

ABU MUSA AND THE TUNBS: SOVEREIGNTY DISPUTE BETWEEN THE UAE AND THE ISLAMIC REPUBLIC OF IRAN

BACKGROUND BRIEFING

OVERVIEW

In contravention of the principles of both good neighbourliness and international law, the Islamic Republic of Iran continues to occupy the United Arab Emirates islands of Abu Musa and Greater and Lesser Tunbs. This is despite the fact that the UAE has strong legal and historic claims of sovereignty to the islands based on both historical use and international consensus. Although the UAE has repeatedly sought to resolve the dispute peacefully and conclusively through the processes of international dispute resolution, Iran remains obdurate. This briefing outlines both the history of the islands and the conflict over them, as well as diplomatic steps that the UAE has so far taken in attempts to peacefully settle the disagreement.

HISTORICAL CONTEXT

The islands of Abu Musa and Greater and Lesser Tunb were used, controlled, and owned by the Qawásim tribe since the 18th century, more than 200 years before the Iranian occupation of 1971. The Qawásim are the direct tribal predecessors of the current rulers of Sharjah and Ras al Khaimah, two of the UAE's constituent Emirates. **Qawásim sovereignty over the islands was widely recognized**, including by Britain and other powers, and the Qawásim rulers of Sharjah and Ras al Khaimah had been regularly using the islands and—legally speaking—performing acts *“involving the exercise of jurisdiction and administration.”* Qawásim sovereignty was also manifested through written documents and by their asserting the right to exclude others from entering or using the islands.

Contrastingly, **there is no historical evidence that any tribes, dynasties, or states other than the Qawásim ever inhabited or claimed ownership of the islands**, or indeed ever used the islands in any way other than in an occasional and sporadic manner. This includes the Persian forebears of modern day Iran. Furthermore, there is also no evidence that any other powers— again including Persia— ever disputed the Qawásim ownership of the islands prior to 1887.



Unofficial map. For illustrative purposes only.

ORIGINS OF THE DISPUTE

In the early 18th century, the Qawásim presence expanded beyond Sharjah and Ras Al Khaimah in the Arabian Peninsula into territory that is now part of Iran. This expansion culminated in the Qawásim establishing control of both sides of the Gulf, including the area of Lingeh in present-day mainland Iran, for an almost uninterrupted period running from 1755 until 1887, when Persia seized Lingeh.

While there is no documented evidence that Iran ever settled, occupied, or directly controlled the islands prior to its military invasion in 1971, it is clear that the Iranian government desired to expand its influence in the Gulf and thus coveted the islands, becoming increasingly determined to take them.

Iran often refers to the islands as if they were uniquely attached to and dependent on the Qawásim leadership in Lingeh, and somehow became Persian property as a result of the Persian capture of Lingeh. Indeed, in 1887, shortly after it had taken Lingeh, Persia made its first claim to Greater Tunb. Nevertheless, this claim was unfounded given that the Qawásim from Sharjah and Ras Al Khaimah had always controlled the islands from the Arab side of the Gulf; this was the case even after their arrival in Lingeh in 1755. Thus, the Qawásim departure

from Lingeh had no logical bearing on the administration of the islands; Qawásim ownership of the islands was independent of their presence in Lingeh.

Consistent with this reasoning, the British representative in the Gulf stated in 1894 that the Qawásim had "*original rights*" over the islands and that this title was "*not derivative*" of having obtained control of the Persian coast. **The British recorded at the time that any claim of Persia could not overcome the superior claim by the Qawásim, which was based on "*ancient and previously recognized rights.*"**

IRANIAN ESCALATION

Despite the conclusiveness of the British ruling, in the 20th century the Iranian government initiated a policy of staking claim to the islands through increasingly provocative actions. This policy first took practical effect in 1904, when the Iranian government planted flags on Abu Musa and Greater Tunb and left several guards there. The purpose of the Iranian action was clear. As stated in a letter written by the British to the Iranian Prime Minister condemning Iran's claim-staking, **Iran was "*attempting to invent a fictitious value for their claim in future negotiations.*"** After protests against this action by Sharjah and Ras Al Khaimah, as well as by the British, the Iranian government lowered its flags and removed its personnel from the islands. This act of backing down was described by the British authorities as a "*repudiation*" by Iran of its claim over the islands.

Further undermining the Iranian government's claim is the fact that it appears to understand that Iran has no legitimate legal or historic right to the islands. When asked during the 1960s to provide documentation to substantiate its claim, Iran admitted to the British that its stake was actually based on the islands' "*strategic value*" rather than any historic Persian presence. Since then, Iran has been consistently unable to present credible evidence to reinforce its claims to the islands.

Tensions increased throughout the 1960s over the fate of the islands, with Iran rejecting on several occasions a proposal to submit the dispute to arbitration. When it was announced in January 1968 that the UK would depart the Gulf at the expiry of the Protectorate Treaties on 1 December 1971 and leave the UAE a newly independent state, Iran saw an opportunity to assert its claim for the islands even more forcefully against a defenceless new state in the making. This was reflected in a series of aggressive statements made by Iranian leaders, including the Shah, who was quoted as stating that **Iran would take the islands "*by force if necessary.*"**

IRANIAN INVASION

On 30 November 1971, just two days before the establishment of the UAE as a state, **the three islands were invaded and occupied by Iranian military forces.** In the case of Abu Musa, the Iranian forces arrived pursuant to a memorandum of understanding between Iran and Sharjah which had been agreed days earlier. This MOU, signed following a period of intense pressure and threat by the Iranian government against the government of Sharjah, stipulated that Iranian troops would be deployed on one side of the island where they would have "*jurisdiction,*" while Sharjah would retain "*jurisdiction*" over the rest of the island. Neither party would "*give up its claim to Abu Musa nor recognize the other's claim*" under the terms of the MOU. According to witnesses, the Ruler of Sharjah agreed to sign only when it became obvious that, if he did not, Iran would invade Abu Musa and take it by force anyway.

In the case of the two Tunb islands, a similar attempt by Iran to "*negotiate*" an agreement with the Ruler of Ras Al Khaimah was unsuccessful, resulting in an Iranian invasion of Greater and Lesser Tunb concurrent with the Iranian military's arrival on Abu Musa.

THE DISPUTE IS REFERRED TO THE SECURITY COUNCIL

A Security Council meeting was convened on 9 December 1971 to discuss the crisis arising out of the Iranian invasion. At that meeting, the UAE lodged a significant protest against the Iranian action, which it condemned as an infringement of the sovereignty of the UAE and a violation of the UN Charter.

The UAE also condemned Iran's resorting to a "*unilateral use of force*" instead of submitting the dispute to the International Court of Justice or international arbitration for resolution which, the UAE representative noted, would have been expected "*if Iran felt it had strong juridical and historical grounds for claiming these Islands.*"

Iran claimed that it had "*no alternative*" to invading the Tunbs given that "*the Iranian title to the islands is both long-standing and substantial.*" However, it provided no grounds for its claim other than to note that the two Tunb islands lie physically closer to the Iranian mainland than to the UAE and that a map which had been given by an official of the British government to the Shah of Iran as a gift in 1888 and "a highly authoritative encyclopaedia" both appeared to identify the islands as Iranian.

No resolution was adopted by the Security Council at the meeting in order to give the parties an opportunity to resolve the dispute peacefully through direct negotiations. However, no settlement was reached by the parties then nor has one been reached since.

Since 1971, the Iranian government has sought to consolidate its occupation of the islands by attempting to create "facts on the ground," developing substantial infrastructure and transferring military detachments there for the purpose of conducting exercises on and around the islands. **Iran has also undertaken a program of promoting settlement of the islands by Iranian civilians** and has incorporated the islands into regional districts of the Iranian mainland for purposes of administrative governance. The UAE has consistently protested against these actions and the continuing Iranian occupation.

UAE ATTEMPTS AT RESOLUTION AND INTERNATIONAL SUPPORT

Forty years after the initial invasion, the UAE still holds out its offer to Iran either to resolve the dispute through direct, meaningful negotiations or arbitration, or to submit the dispute to the International Court of Justice for final resolution in accordance with international law. Unfortunately, Iran has rejected such suggestions, and continues to refuse to discuss sovereignty over any of the islands.

The UAE has tried to resolve this issue amicably with Iran on more than one recent occasion. Negotiations with the Iranians were held in 1992 to resolve the issue, but to no avail. A further round was held in 1995, again to no avail. In 2009, the UAE approached Iran with a proposal to create a technical committee that would set the ground for clear, constructive discussions over the islands. Unfortunately, Iran did not respond to this offer. Additionally, in 2011, the UAE further demonstrated its good faith by accepting an Iranian request to refrain from registering statements about the islands issue in regional and international bodies—such as the Arab League and the Organization of the Islamic Cooperation—for one year, in order to create an environment conducive to successful resolution of the issue. However, despite the UAE's demonstrated goodwill, Iran did not respond positively to the overtures of the UAE, despite early assurances to the contrary and failed to follow up with any similarly well-intentioned actions on its part to help bring the problem to a peaceful solution.

Thus, the UAE continues to vigorously protest the occupation of the islands by Iran via diverse international forums and organizations, and the effort enjoys widespread international support. To date, no country has ever formally supported the Iranian occupation or recognized Iranian sovereignty over any of the islands. Additionally, the countries of the League of Arab States and the Gulf Cooperation Council have unanimously joined the UAE by repeatedly affirming the UAE's sovereignty over the islands.

Other key countries and organizations have also expressed their support for the UAE position of calling on Iran to resolve and settle the dispute peacefully through direct negotiations or by referring the matter to the International Court of Justice. These include all five permanent members of the UN Security Council,¹ as well as emerging powers such as Turkey and Brazil. Significant multilateral institutions are also supportive, including the EU and the Union of South American Nations.

¹ USA, UK, France, Russia, and China