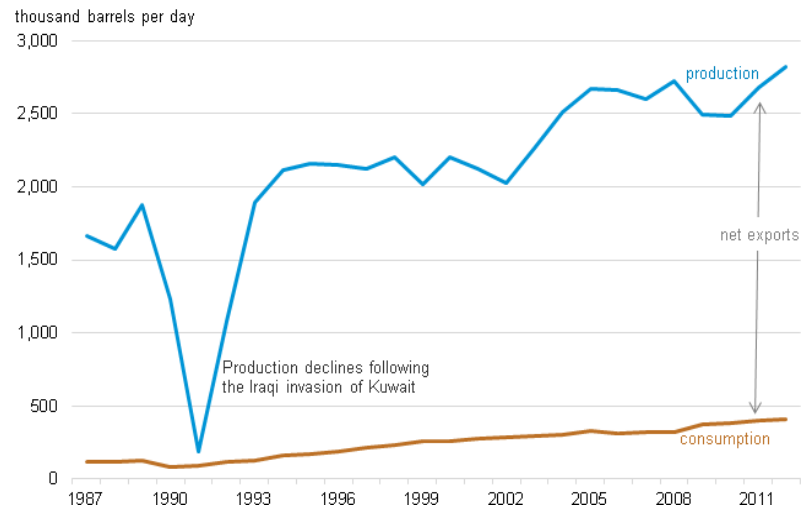


Figure: 14Kuwait oil production and consumption 1987-2012

Source: U.S Energy Information Administration (EIA)

3.4.1. The background of the Relationship between Iraq and Kuwait

The relations between Iraq and Kuwait passed through many turns. The British official, Lorimer, who in 1908 wrote “that the boundaries of the Kuwait principality are for the most part fluctuating and undefined; they are at any time, the limits of the tribes which then, either voluntarily or under compulsion, owe allegiance to the sheikh of Kuwait” (Brown, 1994). According to an international conference at San Remo in 1920, the British was awarded mandate for Iraq until 1932. During the period from 1920 until 1932, Britain controlled the foreign policies of both Iraq and Kuwait. In 1921 in a move by the British government the British Colonial Office drew the line across Southern Iraq in order to create Kuwait and prevent Iraq access to Arabian Gulf (Klein, 2003). However, in 1932 the British Agent in Baghdad forced the Iraqi government to enter into the delimitation of boundaries for British Kuwait. As reaction, a popular uprising within Kuwait to reunify with Iraq erupted on March 10, 1939. The King Ghazi King of Iraq at

that time ignored warnings by Britain to discontinue such public statements, and on April 5, 1939, he was found dead. In 1958, Iraqi Prime Minister Nuri es-Said in his effort to manage the problem, addressed a meeting of the Baghdad Pact, and gained publicly to urged the return of Kuwait to Iraq. On July 14, 1958 the revolution was led by General Abdel Karim Qassim. King Faisal II King of Iraq at that time and Prime Minister Nuri es-Said were executed by the new Iraqi government, and Britain immediately proclaimed disclaimed of promises the agreement to return Kuwait to Iraq. In 1961 Britain announced that it is colony Kuwait was independent. In the reply to the Iraqi government, Qassim the Iraqi President, held a press conference on June 19, 1961 in which he declared that Iraq regards Kuwait as an integral part of its territory. Kuwait became a member of the United Nations in 1963. In 1963 Qasim was killed after the fall of his government in a coup within the conflict to take over leadership in Iraq by the disputing parties. In the 1970s, Iraq offered compromises to Kuwait's rulers that would enable Iraq to gain access to its former islands in the Gulf, which was refused by Kuwait. On 20 March 1973 Iraqi military forces attacked Alsamtah, the Kuwaiti border station in a step to secure the Iraqi Naval base (Kelly, 1974). On August 2, 1990, Iraqi forces invaded Kuwait and quickly gained control of the country. On January 16, 1991, U.S. and 33 other nation's forces launched a devastating attack on Iraq and its armed forces in Kuwait (Klein, 2003).

The United Nations Security Council took action for the demarcation border between Iraq and Kuwait. In 1993 a treaty was signed under the umbrella of UN Security Council to demarcate the border between Iraq and Kuwait. The demarcation was based on two letters, one from the Prime Minister of Iraq on 21 July 1932, and the only other record of an agreement between the Prime Minister of Iraq dated 04 October 1963. Forcing Iraq to accept the new demarcation for border issued by a UN Security Council (Brown, 1994).

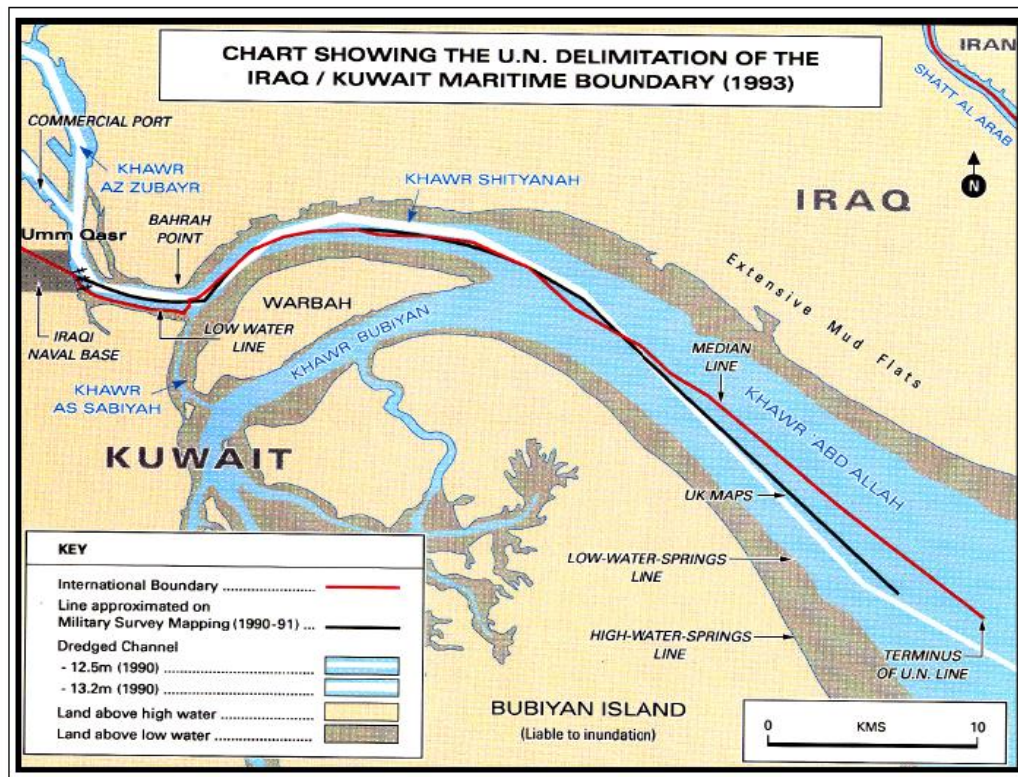


Figure: 15 the new delimitation between Iraq and Kuwait

Source: IBRU Boundary and Security Bulletin October 1994.

3.5. The role of international organizations and major powers in the NAG

The Arabian Gulf region in general and the NAG region in particular, are exposed to several incidents and problems which it have a significant impact on the whole world. For example, the first Gulf War in 1980 lasted for eight years and caused human and material losses not only for both warring countries, but also the whole region was affected in many ways, economically and environmentally. During the second Gulf War in 1990 and then invasion of Iraq in 2003, throughout this period, the area was under security pressure and instability. These pressures increased the concern of the

international community and motivated them to think seriously in order to, find successful solutions to ensure the stability of the region (EIA, 2012).

In regard to the North Arabian Gulf NAG, which is bordered by three countries, the historical relationship between these countries included wars, clashes and border problems leading to destabilizing security in the region. The tragic history of the NAG began centuries ago and lasted until the present. In modern history especially the last one-and-a-half decades these problems have had direct impact on world economy. For example, insecurity, rising insurance, dangerous sailing in the region as military zone operations, in addition to the risk of pollution in all its forms, whether spilled from tankers exposed to attacks or oil platforms. Moreover, the pollution by warfare materials such as toxic or radioactive which have an impact both on humans or the marine environment. The anxiety has plagued the international community as a result of these problems in the NAG. The international organizations, including the UN and the Security Council are intervening to resolve conflicts in the region. The UN played an important role during the first Gulf War from 1980 to 1988. Several attempts were taken in order to, mediate and end the war. The international organizations have taken many steps to defuse the crisis and securing the area which is a vital and important to the whole world, as well as the direct intervention were in the Second Gulf War. The authorization was from the UN Security Council to remove Iraq from Kuwait and the formation of committees for the purpose of border demarcation, the payment of compensation and border control, in it is Commenting on the UN Commission task which is in charge of re-demarcation of the border between Iraq and Kuwait. The UN Secretary-General Boutros Boutros-Ghali wrote “I believe that the work performed by the Commission will have a beneficial effect on the restoration of international peace and security in the area concerned” (Schofield R. , 1993). All the problems that occurred in the region are related to the issue of sovereignty and borders. There is a need for all parties to respect international law.

CHAPTER 4

4. DELIMITATION CASES

4.1. Introduction

Maritime boundary delimitation is a relatively modern phenomenon. Prior to the 1958 Geneva Conventions very few boundaries were delimited beyond the territorial sea. Territorial sea limits were narrow 3 or 4 nautical miles. This chapter will highlight good maritime delimitation cases. A group of well-known global delimitation cases which relate to the process of delimitation the maritime boundary and the continental shelf were chosen. These cases were presented to either the ICJ or ITLOS according to the validity of the court. However, cases were selected by the similarity of aspects of congruence with the North Arabian Gulf (NAG) case. Through these cases one can learn which laws were applying by the court in determining the marine delimitation. Through these cases it can be recognized how the International Court of Justice (ICJ) or the International tribunal Law of The Sea (ITLOS) deals with the evidence and arguments presented by the opposing States. Nevertheless, not all applications of the known principles are generally accepted in such cases.

4.2. Important Cases in the history of the delimitation

Some important cases have been referred by the international Court and Tribunal for Law of the Sea considering and judgment to resolve the dispute over the delimitation of the continental shelf.

4.2.1. Grisbadarna case: Norway vs. Sweden 1909)

The Grisbadarna case gained its importance because it is the first maritime boundary case to be referred to court for arbitration, and obtained a compromise between the two parties, using technical methods in the demarcation of the maritime border (median line

in inshore section). On March 14, 1908, Norway and Sweden agreed to arbitrate the question of the maritime boundary between the two countries in so far as it had not been regulated by the Royal Resolution of March 15, 1904. The dispute was over access to fishing grounds. The historic fishing grounds were awarded to Sweden. The Tribunal took account of: “principles of international law and the factual circumstances” (Grisbadarna case Norway and Sweden, 1909).

4.2.2. North Sea Continental Shelf Cases

The first case brought to the ICJ in 1969 was the case between three adjacent States, and the method adapted to the delimitation is the “equidistance standard”. An individual dispute was submitted from each Denmark and the Netherlands with Germany to the ICJ concerning claims to the North Sea continental shelf. The ICJ decided that two requests sent by both Denmark and the Netherlands, would be considered as one case, so that the claims were joined by the ICJ. The parties wanted a method by which the continental shelf could be suitably delimited. All parties agreed the court was not to physically apportion claims, but purely recommend a method of delimitation for the parties to follow (ICJ, 1969). The North Sea delimitation case is considered one of the important cases in maritime delimitation dispute. It represents the foundation stone in addressing conflicts between neighboring countries in the delimitation of continental shelf issues. Gained fame through their representation of a case involving three countries, were two States which have coasts in convex form while one center-aligned State has a concave coast. The equidistance method will not achieve equity for the concave State (Germany), so that equidistance was not applicable for Germany. However, the Netherlands and Denmark demanded equidistance inherent in the continental shelf concept.

The ICJ court found that principles of equidistance were not obligatory. However, delimitation by agreement in accordance with equitable principles took into account all relevant circumstances, such as general configuration of the coasts, physical and

geological structure and natural resources, and proportionality between area and coastal length.

The ICJ found the use of the equidistance line unfitting, because the precise coastal configuration of the States was taken into account. Both coasts of Denmark and the Netherlands were convex, whereas that coast of the Federal Republic of Germany was concave. The use of equidistance in this case would leave Germany a very small part of the North Sea continental shelf; the outcome of the demarcation procedure would not reach an equitable result.

However, “A final factor to be taken account of is the element of a reasonable degree of proportionality which a delimitation effected according to equitable principles ought to bring about between the extent of the continental shelf appertaining to the States concerned and the lengths of their respective coastlines, these being measured according to their general direction in order to establish the necessary balance between States with straight, and those with markedly concave or convex coasts, or to reduce very irregular coastlines to their truer proportions” (ICJ, 2011).

The ICJ mentioned that it has never been believed that the equidistance technique of demarcation is a very suitable one. The delimitation as between the Parties of the mentioned areas of the continental shelf in the North Sea is governed by the principles and rules of international law which are expressed in Article 6, paragraph 2, of the Geneva Convention of 1958 on the Continental Shelf (UN Convention on Convention on the Continental Shelf, 1958).

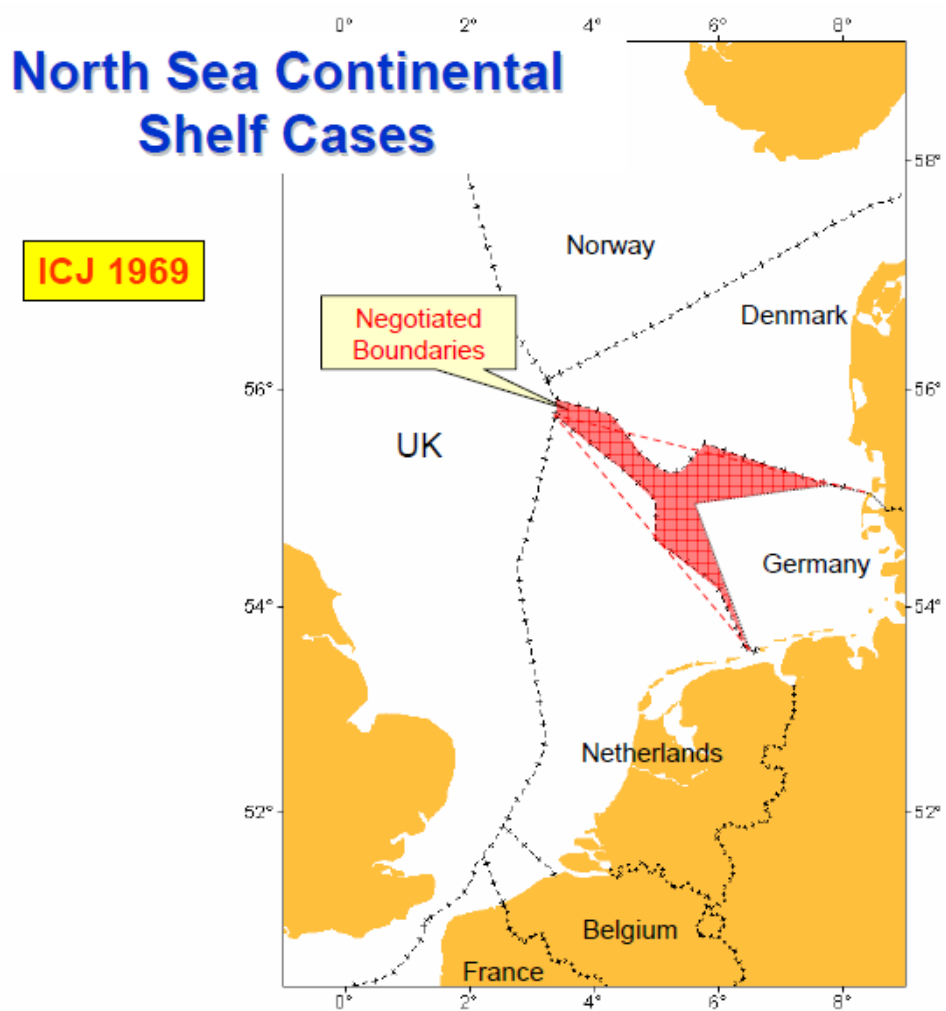


Figure: 16 North Sea case

Source : (ICJ)

4.2.3. Tunisia and Libyan Arab Jamahiriya

The second case involving adjacent States was in 1982, regarding the demarcation of the continental shelf between Tunisia and Libyan Arab Jamahiriya (Carleton& Schofield, 2002). The two parties asked the Court to explain what were the doctrines and rules of international law which may be functional for the demarcation of a continental shelf between two States and during the procedure to apply equitable principles and applicable conditions, according to the trends acknowledged in UNCLOS III. Moreover, the two States demanded the ICJ to illustrate the applied way in the specified rules and doctrines so as to allow the specialists of both States to demarcate those areas without any problems.

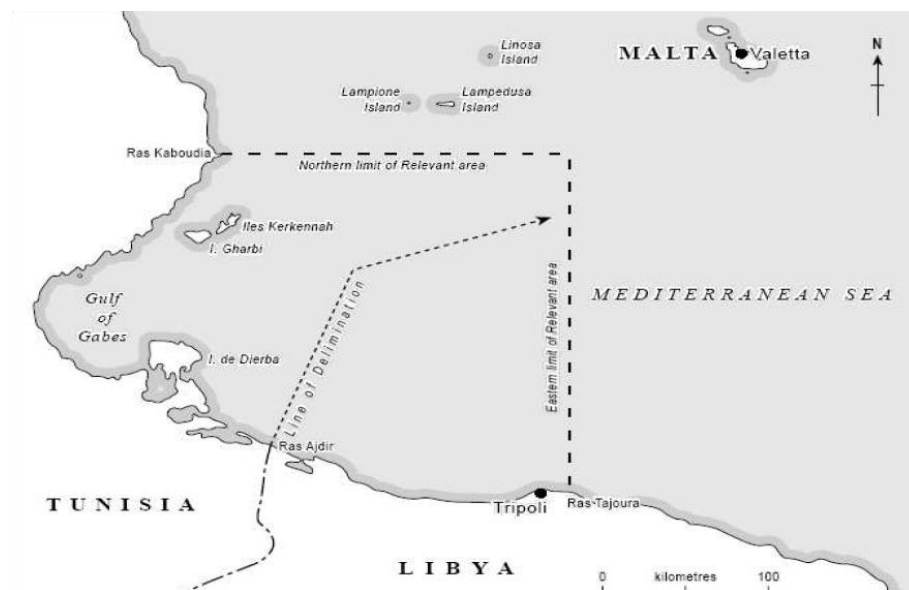


Figure: 17 Libya and Tunisia case

Source: (ICJ)

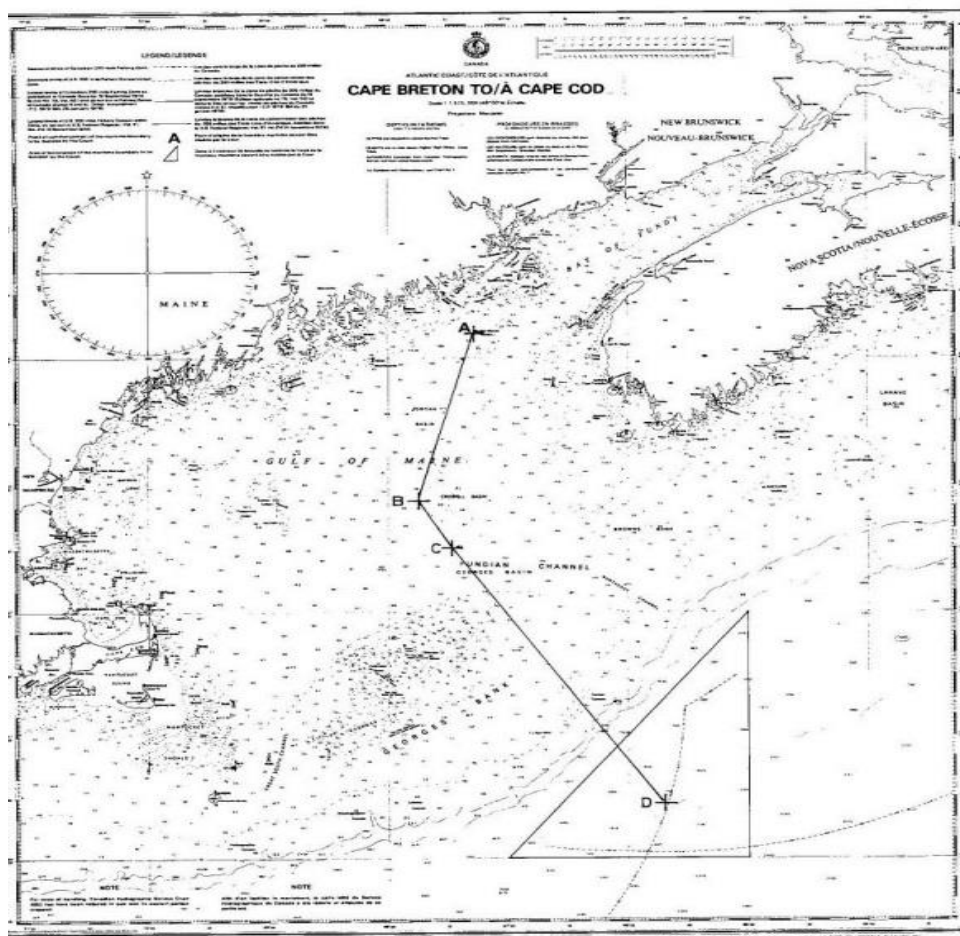
The International Court of Justice (ICJ) reach decision, by ten votes to four, finds that the international law rules and principles are applicable for the delimitation, to be reached by agreement in implementation of the present Judgment, of the areas of continental shelf relating to the Republic of

Tunisia and the Socialist People's Libyan Arab Jamahiriya respectively, in the area of the Pelagian Block in dispute between them. The delimitation is to be effected in accordance with equitable principles, and taking account of all relevant circumstances. Moreover, the area relevant for the delimitation creates a single continental shelf as the natural prolongation of the land territory of both Parties, so that in the present case, no criterion for delimitation of shelf areas can be resulting from the principle of natural prolongation as such. Moreover, in the precise geographical circumstances of the present case, the physical structure of the continental shelf areas is not such as to determine an equitable line of delimitation (International Court of Justice, 1982).

4.2.4. Gulf of Maine case

In 1984, an ICJ Chamber was requested by two adjacent States, the United States and Canada in order to draw a single maritime boundary in the Gulf of Maine for both the continental shelf and fishery zones.

In the Gulf of Maine case (1984), the Chamber enlarged the concept of proportionality in both its geographical and functional aspects. First, regarding the geographical conditions, the Chamber paid no attention to special geographical circumstances that would justify the consideration of proportionality. Contrary to the original geographical conditions for justifying recourse to proportionality, the Chamber here resorted to proportionality in delimitation between States with opposite coasts. Secondly, always in respect of the role of proportionality the Chamber reaffirmed the earlier ICJ's doctrine according to which proportionality was not a direct basis for delimitations but a means for verifying the latter's equitableness. In reality, however, proportionality was equally considered during the delimitation process (Rogof & Collins, 1986).



DELIMITATION LINE DRAWN BY THE CHAMBER

Figure: 18 Gulf of Main Source: (ICJ)

Source: (ICJ)

4.2.5. Bangladesh vs. Myanmar

The main issues in the Bangladesh vs. Myanmar case is that it is the first case referred to the International Tribunal Law of the Sea (ITLOS). The method used is equidistance vs. equitable principles between the two parties. The case was contains several factors such as general concavity, role of islands and natural prolongation (ITLOS, 2012).

“Bangladesh v. Myanmar, was ask ITLOS to delimit three maritime boundaries between the two parties the territorial sea boundary, the single maritime boundary between the EEZs , t continental shelves of the two states, and the boundary of the continental shelf beyond 200 nautical miles” (Rosen, M.E, 2013).

In this case both parties agreed in advance on several points:

The two parties agreed to resort to the UNCLOS 1982 Convention and the other rules of international law not incompatible with it. Both Parties agreed that the Tribunal has authority to effect the delimitation between them, within 200 nautical miles area. The two States agree not to use their straight baseline systems and chose to draw the boundary between them from their actual low-water line. Myanmar enquired the Tribunal’s authority to demarcate on the continental shelf outside 200 nautical miles. Myanmar efforts to delimit its territorial sea boundary was started in the mid-1970s, by attempts to claim the 1974 Treaty with Bangladesh, claiming that the agreement was not ratified and not registered with the United Nations (UN). On the other hand, the issue revolves around the extension of the continental shelf. Depending on the different nature of both countries in terms of geology formation Myanmar lies on a different tectonic plate, known as the Burma plate, which extends no more than 50 nautical miles into the Bay where it is separated from the Indian plate. Bangladesh’s land territory was formed by the accumulation of Himalayan sediments carried by the Ganges and Brahmaputra river systems and their precursors over millions of years.

The conclusion that the court was especially assertive is based on the facts as follows:

Both parties had made submissions to the Commission on the Limits of the Continental Shelf (CLCS). Moreover, the court ignored the objections of Myanmar to the court’s declaration of jurisdiction over questions relating to

delimitation of the continental shelf beyond 200 nautical miles. A legal standard for delimitation of adjacent continental shelf area beyond nautical miles was established. In addition, made findings as to the geological and geomorphic features of the continental shelf areas of both countries without reference to a formal scientific study to corroborate their legal findings” (Rosen, M.E, 2013).

4.3. Northern Arabian Gulf NAG states and the Territorial Sea, contiguous Zone, and EEZ

In order to, identify the maritime zones of the North Arabian Gulf States. An individual clarify for each country the tendency and circumstances surrounding the statement, through a brief history of decisions which enhanced the causes to take the decision.

4.3.1. Iraq

Iraq suffers from the problem of a geographical disadvantaged State. Moreover, the Iraqi coast-line is concave, and the triangular relationship between Iran, Iraq and Kuwait increases the difficult of maritime demarcation between these States.

Iraq, for the first time, demanded territorial sea under Official Proclamation of 23 November 1957 (DOALOS, 1957). However, there was no reference to the breadth of territorial sea in the 1957 Proclamation. Nevertheless, in November 1958, Iraq issued Law number 71 which fixed its territorial sea at 12-nautical miles from the low water tide. Article 2 of this Law declares:

“The Iraqi territorial sea extends twelve nautical miles in the direction of the high sea, measured from the low-water mark following the sinuosity of the Iraqi coast” (DOALOS, 1958).

In the case that the territorial sea of another State overlaps with the Iraqi territorial sea, Article 3 of the Law Number 71, specifies that limits between the two territorial seas

shall be determined by agreement with the State concerned in accordance with the familiar rules of international. Iraq signed and deposits its instrument regarding Ratification of UNCLOS on 30 July 1985.

Iraq has no regulation to describe the breadth of the contiguous zone, but Article 4 of the 1957 Law shows that: “No provisions in this Law shall infringe Iraq's other internationally accepted rights in the two maritime belts known as the contiguous zone in the direction of the high sea. “So far, Iraq has not approved any legislation or official statement regarding the exclusive economic zone (EEZ) or the fishery zone. Because of its location as disadvantaged geographically, the 200-nautical miles extension for EEZs is contrary to Iraq's interests.

At the law of the sea third Conference, during the general discussion, the Iraqi representative supported the objective of coastal States to create their own EEZ, but at the same time he put importance on taking into account the curiosity of land-locked and the geographically disadvantaged countries.

Iraq and the land-locked or geographical disadvantaged States were submitted seven article drafts to the conference regarding the exploration and exploitation of living and non-living resources in the area outside the territorial sea, but this draft was rejected by Third Conference. Iraq has the shortest coastline among the Arabian Gulf countries. Therefore, Iraq could not be considered as geographically advantaged country. On the subject of the continental shelf, Iraq in its 1957 Proclamation declared its exclusive jurisdiction over the maritime zone contiguous to Iraqi territorial sea. In its 1958 law, Iraq formally refers to the concept of the Continental shelf (DOALOS, 1958). Article 4 of the law states; In this Article, Iraq did not mention any limit for the continental shelf due to its difficulties regarding the continental shelf in the northern part of the Arabian Gulf.

At the Third Conference, the Iraqi representative, without declaring any distance for the continental shelf dealt with the demarcation of the continental shelf between States, with rejecting the 2 criteria embodied in the delimitation of the continental shelf in the 1958 Convention on the Continental Shelf. The representative suggested that the convention should take into attention the special conditions of diverse areas and the equity standard in connection with the demarcation of the continental shelf between opposite or adjacent States.

Up to date, there is no legislation or official declaration which defines Iraq's continental shelf and its extension (Dehghani, 2009)

Under the geographical situation for Iraq in its location. The two other NAG States enjoy long coastal line and they can expand their continental shelf until overlapping these border. However, the principle methods used in delimitation of the continental shelf will not serve Iraq demand to have sea views; length of the Iraqi coastline is 58 kilometers on the Arabian Gulf, while Kuwait coast line is 499 kilometers. Iraq claims 12 nautical miles of the territorial sea and an unspecified distance of the continental shelf. Iran's coastline in the Arabian Gulf measures about 1400 Kilometers (Dehghani, 2009). In case of land boundaries Iraq has common borders with Iran, 1,458 kilometers and 240 kilometer with Kuwait (Library of Congress, 2005).

4.3.2. Iran

Iran is the only coastal State in the north of the Gulf opposing the other seven coastal States in the west and south of the Gulf. Iran has a land border with only Iraq. The northern and eastern shore of the Arabian Gulf is bounded by Iran from the Strait of Hormuz in the south to the Shatt al-Arab river in the north.

The Iranian coast of the Arabian Gulf is fringed with islands from the vicinity of the Strait of Hormuz to about 55° 51' N, 53°08' E. Hence, its coast is relatively smooth, with

occasional promontories and the offshore island of Kharg, until it reaches the northern end, which is very low lying and contains the delta of the Shat Al Arab and the marsh lands of Khuzestan. Iran's coastline in the Arabian Gulf measures about 1400 Kilometers (Dehghani, 2009). It is worth mentioning that Iran has the conflict with the countries of the region on the maritime boundary in the Gulf pan and reached a number of bilateral agreements but still existing dispute exists with the United Arab Emirates on the islands of Greater and Lesser Tunb's and Abu Musa. In addition, there is a dispute over the maritime border with Iraq, and within it the Shatt al-Arab.

4.3.2. Kuwait

From 1914 until 1955, Kuwait enjoyed a three nautical miles territorial sea. In October 1955, through an agreement which is took place between the Kuwait Government and Kuwait Oil Company. The agreement was to extend the territorial Sea to six nautical miles from the low-water mark. Kuwait's territorial Sea was confirmed to 6-nautical miles. On 17 December 1967, Kuwait issued a Decree concerning the Demarcation of the Breadth of the territorial Sea of the State of Kuwait. Article 1 of the Decree stated: "the territorial sea of the State of Kuwait extends seaward for a distance of twelve nautical miles from the baselines of the landmass and of Kuwaiti islands as hereinafter defined in article 2 of this Decree". Article 4 refers to the Article 12 of the 1958 Geneva Convention on Territorial Sea in connection with overlapping problems between States (DOALOS, 1967).

In Article 6 of the Decree 1967, Kuwait has the right to get a contiguous zone beyond its territorial sea. This Article provides:

"Nothing in the provisions of this Decree shall prejudice the rights of the State of Kuwait to an area contiguous to its territorial sea to be delimited later on, or to the exploitation of fish resources" (DOALOS, 1967).

In the Third Conference, the Kuwaiti Delegate supported this concept and opposed the deletion of these items from the agenda. In this Proclamation, the Ruler of Kuwait declared that:

The sea-bed and sub-soil lying beneath the high seas of the Arabian Gulf contiguous to the territorial waters of the State of Kuwait and extending seaward to boundaries to be determined more precisely as occasion may arise on equitable principles by the Ruler of Kuwait after consulting neighboring States, appertain to the State of Kuwait and are subject to its exclusive jurisdiction and control (DOALOS, 1967).

Kuwait is not a party to the 1958 Geneva Convention on the Continental Shelf, but on 2 May 1986 ratified UNCLOS (Dehghani, 2009).

4.4. Undetermined Marine Boarders in the NAG region

The delimitation of the continental shelf in the north of the Gulf region NAG is a complex case. Although of attempts were made by the parties in the region to find acceptable solution, no agreement was reached. In this aspect, an overview on the history is to highlight the efforts that have been made in these States. In order to, form a comprehensive idea to clarify the situation and then find solutions in accordance with international standards followed in such cases for the purpose of determining the Continental Shelf.

4.4.1. . Iraq-Iran continental shelf

Using thy equidistant principle method would not make it possible for Iraq to obtain its actual portion of the continental shelf in Arabian Gulf.

The Iraq-Iran maritime boundary, 45.5 nautical miles, in case of equidistant, will have to be extended from the end of the land boundary at the mouth of the Shatt Al-Arab south eastward to the tri-point with Kuwait. However, one of the main difficulties between

Iraq and Iran was determining the entrance of Shatt Al-Arab River to the Arabian Gulf. Thus, an agreement in Shatt Alrab is needed. Historically, there have been many treaties between Iraq and Iran regarding disputed areas including the Shatt Al- Alrab River. However, in 1950 with particular regards to granting of Iran's right to invest and work in the disputed areas between Iraq, Kuwait, Iran and Saudi Arabia as northern Gulf region, regarding an agreement between National Iranian Oil Company with Agip-Mineraria on 24 August 1957 (Dehghani, 2009). This Agreement was contested by Kuwait and Saudi Arabia while Iraq supported it by issuing its 1957 Official Proclamation. Iraq's 1957 Proclamation was confirmed in 1958 with a new Proclamation (DOALOS, 1958). The two Proclamations concerning Iraq's right over the natural resources of its seabed contiguous to the Iraqi territorial sea asserted its right full sovereignty over its territorial waters, and air space above it, continental shelf and the subsoil thereof. It is worth mentioning that several meetings on the continental shelf had been held between Iran, Kuwait and Saudi Arabia in Copenhagen, London and Kuwait; however, Iraq was not invited. Since it is necessary to resolve conflicts in an agreed manner and peaceful solutions, Iraq was invited to attend the Special Meeting of the North Gulf continental shelf, which was held in Geneva in 1963 through 1967. A convergence of views and an agreement on the right of joint exploration in the region, but the process of finding a solution to the continental shelf failed (Dehghani, 2009). On 13 June 1975 the Iran - Iraq treaty on International Borders and Good Neighborly Relations and three Protocols were signed in Baghdad. These were steps towards the most important solutions to the problem of the Shatt al-Arab as it was the key to the delimitation of the continental shelf.

4.4.2. Iraq-Kuwait continental shelf

Kuwait has invested consequence of the Second Gulf War to expand eastward, especially toward the Khor Abd Allah, with the support of the U.S. and UK. As previously noted, the Khor Abdullah is a vital and strategic Iraq waterway and maritime access, being the only passage for Iraq only deep water cargo ports.

The UN Security Council resolution 833 on the demarcation of the border between Iraq and Kuwait came about as a result of the second Gulf War 1991.

A Boundary Commission was formed by the UN Security Council, in accordance with resolution 687 (1991). “The body which has been established with the help of the UN Secretary-General is boundary commission, not an arbitral tribunal whose main function is to make a legal determination. It has a practical job of demarcation to do is, marking the line on the ground” (The Iraq-Kuwait boundary :Legal aspect, 1990).

Despite the formula that came out the resolution, it did not include any reference to the description of the maritime border in the Khor Abdullah. There is no evidence of the demarcation of the maritime boundary between Iraq and Kuwait. Despite the 1932 agreement regarding the two Kuwaiti islands of Warba and Bubiyan, no maritime boundary is noted. Additionally, the confluence of the Khor Abdullah and Khor al-Zubair means the convergence line of deepest point in the navigation channel for both Khor Abdullah and Khor Al-Zubair. However, the Committee discussed the demarcation of the maritime boundary in its third meeting in Geneva for the period from 12-17 August 1991. During the discussion by the Chairman of the Committee Mr. Mokhtar Kusuma Otmadja (Indonesia), it was noted that, in light of the nature and extent of the Commission's mandate, it would be difficult to deal with the demarcation of the maritime border. This indicates that the authorization mentioned in accordance with resolution 687 (1991), did not authorize the Commission to deal with the border beyond the point of Khor Al-Zubair in association with the Khor Abdullah.

The Iraqi government justified the conditions of acceptance of the 1993 treaty on the Khor Abdullah. That Iraq is seeking to overcome the past and build new relations with all countries of the world, particularly the neighboring countries of Iraq, and Iraq's sincere desire to build good neighborly relations based on respect for sovereignty and non-interference in its affairs.

However, the dispute, between Iraq and Kuwait, was resolved by a United Nations commission in 1993. The agreement was reached based on the United Nations Convention on the Law of the Sea in 1982 and a commitment to the UN Security Council resolution No. (833) for the year 1993 on the international boundary between the two countries with, both countries accepting the new maritime demarcation line (Brown, 1994).

The result of the new maritime demarcation line was -boundary on the Khor Abdullah based on a median line, in which every point on the line is equidistant from the nearest base point on either coast (Karam& Anderson, 1994). It should be noted that the coastal areas on both sides are low-lying, thus any change in sea-level might well affect the long term equity of the settlement.

In most cases of delimitation, it is worth mentioning that the historical and special circumstances, as well as the bilateral agreement between the two conflicting claimants, are taking into account resolving the issue on delimitation. However, the United Nations Security Council (UNSC), in resolving the boundary disputes between Iraq and Kuwait, did not take into consideration the aforesaid factors. The UNSC should have considered these elements considering that Iraq has a geographical disadvantage. Moreover, if the historical account was considered, especially in the region of Khor Abdullah, Therefore, it is best to choose a time when diplomatic relations are not clouded by political problems most likely, Iraq will win the case based on the principle of equity.

4.4.3. Iran-Kuwait continental shelf

Kuwait also shares a side a triangle formed by the convergence of maritime borders created by Iraq, Iran and Kuwait in the northern Gulf. However, there are some problems related to the continental shelf. In 1957 and 1958 on the background of concession granted by Kuwait Shell Company regarding offshore areas were overlapping between Kuwait and Iran. This resulted in Iran's objections, in 1960, that

the concessions granted were incompatible and inconsistent with previous agreements. A second problem occurred when National Iranian Oil Company introduced two offshore locations in disputed areas for International bidding. In order to solve problems and establish an agreement, a meeting in Geneva was held in October 1963 between the representatives of Iraq, Kuwait, Iran and Saudi Arabia. In 1964 and in 1969, another meeting was restricted to Iran and Kuwait was held. The purpose of the meetings was to reach a bilateral agreement for the demarcation of the maritime border and the continental Shelf. There were points of disagreement concerning the method and the base-points for the measurement of a median line, and focused on Kharg Island and Failaka Island. From the start both sides refused the proposal. A point of conflict was the Soroush field which, was in the middle of the two States in the Arabian Gulf. In 1970 both sides agreed to accept a solution regarding the Kharg Island on the condition that the same treatment is offered to the Kuwaiti island of Failaka, considered as being within the Kuwait's baseline. Furthermore, the boundary line was based on an equidistance line, measured from the coasts of the two States with some adjustments around Kharg and Failaka. However, the matter remained unresolved for two reasons: the dispute over the border with Iraq, and the issue of neutral zone with Saudi Arabia. Therefore, any delimitation in north gulf needed to be accepted by the three countries, in order to reach mutually agreeable result.

Conclusion

There is a triangular zone in the NAG between Iraq, Iran and Kuwait which needs to be delimited. Iraq's condition in this zone is comparable to Germany's status in the North Sea continental shelf case. Iraq, which has limited access to the Gulf, is marked as geographically disadvantaged States. Iraq with its narrow and sharply curved coastline is adjacent to both Iran and Kuwait; whereas the coast of Kuwait and Iran are opposite each other. However, there is another undetermined tri-point in the northern part of the Arabian Gulf between Kuwait, Iran and, Saudi Arabia. This tri-point impacts the

potential for defining the delimited area in Iraq, Iran and Kuwait triangle zone. Since there is no signed delimitation agreement between Iran and Kuwait, the second tri-point is undecided.

Occasionally, disputes have resulted in armed clashes, as happened in the Gulf War. Military action was not a success and had a negative impact on the countries and international relations and as well as negative impact for the region. However, in order to maintain a state of stability in the region, the demands of countries with overlapping maritime areas need to be resolved. To ensure that countries have an equitable share of maritime rights, solutions can be found based on previous international laws and international court rulings. And establish relations based on the foundations of regional economic cooperation have been established pursuing peaceful solutions, so negotiations are the best way to resolve conflicts in the region.

CHAPTER 5

5. IMPROVING THE SAFTY AND SECURITY IN GULF REGION

5.1. Introduction

The meaning of maritime security is “the protection of a State’s land and maritime territory, infrastructure, economy, environment and society from certain harmful act is occurring at sea” (Klien, 2011). There are numerous challenges facing the international community regarding international maritime security. Piracy is not the only challenge, there are others security challenges facing the international maritime community that have clear and significant influences on the free and safe usage of the international maritime system such as:

“Armed robbery, terrorism, narcotics trafficking , Illegal immigration and human trafficking, unlawful damage to environment (such as the dumping of toxic waste at sea), unreported and unregulated fishing (IUU), arms trafficking of weapons of mass destruction (WMD), disputes over maritime borders between coastal nations,” (Klien, 2011, p. 7).

The Gulf region, it is a vital maritime region facing many challenges and threats. These challenges have negative effects on maritime industry resulted in lack of regional security and safety.

5.1.1. Piracy and Armed robbery

Several cases of attacks on ships have happened in the Arabian Gulf region. The ICC International Maritime Bureau reports indicate many cases which take place in the Arabian Gulf especially in north Gulf region (ICC.IMB, 2013).

5.1.2. Maritime terrorism

Terrorism attacks against vessels and offshore installations have happened in the region. For example, the terrorist attack which was happened in 2004 against the Basra oil terminal on 24 April 2004 “suicide attackers detonated three explosive-laden boats near the country's southern export facilities of Basra and Khor al-Amaya, killing two US Navy sailors and one US Coast Guardsman”(Terrorist attack iraq's oil terminal, 2004).

5.1.3. Narcotics trafficking

According to the location of the Gulf which is near the source of opium production areas “Afghanistan remains a major narcotics trafficking and producing country, and is the world’s largest opium producer and exporter. Iran is the major transit route of opiates trade produced in Afghanistan, which is exported to the world via the Arabian Gulf or by land to Europe through Turkey or Russia. About 40% of opiates produced in Afghanistan, transit through Iran (United States Department of State Bureau for International Narcotics and Law Enforcement Affairs, 2013).

5.1.4. Human trafficking

There are networks for smuggling people, especially women. These persons came from poor areas to the Arabian Gulf States in the desire to work or marry a rich man. Nevertheless, these cases involve several risks such as those smugglers are using unseaworthy vessels, and treat them badly, moreover, it is illegal. A case in point is “Traffickers send these girls to Dubai, Kuwaiti, and Sheikhdom of the Persian Gulf (Degorge, 2010). Even other neighboring countries such as Afghanistan, Pakistan and Tajikistan are hosting these girls. Upon arrival to these countries, women and girls are taken to hotels, motels, casinos, and clubs as maids or prostitutes” (The price of Iranian girls after entering the Persian Gulf trafficking market, 2004).

5.1.5. Unreported and unregulated fishing IUU fishing

The unreported and unregulated fishing IUU fishing is violation of regional laws, for example, fishing out of season, catching wrong species, using wrong gear, catching more than their quota, and not having the proper license. Unreported either not reporting or misreporting size of it is catch. However, there was no uniform agreement between the Gulf States in order to cooperate in the protection of marine fishing in Arabian Gulf region.

5.1.6. Unlawful damage to environment

The pollution in the Gulf has several sources. These sources are from ships as well as factories and plants on the coast. Of course the oil spills from oil wells, drilling rigs, tankers and other vessels represent the largest proportion of the pollution in the Gulf. Moreover, it is breach of security when the pollution is caused by hostile action or sabotage, which has significant consequences not on the coastal State, but on the neighboring countries (Klien, 2011).

5.1.7. Trafficking in weapons of Mass destruction (WMD)

Trafficking in weapons of mass destruction is a major maritime security as it was identified by the UN secretary. It is complicated issue according to dual use of materials. The trafficking of arms is lawful depending on the recipient of the shipment. For example, since there is no prohibition on Yemen taking arms delivery from North Korea, it is therefore, allowed for vessels to transfer shipments .However, the legal avenues available to respond to illicit trafficking in WMD at sea are similar to those available to respond to maritime terrorism. Thus, the ISPS Code, the WCO framework of Standard, the Long Range Identification and Tracking System (LIRT) Regulations, and the Revised Seafarers Identification Convention all support state efforts to assess what is being shipped where and by whom (Klien, 2011).

5.1.8. Expanding categories of maritime security threats

Inevitable new threats will appear as evolving societal interest, changing economic demands, and political performance. In fact, the very nature in parts of the world through the environment and scientific force, climate change is already affecting the marine environment and well required shifts in the application and understanding of the law of the sea. Sea levels are rising because of melting polar caps resulting from global warming, will change the position of baselines, thus, the maritime zones will change due to the occurrence of erosion in coastal area. Moreover, increasing temperatures will effect on marine biodiversity, endorsing a new challenge for the conservation and management of marine species (Klien, 2011).

5.2. Delimitation between Gulf States

The Arabian Gulf is surrounded by eight countries, six of them belonging to the Gulf Cooperation Council (GCC) with Iraq and Iran standing independently. While there are several bilateral agreements between the countries of the region, there is no single comprehensive agreement for addressing maritime jurisdiction in the Gulf as a whole. Historically, the area has fallen under the control of different forces for long periods, which reversed the policies of those forces on the region's history, relationships and agreements. Britain's past colonial policies and its role in the division of the region are enacted clearly especially marine rules. However, Arab States' concern regarding the adoption of marine rules was based on the developments in the area of international law. The Gulf States later demanded the same boundary considerations for their marine zones.

There are six demarcation agreements in the region, four of which are mutual agreements (Saudi Arabia-Bahrain, Saudi Arabia-Kuwait, Saudi Arabia-Qatar, Qatar-UAE and UAE-Oman); one by a UN Commission (Iraq-Kuwait) and one by the ICJ in its award regarding the Bahrain and Qatar case (2001) (Dehghani, 2009).

The motive to delimit the continental shelf was the presence of enormous oil fields in the seabed and subsoil of the Arabian Gulf, leading to delimitation agreements between the States of the Arabian Gulf beginning with the Saudi Arabia-Bahrain agreement and followed by other States agreement in the region.

The equidistance method was the technique used in determining the delimitation; however, some cases were modified under certain conditions, such as the presence of islands or oil fields to reach a suitable agreement. In other words, the main considerations in maritime boundaries in the Arabian Gulf are the presence of islands and oil or gas deposits. In some of these agreements, the parties resolved longstanding disputes relating to the sovereignty over some islands. The ICJ in its award concerning the Qatar and Bahrain case (2001) solved one of these continuing sovereignty arguments over islands between the two parties (ICJ, 2001).

5.3. Organization in Arabian Gulf

5.3.1. Regional Organization for the Protection of the Marine Environment (ROPME)

The Gulf States took steps to protect the Marine Environment. Within the Plenipotentiary Regional Conference, which was held from the 15-23 April 1978, the Coastal States of Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates decided to establish an organization that addressed the Protection of the Marine Environment from Pollution, and the Protocol concerning Regional Co-operation in fighting Pollution, by Oil and Other Harmful Substances in Cases of Emergency. Therefore, ROPME is leading an important role in protection of the marine environment (www.ropme.org, 1978).

5.3.2. Marine Emergency Mutual Aid Center (MEMAC)

The Marine Emergency Mutual Aid Center (MEMAC) was established on 4th August 1982 at Manama, Bahrain, within the framework of Kuwait ROPME with the Protocol

in connection with the Co-operation in Fighting Pollution by Oil and other Harmful Substances in Cases of Emergency which were signed on 24th April 1978 in Kuwait. The Center contains eight Gulf States; Kingdom of Bahrain, Islamic Republic of Iran, Republic of Iraq, State of Kuwait, Sultanate of Oman, State of Qatar, Kingdom of Saudi Arabia and United Arab Emirates (www.memac-rsa.org, 1978).

5.3.3. Memorandum of Understanding on Port State Control in the Gulf Region (Riyadh MOU)

On June 2005 the six Gulf States (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and UAE) met in Saudi Arabia (Al-Riyadh). The six Gulf States signed The Riyadh Memorandum of Understanding on Port State Control in the Gulf Region, known as the Riyadh MOU. It is an agreement between these States to achieve safe, secure and competent shipping in the maritime jurisdictions in the Gulf region (www.riyadhmou.org, 2005).

5.3.4. The Gulf Cooperation Council (GCC)

“On 25th May 1981, Their Majesties and Highnesses, the leaders of the United Arab Emirates, State of Bahrain, Kingdom of Saudi Arabia, Sultanate of Oman, State of Qatar and State of Kuwait met in Abu Dhabi, United Arab Emirates, where they reached a cooperative framework joining the six states to effect coordination, integration and inter-connection among the Member States in all fields in order to achieve unity, confirm the special relations, common qualities and similar systems founded on the creed of Islam, faith in a common destiny and sharing one goal, and that the cooperation among these states would serve the sublime objectives of the Arab nation” (www.gcc-sg.org, 1981).

5.3.5. Regional Clean Sea Organization (RECSO)

In order to, preventing oil spills and dealing with them in times of accidents, the national shipping companies of oil in the Gulf region established an organization is to protect the waters of the Gulf region. The objective is to deal with cases of oil spills by firstly preventing oil spills and other oil derivatives from polluting the waters, and secondly by serving to clean them up in times of accidents. The way of preventing spills is by educating both the oil and shipping sectors as well as the general public about the risks of oil pollution in the Gulf waters (Al-Bassam, 1972)

5.3.6. United Nations Environment Programme (UNEP) Regional Office for West Asia (ROWA)

Based in Bahrain the UNEP/ROWA's primary mission is to coordinate UNEP's program of work in the region. The regional office acts as the link between the various units and centers of UNEP and the States in the region, and encouraging cooperation and partnerships regarding sustainable development among West Asian organizations (UNEP, 1972).

5.3.7. CNIC Naval Support Activity Bahrain

The Naval Support activity NSA located in Bahrain provides operational support to U.S. and Coalition Forces operating throughout US Central Command (CENTCOM) area of responsibility. However, it also provides services and support to ships at sea. NSA Bahrain covers the busiest 60 acres in the world (Commander, Navy Installations Command, 1971).

Conclusion

The Gulf States have learned how vital their region and its impact on the world even before the discovery of oil in the region, when the area was a bridge linking the world or in other words linking East and West. After the discovery of oil the importance was increased, which called for the need to make this region stable. However, due to the density of security dilemmas resulting from policy and actions taken in the region, the Gulf failed under many situations causing instability especially in the northern Gulf. An example is the change in the geographical balance. The first Gulf war between Iran - Iraq and "Operation Desert Storm", in light of the prospects for arms control was very grim, in addition to Iran's possession of nuclear technology and its threats to close the Strait of Hormuz. These actions made it necessary to consider the existence of solutions and to take actions. Moreover, the Gulf States have every incentive supplied to maintain a foothold in this lucrative market for geographical weapons - strategic and financial. There is a long-term expensive arms race for the region. As these States have militarization structures, they are sacrificing their needs for sustainable development and create conditions for instability that may benefit from external forces (Naaz, 2001).

The United States, takes the role of maintaining peace in the region, and the presence of their economic interests in the region. Moreover, the United States has association with the Gulf States as an ally. Although there is a complex interdependence between the Arabian Gulf countries, there has been no tangible progress with regard to regional cooperation and integration. There have been some efforts at sub-regional, regional and trans-regional levels to create a stable, safe and economically sound and socially situation in the region, but there is still a long way to go. The problem could be solved only through new foundations of the peaceful resolution of regional conflicts. Confidence-building measures are necessary for use over a long period of time. It must go beyond the political sphere and the establishment of institutions for economic cooperation and customs union.

The United States role as a balancer in the future is a prerequisite to play this role certain of neutrality. Washington has affected the policy of dual containment of both Iran and Iraq. Instead of continuing dual containment of these two States, countries should seek within and outside the region to be integrated into the framework of a cooperative security, which requires taking security concerns seriously. It should be security in the Arabian Gulf region, which is the exclusive responsibility of the countries bordering the sea. The countries in the region should take the basic methods to avoid the interference of foreign powers in the region (Naaz, 2001).

CHAPTER 6

6. RECOMMENDATIONS

6.1. Introduction

For the purpose of imposing safety and security in the Arabian Gulf in general and the North Arabian Gulf region in particular, the weakness and strength have to be highlighted to prepare a study or appropriate proposals that would enhance security in the region. Maritime security represents one of the major challenges facing the international community, and calling for an intensive international cooperation, effort and action. Associated with maritime security is a broad spectrum of economic issues and strategies, as well as issues related to humanitarian affairs, occupational safety, public and biosecurity.

6.2. The Security of the region

More than a century ago, Bismarck declared, “In international affairs, there are three wasps’ nests besides the Balkans: Morocco and the Mediterranean, the Persian Gulf, and the American Monroe Doctrine; God grant that we may never fall into one of them.” Today it is an obvious truism that the primary factor behind concerns for Gulf security is access to oil (Peterson, 2001, p. 1).

The Gulf region is divided Gulf Cooperative council (GCC), Iraq and Iran. In GCC the political relationship between leadership and society in the countries of the GCC, can diagnose as in essence relationship governor and nationals, not equal citizen’s relationship. The terms of ruling principle was formed by the ruling families mostly for themselves in the context of its relationship with the society and the land, which is a special look at the legacy, the right on the public money, in the land, and take over the executive branch especially the ruling centers or the so-called ministries of sovereignty. This is in addition to

the protocol and social status, influence on the official level, and in the private sector. That does not negate the presence of some differences between the GCC countries, especially in the case of Kuwait, where there are some principles of citizenship and democracy through my contract and the council of constitution parliamentary actor (gulfpolicies.com, 2013).

The core of the security flaw is in the inability of the GCC countries to defend themselves, and ensure self-sufficiency in military protection. The reasons is relating to small and weaknesses of each of the individual countries in the region. Which make of them find "security " in the alliance with the powerful countries , and give them military facilities in order to protect themself. However, it should not be seen to the relationship between the countries of the region with major countries as a purely confrontational relationship, or as a pure dependency relationship. It is consider as common interests, sometimes experiencing a measure of the intersection, and sometimes divergent circumstances. There is no doubt that the GCC countries face significant challenges and threats of security in a turbulent region , as was the case with Iraq 's invasion of Kuwait in 1990 and the continued occupation of Iran , the UAE islands , but the essence of the imbalance lies in the reasons for the inability of the GCC countries in response to any threats to its own security. In 2012 about 30 thousand of foreign military forces were presence in the countries of the GCC, in addition to 20 thousand of the U.S. Navy that roam the seas of the Gulf.

The lack of agreement on common interest's relationship is based on suspicion and competition. It is supposed to be the process of security in the region, consistent regionally that is, they include all the countries in the region, although the process is complex because it includes several factors, including the security of the waterway and the security of all countries in the region. The concept of national security has several concepts depends on the viewpoint's national security can be defined as a state's ability to protect the values of interior against external threats and this requires that the state is

stronger than the competition State. From another perspective is to focus on the economic side. The economic sovereignty is at the heart of national security and then any threat of economic construction is a threat to national security. However, all cases, the security is that the State is not exposed to foreign invasion or occupation and need to secure its people against poverty, ignorance, disease and well-being of the community.

On the other hand, security measures definition taken by the State to maintain its integrity and interests of present and future. In this regards it should be taking into account the international changes and attention to economic affairs, defense, political and security as an integral part. The concept of security does not mean military power or economic power or political power.

In regards of the Arabian Gulf region security cooperation, There must be a common danger, so there will be a common goal and a common plan. Collective security means a common interest and common defense means that there is a common danger. For the purpose of working together there is no doubt or lack of confidence between all regional States. Thus, to establish plan for the present and for the future, there are two a trends, keep the current situation which means each individual State act and develop by their own plans, or regional collective action, which means using an integrated workable plan, contains an agreement on a common goal, begins risk assessment and joint interest by in a unified acting towards the issue of national security which in Gulf case is the regional security (AlSaud, 1997).

The importance of security of the Arabian Gulf has grown as the result of three primary elements: trade and political competition, and imperial security. The Middle East is the host to establishing and protecting trade route. It is also important to note that apparently these trade routes have depended on development as a result of technological developments. These technological developments include transport construction technique, construction material, such as iron and steel, steam and internal combustion

engines; advances in communications and navigation, such as telegraphs, radio, navigation and communications satellites.

The state of businesses today in the Arabian Gulf basically follows the same rules and a setting as it has during history; nevertheless these are changes in performers and the effects of technological modification. The original issues really continue the same. Trade is still the *raison* of Gulf security; external performers are still concerned about access to and controller of the source of an appreciated product, today clear as oil. Lines of communication still exist. The flow of oil from Gulf terminals to end customers is regarded as a key component of international security, and therefore, security of lines of communication is as vital as always.

The political conflict in the Gulf region is still present despite efforts to make the region stable and free from conflicts. The United States wanted to sustain and increase its impact in the region in order to keep the continuity of the flow of oil from the Gulf region to the consumer. Today, as the main external power, the United States repeats the policy of earlier principal powers in looking for to keep the status quo and to avoid the increase of hostile regional powers that would threaten friendly governments. Regional instability is seen as possibly weakening the region and therefore, given the importance of oil, risking international security. There are even echoes of previous motivations of ideology and religion. Moreover, the security of the Gulf is directly linked with the hotbeds of tension in the region, including Afghanistan, Pakistan, Syria, Iran and Palestine. While the logic of religious mission does not apply as it did in previous times; however, it still speaks of a reason of change. Nevertheless, it is clear that American economic views control, and riding on their crest is a fruitful wave. The West, the United States, in particular is regularly looking to spread not only a capitalist, free-market economy but international principles based on “the American way (Peterson, 2001).”

While improvements have been happening over the times, the Gulf with its central position across some of the world's major trade routes ensures a sustained presence on the world stage (Pollack, 2012).

In order to, plan for new security in the Gulf region three basic objectives must be reached.

1. It must make the Gulf safer than it really is
2. It must be simplifying, rather than complicating the dynamics of security in the region
3. It should be flexible and strong enough to survive in both the internal and external changes

Building new security, two major external threats to the security of the Gulf should be planned and dealt with.

First there is Iran which may be hostile, armed with nuclear weapons, and could seek to control the region. Second is Iraq's future which is unclear, and may threaten the security of the region by sliding into civil war or emerging into a new dictatorship (Pollack, 2012).

Access to such a difficult decision, as there is a system of wide issues and the legal scope of which must be studied and addressed, it is necessary. These are for example; determine the geographical area covered, and the criteria for determining the area, and the appropriateness of the rights contained in the international conventions, and the inclusion of the various countries in the tasks of joint patrols in its territorial waters, and the nature of the legal frameworks that can be adopted in this regard.

6.3. Working within the GCC Structure

Since 1981, the Gulf Cooperation Council (GCC) has confirmed to be an actual and lasting security for the Arabian Gulf coastal States.

The Gulf region in general was composed of eight coastal States, namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and United Arab Emirates. Among the eight States, only Iraq and Iran are not parties to the GCC. The Gulf Cooperation Council did not accept Iraq and Iran as party of the council for several reasons, the system which was in Iraq, a secular system, and has a direction contrary to the orientations of the GCC countries. In addition, Iraq's claim boundary with Kuwait and invade Kuwait in 1990, which was rejected by the (GCC). In term of Iran, the GCC believes that Iran after the fall of the Shah's regime, the new Iranian government continue acting as the dominant force in the region and continued occupation of UAE islands, in addition, the threat to close the Strait of Hormuz and the use of force, especially after the acquisition of nuclear technology and race in armaments and develop the combat capabilities in the Gulf. Nonetheless, these two States remain as Gulf States and have a significant impact on the security in the region of Arabian Gulf. Also worth mentioning is that Iran is a part of the Gulf States which has the largest and the longest coastline on the Arabian Gulf. In addition, Iraq and Iran maintain a very large reserve of oil and gas, and thus, they have a great impact on the world economy. However, Iraq and Iran used the Arabian Gulf in exporting their crude oil, oil product, dates wool, and life stock and importing their needed products such as grain, sugar, rice, construction materials, and equipment and manufactured appliances from other countries. Meanwhile Iraq, recovering from the burden of the war retains a large population and natural resources that enhance regional influence. Hence, it cannot be ignored that both countries do not to take them into account to establish security in the region (AlSaud, 1997).

6.4. Cooperation between regional States in Gulf

In order to attain security in the region, bilateral cooperation is needed between the Gulf States. Hence, they must work together in the creation of an organization that would establish regulations governing the maritime issues in the Gulf and these regulations should not interfere in the internal affairs of the Gulf States. Take for instance the South-East Pacific Region, in which representatives from non-member States such as United States, India, China and Russia are welcome to attend its meetings or conferences as guests and since these countries are economically and politically strong, their suggestions are usually given greater weight.

6.5. NAG States cooperation

On the other hand, a sub-committee under the Pan-Gulf should be established. This sub-committee should be known as the NAG States Cooperation. Its duties and interest would be very big since they are linked with Pan Gulf States and the sub-committee will become a permanent member of the latter. However, although a link with the Pan-Gulf, this sub-committee should be independent from the latter but must work interdependent with it. Therefore, the function of NAG States Cooperation is very wide as it will cover procedures and laws for the purpose of imposing security and safety among the member countries within the region. The main objective is to define a strategy for ensuring that NAG governments comply with their obligations as defined by UNCLOS 1982 and relevant IMO conventions. The first problem that they have to deal with should be on setting maritime boundaries since they share economic interest in the use of the region. Thereafter, once the maritime boundary is settled, safety and security measures will be easier to implement.

6.6. Safety and Security of NAG States

Having mentioned that the first problem that has to be dealt with should be setting maritime boundaries let it be said that such problem is most difficult to settle among Iraq, Iran and Kuwait.

In the case of Iraq, it opposed the use of the equidistance principle considering its geographical location and situation. Iraq will be placed in a disadvantaged position if such principle will be implemented in determining the maritime boundaries. However, Iran and Kuwait enjoy equitable results with the application of the mentioned principle and this is so notwithstanding that such boundary may be modified due to natural prolongation, the length of the coasts and general shape of the coastline.

As regards Iraq's continental shelf, there are several ways which can be used to achieve the demands of Iraq in obtaining the rights in the region. Landmark cases can be applied by analogy in determining maritime boundary disputes in the region such as the case of North Sea between Germany, Denmark and the Netherlands in 1969. In the mentioned case the International Court of Justice (ICJ) discussed the effects of having a concave and convex coasts, thus applying the decision by analogy, the northern Gulf Coast can be regarded as the position of Germany where the court says that it was concave and all other States are regarded as convex coast. However, it should be noted that the only difference is the length of the coast line in Iraq which is too short compared with Germany coast. The ICJ in the North Sea case has regarded the equidistance method as inequitable where coasts are concave on account of the distorting effect produced by that method (Dehghani, 2009).

Also worth mentioning is the case of Libya and Tunisia (1982) where the two adjacent States disputed the natural prolongation of the continental shelf of each country (ICJ, 2011). Both countries possess one continental shelf, which is similar to the NAG region

which also shared only one natural continental shelf. Accordingly, the continental shelf was the natural extension, or under sea addition of terrestrial space, so in demarcating the boundaries of each State's shelf, they would only have to assign to each State the natural extension of its own land.

The ICJ however, rejected the argument on the issue of natural prolongation of the continental shelf. Considering the aforesaid case, it could be said that Iraq has the right to seek protection for the installations of oil platforms in the area of the territorial sea, which lies at a distance within the final borders in a distance of 12 nautical miles from the Iraqi baseline, which puts it in the adjacent area or the contiguous zone. There is an urgent need to protect the offshore platform, especially after the terrorist attack in 2004 (Terrorist attack Iraq's oil terminal, 2004).

It is noteworthy that the population in Iraq is 32.96 million people (www.worldbank.org). However, there is only a little portion of the sea that Iraq considered as its own, a very tiny portion which can be seen through Shatt al-Arab River with shallow-water. The Shatt al-Arab River is divided by a Thalweg line according to 1975 treaty ("Agreement between Iraq and Iran concerning the use of frontier water courses", 1976), and the other channel is Khor Abd Allah which is shared with Kuwait median line according to the 1993 Treaty (Brown, 1994).

Iraq being in the most geographically disadvantaged State must exercise its sovereignty over its territorial waters and marine areas adjacent to it in accordance with the 1982 Law of the Sea. In addition, Iraq is likewise entitled to exploit the natural resources in these waters. However, all the treaties and agreements to exploit Iraq's natural resources have been disregarded, and thus Iraq cannot exercise sovereignty over it. In view thereof, Iraq can strongly demand within the international domain to observe the treaties and agreements made between States. However, Iraq is sincere in establishing friendly relations with neighboring countries and exercise good faith in observing international

laws which Iraq is a party to. Iraq is doing this in order to remove the impediment which UN imposed due to the wars between the former with Kuwait in 1990.

The writer is of the opinion that bilateral or trilateral agreement is the first step to resolve the maritime boundary disputes. It is better to resolve the disputes amicably and efforts must be exerted to avoid before bringing the case to international litigation.

It is worth mentioning that the maps that show the maritime borders in the North Arabian Gulf were not agreed upon. What was agreed on was only as regards the extension of the limits of previously recognized in the Algiers 1975 agreement between Iraq and Iran and the 1993 UN Security Council Treaty between Iraq and Kuwait.

6.7. Recommended High Priority Actions

In the writer's humble opinion, the determination of the continental shelf of each country is more prudent to establish in resolving the border issue between the North Arabian Gulf countries.

Thereafter, once the border is determined, a free channel leading to the three (3) countries must be established. The channel must be marked with buoys and there must be a monitoring system in order to ensure that the channel is safe and operational 24 hours a day, seven days a week.

The monitoring system must be set up and managed jointly by NAG countries according to the requirements of the IALA, like in the case of Sweden and Denmark; they jointly managed the VTS service system in the Oresund Sea. There should also be an exchange of information regarding the survey and water depths. This information, in addition to the globally updated information from United Kingdom Hydrographic Office UKHO and International Hydrographic Organization IHO should be disseminated among

countries. The depth of the navigational channel must be appropriate to allow ships to navigate the channel safely.

Both Iraq and Iran need to participate in the Riyadh MoU on Port State Control in order to standardize procedures carried out by the member states in this pool. Therefore, safe, secure and efficient shipping in the maritime jurisdictions in the Gulf region will be achieved.

The establishment of a unified system for Maritime Safety Information will improve the procedures for dissemination of Navigational Warnings and Notices to Mariners. Consequently, it will be easier to contain and control in cases of accidents or emergencies, especially pollution incidents.

Thus, based on risk assessments, ships re-routing measures should be considered and port development plan must be established. Further, a roadmap should be establish towards enhancing the safety of navigation in Iraq waters and ensure compliance with coastal state obligations. The following elements should therefore be included:

- Achieve Initial Studies.
- UNCLOS1982 Compliance Analysis
- SOLAS Compliance Analysis
- SUA Compliance Analysis
- Improve Visual Aids to Navigation
- Establish Shore based AIS
- Strengthen Maritime Operation Centre
- Establish Vessel Traffic Service
- Improve Navy and coast guard cooperation's

As regards fishing, a system or unified mechanism should be set up that would identify fishing boats in order to control the movements in the region.

In order to establish safety and security, there should be separation between political and technical matters; in other words, technical matters should not intervene in the internal affairs of the countries of NAG.

Security strategies consist in the protection of a vital maritime area, thus it requires maritime presence and surveillance activities on marine transport routes. This requires a regional intervention force, which must be flexible and able to customize quick personnel gear, quickly which can sustain them and provide them with supplies from far distances.

States or regional organizations should specifically design a support system, which include the promotion of maritime and air patrols, and activation of communications networks, in addition, they must provide assistance to disaster response efforts through contingency plans. The successful implementation and compliance of measures to enhance maritime security has been costly for most countries of the world.

The coordination with respect to ships is necessary for the collection, assessment and exchange of information, in accordance with the SOLAS Convention, the ISPS Code and SUA Convention. The coordination with the International Maritime Organization IMO and the International Labour Organization ILO and the World Customs Organization WCO in the application code and the SOLAS Convention, based on the resolutions of the International Maritime Organization in December 2002 (IMO, 2002) were one of the issues highlighted in the coordination.

Proposed actions within each of these elements is described in Table 4

Table: 4 detailed list of actions

Perform Initial Studies	<ol style="list-style-type: none"> 1. Establish AIS receivers to ensure preliminary coverage 2. Perform risk analysis using the IALA Risk Toolbox in order to assess the need for improved Aids to Navigation and routing measures
SOLAS Compliance Analysis	<ol style="list-style-type: none"> 3. Request IALA to perform an initial SOLAS Chapter V compliance analysis and develop strategy for full compliance. 4. Cooperate in the ISPS Code scope to establish an international framework of In order to attain cooperation between the contracting governments
Improve Visual Aids	<ol style="list-style-type: none"> 5. Improve Aids to Navigation in accordance with results from initial studies and SOLAS Compliance analysis including 6. Establish channel to the approaches NAG 7. Furnishing the channels with buoys
Establish Shore based AIS	<ol style="list-style-type: none"> 8. install a complete AIS system with transmission capabilities training of
Strengthen Maritime Operation Centre	<ol style="list-style-type: none"> 9. Maritime Safety Information - improve procedures for dissemination of Navigational Warnings and Notices to Mariners. Consider relevant channels for distributing MSI - VHF, MF, NAVTEX, SAFETYNET, AIS. 10. Formalize the cooperation with neighbouring countries with NAVTEX transmitters 11. Consider formalizing cooperation with Bahrain with regard to MET/OC warnings

	12. Revise SAR procedures to comply with IAMSAR manual 13. Formalize SAR Liaison with other SAR resources in NAG States 14. Formalize SAR Liaison with neighbouring countries 15. Cooperation between Coast Guard and Navy in NAG States 16. Consider revising ships routing measures, based on risk assessments
Establish Vessel Traffic Service	17. VTS according to IALA recommendations 18. Perform full scale risk analysis for NAG State waters in accordance with the, IMO Formal Safety Assessment (FSA) procedure, in order to assess the need for higher levels of VTS

Conclusion

The Arabian Gulf is a vital strategic site globally having a wide area and vital strategic site, thus, it has a great economic impact. However, the Arabian Gulf is surrounded by several countries with different political agenda, but they have one common goal and that is economic growth and stability. If there is unity among the States in the Gulf region then fruitful cooperation would be achieved, hence it may lead to their economic advancement.

The Arabian Gulf region should not be dominated by any State and be subjected to its policy. Thus, joint management in the region is encouraged in order to maintain the Gulf's security and integrity. In addition, joint training courses and regular meetings are likewise encouraged as they will bring a greater impact in the region. It is also suggested

to develop a plan that will help improve the ability of the region to face the different kind of challenges that it may encounter. If these suggestions are successfully implemented, more likely the military tension will subside; hence, there would be little need for military presence in the area.

CHAPTER 7

CONCLUSIONS

The NAG region suffered a long period of pressure and instability, with respect to the Iran-Iraq War (1980-1988), the Gulf War (1990-1991) and the Iraq War (2003). Before 1979, Iran was a pro-Western state allied to the USA, while Iraq was a pro-Soviet state and Saudi Arabia due to its huge oil reserves. These three States were forming regional order of the triangle shape in the Arabian Gulf region. Since the collapse of the Soviet Union, and the Islamic revolution in Iran in 1979 the triangle was dissolved.

As a consequence to the Gulf War in 1990 and the Iraq War in 2003, USA has played an important role in the region. Moreover, the US has committed itself to the security of its regional Arabic Gulf State allies. The Gulf region is strategic and has significant impact on the global economy which is represented by the interest of great powers in the world. Throughout history there are visible fingerprints to the policies of those countries in the region, which are still a phenomenon until this time in the presence of the US as an ally of the Arab countries in the Arabian Gulf (The Columbia Encyclopedia, 2013).

Of course there are common interests which necessitate presence for the purpose of imposing security and balance in the region. However, after the change of regime in Iran which was the pro-Western in 1979, the Islamic Republic of Iran became a source of concern to the West because of its possession of nuclear technology. In addition, the doctrine of religious and ambition are a dominant power in the region. Moreover, the view of the current situation in Iraq is that it is suffering from a state of instability after the US Invasion in 2003 and the overthrow of Saddam Hussein's regime which was normally loyal to Russia. In order to impose safety and security there must be a long-term strategic goal approved in the region.

With reference to international laws, the relevant UNCLOS 1982 Convention laid the foundations of a mission to impose security and safety at sea. In addition to the IMO

conventions, which impose safety and security, including the SOLAS Convention 1974, the SUA Convention 1988 and compliance with these conventions, their application imposes a state of stability. Furthermore, the issue of the International Maritime Boundary between countries in the region and resolving disputes by resorting to the agreement is vital.

Obviously, “illegal exploitation of neutral resources, illegal activity in protected area, unauthorized maritime arrivals, prohibited imports/export, maritime terrorism, and piracy compromise to bio security and, marine pollution” (Mejia, 2010), are primary maritime security concerns. Regional cooperation in the region is of utmost importance including, inter alia, the exchange of information and experiences as well as joint work in the field, which will create a state of cooperation and cohesion making it difficult for criminals and outlaws to find an outlet to pass their business in violation of its law. In addition, their movements will be observed and the criminal identified quickly, preventing them from implementing their plans and limiting their activities.

The responsibility of security and safety is not an individual responsibility or responsibility of a government itself. In addition, it concerns the universal and local maritime organizations; the range of government departments and agencies with a stake in maritime security issues which are considerable, including foreign affairs, defense, transport, navies, coast guards, interior/homeland security, customs, justice, development, trade and finance (Ditchley, 2009). However, the international maritime community needs to work in cooperation with regional States and organizations in order to regulate imports for equipment acquisition, technology, and training. It is the duty of several parties which are working together within the system. This system will give them a pre-start in dealing with the situations faced by the region. Make them able to control and handle the challenges facing the maritime industry in order to address the violations and accidents; thus, prevent or minimize losses in human casualties and properties.

References

- Agreement between Iran and Iraq concerning the use of frontier watercourses 1976, United Nations, (1976). Retrieved from www.ucdp.uu.se/gpdatabase/peace/Iran_Iraq%2019751226b.pdf
- Al-Bassam, M. Y. (1972). *Chairman message*. Regional Clean Sea Organization [RESCO}. Retrieved from <http://www.resco.org/index.html>
- Al-Hassan, L. A. (1999). Shad of the Shatt Al-Arab River in Iraq. *Shad Journal*, 4(2). Retrieved from <http://www.cbr.washington.edu/shadfoundation/shad/JOURNAL4.2/vol4#2.htm>.
- Anderson, E. & Karam, J. (1994). The Kuwait –Iraq boundary: A geopolitical perspective. *IBRU Boundary and Security Bulletin*. Retrieved from https://www.dur.ac.uk/resources/ibru/publications/full/bsb1-4_anderson.pdf
- Asfaq, S. (2010). Something for everyone: Why the United States should ratify the Law of the Sea treaty. *Journal of Transnational Law & Policy*, 19(2). Retrieved from http://www.law.fsu.edu/journal/vol19_2/ashfaq.pdf.
- Ashrafpour, A. (1981). *Geostrategic importance of Persian Gulf*. Retrieved from http://www.shodganga.inflibnet.ac.in/bitstream/10603/1981/7/07_abstract.pdf
- BBC News. (2013, July2). *United Arab Emirates profile*. Retrieved from <http://www.bbc.co.uk/news/world-middle-east-14703998>
- Carleton, C. & Schofield, C. (2002). *Developments in the technical determination of maritime space: Delimitation, dispute resolution, geographical information systems and the role of the technical expert* (S. Furness Ed.). *International Boundaries Research Unit: Maritime Briefing*, Department of Geography, University of Durham, (3)4. Retrieved from <https://www.dur.ac.uk/ibru/publications/download/?id=243>
- Collins, E. (1982). *International law of maritime boundary limitation*. Retrieved from [www.http://heinonline.org](http://www.heinonline.org)
- Collins, E. & Rogoff, M. A. (1986). *The Gulf of Maine case and the future of ocean boundary delimitation*. Retrieved from http://mainelaw.maine.edu/academics/maine-law-review/pdf/vol38_1/vol38_me_1_rev_1.pdf

- Commander, Navy Installations Commander [CNIC]. (1971). *Welcome to naval support Activity Bahrain*. Retrieved from http://cnic.navy.mil/regions/cnreurafrswa/installations/nsa_bahrain.html
- Continental Shelf Libya v Malta 2011, International Court of Justice, (2011). Retrieved from www.worldcourts.com
- Convention of the Continental Shelf 1958, UN, (1958).
- Convention on the Territorial Sea and the Contiguous Zone 1958, UN, (1958).
- Chronological list of ratifications*. (2013, January). Retrieved from www.un.org/Depts/los/convention_agreements/texts/unclos/UNCLOS_TOC.htm
- Dehghani, R. (2009), *Continental shelf delimitation in the Persian Gulf*. Retrieved from http://www.un.org/depts/los/nippon/unnff_programme_home/fellows_pages/fellows_papers/dehghani_0809_iran.pdf
- Degorge, B. (2010, July 6). *Global efforts can reduce human trafficking in the Persian Gulf*. Retrieved from www.traffickingmonitor.blogspot.se/2010/07/global-efforts-can-reduce-human.html
- Dillon, J. (2004, August 6). *USS Kennedy sinks dhow*. Retrieved from <http://forum.woodenboat.com/showthread.php?43097-USS-Kennedy-sinks-dhow&s=7b93e24c8cf012e8ac9ea6de9e7b0657>
- Ditchley. (2009). *Stability and reform in the Gulf region*. Retrieved from <http://www.ditchley.co.uk/conferences/past-programme/2000-2009/2009/gulf>
- Division for Ocean Affairs and Law of the Sea [DOALOS]. (1957). *Official proclamation Of 23 November 1957*. Retrieved from http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/IRQ_1957_Proclamation.pdf
- Division for Ocean Affairs and Law of the Sea [DOALOS]. (1958). *Law No. 71 of 1958 delimiting the Iraqi territorial waters*. Retrieved from http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/IRQ_1958_Law.pdf

- Division for Ocean Affairs and Law of the Sea [DOALOS]. (1967). *Decree regarding the delimitation of the breadth of the territorial sea of the State of Kuwait, of 17 December 1967*. Retrieved from http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/KWT_1967_Decree.pdf
- Division for Ocean Affairs and Law of the Sea [DOALOS]. (2012). *Oceans and law of the sea United Nations*. Retrieved from http://www.un.org/depts/los/clcs_new/commission_purpose.htm
- Dundua, N. (2007). *Delimitation of maritime boundaries between adjacent States*. Retrieved from http://www.un.org/depts/los/nippon/unnff_programme_home/fellows_pages/fellows_papers/dundua_0607_georgia.pdf
- El-Afandi, A. H. (2000). *The Iran-Iraq war: Causes and origins of the war*. Retrieved from <http://course1.winona.edu/aefafandi/polsci270/iran-iraq-war.htm#IRAN-IRAQ>
- FAO Fisheries and Aquaculture Department. (2010). *The state of world fisheries and aquaculture 2010*: Rome: Author
- Ghasemi, S. (2013, September 22). *Safavid empire 1502 – 1736*. Retrieved from <http://www.iranchamber.com/history/safavids/safavids.php>
- Gillespie, F. (2011, February 13). *Arabian Gulf: The cradle of civilization?* Retrieved from http://www.sott.net/article/223938_Arabian_Gulf_the_Cradle_of_Civilization
- Governance of the California Current Large Marine Ecosystem [CCLME]. (2009). *Truman proclamation*. Retrieved from <http://www.cclme.org>
- Harrison, J. (2008). *Evolution of the law of the sea: developments in law-making in the wake of the 1982 Law of the Sea Convention*. Retrieved from <https://www.era.lib.ed.ac.uk/handle/1842/3230>
- History of Iraq: British influence. (2010). *Middle East Arab*. Retrieved from <http://middleeastarab.com/iq/history-iraq-british-influence.html>

- ICC international Maritime Bureau. (2013). *Piracy and armed robbery against ships*. London: Author.
- International Court of Justice [ICJ]. (2009, February 20). *North Sea Continental Shelf Cases*. Retrieved from <http://www.icj-cij.org/docket/files/51/5535.pdf>
- International Court of Justice [ICJ]. (2001). *Maritime delimitation and territorial questions between Qatar and Bahrain*. Retrieved from <http://www.icj-cij.org/presscom/index.php?pr=83&p1=6&2=1&search=%22bahrain%22>
- International Court of Justice [ICJ]. (1982). *Continental shelf (Tunisia/Libyan Arab Jamahiriya)*. Retrieved from <http://www.icj-cij.org/court/index.php?sum=33&p1=3&p2=3&case=63&p3=5>
- International Court of Justice [ICJ]. (2009, February 20). *North Sea Continental Shelf Cases*. Retrieved from <http://www.icj-cij.org/docket/files/51/5535.pdf>
- International Court of Justice [ICJ]. (2013). *The court*. Retrieved from <http://www.icj-cij.org/court/index.php?p1=1&p2=1>
- International Ship and Port Facility Security Code 2003, IMO, (2003).
- International Convention for the Safety of Life at Sea 1974, IMO, (1974).
- International Maritime Organization (2003). *Status of Conventions*. Retrieved from www.imo.org.
- International Relations and Security Network. (2012, October 24). *Increasing significance of the northwestern Persian Gulf*. Retrieved from <http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?lng=en&id=154077>
- International Tribunal for the Law of the Sea. (2012, March 14). *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal*. Retrieved from http://www.itlos.org/fileadmin/itlos/documents/cases/case_no_16/1-C16_Judgment_14_02_2012.pdf
- International Tribunal for the Law of the Sea. (2013). *The Tribunal*. Retrieved from <http://www.itlos.org/index.php?id=15>

- Jiuyong, S. (2010). *Maritime Delimitation in the Jurisprudence of the International Court of Justice*. Retrieved from <http://chinesejil.oxfordjournals.org/content/9/2/271.full.pdf+htm>
- Jones, E. B. (1972). *Law of the sea: Oceanic resources*. Dallas: Southern Methodist University Press.
- Kelly, A. M. (1974, June). *The Soviet naval presence during the Iraq-Kuwaiti border dispute: March – April 1973*. Retrieved from <https://www.cna.org/sites/default/files/research/5500012200.pdf>
- Khan, Z. A. (2011). US post 9/11 Persian Gulf policy: Iran's concern and options. *IPRI Journal*, (11)1, 42 - 58. Retrieved from <http://www.ipripak.org/journal/winter2011/Article3.pdf>
- Klein, D. (2003, January). *Mechanisms of western domination: A short history of Iraq and Kuwait*. Retrieved from <http://www.csun.edu/~vcmth00m/iraqkuwait.html>
- Klien, N. (2011). *Maritime security and the Law of the Sea*. London: Oxford University Press.
- League of Nations. (2009). *History: League of nations*. Retrieved from <http://www.leagueofnations.co.uk/history.html>
- Library of Congress. (2005). *Country profile: Iraq*. Retrieved from www.loc.gov/law/help/huseein/docs
- McQuaid, J. V. (2009, August). *Maritime security: Strengthening international and interagency cooperation*. Retrieved from <http://www.dtic.mil/dtic/tr/fulltext/u2/a506163.pdf>
- Mejia, M. Q. (2010). Maritime security and crime. In P. K. Mukherjee, Q. M. Mejia & G. M. Gauci (Eds.), *Proceedings of the International Symposium on ?? - ?? month 2010 (pp. ? - /) on Maritime Violence and other security issues at sea*. Malmö, Sweden: WMU Publications.
- Mendelton M.H. & Hulton. S.G. (1990). *The Iraq-Kuwait boundary :Legal aspect*. Retrieved from <http://rbdi.bruylant.be/public/modele/rbdi/content/files/RBDI%201990/RBDI%201990-2/Etudes/RBDI%201990.2%20-%20pp.%20293%20C3%A0%20332%20-%20Maurice%20Mendelson%20et%20Susan%20Hulton.pdf>

- Naaz, F. (2001). *Security in the Persian Gulf*. Retrieved from <http://www.idsa-india.org/an-mar-8.01.html>
- National Bank of Kuwait [NBK}. (2010). *Doing business in Kuwait*. Kuwait: Author.
- Owen, R. E. (2008, January). One hundred years of Middle Eastern oil. *Middle East Brief*, (24). Retrieved from <http://www.brandeis.edu/crown/publications/meb/MEB24.pdf>
- Persian Gulf. (2013). *The Columbia Encyclopedia*, (6h ed.). Retrieved from www.encyclopedia.com/topic/Persian_Gulf.aspx
- Peterson, J. E. (2001). *The historical pattern of Gulf security*. Retrieved from http://www.jepeterson.net/sitebuildercontent/sitebuilderfiles/Historical_Pattern_of_Gulf_Security.pdf
- Peters, G. & Woolley, J. (1945, September 28). *Harry S. Truman*. Retrieved from the American Precedency Project <http://presidency.ucsb.edu>
- Polack, K. M. (2012, June). *Security in the Persian Gulf: New frameworks for the twenty-first century*. Retrieved from <http://www.brookings.edu/research/papers/2012/06/middle-east-pollack>
- Regional Organization for the Protection of the Marine Environment. (1978). *ROPME objectives*. Retrieved from <http://www.ropme.org/ROPME%20Objectives.clx>
- Rosen, M. E. (2011). *Myanmar v. Bangladesh. The international tribunal for the Law of the Sea. The implications of the case for the Bay of Bengal and elsewhere*. Retrieved from http://www.cna.org/sites/default/files/research/Myanmar_Bangladesh.pdf
- Sajedi, A. (2009, summer). Geopolitics of the Persian Gulf security: Iran and the United States. *IPRI Journal*, 9(2), 77 – 89. Retrieved from <http://www.ipripak.org/journal/summer2009/Article5.pdf>
- Schofield, R. (1993). *The United Nations' settlement of the Iraq-Kuwait border, 1991 – 1993*. Retrieved from https://www.dur.ac.uk/resources/ibru/publications/bsbfirstpages/bsb1-2_schofield_p1.pdf

- scovazzi, T. (2013). *the importance of the coastal configuration in maritime delimitation* . Retrieved from <http://www.yumpu.com/es/document/view/14623140/the-importance-of-the-coastal-configuration-in-maritime-iladir/>
- Terrorists attack Iraq's Persian Gulf terminals. (2004, May 3). *Oil & Gas Journal*, 102 (17). Retrieved from <http://www.ogj.com/articles/print/volume-102/issue-17/general-interest/terrorists-attack-iraqs-persian-gulf-terminals.html>
- The Grisbadarna Case (1909, October 23). Retrieved from http://dspace.hil.unb.ca:8080/bitstream/handle/1882/995/PhaseII_NL_Memorial_AnnexOfAuthorities_Volume1_Tab3.pdf?sequence=3
- The price of Iranian girls after entering the Persian Gulf trafficking market. (2004, May). *SINA News Agency*. Retrieved from www.wfafi.org/SINA-Trafficking-arket.htm
- Turgut, N. (2004). *Environmental legal protection and the Persian Gulf*. Retrieved from <http://www.auhf.ankara.edu.tr/dergiler/auhfd-arsiv/AUHF-1991-1992-42-01-04-Turgut.pdf>
- UK sailors captured at gunpoint. (2007, March 23). *BBC News*. Retrieved from http://news.bbc.co.uk/2/hi/uk_news/6484279.stm
- United Nations Convention of the Law of the Sea 1982, United Nations, (1982).
- United Nations. (2000). *Handbook on the delimitation of maritime boundaries*. New York: Author
- United States Department of State: The Geographer Office of the Geographer Bureau of Intelligence and Research. (1978, July 13). *International boundary study: Iran – Iraq boundary*. Retrieved from http://www.parstimes.com/history/iran_iraq_boundary.pdf
- United States Department of State: Bureau for International Narcotics and Law Enforcement Affairs. (2013). *Money laundering and financial crimes country database*. Retrieved from <http://www.state.gov/documents/organization/211396.pdf>
- US Department of State Office of the Historian. (1960). *The Baghdad pact (1955) and*

- the Central Treaty Organization (CENTO)*. Retrieved from <http://history.state.gov/milestones/1953-1960/CENTO>
- US Energy Information Administration [EIA]. (2012, January 4). *The Strait of Hormuz is the world's most important oil transit chokepoint*. Retrieved from <http://www.eia.gov/todayinenergy/detail.cfm>.
- US Energy Information Administration [EIA]. (2012, January 4). *Today in energy*. Retrieved from <http://www.eia.gov/todayinenergy/detail.cfm?id=4430>
- US Energy Information Administration [EIA]. (2013). *Kuwait*. Retrieved from <http://www.eia.gov/countries/cab.cfm?fips=KU>
- The World Bank. (2012). *Iran*. Retrieved from <http://www.worldbank.org/en/country/iran/overview>
- The World Bank. (2012). *Data*. Retrieved from <http://www.worldbank.org/en/data>
- Yemen says tanker blast was terrorism. (2002, October 16). *BBC News*. Retrieved from http://news.bbc.co.uk/2/hi/middle_east/2334865.stm