

Claimed territoriality of Coastal Countries and Territories Overlapping (Case Study: The Conflict of Iran and Pakistan on territoriality at the Mouth of Gwadar bay)

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Extended Abstract

1. Introduction

Conferences and conventions related to law of the seas has not been successful in convincing the coastal countries all the time. Some of these failures stem from vagueness in the law such as the drawing method of straight baselines, e.g., Bay closing line, and the way in which baselines are selected. Gwadar bay, located on the northeast corner of Oman Sea, is a small bay between Iran and Pakistan. The most important goal of this study is to investigate the territoriality in the carter of Gwadar bay, the conformity of these territorialities to the seas convention law, the conformity and overlap of Iran's baselines to those of Pakistan in carter of Gwadar bay, the drawing of the maritime boundary between Iran and Pakistan, and the location of baseline points between these two countries with regard to the maritime boundary. Finally, a suggestion will be proposed to solve any probable discord which stems from the overlap of baselines and territoriality conflicts.

2. Theoretical Framework

Political geography, as a field of study of human geography, examines the function of politics and power in the division, aggregation, and organization of space and, conversely, the effects of geography, spaces, and places produced in political processes. The most important concept that derives from the above definition is the concept of territory and its related concepts, such as territoriality and human territoriality. The political geography of the sea is conceptually and theoretically dependent on the key concepts of the political geography. Therefore, the most important concept on which the theoretical foundation of this study is based is the concept of human territoriality.

3. Methodology

In a descriptive-analytic method, this study intends to investigate documents and laws of these two countries with regard to the maritime boundary and territories. One

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of the goals of this study is to evaluate the consistency or inconsistency of the United Nations Convention on the Law of the Sea by applying these claims and territorialities on maps by ARCGIS software and conducting cartographic analysis.

4. Findings and Discussion

The first feasible step for territoriality in the crater of Gwadar bay dates back to the cabinet enactment on July 21, 1973 in which the coordinates of 25 baseline points in Persian Gulf and Oman sea were assigned and declared. Based on these points and their coordinates, point 25 is located on the surface of water in the mouth of Gwadar bay. Pakistan also declared the coordinates of baseline points in August 29, 1996. The straight baseline points, which is a continuous system, is constructed from connecting 10 points (a to k). Point a in this system is located on water surface in the mouth of Gwadar bay. The last endeavor with regard to territoriality in the crater of Gwadar bay is the common endeavor in 1997 in order to delineate the maritime boundary between the two countries. The aforementioned boundary agreement consists of an introduction and 7 articles, which is enacted in the legislative assembly. Based on the first article of this agreement, the coordinates of the points on the maritime boundary which separates internal water, Territorial Sea, Contiguous Zone, and Exclusive Economic Zone between Iran and Pakistan was declared.

The most important measure for these two coastal countries is to pass laws related to maritime area as well as determining and declaring coordinates for straight baseline points, and as a result determining the maritime boundary. Point (25) from Iran's straight baseline and Point (a) of Pakistan's straight baseline are located on water body and in the entrance of Gwadar bay, which has some demerits based on the convention for baseline drawing. In addition, drawing these two points with the aid of geographical coordinates shows inconsistency between these two points and overlapping two baselines. Mentioning the inconsistency and emphasizing the use of these two points with their coordinates may cause a conflict between these two countries.

However, Iran and Pakistan reached to an agreement in 1997, and determined a maritime boundary. It seems that point (1) is a good substitute for point (25) in Iran and point (a) in Pakistan since it is located in the nearest distance to these two points, and it is located in the estuary of the bay, on which the two countries have reached to an agreement.

Keywords: Territoriality, Bay, Points of Baseline, Maritime boundary, Gwadar bay

References (In Persian)

1. Afshordi, M. H. (2007). A Study of the correspondence and differences between the Islamic Republic of Iran in the Persian Gulf and Sea of Oman (1993), the Convention on the Law of the Sea (1982). *Geographical Research*, 59. 141-160.

2. Blacksell, M. (2010). *Political Geography*, (M.R.Hafeznia, A.Abdi, H.Rabiee & A. Ahmadi, Trans.). Tehran: Entekhab.
3. Churchill, R. & Lowe, A. (2005). *The law of the sea*, (B. Aghai, Trans). (3rd Ed.) . Tehran: Ganj-e Danesh Press.
4. Cohen, S. B. (2008). *Geopolitics of the World System*, (A. Kardan, Trans.). Tehran: International Studies & Research Institute Abrar Moaser Tehran Publisher.
5. Hafez Nia, M. R. (2002). *Political geography of Iran*, Tehran: SAMT Press.
6. Iranian Official Journal, Ruznamah-'i Rasmi-i Jumhuri-i Islami (1993). Set of rules and regulation 1993, Tehran: Rooznameh Rasmi Publication., 14044 (1740/4).
7. Iranian Official Journal, Ruznamah-'i Rasmi-i Kashvar (1934). Set of rules and regulation 1934, Tehran: Rooznameh Rasmi Publication., p. 17.
8. Iranian Official Journal, Ruznamah-'i Rasmi-i Kashvar (1955). Set of rules and regulation 1955, Tehran: Rooznameh Rasmi Publication, p.176.
9. Iranian Official Journal, Ruznamah-'i Rasmi-i Kashvar (1959). Set of rules and regulation 1959, Tehran: Rooznameh Rasmi Publication., p. 3.
10. Iranian Official Journal, Ruznamah-'i Rasmi-i Kashvar (1977). Set of rules and regulation 1977, 9428, 56-57.
11. Lacoste, Y. (1988). *Questionse de geopolitique: L'Islam, la mer, l'Afrique*, (A.Agahi, Trans.). Tehran: Farhang-e- Eslami Press.
12. Mirhaydar, D., Gholami, B. & Mirahmadi, F. (2014). Political Geography and the law of the Sea, *Human Geography Researchs*, 46(2), 337-360.
13. Mirhaydar, D., Rasti, O. & Mirahmadi, F. (2013). The basic themes in political geography. Tehran: SAMT Press.
14. Mirhaydar, D., Rasti, O., Soltani, N., Amiri, A. & Eltimi Nia, R. (2007). The trend of territoriality in Persian Gulf. *Journal of Geopolitics*, 3(1), 1-21.
15. Momtaz, J. & Ranjbarian, A. (1996). Double Interpretation of Convention on the Law of the Sea: The Law of Sea Zones of Irn and the objection of the United States, *Journal of Faculty of Law and Political Science*, 35(3), 85-113.
16. Ranjbarian, A. & Seirafi, S. (2013). Investigating the straight baseline of Iran on the Persian Gulf and Gulf of Oman and other countries protest. *The Journal of International Law*. (48), 35-64.
17. Rasti, O., Moradi, E., Ashrafi, A. & Eltiaminia, R. (2012). Territoriality of the United Arab Emirates on the Persian Gulf (with emphasis on the new territorialities, *Defense Strategy*, (38), 31- 71.

References (In English)

1. Blake, G. (1987). *Maritime Boundaries and Ocean Resources*, New Jersey: Barnes& Noble Books.
2. <http://rc.majlis.ir/fa/law/show/92205>
3. <http://rooznamehrasmi.ir/laws/?CatCode=1>
4. <http://www.gazette.ir/>
5. <http://www.inio.ac.ir/Default.aspx?tabid=2026>

6. <http://www.rooznamehramsi.ir>
7. <http://www.rrk.ir/laws/>
8. Mirhaydar, D. & Hamidinia, H. (2010). Autopsy of the Political Map and the Role of it in Application of Policy. *Journal of Faculty of Law and Political Science*, 40(1), 295-313.
9. Office for Ocean Affairs and the Law of the Sea (1989). *Baselines: an examination of the relevant provisions of the United Nations Convention on the Law of the Sea*, United Nations: New York.
10. Prescott, J.R.V. (1985). *The maritime political boundaries of the world*, Methuen: London.
11. Prescott, v. & Schofield, C. (2005). *The Maritime Political Boundaries of the World*, 2nd, Martinus Nihjoff Publishers, Leiden / Boston.
12. Prescott, v. (1997). Pakistan: notification of straight baselines, *The International Journal of Marine and Coastal Law*, 12 (1), 105-8.
13. Reisman, W. M. & Westerman, G. (1992). *Straight Baselines in International Maritime Boundary Delimitation*, St. Martin's Press: New York.
14. Roach, J.A. & Smith, R.W. (2000). Straight baselines: the need for a universally applied norm, *Ocean Development and International Law*, 31, 47-80
15. The Geographer (1994). Iran's Maritime Claims, *Limits in the Seas*, No.114, Washington D.C.
16. United Nations (1973). National legislation – DOALOS/OLA, IRN-1973, Decree-Law, 21 July 1973.
17. United Nations (1976). National legislation – DOALOS/OLA, (1976), Territorial Waters and Maritime Zones Act, 1976 (of 22 December 1976).
18. United Nations (1982). United Nations Convention on the Law of the Sea.
19. United Nations (1983). The Law of the Sea. Official text of the United Nations Convention on the Law of the Sea with Annexes and Index, United Nations: New York.
20. United Nations (1996). National legislation – DOALOS/OLA, Statutory Notification of 29 August 1996, specifying the baseline from which the limits of the Territorial Waters, the Contiguous Zone, the Exclusive Economic Zone and the Continental Shelf shall be measured, ISLAMABAD, Thursday, 29 August 1996.
21. United Nations (2011). Table of Claims to Maritime jurisdiction (as at 15 July 2011) in: www.un.org/depts/los/.../PDFFILES/table_summary_of_claims.pdf
22. United Nations- DOALOS/OLA - National legislation (1993). Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea, 1993.
23. United Nations, Office for ocean Affairs and the Law of the Sea (1989). *The Law of the Sea, Baseline: An Examination of the Relevant Provisions of the United Nations Convention on the Low of the Sea*, New York.
24. United States Department of State (1972-2014). *Limits in the seas*, Washington DC, Bulletins Nos. 1-143.
25. United States Department of State (1987). 'Developing standard guidelines for evaluating straight baselines'. *Limits in the Seas*, No. 106.

26. United States Department of State (1992). 'United States' responses to excessive maritime claims', *Limits in the Seas*, No. 112.
27. www.un.org/Dept/los/index.htm
28. www.un.org/Dept/los/LEGISLATIONANDTREATIES/STATEFILES/IRN.htm
29. www.un.org/Dept/los/LEGISLATIONANDTREATIES/STATEFILES/PAK.htm

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