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THE QUESTION OF IRANIAN OCCUPATION OF THE ISLANDS, GREATER TUNB, LESSER TUNB AND ABU MUSA BELONGING TO THE UNITED ARAB EMIRATES

by

Brigadier General Mohamad Hilal Al-Kaabi  
United Arab Emirates

Colonel L.J. Fullenkamp  
Project Adviser

U.S. Army War College  
Carlisle Barracks, Pennsylvania 17013

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Over the years, there have been approximately three hundred and thirty articles written about the Greater and Lesser Tunb Islands. The question of rightful ownership of the islands, since their illegal invasion and occupation by the Iranian government, remains. This monograph reviews the historical documentation which demonstrates, without a shadow of a doubt, that Greater Tunb, Lesser Tunb and Abu Musa originally belonged to the United Arab Emirates who remain firm in their claim to original legal ownership.

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## INTRODUCTION

Iran's decision in 1992 to assert complete control over Abu Musa Island in the Gulf, and to ignore its 1971 agreement to share control with Sharjah, focused world attention once again on an issue which had largely been forgotten in the more than two decades since Iran occupied Greater and Lesser Tunb Islands by force and signed an agreement to share control over Abu Musa without prejudicing the claims of the two sides.

The Gulf has a history of border disputes and disputes over where maritime boundaries run, but the issue of Abu Musa and the Tunb has always been more crucial than most. The vital strategic location of the Islands along the tanker lanes inside the Strait of Hormuz is the main reason, although oil and other issues are also a factor. Since the Iranian revolution, Iranian control of the three Islands is at least potentially of concern to the West, given Iran's record of attacking international tanker traffic in 1987-88. Iran has placed surface-to-air missiles on Abu Musa, and there have been reports that anti-shipping missiles might be based there as well. Iran regularly uses its military post on Abu Musa as part of its military exercises in and around the Strait of Hormuz.

Iran's moves to consolidate its control over Abu Musa in 1992 have also been interpreted as a sign of its new assertiveness, which may not augur well for the future stability of the region. Efforts by the UAE and other regional states to find a negotiated solution of the question of the Islands have been reflected by Iran. Both under the former Shah and under the Islamic Republic, Iran has resisted all suggestions that the dispute be adjudicated by the International Court of Justice in the Hague.

This study is intended to provide the educated policymaker or interested reader with a historical and current analysis of the situation, including the political, strategic, and international legal aspects of the dispute. This study is not intended as a full academic treatise, but it does hope to explain the background of the dispute in sufficient detail to allow the reader to make judgments on the merits of the case as well as the significance of recent events.

As will be immediately evident, the author's sympathies lie with the arguments of the emirates of Sharjah and Ras al-Khaima in their claims to Abu Musa and the Tunb. This is because I feel the evidence is overwhelmingly clear; these Islands were under the control of the Qawasim Arabs from at least the mid-18th Century, and while the Arab rulers of the Islands may at one time or another have had tributary relations with Iran, the Islands have not been under direct Iranian control at any time in the last two and a half centuries, except for the period since 1971

when Iran took the Tunbs by force and negotiated the shared control of Abu Musa.

Iran's arguments, made in the years immediately prior to the 1971 occupation, will be examined in some detail. The Iranians have claimed that the Islands were historically Iranian and that only in the 19th Century did Great Britain, for its own imperial purposes, shift the Islands to Arab control. This study will demonstrate clearly that the Islands were under Qawasim rule long before the British became the protectors of the Arab coast. The Iranians have claimed that British maps showed the Islands as Iranian. While there is some element of truth of this claim, it merely underscores another of the conclusions of this study: that the Arab rulers of Sharjah and more recently Ras al-Khaima were always more protective of their claim to the Islands than their British "protectors" were. In fact, while Iran argues that Britain seized the Islands for its own purposes, the records suggest that the British were always more willing to accept Iranian control over the Islands than their Arab rulers were. In the end, 1971, Britain--though still the protector for the region for another day--stood by while Iran used force to take the Tunbs.

In 1971, Iran--perhaps recognizing that its historical claims were at best full of holes--also used a strategic argument: that the Islands should be controlled by a strong, pro-Western power (that is, Iran), rather than fall into the hands of radical groups like the Popular Front for the Liberation of Oman and the Arab Gulf (PFLOAG). The Shah warned that the newborn UAE was unlikely to survive. More than two decades later, the UAE is strong and secure, while the Shah is a fading memory 14 years after the Iranian Revolution. Ironically, most of the arguments used by the Shah to argue for Iranian control can today be used against it: that the Islands can be used to dispute tanker traffic (which Iran did in 1987-88), for example.

On the other hand, this study is not intended as a propagandistic brief for the Emirates' claim. That is not needed. A clear look at the history of the dispute suggests that Sharjah (and since its emergence as an independent emirate, Ras al-Khaima) have claimed and controlled the Islands since the mid-1700s, until the Iranian moves of 1971. At that time, by military force and defiance of all suggestions of international adjudication, Iran seized the Tunbs. Its argument to share control of Abu Musa with Sharjah was negotiated by Britain, although Iran's threat to use force could be considered a case of negotiation under duress, which would render the agreement dubious legally.

But Sharjah never sought to overturn the 1971 agreement: it scrupulously adhered to it. Since the Iran-Sharjah Memorandum of Understanding of 1971 was not supposed to prejudice the two

countries' claims, the Iranian moves of 1992--though they merely were the culmination of a long string of violations--in effect marked a breakout of Iran from the 1971 agreement.

This study seeks to examine the Abu Musa and Tunbs dispute in as clear a manner as possible, without resort to pedantry or legal jargon. It also seeks to present the Iranian case as fairly as possible, though the conclusions suggest that Iran's case is flimsy.

I have no illusions about the utility of such a study. Sharjah, the UAE, the Arab League and other bodies have examined all this material before. In the absence of Iranian willingness to submit the dispute to an international tribunal, and in the absence of any likelihood of changing the status quo militarily, the issue of the Islands is not likely to be resolved in favor of the UAE anytime soon.

But Iran's intentions in the Gulf, and behavior toward its neighbors, is of paramount concern not merely to the Gulf states but to the West and Japan as well. The Abu Musa/Tunb issue may hold some lessons for the future. Some day we may look back on the Iranian move to consolidate its hold on Abu Musa in 1992 as the beginning of a process.

# I. The Islands and Their Strategic Importance

## Location

The dispute over the Gulf Islands involves three islands located in the center of the Persian or Arab Gulf (for simplicity henceforth called just the Gulf), close to the directed traffic lanes used by the world's oil tankers as they navigate the shallow waters between the Arabian and Iranian coasts. The three are Abu Musa and Greater and Lesser Tunb, as they are generally known in English.<sup>1</sup>

Abu Musa is a four-sided island about three miles across at its widest point, located in mid-Gulf at a point very close to a line drawn between Sharjah on the UAE coast to Bandar-e-Lengeh (or Lingeh) on the Iranian coast. Its highest point, Jabal Halwa, is about 360 feet above the surface of the Gulf. Today there is an airstrip on the Island. Abu Musa has long been a major source of red oxide, and iron oxide product. In more recent times, the discovery of the Mubarak oilfield just offshore has added to its commercial importance. But in addition to its commercial location, its position in the central Gulf just inside the Strait of Hormuz has long made it an important base for controlling the waters in the region.<sup>2</sup> It is this location which gives it such importance. Ironically, when the late Shah of Iran was defending Iran's claim in 1971, he buttressed his historical arguments by arguing that the West should support Iranian occupation of Abu Musa because it would guarantee a stable, pro-Western control of the Island which could threaten the world's

crucial oil sea lanes. Conversely during the Tanker War of 1987-88, the presence of Iranian Revolutionary Guard units on Abu Musa posed a threat to the security of oil traffic.

Abu Musa's location has been its main attraction through the years but the presence of red oxide also meant that it had some value for mineral resources even before the discovery of oil. Prior to its becoming a pawn in international politics, it usually had a resident population of a few hundred people. The nature of that population will be discussed as we review the Island's history, but it has generally been ethnically Arab with links to the Arabian side of the Gulf.

Abu Musa is not known by any other name, though some older British documents translate the name as Bu Musa, or Bomusa. The Tunbs lie about half way between Abu Musa and the mainland, and lie directly between the directed traffic lanes for tanker traffic. The westbound tanker lane runs just to the north of the Tunbs, and the eastbound a few miles to the south, making a bend towards the northeast just south of the Greater Tunb. The name Tunb is actually pronounced in spoken Arabic as if it were spelled Tumb (with an m instead of an n). In older British works it sometimes appears as Tomb.<sup>3</sup>

Greater Tunb is known in Arabic as Tunb al-Kabir or sometimes Tunb al-Kubra (both meaning Greater Tunb), and in Farsi as Tunb-i-Bozorg, with the same meaning. Greater Tunb lies about 17 miles southwest of Iran's Qeshm (or Qishm) Island, and a little more than that northeast of Abu Musa. It is almost

circular, with its greatest diameter being about two and one-half miles. Recent maps also show an airstrip on this Island which is recent. Prior to its modern importance it normally had only a few dozen permanent residents and occasional fisherman, again most of them of Arab origin with links to Sharjah or Ras al-Khaima.

Lesser Tunb is a small Island between seven and eight miles west of Greater Tunb. It is known in Arabic as Tunb al-Saghir and in Farsi as Tunb-i-Kuchuk, both meaning Lesser Tunb, but it also has been known by the Arabic name of Nabiyu or Nabi Tunb. It lacks water and has normally had no permanent inhabitants. Lesser Tunb is not of particular use to anyone; it is, however, generally considered to be part of the same unit as Greater Tunb. As Lorimer's classic Gazetteer of the Gulf put it, "The ownership is presumably determined by that of Tunb."

In the greater scheme of the world at large, they are tiny bits of land rising at most a few hundred feet above the shallow waters of the Gulf. Their populations are small, and the fate of a few hundred people has never captured the world's attention for long.

But their location makes them important. A few small patches of land in the world--Gibraltar and Singapore, for example--derive their importance from their position. A "strategic" position is simply one which allows that country or force occupying that position to control much more than the small area it occupies. Abu Musa and the Tunbs are strategic positions

in this sense.

The Strait of Hormuz, which lies between Iran on the one side and the United Arab Emirates (UAE) and Oman on the other, may be the most important strategic "chokepoint" in the world at the end of the 20th Century. The Gulf region has nearly two-thirds of the world's proven oil reserves, and some estimates are that the real percentage may be higher. The region also has about three-quarters of the world's excess productive capacity. What this means, in simple terms, is that when the world runs short of oil, those countries with excess productive capacity can--if they wish--increase their production to keep prices low. These are countries which produce, by choice, less than they could. During the crisis which followed Iraq's 1990 invasion of Kuwait, when the world could not or would not obtain oil from two countries which each had about 10% of the world's reserves, nearly a fifth of the world's oil was removed from the market. Many people feared prices would shoot up, but they did so only briefly. The reason was that countries with excess production capacity chose to increase production to keep prices down, though they might have gained windfall profits from a price rise. Saudi Arabia, the UAE, and Venezuela were the key countries in this effort. Saudi Arabia, and the UAE are, of course, in the Gulf.

If the Gulf's oil were removed from the world market, this excess production capacity would almost evaporate. The Gulf is thus a vital strategic resource for the entire industrial world--the U.S., Western Europe, Japan, and other industrial or

industrializing powers.

Some of the Gulf's oil passes through pipelines to the Red Sea (in the Iranian case) the Indian Ocean, and if Iraq re-enters the world market its oil will presumably again be piped out through Turkey as well as through the Gulf. But most of the Gulf's oil enters the world market through the Strait of Hormuz.

This is one of the world's most constricted waterways, what strategists call a chokepoint. At its narrowest point the Strait is only 48.5 nautical miles wide. If one counts islands as part of the mainland, the Strait between the Iranian Island of Larak and the Omani Quoins is only some 20.75 nautical miles in width. But it is also a shallow body of water, with a minimum depth of some nine fathoms, and supertankers need a draft greater than what the Gulf provides in areas close to the shore. In the Strait itself and again to the west near Abu Musa and the Tunbs, the international shipping community has drawn "directed traffic lanes" to guarantee that the tanker traffic stays in deep enough water and does not risk collision or traffic congestion.<sup>4</sup> The traffic separation zones require westbound (into the Gulf) traffic to steer to the right (north) while eastbound traffic stays to the south. The westbound traffic lanes inside the Gulf begin near the Greater Tunb and continue to the north of Greater and Lesser Tunb to just north of the Iranian Island of Forur. The eastbound lanes begin just south of Forur, and continue directly between the Tunbs and Abu Musa. The location of these Islands so close to the key directed traffic lanes means that

they would be ideal bases for any country seeking to interfere with international tanker traffic, as Iran did in 1987-88.

In the Strait of Hormuz proper, there is a defined line of international sovereignty between Iranian and Omani territorial waters; the directed traffic lanes in fact lie entirely within Omani territorial waters and are thus patrolled by the Omani Navy.

To the west, however, there is no such definition of sovereign control, because the Islands in the Gulf are still in international dispute. Iran has controlled Forur and Sirri Islands for most of this century, but it only seized the Tunbs and occupied part of Abu Musa in 1971. Its virtual annexation of the rest of Abu Musa in 1992 has given Iran control of all the islands in the immediate vicinity of the tanker lanes, but it has not won international recognition of that status.

Since a major portion of the world's oil passes through the Strait of Hormuz, the ability to control access to that strait in a war situation is of interest to every industrial country. International law essentially requires that the country with actual control over such vital straits giving onto international waters must in peacetime guarantee free passage. During the Iran-Iraq War, Iran frequently interfered with international shipping, particularly during the "tanker war" of 1987-88. This interference included mining the Gulf's waters, intercepting tankers and other shipping outside Iranian territorial waters, and hit-and-run attacks by small craft manned by Revolutionary

Guards or other forces. At least some of these small craft raids are said to have been launched from Abu Musa.

In any event, the late Shah's argument in 1971 that Iran should control the Islands because Arab control might lead to their falling into the hands of radicals who would threaten Western shipping--an argument the Iranians seriously make at the time--has been turned on its head. It is Iran which has threatened Western shipping in the Strait of Hormuz, and there are indications that Iranian control of Abu Musa has expedited that interference.

Iran's 192 expulsion of some of the Arab population of Abu Musa and assertion of full sovereignty over the Island, to be discussed in greater detail in the historical section, is still a bit of a mystery. Its motivation may have simply been to assert Iranian suzerainty and to remind the world that Iran will be a major player in the Gulf. But there have also been allegations that there is a military purpose involved. If so, this could be of major concern to the Arab states, as well as to the industrialized world generally. Iran has for some time had a surface-to-air missile site on Abu Musa, as well as radar. The Iranian opposition movement, the People's Mojahedin, alleged that the Iranian government was seeking to strengthen its naval power within the Strait of Hormuz and had, accordingly, moved Command Headquarters to Bandar'Abbas, set up new bases on Qeshm Island and at Bandar-i-Lengeh -- just north of Abu Musa and the Tunbs -- and moved a Marine Revolutionary Guards brigade to Abu Musa, said

to be the 35th Sajad Marine Brigade. The same claims asserted that a Silkworm missile unit was being set up at Lengeh and on Qeshm Island.

However much credence one wishes to give to such allegations, Iran's 1992 moves on Abu Musa have revived the question of the importance of Abu Musa and the Tunbs to the world's access to the Gulf through the Strait of Hormuz. The West acceded to the Shah's occupation of Abu Musa by compromise and of the Tunbs by main force in 1971 because at that time pro-Western Iran was seen as a powerful, stable regional player while the future of the newly-formed UAE was uncertain. Today, with the UAE rich and strong after 20 years of independence and Iran still in the grip of revolutionary rhetoric, the situation is very different. But Abu Musa and the Tunbs still sit astride the world's most vital sea lanes.

This study seeks to look at the historical issues in the dispute, as well as the international legal issues involved. Had Iran been a radical power in 1971, the West certainly would never have placidly accepted the occupation of the Tunbs by main force and the enormous pressure brought on Sharjah for compromise over Abu Musa.

This study seeks to be objective, though the author admits from the beginning that his own reading of history, plus the Arab identity of the permanent populations of the Islands, makes it difficult for him to accept the Iranian case. The fact that, contrary to the Shah's arguments, Iranian occupation has made the

Islands less a center for stabilizing access to the Gulf than a center for disrupting it, adds to the strength of the case of Sharjah and Ras al-Khaima to suzerainty over the three islands.

But the geopolitical and strategic argument is a recent one. What of Iran's claims that the Islands are historically Iranian, only brought under Arab rule once Britain was in the Gulf, in order to further British control of the region?

Let us, begin with some history.

## II. Before the British Involvement in the Area

### The Historical Issue

Iran's arguments in 1971 and again in 1992 have frequently referred to the alleged fact that the islands--Abu Musa and Greater and Lesser Tunb--were historically Iranian and were only put under Arab control by British Imperialism. In this argument, with the removal of the extraneous British Imperial presence in 1971, the Islands naturally reverted to their traditional pre-colonial owner, Iran.<sup>5</sup>

Iran's evidence for this argument will be discussed in the next chapter, when we examine the British colonial period. It is important, however, to ask what the status of the Islands was before the British arrived. If they were in fact under Iranian rule, then the Iranian argument would have some merit, although modern international law would first consult the wishes of the inhabitants of the Islands today. On the other hand, if the Islands were not only under Arab control before the British arrived, but there is a demonstrated continuity to that control, then this particular Iranian claim loses all merit.

There is a certain ambiguity to what one means by "when the British came", since the British role in the Gulf evolved from the late 18th Century until the mid-19th. What will be seen from the following pages, however, is that Abu Musa and Greater Tunb were unquestionably under the control of the Qasimi family (plural, Qawasim) of Sharjah and Ras al-Khaima at a time when the

Qawasim were at war with Great Britain, and thus the Islands were hardly placed under Qasimi control when the British arrived.

It is also important to remember that in the 18th and 19th Centuries the modern nation state did not exist in the Middle East, with clearly defined frontiers. Iran has used this argument to say that there can be no sovereignty of the Islands assigned to the UAE traced back to pre-British times, since there was no UAE then, nor can sovereignty be inherent to Sharjah or Ras al-Khaima before the British came.<sup>6</sup>

At first, this is a seductive argument: of course the UAE did not exist as an independent country before 1971. But the argument can be turned on its head. The coastal ports of Sharjah and Ras al-Khaima, as well as several other ports, were under the control of the Qawasim from the mid-18th Century, and Sharjah and Ras al-Khaima are still ruled by Qasimi sheiks today, with no break in continuity of that rule. Though sometimes both have been ruled by one branch of the family and other times (as most of this century) by separate branches. On the other hand, Iran has not had a continuous identity as a state. The Safavid Empire of the 16th Century included many areas now part of Iraq or Central Asia, while during the mid-18th Century and into the 19th Century Iranian rulers only occasionally controlled their seacoast. Only by claiming continuity with all the Iranian empires of the past can Iran claim that the present Islamic Republic is the legal heir of lands which have not been under Iranian rule since the 18th Century, and such claims could be used

for many other parts of the Middle East, of Central Asia, and of Afghanistan.

### **Early History Moments**

The earliest history of the Islands is not entirely clear. Ancient Sumerian records speak of imports "Magan" or "Makan" which included "red ochre", which may have been the red oxide still mined in Abu Musa and some other Gulf islands. Archaeologists usually identify Magan with the Emirates coast or Oman, or perhaps with southern Iran; an island source would be consistent with either.<sup>7</sup>

Naturally, the smaller islands of the Gulf have changed hands many times through the millennia. There have been periods when Arab states ruled Iran, or when Iran ruled Mesopotamia and parts of the Arabian coast; the shifting boundaries of empires have little real relevance to contemporary issues. Ancient Persia conquered Egypt, and the early Muslim conquerors from Madina in Arabia destroyed the Persian Empire, but no one would seriously assert that these facts support an Iranian claim to Egypt or a Saudi claim to Iran today. The history of control under the system of modern states, and the issue of the will of the population living in the territory, are the standards by which modern territorial claims are judged.

### **The Rise of the Qawasim in the Islands**

In this sense Abu Musa and the Tunbs really enter history in the 18th Century, linked with the rise to power of the Qasimi family. Historians usually refer to this family with the Arabic

plural, Qawasim. In local Gulf dialect, the name is pronounced "Jasimi" and "Jawasim", and the early British documents often refer to them as the "Joasmee". The Qawasim created a seafaring and trading "empire" based on their family holdings on the Arab side of the Gulf at Sharjah and Ras al-Khaima, and by 1760 included not only Abu Musa and the Tunbs but also the large Qeshm Island on the Iranian side and some points on the Iranian mainland, including the port of Lengeh.

The Qasimis or Qawasim are still the ruling family of both Sharjah and Ras al-Khaima, two of the seven sheikhdoms which form the United Arab Emirates. Their control of Abu Musa during the 18th and 19th Centuries is historically clear, and is important to the legal argument: their control of these Islands pre-dates Britain's presence in the region and is therefore not founded on British sea power or imperial designs. Iran has often claimed that the assertion of sovereignty over Abu Musa is essentially a relic of the British colonial period, when Sharjah was under British protection and the British sought to hold the Island to ensure control of naval passage. In fact, the Island was controlled by the Qawasim during the long years in which they were engaged in a sporadic war with Britain, so their claim did not originate in the British period.<sup>8</sup>

In the mid-18th Century there was considerable population movement around the Gulf. The collapse of the Safavid dynasty which had ruled a large Iranian Empire in the 16th Century but had finally disappeared in 1722 brought about a period of

disorder on the Iranian mainland. During this period the Gulf coast on the Iranian side of the Gulf was ruled by a hodgepodge of local rulers, and sometimes parts of it were controlled by either the emerging Qawasim state or by the Sultan of Muscat, ancestor of the present ruler of Oman and a major rival of the Qawasim.

The Gulf is, and has always been, a highway rather than a barrier. Merchants on either side of the Gulf have always traded with the opposite shore as well as with India and points beyond. As a result, naturally many merchants of Persian extraction came to live on the Arabian shore, just as many merchants of Arab origin came to live on the Iranian side. Because the Zagros mountains separate the southern coast of Iran from the heartland of the Iranian plateau, the coastal region has also historically been more heavily Sunni Muslim, while from the 16th Century on, Shi'ite Islam dominated on the plateau itself. Thus along the Iranian coast, Persian Sunnis mingled with Arab Sunnis. The Hawala Arabs, the larger tribal group which includes the Qawasim, have long been found of the "Persian" as well as the "Arab" shore of the Gulf.'

By the 1720s the Qasimis have founded a post at Bas'idu on Qeshm Island. This move attracted British intervention since it hurt the trade of the East India Company, and began a long period of sparring between Britain, the world's predominant naval power, and the Qawasim. This sparring would lead, over the century to follow, to Britain's characterizing the naval power of the

Qawasim as "piracy", though from a modern perspective what was occurring was more in the nature of a sporadic conflict for control of trade and the seas of the region between a small local state, the Qawasim, who resorted to commerce raiding, and the world's preeminent maritime power, which characterized commerce raiding as piracy.

Iran was briefly under strong control again during the reign of Nadir Shah (1736-1747), but after his assassination in 1747 the country underwent decades of anarchy before Karim Khan Zand rose to power. In 1747, the Iranian Governor of Hormuz, Mulla 'Ali Shah, formed alliances by marriage with the Qawasim in an attempt to help his own cause in the struggle for control in Iran. In 1751, the Qawasim sent a fleet and compelled their new "ally" to surrender his ships to them. By the time the famous traveler Karsten Niebuhr visited the Gulf in the 1760s, the Qawasim were a major trading power with a substantial fleet. The Qawasim supported their ally Mulla 'Ali Shah in the fighting in Iran, and about 1,000 Arabs from Ras al-Khaima landed at Bandar Abbas in June of 1760, provoking an Iranian counterattack. After a peace agreement in 1763, the Qawasim won a division of the revenues of Qeshm Island with the Bani Ma'in of Hormuz and Mulla 'Ali Shah. The Qawasim put together a territory on the Iranian side of the Gulf consisting of Qeshm, Luft, Lengeh, and Shinas.

Karim Khan Zand (1757-79) in part consolidated his power as Iranian ruler by using the support of the Arabs of the Gulf coasts, and under his rule in Iran much of the influence already

exercised by the Qawasim along the coast and in the Gulf Islands was recognized. However, during part of this period, in 1767-68, the Qawasim were driven from the Iranian mainland. By 1780, they were re-established, however.<sup>10</sup>

During this period there seems to be no dispute that the Qawasim controlled the Gulf islands: what disputes were occurring were over the Islands close to the Iranian coast, such as Qeshm, and positions on the mainland itself.

The rising sea power of the Qawasim naturally made them rivals with the Sultan of Muscat, and to create problems with Great Britain. Already in 1759 at Bandar Abbas in the Iranian shore, a clash between Qawasim supporters and agents of the British East India Company had led to protests.

The assertiveness of the Qawasim led them into another incident with Great Britain in 1778, when they captured a British-Indian vessel. Such incidents, part of the general struggle for maritime control which the Qawasim were waging with the local rulers of the Iranian coast (the Iranian central government having little authority) and with Oman and other Gulf states, came to be seen by the British as piracy. In 1797 the Qawasim of Ras al-Khaima captured a British Marine, the Viper, was anchored at Bushire (Bushehr) on the Iranian coast when a Qasimi sheik seeking to intercept Omani vessels fire on the Viper, creating British casualties. The incident led to protests but no further clashes at the time. In subsequent years the Qawasim made peace with Oman.

During all this period Abu Musa appears rarely, but it is clear that it was part of the Qasimi "Empire" which included the Iranian coast.

Beginning in 1804 clashes between the Qawasim and the British increased in frequency, beginning the conflict which the British would characterize as a war against piracy. Since the Qawasim clearly controlled their territories and warships sailed under their flag, and since the dispute was over access to the waters of the Gulf and the ports of the coast, a modern historian would be more likely to characterize this as a naval war over trade than as "piracy". Of course the attacks were made against commercial vessels in many cases, but this is what in modern terms would be called commerce raiding or guerre de course, the classic means of a weaker naval power to weaken a stronger. American readers who know their own history should remember that the war between the Qawasim and the British coincides in part with the war known in American history as the War of 1812, the 1812-1815 conflict over naval rights. Only because Britain did not recognize the Qawasim as a sovereignty (despite its having a flag and a fleet), was this commerce raiding conflict characterized as piracy.<sup>11</sup>

In any event Britain responded with force and in 1809 a British fleet, operating jointly with Oman, attacked Ras al-Khaima. This marked a setback for Qasimi power but did not end the conflict.

## The Island During the British-Qawasim War

There can certainly be no question that Abu Musa was under Qasimi control during the period of this war between Britain and the "pirates". In a report quoting the account of a Mr. Waddington, commander of the ship Macaulay in 1811 (an incident often mis-attributed to 1816), N. J. Hamilton reported on 23 February 1811:<sup>12</sup>

. . . On Mr. Waddington's arrival at Muscat, he understood that this fleet of pirates has captured some vessels of that port, also two kows [dhows] belonging to Bussora [Basra], and that they were a part of those who had fled from Rasulkhyma [Ras al-Khaima] and now belonged to an island situated in the south western part of the Gulph called Bombassa, or as I apprehended Bomosa, Mr. McCluer, placing an island of that name, and in the same situation.

Bomosa is, of course, Abu Musa, and clearly it is part of the territory used by the Qawasim of Ras al-Khaima as their own. Similarly we hear a report dated 5 March 1811:<sup>13</sup>

. . . [stating that the Government should seek only to protect its own interests and not disrupt Gulf commerce] but merely to protect its interests therein and disperse the corsairs and depredatory craft that annoy it, such as is still said to be the case with a remnant of the Jowassimees [Qawasim] who are reported to have escaped from Rasu] Khyma and fixed themselves on the desert island of Bomosa, whence they are now surmised by the commander of the Macauley lately arrived here, to have launched forth again into their former excesses . . .

This is, to be sure, the testimony of a hostile witness, but that makes it all the more convincing as historical evidence. If the British, who were at war with the Qawasim, identified Abu Musa as a Qasimi naval base, clearly Qasimi control of the islands did not date from the period of British protection. Nor

is it likely that during the period when the Qawasim controlled most of the Arabian coast including Sharjah and Ras al-Khaima, and most of the Iranian coast opposite, that they would not use and occupy the islands in the mid-Gulf.

As for the Tunbs, later in the British-Qawasim war we hear a report from the British Resident at Bushire, one William Bruce, on 8 February 1816, to the effect that, "By the arrival of Euphrates country ship on the 18th ultimo accounts reached here that the Hon. Company's cruiser Aurora had been attacked by a fleet of twelve sails of Joasmee pirates about the Tombs and that after a few guns from the cruiser being fired at them, they hauled their wind and stood away. The Euphrates herself was chased by seven boats nearly in the same place. . ."<sup>14</sup>

With the truce of 1819, Britain briefly occupied all of Qeshm Island and retained the port of Bas'idu. Britain's role in the Gulf, though enhanced, was still not decisive.

During this period, the overall ruler of the Qawasim, Sheik Sultan bin Saqar (ruled 1803-66), moved regularly between Sharjah and Ras al-Khaima on the Arabian side of the Gulf and Qeshm on the Iranian side, not maintaining a single capital. Local relatives ruled the individual ports and islands. Sultan bin Saqar is worth mentioning here because any notion that the Qawasim were merely local warlords is dispelled by this powerful sheik's career. He ruled for an amazing 63 years, dying at the age of 97 (reportedly after taking a new, young wife). His region spans the period from the wars with Britain through the

truce and well into the British protectoral period, so any notion that there is no continuity in Qawasim rule from the pre-British period into the British period fails to account for the long life and reign of Sheik Sultan.<sup>15</sup>

Britain, seeking a new base from which to combat Arab "piracy", reportedly considered the Greater Tunb, but instead moved to set up stations at Hengam Island just south of Qeshm and at Bas'idu on Qeshm. From the beginnings of these stations the British would be in conflict with Iran over their control. But the very ease with which Britain was able to move into the base demonstrates the confusion over who controlled even the Islands along the Iranian coast, let alone the Islands in the middle of the Gulf. Qeshm had been controlled by the Qawasim, not the central Iranian government. The Qasimis continued to control Lengeh on the Iranian coast as well as their home bases in Sharjah and Ras al-Khaima.<sup>16</sup>

Despite the suppression of the Qawasim in the War of 1819, the British still considered them as "pirate sheiks." When a local fight broke out in the Sultan of Muscat's dominions, and neighboring rulers were called upon for help, Sheik Sultan bin Saqar of the Qawasim sent 50 vessels from Qasimi ports to the Gulf of Oman. The British Assistant Resident, Captain Samuel Hennell, warned the Qawasim and Sheik Khalifa bin Shakhbut of the Bani Yas, the other great power on the Gulf coast and ruler of Abu Dhabi, who had joined the expedition. The Bani Yas decided to wage a commerce war at sea, and among their prizes were two

Indianmen flying British flags. The battle which ensued between the British and the Bani Yas was fought off Greater Tunb on April 16, 1835. There is no evidence that the Bani Yas ever actually controlled the Island, which seems to have always been under Qasimi control, but the battle of "Great Tomb" was to play its own role in the evolution of the Trucial system.

#### **The "Samuel Hennell Line"**

Hennell, who was to become architect of the so-called trucial system, proposed that the various maritime powers of the coast refrain from commerce raiding (piracy in British terms) during the pearling season.<sup>17</sup> Disruption of the pearl fishery during the local wars between the Bani Yas of Abu Dhabi and the Qawasim of Sharjah, or between either of these and the Sultans of Muscat, had been an economic hardship for the local rulers as well as for others involved in the pearl trade. When the father of Bani Yas ruler arrived at the British agency in Bas'idu at the same time Sheik Sultan bin Saqar was there, Hennell began the negotiations which would become the trucial system. Initially, the sheiks agreed only to a maritime truce for the 1835 pearling season. It was renewed annually, then made year-round, then in 1843 made a 10-year truce.

The trucial system is not absolutely relevant to the story we are telling, but it does involve two things: the involvement of Britain more directly than before in the affairs of the coastal sheiks, and the drawing of the so-called "Samuel Hennell Line", which has sometimes been cited as an argument that Abu

Musa and the Tunbs lay in Persian, not Arab, waters.

Hennell, seeking to find ways to enforce the truce at sea-- the part most important to Britain at the time--persuaded the sheiks to recognize the main channel of navigation as an area where there war dhows would not operate. He initially drew a line between Abu Musa and Sirri as the southern boundary of the zone to be free from attack. Later a temporary replacement, Major James Morison, redrew the line after it was argued that Abu Musa and Sirri had been used as bases for "piracy". The new line was 10 miles south of Abu Musa, and was protested by the Qasimi ruler, Sultan bin Saqar.<sup>18</sup>

The Samuel Hennell Line is not a major part of Iran's claim to the Islands, but does come up occasionally. It is important to emphasize that first, the line was not intended to define sovereignty, but merely to lay down the red line beyond which the coastal sheiks could not send their war dhows without violating the truce. In modern terms it would be a "demilitarized zone": there was no implication that the areas north of the line were Persian (Iranian) or anything of the sort. Secondly, the fact that Iran has not made much of the Samuel Hennell line as such (though pointing to British maps as an argument) is wise, since Iran insisted in 1971 that it had a right to reverse any changes in boundary imposed by British imperialism. Yet the Samuel Hennell line is clearly a British diktat, even altered by Hennell's temporary successor.

### III. During the British

The period of British protection in the Gulf began in the mid-19th century with the beginnings of the Trucial system and grew in to a more and more solidly defined presence and protection by the end of the 19th Century. It ended in 1971 with British withdrawal from the Gulf and Iran's seizure of the two Tunbs by force and its forcing of an agreement with Sharjah over the sharing of Abu Musa.<sup>19</sup>

The previous chapter has demonstrated that Abu Musa and the Tunbs were controlled by the Qawasim prior to the coming of the British protectorate. So were substantial portions of the Iranian coast. Iran's arguments in support of its claim to the Islands have frequently claimed--particularly under the Shah, but still repeated under the present regime--that the Islands were Iranian until Britain took them away and put them under Arab control. This clearly was not the case.<sup>20</sup>

The issue of the relation of the Islands to the Iranian regime in the late 19th Century is a bit more complex, because Iran claims--and Britain has frequently seemed of confirm--that at least for a brief period the Islands were the property of Qasimi sheiks who were local governors of the Iranian regime.

There are really two questions at issue here, one which the British recognized in their own defense of the sovereignty of the Qawasim over Abu Musa and the Tunbs, and one which the British seem to have missed entirely. It would be particularly ironic

for the Iranians to try to insist upon using the British interpretation of events to support their claim, since they assert that the only reason the Islands are not Iranian is because of British imperialism.

#### **Who Owned the Islands?**

Clearly the Qawasim considered their holdings a unit, despite the fact that at times the holdings on the Iranian shore may have later paid tribute to the Iranian government and ruled nominally as governors for the weak Shahs in Tehran. The Iranian claim to Abu Musa in part is based upon the assertion that they were dependencies of recognized Iranian territory on the Gulf coast of Iran.<sup>21</sup>

Lengeh, long a Qasimi center, was clearly part of the Qasimi state and only nominally part of Iran. In fact it is not entirely clear when the Qasimi rulers on the Iranian shore formally became vassals of Iran; some accounts place it as late as 1880. The actual situation concerning earlier tribute may be as described by J. B. Kelly, that the Qawasim were "periodically paying tribute to the Persian court whenever it was thought judicious to do so or when, which was less frequent, the Persian authorities were strong enough to exact it." In any event the evidence available seems to support Lorimer's contention that Abu Musa and the Tunbs were merely under the Lengeh branch of the Qasimis for administrative convenience, not in the Lengeh ruler's alleged role as an Iranian governor.<sup>22</sup> Lorimer says that "Bu Musa had formerly been ruled by the hereditary Arab governors of

Lengeh in their capacity of Qasimi Shaidhs, not of Persian officials."

Years later, when the issue came up between Britain and Iran, the exact status of the Qawasim on the Iranian shore vis-a-vis Tehran, and the status of whether they ruled the Gulf Islands, would become a central issue. As Burrell puts it:

[In 1933-35] a lengthy inter-departmental correspondence followed on the earlier history of the ownership of Tunb in which it was argued that when the branch of the Qawasimi family became established for the second time on the Persian coast, and ultimately became vassals of the Persian Government, they held Tunb, Abu Musa (and presumably Sirri) under a different title than that by which they ruled on the mainland. In Persia proper the particular Qawasimi sheikh ruled as a tribute-paying vassal from about 1880 to 1887 but with respect to the Islands he paid no tribute but ruled as a deputy of the reigning Qawasimi sheikh on the Arabian coast.<sup>23</sup> By this argument there had been no Persian sovereignty exercised over Tunb and Abu Musa since before 1750. This argument was adopted by the Political Resident and the Government of India; the Foreign Office, however, believed that the sheikh on the Persian Coast may well have acted as a Persian vassal, between 1880 and 1887, over the Islands as well as over the mainland. Note that, however, it was only a seven-year period in which it was conceded their might have been some theoretical relationship with Iran.

This seems to have been the position the British took, but it does not appear to reflect the views of the Qawasim themselves, in whose behalf the British were purporting to act.<sup>24</sup> In a modern history of the region, Muhammad Morsy Abdullah argues that the question of sovereignty should not be confused with the issue of the tribute relationship of the rulers in Lengeh, since they were not in fact the real sovereigns of the Islands. He says that:

After the British expedition of 1820, close relations between the main branches of the Persian and Oman Coasts became difficult: thus, prior to 1834 they reached an understanding whereby Qasimi Islands in the Gulf were apportioned between different branches of the family to be used by each exclusively. Within this agreement a specific assertion was made by Sheikh Sultan B. Saqar.<sup>25</sup>

Abdullah cites a letter from Sheik Sultan bin Saqar to the India Office Resident, dated 28 December 1864, which reads as follows:

Last year, J informed you of the interference of the Dubae people in regard to Abu Musa Island. This Island belongs to me. Tanb [Tunb], Abu Musa and Sir [Bu Nair] belong to me from the time of my forefathers, but you did not reply to my letter. It is well known from olden times that the Islands, Abu Musa, Tanb and Sir belong to me. Sirri belongs to the Qawasim of Lingah [Lengeh], Han jam [Hengam] to Seyed Theweini and Farur [Forur] to the Marazik. If you make inquiries about my statement, you will find it correct.

Abdullah calls this "letter" the first recorded evidence regarding the ownership of these Islands among the Qawasim, though clearly the earlier evidence we have cited above shows that the Qawasim controlled the Islands much earlier, though it does not explain which branch of the Qawasim claimed them.

### **The Status of Lengeh**

It was not, in fact, until the latter part of the century that Iran even reasserted its sovereignty over the Qasimi possessions on the Iranian coast. Beginning in 1874, when the local Qasimi ruler was succeeded by a minor son, Iran began to involve itself in the affairs of Lengeh, and in 1880 began asserting sovereignty. The town was partly Sunni Arab, partly Shi'i Persian. In 1874, Sheik Kalifa a bin Sa'id, the Qasimi ruler of Lengeh, died, naming a cousin as guardian and regent for his young son 'Ali. In 1878 the regent killed the heir. In 1880 the Sunnis, both the Arabs and the Persian Sunni community, attacked the Shi'ite community in a fight arising from the dispute. Sometime during this period--the exact date varies according to the source--the Qasimi ruler of Lengeh apparently became a vassal of the Iranian government.

This is a complex period, obviously. From 1887, when Qadhib was arrested and sent off to Tehran by the Iranian authorities, Qasimi control was suspended if not ended.<sup>26</sup> For some time before, the local Arab sheik has ruled as a vassal of Tehran. Iran, however, has always insisted the Lengeh was Iranian from the beginning and that the Qawasim ruled it in Iran's name. It has also claimed that when Sheik Qadhib was removed in 1887, the Islands came under Iranian control. This is denied by the Qawasim, who insist that the Islands then passed to the control of the Arab side of the Gulf. Iran claims the Islands paid Iranian taxes for some 10 years before 1887. This is far from

clear.

In 1898 a descendant of the former Qasimi rulers Lengeh, Muhammad bin Khalifa, attacked the town and briefly established himself. In 1899 he faced off with the local ruler of the region for the Iranian government.<sup>27</sup> The Sheik escaped by ship, and the Iranian customs authorities began to exercise real authority in Lengeh.

This period is of importance to those Iranians and others who argue that with the passing of Lengeh under Iranian control, the areas administered from Lengeh also became Iranian. At the very least, there is much to doubt about this claim. After carrying off Qadhib, Iranian officials did move into the Gulf. They raised their flag on the Island of Sirri in the Gulf, west of Abu Musa.

One result of these developments was Britain's willingness, under the treaty with the Trucial States, to offer protection for Qawasim claims to at least these Qasimi possessions in the Gulf. Britain did not seek to expel Iran from Lengeh or Sirri, but defended to continued Qasimi control of Abu Musa and the Tunbs.

It is this point that the modern issue really comes to the forefront. The Qasimi state had existed, from the mid-18th until the late 19th Century, on both sides of the Strait of Hormuz, with major centers in Sharjah, Ras al-Khaima, Lengeh and parts of Qeshm, and minor centers scattered about both shores.<sup>28</sup> In the last few years before his expulsion, if not earlier, the Qasimi ruler at Lengeh was technically a vassal or tributary of the

Iranian government.

The Qasimi rulers on Lengeh had apparently generally included Abu Musa and the Tunbs as part of their responsibility, in their capacity as Qasimi rulers, not (apparently) in their alleged capacity as Iranian governors, which may not have even been formalized until 1880. The Qawasim therefore insist that the loss of Lengeh and Sirri did not affect their continued right to control Abu Musa and the Tunbs.<sup>29</sup> Iran asserted that Abu Musa and the Tunbs were part of the governor of Lengeh's territory and should have passed under the Iranian flag at the same time as Lengeh, having always been Iranian.

But as the letter of Sheik Sultan bin Saqar in 1864, quoted above, suggests this was by no means certain. During the reign of Sheik Salim bin Sultan in Sharjah (1868-1883), Ras al-Khaima separated from Sharjah for the first time. Sheik Humayd bin 'Abdullah of Ras al-Khaima took control of Tunb, while Sheik Salim of Sharjah held on to the control of Abu Busa.

#### **Britain Fudges the Issue**

Britain's position remained vague in this early period. When the first edition of the Persian Gulf Pilot appeared in 1870, it asserted that Sirri, Tunb, Lesser Tunb and Abu Musa belonged to the Sheik of Lengeh.<sup>30</sup> On 14 September 1875, a British First Assistant Resident noted in a memo that he had been informed that the Qawasim had agreed 40 years earlier (that is, 1835) that Greater Tunb, Sirri and Forur belonged to the Lengeh branch of the family, citing Hajji Abu al-Qasim, the British

Resident Agent at Sharjah, as his source. In 1871 the ruler of Sharjah informed the Residency Agent that he intended to exercise his sovereignty over Abu Musa, but several infringements were allowed on the recommendation of the local agent. Sheik Salim of Sharfa sent 50 armed men to Abu Musa to enforce his claims, forcing the British Political Resident to try to determine who had the rightful claim. The result was to admit the Qasimi claim, while not necessarily distinguishing between Abu Musa and Ras al-Khaima in the matter.

Meanwhile, the Qasimi ruler of Lengeh, Sheik Kahalifa bin Sa'id reportedly recognized Sheik Humayd of Ras al-Khaima's sovereignty over Tunb. On 25 November 1871 he wrote to Sheik Humaid a letter which appeared to recognize his right to allow his followers to settle on Tunb.<sup>31</sup>

The Qasimi ruler of Lengeh and Ras al-Khaima then fell into a dispute over the control of the Islands--a dispute not reflected in the British notion that the Islands were at the time ruled from Lengeh. The ruler of Sharjah in February 1872 decided that Tunb belonged to Lengeh, not Ras al-Khaima, but the ruler of Ras al-Khaima responded that Tunb, Abu Musa and Sir were ruled from the Arabian side of the Qasimi Empire, not the Iranian. He admitted that Sirri and Lesser Tunb should be ruled by Lengeh. (Bear in mind that at this time Lengeh, too, was ruled by a Qasimi Sheik. The dispute was over which Qasimi ruled which Island.) Essentially the ruler of Sharjah sided with the ruler of Lengeh against the ruler of Ras al-Khaima at this time. But

there was never any question that Tunb was a Qasimi possession.

At this point the question of Britain's interpretation comes to the fore. The Resident, Ross, appears to have decided that Tunb was shared commonly between the Qawasim of Ras al-Khaima and Lengeh; a note on a report to him in 1879, "considered Persian", is one of the arrows in the Iranian quiver. But once again, the issue was not whether the Island was an Iranian possession, but whether it was properly ruled by the Qawasim of the Arabian coast or the Qawasim of the Persian coast. "Considered Persian" meant it belonged to the Qawasim of Lengeh, though the actual report before Ross suggested that it was shared, at best, between the two cousins.

What does all this internecine bickering mean? It means two things. There was never any doubt in the mind of the rulers of Sharjah that Abu Musa was theirs by right, and the rulers of Lengeh, their cousins, clearly acknowledged that right on occasion. As for Tunb, Ras al-Khaima and Lengeh disrupted its sovereignty, with Sharjah sometimes siding with Lengeh. But one thing is clear: Abu Musa never yielded its claim to Abu Musa to the ruler's cousins in Lengeh, nor did they claim it even when they administered it for geographically convenient reasons, and Ras al-Khaima never gave up its claim to Tunb, even when the ruler's cousins in Lengeh disputed this, Britain, in trying to argue that the Islands were Arab because the rulers of Lengeh governed them as Arabs, not as Persian straws, missed the point that the Islands were not definitively or indisputably governed

by the Qawasim of Lengeh at any point. And even if they had been, the Qawasim of Lengeh -- as the British argument rightly recognized -- hardly saw themselves as governing lod family patrimonies as Iranian governors, but rather as hereditary Arab sheiks.<sup>32</sup>

In 1881, discussions took place over the ownership of Tunb. (The ownership of Abu Musa was never in dispute during this period, and it must be repeated once again that the ownership of Tunb was only disputed between the Qawasim of Lengeh and the Qawasim of Ras al-Khaima.) When the British Resident tilted towards Lengeh, the ruler of Ras al-Khaima produced earlier letters clearly indicating that Tunb belonged to the Qawasim of the "Omani" (Arabian) coast. When the ruler of Lengeh, as noted earlier, became a Persian vassal sometime in the 1880s, the issue was obviously brought to the fore again, since neither the Qawasim nor the British wanted to see Iranian control in the mid-Gulf. The British insistence on holding that the Qawasim controlled the Islands through Lengeh, but in their capacity as Qawasim, not as Iranian vassals, was a vague defense of the Qasimi claim to the Islands, but the evidence that Ras al-Khaima had never given up its claim to Tunb nor Sharjah its claim to Abu Musa was not pursued by the British. One may wonder, why?

#### **"The Map"**

Although Imperial Iran in 1970-71 insisted that its claims to the Islands were based on a rightful recovery of territory which had been Iranian before British Imperialism entered the

Gulf, and Islamic Iran has reiterated this theme, Iran placed a heavy reliance on British documents, and particularly one British map, to support its claim.<sup>33</sup> But if the departure of Britain from the Gulf meant that the legacy of British imperialism was to be swept away, the history set forth above would seem to suggest that the Qawasim, not Iran, have the better claim to the Islands.

This brings us to the "Famous" map. Lacking any ability to point to an Iranian population of the Islands or a clear cut Iranian administration of them, the Iranians have frequently pointed to the apparent coloration of the Islands as Iranian of British maps, particularly on one notorious War Office map. It is particularly curious that while claiming that Britain had no right to protect the Islands during its years in the Gulf, Iran chooses to use a British map to argue that the Islands are rightfully Iranian.<sup>34</sup> Iranian arguments often confuse the British with their protected local rulers, and sometimes seem to assume that whatever Britain said was the will of the local rulers it was allegedly protecting. The history of the region shows that in fact the local rulers often chafed under British rule and were far more protective of their territorial rights and claims than their British "protectors".

The issue arose from the Persian (Iranian) occupation of Sirri Island in 1887, following the submission of Lengeh to Iranian rule.<sup>35</sup> The British were faced with Iranian occupation of an Island which, until that time, had been under Qasimi rule. The British heard reports that when the Iranian governor of the

region sent Sheik Hasan bin Muhammad, governor of Qeshm, to occupy Sirri, he was also supposed to erect an Iranian flagstaff on Tunb. The British Resident Agent, Ross, stuck by his earlier idea that the Qawasim of the Arab coast had a joint ownership of the Islands with the Qawasim of Lengeh, and thus disputed Iran's moves. But there was a difference: the Qawasim of the Arabian side had recognized Sirri clearly as belonging to their cousins ruling in Lengeh, and they were clearly not under the British protective umbrella (which was still not fully official). So the British let Sirri go, despite an intense diplomatic exchange over the matter, and during 1888 the British did defend the Qasimi claim to Sirri.<sup>36</sup>

Britain was not, however, about to offend Persia by trying to provoke a fight over Sirri, the Qasimi claim to which was heavily based on the Lengeh connection. But its efforts to define what the real status of the Gulf was now became complicated by one of those diplomatic faux pas which so frequently intrude on territorial arguments.

In 1886, the Intelligence Branch of the British War Office prepared a map of the Persian Gulf. In keeping with the reading of the local British officers at the time, who considered the Islands of Sirri, Tunb, and Abu Musa to be tributary to Lengeh -- though as we have seen that was certainly true only of Sirri and debatably true of Tunb, but not of Abu Musa -- the War Office map, based on the fact that the Sheik of Lengeh was now tributary to Tehran, painted the Islands in the same color as Persia. This

was an error, but not really a determinative one: the map was not intended as an authoritative statement of sovereignty, and of course the Gulf rulers had not been consulted in its preparation, though they, not Britain, were theoretically the embodiment of sovereignty in the region. But the British compounded their error. In July of 1888 Britain's Minister in Tehran, involved in a negotiation with the Shah over the frontier between Iran and Afghanistan, presented the Shah a copy of the War Office map.

intention was of course to influence the issue of the Afghan border. The Iranians were not so limited in their interest.

The British Minister soon reported that the gift of the map had "certain results which were hardly contemplated." Indeed, more than a century later no Iranian discussion of the Islands is complete without a reference to the War Office Map of 1886 and its presentation to the Shah in 1888, which is seen as somehow legitimizing the "border" (map colors) as shown.<sup>37</sup> British insistence that the map was not intended as an official document or a statement on borders in the Gulf had little effect, and since the British were far more interested in the Afghan frontier than in a few Gulf Islands they were not even yet fully bound to protect, the issue of Sirri dropped from the table. Iran did not move on Tunb or Abu Musa. Britain appears from the beginning to have been prepared to defend Abu Musa and possibly, but not certainly, the Tunbs as Qasimi dependencies.

Lorimer's Gazetteer, in a passage already quoted above, remarked that the Lengeh sheiks had ruled Abu Musa as Qasimi

sheiks, not Iranian officials, and that after the Iranian takeover of Lengeh, "the title of the Sheikh of Sharjah to possession of the Island (Abu Musa) is indubitable." This seems to have been the consistent British view, though again, a stronger case could have been made.

#### **Britain Takes on More Responsibility**

Up until 1890 the British responsibility in the Gulf was ill-defined: it was a protector of several of the Gulf states but not of the "Trucial" emirates as such, which were technically in a treaty relationship short of full protection. From 1892, the British were fully protectors of the Trucial states, and responsible for their foreign affairs as well. This new, more formal relationship -- which had evolved from the earlier agreement -- also included an undertaking by the rulers not to give up any part of their territory without the consent of Great Britain. Thus Britain became both the guarantor and, in one sense, the holder of the territories of these states, since they could not be transferred without British consent.<sup>38</sup>

In 1898 a British study stemming from the dispute over Sirri once again saw the issue of Abu Musa and the Tunbs in the same light as Sirri, that is, as stemming from the Persian reassertion of authority over Lengeh and its consequent attempt to control all the areas once governed (so the British believed) from Lengeh.

Meanwhile, it should be noted that just as one branch of the Qasimi family had been ruling as hereditary sheiks in Lengeh, the

branches in Shafja and Ras al-Khaima had become essentially independent hereditary rulers, though within the same family. It was not until 1921, however, that Ras al-Khaima was formally recognized as a separate state by Britain within the Trucial system. During the period of gradual separation (interrupted by the rule of both Sharjah and Ras al-Khaima by Sheik Saqar bin Khalid of Sharjah in 1900-1920), Abu Musa remained under the control of Sharjah while control over the Tunbs was given to Ras al-Khaima.

Once Lengeh had come under control of the Iranian Customs, meanwhile, much of the previous trade with the other side of the Gulf and the Indian Ocean was affected. Some of the trade shifted to Dubai, but merchants from Lengeh began to press for the creation of a new port of Abu Musa Island which could be a port of call for British vessels and which would be free of Iranian control.<sup>39</sup> The Government of India, the British authorities with jurisdiction in the Gulf, urged the ruler of Sharjah to hoist his flag on Abu Musa and Grater Tunb. (Sharjah and Ras al-Khaima were united again after 1900 under the ruler of Sheik Saqar; as a result both Islands were under one sovereignty.) In the summer of 1903, Sharjah's flag was raised on the two Islands as a reassertion of control.

The hoisting of the flag was the direct result of a British perception that Iran might try to move against the Islands. At the end of March of 1904 as Iranian customs steamer, the Muzaffari, along with the Director of Customs at Bushire landed

on Abu Musa and Greater Tunb, lowered the Sharjah flag and placed two Iranian customs guards on each Island. Lorimer says these moves were made by the Iranian Foreign Minister "most probably with Russian advice," and the British Minister in Tehran, Sir Arthur Hardinge, assumed the same. The British response was stronger than previously: it approved the dispatch of a gunboat to lower the Persian flags but informed the Iranian government first, and that government backed down without a confrontation. But British pressure forced the removal of the Iranian guards and flags by Tehran's orders on June 14, 1904. They had been there since the end of March: a period of less than three months. Prior to 1971 this appears to have been the longest time Iran controlled any of the Islands.<sup>40</sup> The British also sought to revive the claim to Sirri. Ultimately, the British position seems to have been that, given the dormancy of the claim to Sirri over nearly 20 years, it has little to stand on, but that if Iran revived the claim to Abu Musa and the Tunbs, Britain could revive the Qasimi claim to Sirri. So the Indian Government informed the British Minister in Tehran in July 1904.

Subsequently, Iran complained about the erection of new buildings by the ruler of Sharjah on Tunb, and British officers visited the Islands in 1904 and 1904 to investigate, though there was no reason why buildings should not be erected since Britain recognized Qasimi control of Tunb and Abu Musa. (Lesser Tunb rarely appears in these disputes except as a dependency of Greater Tunb.)

## The Populations

Although Britain was defending Qasimi claims based on historical rights of sovereignty and Iran was asserting its claims on similar grounds, modern observers are more likely to ask what the will or intent of the populations of Abu Musa and Greater Tunb might have been (Lesser Tunb being uninhabited). There seems to be no doubt that the populations were usually Arab, except for a few ethnic Persians sometimes working in the oxide mines on Abu Musa.<sup>41</sup> (In fact, much of the trading population of the Iranian coast was also ethnically Arab during some of the time in question.)

Lorimer's Gazetteer, reflecting the situation early in this century, bears out this assertion for the period in question. For Abu Musa's population he says the following:

The permanent population consists of above 20 households of Sudan from the village of Khan in Sharjah, all of whom are fishermen and live in huts and mud houses. They are reported to own 4 camels, 60 donkeys, 40 cattle, 200 sheep and goats, 7 pearling boats and 5 fishing boats; and their provisions are obtained from Lengeh. There is also a shifting population of persons from the Sharjah coast who come to fish, or bring animals for grazing on the Island; but of late years their numbers have been fewer than formerly in consequence of failure of pasturage due to want of rain. Some 10 or 14 donkeys are kept on the Island by the employees [sic] of a Persian contractor of Lengeh who has obtained from Salim-bin-Sultan, the uncle of the Sheik of

Sharjah, a concession to work deposits of red oxide of iron that exist on the Island. The concessionaire pays \$250 a year to the Sheik's uncle by way of royalty; his Persian work-people (men, women and children) sometimes number 100 souls; and the amount of oxide removed annually is said to average 40,000 bags. The Island of Bu Musa belongs to the Sheik of Sharjah who frequently visits it in the hot weather.<sup>42</sup>

This seems clear enough: the Persian workers of the Island were brought in at the invitation of Sharjah; otherwise the population has links with the Arabian shore.

As for Tunb, Lorimer's account is similar, again referring to the period shortly before publication of the work in 1915:

Tunb belongs to Sheik of Sharjah, and is connected with the Ras al-Khaima District of his principality; of the six huts which at present exist on the Island one belongs to the Sheik's representative, who is in charge of a Sharjah flag and flag-staff, two are occupied by Bari Yas families originally from Didai [Dubai], and one is inhabited by a family of Persian from Lengeh who have lived on the Island for many years as employees of the Sharjah Sheik.<sup>43</sup> At times the population has been temporarily increased by immigration from Bu Musa [Abu Musa] and Sirri, due to tribal differences at those places. The permanent inhabitants live by pearl diving and fishing, by their flocks and herds, and by one small date grove; they are extremely poor. About 20 horses annually are sent from the mainland to graze here.

It seems clear enough that the Persian presence on either Island was limited and there at the invitation of the Arab rulers of the Arabian side; the native population was Arab.

#### **Germany and Britain**

The quotation above mentioned the mining of red oxide or iron oxide on Abu Musa, already mentioned as a possible source of "red ochre" in ancient Sumer. Red oxide is used for coloring paints, lipstick and some other commodities, and has been long mined in the Gulf, particularly on Abu Musa and a few other localities. The next potential crisis over control of Abu Musa involved the red oxide concession and embroiled not Britain and Iran, but Britain and Germany. In 1898 three Arabs received a concession to mine it from the ruler of Sharjah. This issue naturally created a flap with Iran, but it was subordinate to the other issues at stake.<sup>44</sup> The issue was instead to become a British-German controversy, a sort of overture to the First World War.

Germany had obtained a concession over the red oxide mining on Abu Musa in 1906 from two of the three Arabs who held the rights as a concession from the ruler of Sharjah. Britain moved to block German involvement in what it saw as its sphere of influence, waving the Trucial rulers that they had agreed not to grant monopolies. By early 1907, Britain pressured the ruler of Sharjah to cancel the concession, but Germany refused to acknowledge the legitimacy of the cancellation.<sup>45</sup> Having recently agreed with Russia to divide Iran into spheres of

influence with Britain's sphere being the south, the British felt free to assert complete control over any region in the Gulf.

On October 22, 1907, a British lieutenant and a force of Sharjah officials took over the mines on Abu Musa and deported the workers to Lengeh.<sup>46</sup> When agents of the German concession tried to land again, shots were fired as a warning. The issue now became a diplomatic one, with Germany arguing that the concession had been legal and its cancellation illegal. Since the Germans were treating the issue as a legal rather than a diplomatic one, the British allowed the removal of the oxide already mined by the German firm. The issue became entangled in legal and technical issues, and compensation of the firm for its lost concession was agreed to in principle. The actual payment had not been agreed to by the time of the outbreak of World War I in 1914, when it became moot.

The dispute with the German red oxide concession is mostly commercial in its form, but did see Britain using gunboat diplomacy to protect Abu Musa against German intrusion. This clearly shows that Britain was concerned about the importance of Abu Musa and eager to prevent Germany, its potential rival in Europe, from gaining even a commercial foothold there.

#### **Renewed Iranian Confrontations**

After World War I the nature of the dispute shifted back to Iran's claims to the Islands. The rise of Reza Shah and the foundation of the Pahlavidynasty (which ended in 1979 with Reza's son Muhammed Reza Shah's flight) marked a new assertiveness on

the part of Iran in the 1920s. Not surprisingly, that assertiveness included an effort to claim the Islands, accompanied by the birth and growth of a modern Iranian naval force.<sup>47</sup>

There had been some other developments in the meantime. As mentioned above, in 1900 with the death of the local ruler of Ras al-Khaima, the ruler of Sharjah, Saqar bin Khalid, had taken control of the other Qasimi sheikdom. Various Qasimis served as governor until 1919, when Sultan bin Salim emerged as the new ruler of Ras al-Khaima. The Government of India granted official British recognition to Ras al-Khaima as a separate sheikdom on June 7, 1921. Based on the previous status of the Tunbs as dependencies of the Ras al-Khaima side of the Qasimi family, the claim of the Tunbs became Ras al-Khaima's while the claim to Abu Musa remained with Sharjah.

During the period of Sharjah's control of both emirates, Sheik Saqar in 1912 had given the Government of India permission to erect a lighthouse on Tunb. Initially, at least, Sharjah did not seek any compensation for this lighthouse, though that effort would come later. However, Sheik Saqar's agreement with the Resident, Sir Percy Cox, dated 23 October 1912, leaves little doubt about how he saw the matter:

As regards our Island of Tamb and (the fact that) you have requested me for permission for the establishment of a lighthouse thereon for the guidance of steamers. All right; but we hope from you that there will be no interference with the Island beyond that. This is a condition from that, and we trust that, God willing, we shall receive a letter from you to this effect. In regard to our representative there we shall, God

willing, not neglect about him as stated by you. And I will esteem it an honour to carry on what you require of us.

Clearly, the ruler of Sharjah (the claim would revert to Ras al-Khima soon) was not about to let the British have a completely free hand without reminding them who was in charge.<sup>48</sup>

The German issue was resolved by World War I, but that chaotic event also transformed the Middle East, bringing about the collapse of the Ottoman Empire and, less directly, the final collapse of the Qajar dynasty in Iran and the emergence of Reza Shah's new, modernizing state.<sup>49</sup> By the 1920s the new Iranian government was claiming that Tunb was being used to smuggle goods into Iran, and Iran began to reassert its claim to the Islands.

#### **Revival of Iran**

In the early 1920s Iran cautiously asserted some claim over Abu Musa, though less vigorously than it would assert its claim to Tunb a few years later. In 1921 the British warned the Iranians off after talk that they were about to refer the claim to Abu Musa (and Bahrain) to the League of Nations.<sup>50</sup> After a new concession for oxide mining was granted to a British firm in 1923, an Iranian from Lengeh was sent to the Island in 1925 to bring back samples of the oxide, and Iran then reasserted its claim, but the following year was pressured by Britain to withdraw its diplomatic note. But as Iran reasserted itself and began to build up a navy, for more important issues than Abu Musa and the Tunbs, though clearly the possessions of protected states (Sharjah and the now independent Ras al-Khaima, recognized as a

separate sheikdom by Britain in 1921), were seen by the British as chess pieces, to be traded for benefit.

### **The 1928 Confrontation**

Iran's new assertiveness in pressing its claims in the Gulf soon brought the issue of Tunb to a head.<sup>51</sup> In May of 1928 Iran moved to assert its sovereignty over Hengam Island, controlled by a relative of the ruler of Dubai. This led to British negotiation with Iran. While this was unfolding, in July of 1928 a small passenger boat from Dubai was seized off the southern side of Tunb Island by Iranian customs by an Iranian customs launch which had been operating from Tunb for about two months in an effort to reassert Iran's claims to the Island. The dhow was travelling from Dubai to Khassab. The boat was taken to Lengeh and the travelers' possessions confiscated, including the women's jewelry, a severe offense to the persons of the Muslim women.<sup>52</sup> There was outrage in Dubai and the British Resident Agent had to dissuade the local rulers from breaking their treaty commitments against retaliatory action.<sup>53</sup> HMS Lupin was dispatched to Dubai. Iran claimed that the boat had been smuggling sugar and rice, but the boat was finally released after British pressure. But one passenger died after his release, and the goods seized were retained by Iran.

Iran was insisting that it was preventing smuggling on an Iranian Island--Tunb. Britain was seeking both to maintain the status quo in the Gulf and to prevent Arab relation over what was seen as an outrage to the passengers, especially the women. The

Foreign Office in London favored a local settlement while the Government of India (Britain's responsible colonial power in the region) favored making an issue with Iran.<sup>54</sup> In the end the British paid compensation, and pressure was brought against Iran to recognize the status quo on control of the Islands.

Already in May of 1928 British and Iranian negotiators had reached verbal agreement on Iran recognizing the Abu Musa and the Tunbs were Trucial Arab possessions under British protection, while Britain accepted that Sirri was under Iranian sovereignty. In 1929, this agreement was incorporated into a draft treaty between the British and Iran, which had it been signed and ratified, would probably have resolved the issue.<sup>55</sup>

But Iran was not fully satisfied with its preliminary agreement. In August 1929, Iranian Minister of Court Teymoutrache suggested that if Britain recognized the Iranian claim to Tunb, Iran would drop its claim to Abu Musa. This suggestion, made on August 27, 1929, was based on the argument that Tunb was closer to the coast and was being used for smuggling. The Foreign Office in London reportedly considered trying to persuade Ras al-Khaima to grant a lease, though reportedly telling the Iranians that Britain could not hand over Arab territory without Arab permission. The British Resident responded, speaking for Sheik Sultan of Ras al-Khaima.<sup>56</sup>

"I do not think he will accept any sum of money which Persia is likely to offer for Tanb. He is a man of obstinate and suspicious temper and will suspect the motive of any offer he may receive. The lighthouse which the British Government built on the Island gives it a considerable importance to us; and the Sheik has

recently been persuaded by some busy body that he can obtain large revenue from it."

Despite the patronizing tone, the British Resident recognized that Tunb was both of interest to Britain and unlikely to be yielded by Ras al-Khaima for some broader British purpose. Iran's argument that the Arab claim to the Islands was purely the result of British protection is belied by this incident: here Britain was prepared to find some way to hand over Tunb, while only Ras al-Khaima's determination to maintain its traditional control blocked a compromise.<sup>57</sup>

As a result, Britain refused to accept the Iranian suggestion and in 1930 Iran broke off negotiations over the draft treaty. But the Foreign Office remained open to some kind of compromise, and the British Resident had to continue to protest that the "difficult" sheik of Ras al-Khaima was not about to compromise on the issue. There was even a brief flap in the Foreign Office when a reference to the sheik's "garden" on Tunb was incorrectly decoded as "garrison", clearly the Foreign Office in London continued to be willing to find some sort of deal which would jeopardize Ras al-Khaima's claim to the Island.

Next the Foreign Office instructed Britain's Political Resident to approach the Sheik about what conditions he would impose on a lease to Iran of Tunb. He responded that the Qasimi flag must continue to fly, that any Iranian flagstaff must be over a building, not on the ground; and Iran must not control the inhabitants; Iran could also not use Tunb as a base to search for Arab smugglers; rent must be paid in advance, and Britain must

enforce the conditions. By this time Iran had already broken off negotiations and the issue became somewhat moot, though the Foreign Office continued to hope for some means of compromise.<sup>58</sup>

#### **The 1930s**

The next flap occurred in 1933. Iran set about taking over control of the lights and buoys on the Iranian side of the Gulf, most of which had been under British control. Again the Foreign Office in London accepted the move but the India Office and Government of India were skeptical.<sup>59</sup> A French expert was hired by Iran to conduct a survey of the lights, and he landed on Tunb on July 23, 1933. Britain protested and sent a destroyer flotilla; Iran apologized.

Then the British Political resident reported that the Senior Naval Officer, while meeting with the ruler of Ras al-Khaima, Sheik Sultan, had been informed that the Sheik had received a letter directly from Iran requesting to lease Tunb.<sup>60</sup> Since the treaties with Britain barred the Sheik from negotiating independently with Iran or ceding any territory without British approval, he was reminded of this. The British later concluded that no such letter existed and that the ruler was trying to use the story as leverage to persuade Britain to lease Tunb itself, since Ras al-Khaima was receiving no rent for the lighthouse which the Government of India had built on Tunb two decades previously.

Much of the Foreign Office's concern related not to the question of Tunb directly but to its desire to arrive at an

agreement with Iran over the status of Hengam and Bas'idu, the old British naval posts on the Persian side of the Gulf. Britain had been prepared to give up Bas'idu in return for a lease or other agreement over its continued occupation of Hengam, but in 1933 the Iranians hauled down the Union Jack and claimed sovereignty over the base on Hengam. Iran disavowed the action as the over zealous move of a junior official, but the crisis was serious and London was prepared to find ways to accommodate Iran over issues such as Tunb, which were not so vital to Britain.<sup>61</sup> Again, the Iranian argument that the claim to Abu Musa and the Tunbs was essentially a result of British colonial policy is clearly belied by the events. Not only were Abu Musa and the Tunbs under Qasimi control long before the British imposed their protection on the Trucial states, but Britain was prepared to find a way to cede Tunb or lease it to Iran in exchange for concessions to Britain by Iran elsewhere. Only Ras al-Khaima's determined refusal prevented a British compromise. It is true that without the British fleet Ras al-Khaimi could not have prevented Iran from doing in 1928 what it did in 1971 and simply seizing the Islands:<sup>62</sup> Britain, whatever its own preferences, remained loyal to its treaty and defended the Island for Ras al-Khaima. But it was not the British who insisted on maintaining the claim to Tunb, it was the Qawasim, who saw themselves as the protectors of the small population of the Islands.

The next incidents occurred in 1934. At the end of March an Iranian customs launch landed, asked the representative of the

Sheik of Ras al-Khaimi how much he earned and told him they would pay him well to lower the flag of Ras al-Khaima.<sup>63</sup> He said this would be treason. On April 26 several officials from Bandar Abbas visited Tunb again and politely asked questions about the lighthouse. They asked the previously tempted Mahmud once again how much he was paid, either by the Sheik or the British. He was told that he would receive double if Iran took charge of the Island. This time the Iranians were not allowed to visit the lighthouse. There was no British protest. On May 4 Iran said it would not accept any British intrusion in its relations with the Arab states across the Gulf. Iran also asserted a 12-mile limit, while Britain refused to recognize more than three.<sup>64</sup>

In August, the Iranian naval vessel Palang searched a dhow belonging to an agent in Dubai of the British India Steam Navigation Company and was seen anchoring for the night at Tunb. Then an Iranian warship, the Chahrokh, visited the Island and denied knowledge of British warnings against such visits, though it was later established that he had met the commander of the earlier visit. Orders were issued to the Senior Naval Officer reiterating previous orders of 1928 and authorizing him to resist Iranian occupation by force if necessary.

At this point, Sheik Sultan of Ras al-Khaima began to play his own cards. On September 3, 1934, he congratulated the new British Resident on his appointment and said that he hoped Britain would lease Tunb, or else give him permission to exercise his own rights. On December 29, 1934, Sheik Sultank removed his

flag and flagstaff from Tunb, apparently seeking to avoid direct involvement between the two larger powers, or more likely in order to try to negotiate for a lease from one or the other for use of the Island. The Sheik may simply have been seeking to obtain a lease for a lease from one or the other for use of the Island. The Sheik may simply have been seeking to obtain a lease for the lighthouse: Britain paid his cousin in Sharjah for the air base it had created there, but paid nothing for the lighthouse on Tunb to Ras al-Khaima. But the motives were unclear and the British were skittish. Rumors that Iran was going to raise its own flag spread throughout the British agencies in the Gulf. Britain feared that Sheik Sultan had cut a deal behind their back and that Britain would appear foolish. Apparently the British even considered raising their own flag and claiming Tunb for the Crown. Instead, the British Resident reacted harshly and gave him 10 days to replace the flag, warning that otherwise he would lose Tunb to his cousin, the ruler of Sharjah. He did so on April 3, 1934.<sup>65</sup>

At this point the correspondence mentioned earlier about the early history of the claims to the Islands took place within the British establishment. While there was no doubt about the Qawasimi claim, the tendency to see the Islands as having been under enough remained strong, and this led to an attempt to claim a sort of generalized Qasimi sovereignty which might allow Britain to transfer Tunb for Ras al-Kaima to Sharjah should the former work out a separate deal with Iran. The British also

looked at several possible ways of at least leasing Tunb, since they still were hoping for a comprehensive treaty with Iran and considered the Islands issue tangential.<sup>66</sup>

In 1935, a new concession was granted to a British firm, Golden Valley Ochre and Oxide Company Ltd., for the mining rights in Abu Musa. Iran claimed that this was a breach of the status quo and protested to Britain, which ignored the protest. In 1938 Iran sought to build a second Iranian lighthouse on Tunb, but without result.

The main result of all these crises were that Britain did protect the tradition Qasimi control of Abu Musa and the Tunbs, but failed to push through either the 1929 treaty with Iran or any other formal Iranian recognition of Qasimi sovereignty. While Iran tends to portray the period of the British protectorate as one in which Britain "stole" the Islands from Iran, in fact, it was a period in which Britain sought to compromise its role as protector of Qasimi sovereignty by negotiating a lease or other deal with Iran.<sup>67</sup> As Rosemarie Said Zahlan said,

Britain's failure to resolve the question of the disputed Islands--militarily, diplomatically or otherwise--was strongly indicative of the nature of its policy in the Gulf area. Unlike in other parts of the world, it did not, in applying its policy, have to say much in regard to public opinion, whether British or Arab: Because of the strong control it exercised over the area, news of events there was unlikely to reach any further than the desks of officials in Delhi or London; the military weakness of the shaykhs made them irrelevant in terms of power politics; and there was still no sign of oil on the Coast, and thus, of the area's acquiring economic importance.

Had British interest in the Islands been strong enough, action to establish Arab ownership of them would have been forthcoming . . . When it seemed that an Anglo-Persian agreement was about to be concluded, Sheik Sultan of Ras al-Khaima was induced by the British (who hoped that it would speed up negotiations) to consider leasing Tunb to Iran; but when, a short time later, he acted on his own to reach some sort of agreement with the Iranians, he was severely reprimanded. . .

The legacy of this period was to bear its bitter fruit in 1971. From the late 1930s until the 1960s the issue of the Islands was dormant.<sup>68</sup> When Shah Muhammad Reza Pahlavi revived the issue in the waning years of British protection, the issues were different and he was able to use Cold War arguments to shore up Iran's claims.

#### **IV. The Iranian Takes the Islands: To 1971**

During and after World War II, Iran's claim to Abu Musa and the Tunbs remained dormant, subordinated to the internal problems facing Iran. Muhammad Reza Pahlavi was determined, however, to make Iran a great regional power, and thus all of Iran's historical claims to neighboring territories were to be revived. The Shah's efforts to modernize Iran included the building up of a large armed forces.<sup>69</sup> The Shah began to portray Iran as the guardian of the region.

As it became clear in the 1960s that Britain's retreat from Empire would include its protectorates in the Gulf, Iran's latent claims came to the fore. Not only were the disputed Islands of potential military importance, but as offshore oil discoveries increased. Although certainly Iran's interest in the Islands was not primarily based on oil (the discovery of the Mubarak field off Abu Musa had not yet occurred and oil was thus a theoretical resource at best), Iran's general interest in maintaining order and Iranian interests in the oil fields region was no doubt part of its motivation. And, of course, Iran had long insisted that the Islands were Iranian.<sup>70</sup>

Although the late 1960s is not that distant, the situation in the region has changed so drastically that it may be hard to understand the balance of forces as seen from Tehran (and London and Washington) at the time. Gamal Abdel Nasser's Egypt had on several occasions challenged the traditional monarchs of the

peninsula, and had fought a long war in Yemen. A radical revolutionary movement, the Popular Front for the Liberation of Oman, controlled much of the Omani province of Dhofar, with support from south Yemen, which was a Marxist-Leninist state. Radical groups such as PFLOAG were also pledged to "liberate" the Arab Gulf states under British protection. The great oil wealth of the 1970s had not yet made itself felt, and many of the smaller Gulf states had yet to benefit from oil.<sup>71</sup>

In this environment, Iran argued that the future of the Arabian shore of the Gulf was in great doubt, and that radical groups such as the PFLO or PFLOAG could seize power in the smaller emirates. Should they control the Islands, the Shah argued, they could attack international tanker traffic.

The irony that the first country to attack international tanker traffic inside the Strait of Hormuz would be Iran makes it difficult to realize the degree of concern in the West about what might happen in the Gulf when Britain withdrew. That concern led to a tacit British (and U.S.) willingness to see Iran take control of the Islands, in order to prevent such a scenario. But the rulers of Sharjah and Ras al-Khaima, who owned the Islands after all, were not so eager to transfer their patrimony for transient geopolitical arguments.<sup>72</sup>

In January of 1968 Great Britain had announced its intention to withdraw from its responsibilities in the Gulf region. Already in that year there was talk of a new "Gulf Pact" involving Iran and the conservative Arab states, but trying to

put such a pact together was going to be difficult indeed. The Arab states naturally suspected Iran's intentions, and besides, Iran had also revived its longstanding claim to the entirety of Bahrain. Saudi Arabia has pledged to support Bahrain's independence.<sup>73</sup>

Britain proposed, as part of its withdrawal, the creation of a Federation of Arab Emirates, to include the seven Trucial sheikdoms, plus Qatar and Bahrain. Iran openly opposed this because of its claim to Bahrain. During much of 1968 Britain used its diplomacy to try to remove this obstacle. A new, unarmed federation opposed by heavily armed Iran would have little chance of survival, and the result could be a war pitting Iran against Saudi Arabia or even the entire Arab world.

In January of 1969, in a speech in New Delhi, the Shah announced that Iran would not use force to enforce its claim to Bahrain, and that Iran would listen sympathetically to the wishes of the Bahraini people. This was the breakthrough that had been needed: the United Nations ascertained Bahrain's desire for independence and in 1970 that independence was recognized.<sup>74</sup>

Strictly speaking, the Bahrain issue had nothing to do with the Abu Musa/Tunbs issue: they were wholly separate claims at opposite ends of the Gulf. But Iran clearly expected something in return for its giving up Bahrain. It now began to bring pressure over the issue of the three islands. During the 1960s, Iran had hardly mentioned its claim to the three Islands, though its claim to Bahrain had received much attention.

Now the Shah insisted that he would not recognize the proposed Arab federation without a resolution of the Islands issue. As early as 1968 the semi-official Egyptian newspaper al-Ahram had wondered if Britain had cut a deal with the Shah to give up Abu Musa in exchange for Iran's abandoning its claim to Bahrain. Certainly Iran seemed to think that the three small islands in the Strait of Hormuz were more vital to its interests than Bahrain.<sup>75</sup>

In April of 1970, the Shah offered economic assistance to Sharjah and Ras al-Khaima in return for a settlement of the Islands dispute in Iran's favor. He also threatened Occidental Petroleum Company, which was exploring off Abu Musa. (In May of 1970, Britain warned Occidental off, to prevent a clash with Iran.) In February of 1971, with the British withdrawal due that year, the Shah threatened openly to use force if necessary if the Arabs would not negotiate.

Britain had, up to this time, clearly supported the rights of Sharjah and Ras al-Khaima over the Islands in keeping with its protectoral treaties. As we have seen it confronted Iran on several occasions between 1904 and the late 1930s, upholding the Arab claim to the Islands. Now, however, Britain began to make every effort to negotiate an agreement over the Islands which would be acceptable to Iran. The British Government named Sir William Luce as a special envoy to the region.

Iran raised the historical arguments already alluded to: that the British map of 1886 showed the Islands in Iranian

colors; that the Islands had been dependencies of Lengeh and thus were Iranian; that the Islands had been Iranian before the British came. Sharjah commissioned a study of its own to prove its claims. This study, prepared by international lawyer M. E. Bathurst and the Coward Chance firm, was presented in September 1971.

Sir William Luce does not seem to have been so much a negotiator as a shuttle diplomat, visiting Iran, Sharjah and Ras al-Khaima and passing proposals back and forth. During this same period negotiations were under way for the proposed Federation of Arab Emirates, although it soon became obvious that Bahrain and Qatar were determined to achieve independence by themselves. Of the seven crucial sheikdoms, Ras al-Khaima was balking at joining the proposed federation.<sup>76</sup>

Certainly on paper the British had not changed their position. Luce himself had said that "The British Government has since its entry into the Gulf considered Abu Musa to be Arab, and according to old documents in possession of the British Government, the Island was Arab."

On the other hand, Britain was grateful to the Shah for his concession over Bahrain, and along with the United States saw Iran as a pro-Western force which could be helpful in the defense of the Gulf against any Soviet encroachments. Thus Britain gradually shifted from a protector of the claims of Sharjah and Ras al-Khaima to a source of pressure for a compromise. Although the ruler of Sharjah sought to negotiate directly with Iran, and

in fact a joint committee was decided upon, these talks were never held. Sharjah also appealed to the Arab League but received only messages of moral support.<sup>77</sup>

Luce carried Iran's proposal to the rulers. It proposed that Iranian forces and officials would land unopposed on the Islands in 1971; that the two emirates should undertake to withdraw their own forces and officials within 12 months of the Iranian arrival; that during 18 months from the date of arrival, neither Iran nor the rulers would make public statements about sovereignty; and that the other rulers of the UAE would agree not to support any actions over the Islands. In return, Iran would provide financial assistance. Sharjah and Ras al-Khaima considered this little more than an ultimatum and rejected it. Other proposals, said to have come from other Arab states, for either a 99-year lease or a joint Arab-Iranian garrison on the Islands, were rejected by Iran.

In what may have been a disinformation campaign, rumors were spread that the ruler of Ras al-Khaima had agreed to sell the Tunbs to Iran. This was strongly denied.

In these last weeks before the formation of the UAE, the two emirates adamantly refused to negotiate. The Islands, after all, had been under Qasimi control for over two centuries, and Britain had pledged to defend their territory. Now, however, under Iranian pressure, Sir William Luce was pushing for a compromise: a lease, or some other such arrangement. Now they stepped up pressure on the ruler of Sharjah, Sheik Khalid, to negotiate with

Iran. Luce reportedly warned that if Sharjah did not negotiate, Iran would take Abu Musa anyway, and Britain would not support the Federation.

#### **Was There a British-Iranian Agreement?**

Had Britain and Iran cut a deal over the Islands? In 1973, Abbas Masudi, the editor of the Iranian newspaper Ittila'al, claimed that "regarding the two Tumbs neither Iran nor Britain considered the consent of the sheik of Ras al-Khaima necessary. For this reasons the negotiations between Iran and Britain concluded that Iran could regain its two islands after the British withdrawal."<sup>78</sup> But Iran wished to regain its Islands at the time of the British presence, it did so a day before the British departure.

#### **The Iran-Sharjah Understanding**

During the month of November 1971, Luce shuttled regularly between Sharjah and Iran, increasing the pressure on Sharjah for a concession. A Memorandum of Understanding was drawn up, under which Iranian troops would be allowed to land on Abu Musa. Between November 18 and 25, with Britain's protection due to expire at the end of November 30, the Ruler of Sharjah announced the agreement. It was as follows:

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

1. Iranian troops will arrive in Abu Musa.<sup>79</sup> They will occupy areas the extent of which have been agreed on the map

attached to this memorandum.

2. (a) Within the agreed areas occupied by Iranian troops, Iran will have full jurisdiction and the Iranian flag will fly.

(b) Sharjah will retain full jurisdiction over the remainder of the Island. The Sharjah flag will continue to fly over the Sharjah police post on the same basis as the Iranian flag will fly over the Iranian military quarters.

3. Iran and Sharjah recognize the breadth of the Island's territorial sea as twelve nautical miles.

4. Exploitation of the petroleum resources of Abu Musa and the sea bed and subsoil beneath its territorial sea will be conducted by Butles Gas and Oil Company under the existing agreement, which must be acceptable to Iran. Half the governmental oil resources hereafter attributable to the said exploitation shall be paid direct by the Company to Iran and half to Sharjah.

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

6. A financial assistance agreement shall be signed between Iran and Sharjah.<sup>80</sup>

The agreement between Butles Gas and Oil and the National Iranian Oil Company was based on an exchange of letters on November 26 and 27. The financial agreement, as announced by the ruler of Sharjah on November 29, called for grant aid of 1.5 million pounds sterling annually for nine year, or until Sharjah's oil revenues reached 3 million pounds s ng

annually.

This agreement is, of course, little more than a recognition of the inevitability of Iranian use of force. If ever an agreement was made under duress, with open Iranian pledges to take military action if there was no agreement and with Britain putting pressure, on it was this one. Yet Sharjah has never sought to overturn the agreement, only to keep Iran to its term.

#### **Iran Invades the Tunbs**

The Sharjah agreement was announced on November 29. At 5:30 pm that day, Iranian Army and Navy forces stormed ashore on the Greater and Lesser Tunbs. On Greater Tunb, the Ras al-Khaima police post resisted, and in the fight which followed four Ras al-Khaima police and three Iranian soldiers died. There are some slightly varying accounts of the total casualties. Iranian troops tore down the police station, the school, and packed the inhabitants of Greater Tunb into small boats, sending them off to Ras al-Khaima. In short, Iran removed the resident population. (Some accounts indicate that Iran did not land on the Tunbs until the morning of November 30.)<sup>81</sup>

The next day, in keeping with the agreement between Iran and Sharjah, an Iranian naval force landed peaceably on Abu Musa, led by the Iranian Naval Commander. Iran raised its flag on Jabal Halwa, the highest point on Abu Musa.

The reaction to the Iranian occupation of the Tunbs and the Abu Musa agreement was sharp. Rioting in Sharjah and Ras al-Khaima affected the local Iranian population. Iraq, which had

its own disputes with Iran, broke relations not only with Iran but also with Great Britain. Which it accused of failing to exercise the protection it had pledged.<sup>82</sup> Libya, Algeria and South Yemen called for a meeting of the United Nations Security Council. Libya nationalized British oil holdings.

But international reaction was mostly verbal. The 1971 India-Pakistan War was raging at the time, and most of the world was preoccupied with that.<sup>83</sup> The Islands were a minor affair.

#### **Britain's Irresponsibility**

On December 2, the United Arab Emirates was formally established, but not including Ras al-Khaima, which remained outside the union for several weeks.

In the House of Commons in London on December 6, Foreign and Commonwealth Secretary Sir Alec Douglas-Home announced the formation of the Union and the Iranian-Sharjah agreement over Abu Musa. He added:<sup>84</sup>

Her Majesty's Government regret that, in spite of the efforts which were made through long negotiations, it was not possible to achieve an agreed solution to the problem of the Tunbs also. Iran landed some troops on them on November 23, and I understand that one Arab policeman and three Iranians were killed. We regret the loss of life.

Of course, the Iranian landing on the Tunbs occurred during the period of the British protectorate. There seems to be little doubt that Sir William Luce's diplomatic shuttle was aimed at finding a compromise under which the Islands would be transferred to Iranian control, whether through lease, condominium or other means, and that Britain's "regret" over the Tunbs was that Ras

al-Khaima insisted on holding on to the Islands which it had controlled for centuries. Britain, which had always insisted that the Islands were Arab during its period of control, suddenly in its last days in the Gulf characterized the issue as a dormant border dispute. Britain, still legally the protector of the interests of Sharjah and Ras al-Khaima, had suddenly become not the defense attorney but a sort of mediator seeking to pressure the Emirates to hand over their parsimony.

#### **Iran's Position Towards the Sharjah Agreement**

Under the Iran-Sharjah agreement, neither side had given up its claim to full sovereignty, and the two had drawn a demarcation line to separate their forces on Abu Musa.<sup>85</sup> But Iran seems never to have intended to the Iranian Majlis on November 30, 1971, did not seem to pay much attention to the shared control:

Thus, after a period of nearly 80 years during which colonial policy prevented the establishment of Iranian sovereignty over these Islands despite incontestable historical rights, these Islands came again under Iranian control thanks to the wise policy of His Imperial Majesty, the Shahanshah and prolonged and persistent negotiations with the British Government...

I deem it necessary to point out here, however, that His Imperial Majesty's government has in no conceivable way relinquished or will relinquish its incontestable sovereignty and right of control over the whole Abu Musa should in no way be regarded as contradictory to this policy.<sup>86</sup>

In the United Nations, Iran's Amir-Khosrow Afshar said that the Islands were Iranian territory and that its claim was longstanding. In January, the Shah gave an interview to Swiss and American journalists in which he was asked about the Islands.

In our view, the issue is a purely internal matter that does not concern anyone else. Well, we don't speak of three Islands-- I mean, we have concluded a separate agreement concerning Abu Musa . . . We maintain our position that the whole Island belongs to us.

The Emir of Sharjah is apparently making the same claim. Of course, the agreement between the Sheik and the oil companies was changed so that it would be in line with our laws. We recognize that agreement which is now effective. On the other hand, our forces were sent to the Island to take up positions on strategic heights there so that they could ensure the stability of the region.<sup>87</sup> You have no doubt been told that it is nothing new for us to ensure the control of the Persian Gulf and the Strait of Hormuz . . . [If the Islands were to fall into irresponsible hands] A small ship, even a motor-boat could cause trouble, as, I believe, was the case off the Island of Perim, in the Strait of Mandab, where a motor-boat armed with bazookas attached a tanker -- a big tanker and nearly sank it. Just imagine, we are constructing a jetty at Kharg Island, which you have visited, to receive 500,000-ton tankers. Well, if a 500,000-ton tanker is sunk in the Persian Gulf the whole of the Gulf will be lost, completely lost, because the pollution that would thus result will be on a scale unimaginable. Then clearing that pollution would be as harmful as the oil itself . . . Further, historic facts and documents prove that these Islands belong to us. We are not here to watch the annexation of a part

of our territory to please no matter which country. Furthermore, it was in our interest as well as in the interest of other countries that the Islands that could have had "nuisance value" would have it no longer."

This is the Shah's most concise presentation of his strategic argument that the main reason for seizing the Islands was strategic. The Perim incident he referred to involved Palestinians operating off the coast of South Yemen.

## V. Legal Contemplation

Before examining Iranian behavior since the 1971 occupation of the Islands, it is worthwhile to pause and consider the legal implications of the issue. This study does not pretend to be a treatise in international law, but since Iran continually asserts both historic and legal rights to the Islands, it is worth considering what international law might say about such issues.

The historical account already provided leaves little room for doubt that the Islands have been consistently and continually under Arab control since the 18th Century. Even if at certain periods the Islands were administered by the Qasimi sheiks of Lengeh -- and that is not as certain as the British seemed to assume -- the population of the Islands has always been Arab and the rulers of the Islands have been Qasimi Arabs.<sup>99</sup>

International law normally takes account of the nature and wishes of the existing population. There is no question that the existing populations prior to the Iranian occupation was Arab. The Iranians removed the Arab population from Greater Tunb. In 1992, as will be seen, Iran began new pressures against the remaining Arab population on Abu Musa.

As the UAE has noted, the traditional attributes of sovereignty were present on the Islands to demonstrate the Sharjah/Ras al-Khaima claims to them. As noted in a UAE Ministry of Foreign Affairs statement:

The following acts clearly indicate the actual exercise of sovereignty:

A. The three Islands hoist the flags of Sharjah and Ras al-Khaima, the laws, regulations and customs of the two Emirates are followed on the Islands, and the residents of the Islands are citizens of the two Emirates.

B. Representatives of the Rulers of the two Emirates are always present on the Islands.

C. The Rulers of Sharjah and Ras al-Khaima collect annual fees for the economic activities undertaken by the residents of the Islands, such as fishing, pearl diving and herding.

D. The Islands of Abu Musa and Greater Tunb have public utilities that belong to the Emirates of Sharjah and Ras al-Khaima. Lesser Tunb has no such utilities because of its size and the lack of fresh water resources. This Island was under the direct supervision of the representative of Ras al-Khaima in Greater Tunb, who used to make periodic visits to the Island of Lesser Tunb.

E. Since the turn of the century, Sharjah and Ras al-Khaima have granted licenses for exploration and oil drilling in three Islands and their territorial waters . . . Iran's claims to sovereignty, as we have seen, have been based on rather flimsy grounds: either the argument that the Islands were once Iranian (though clearly since the 18th Century they have been Arab), or the evidence of the 1886 British map, which uses a non-authoritative source and relies on the evidence of a power which

by Iran's own argument had no right to determine sovereignty.

Still, the Iranian arguments may seem valid to some, despite the strong conflicting evidence. There are, of course, international means of resolving such disputes: arbitration, compromise, or the International Court of Justice (ICJ). Prior to the occupation of 1971 Iran steadfastly refused to submit the issue to international tribunals on the grounds that it was a domestic Iranian matter. It has subsequently denied the right of either the United Nations or the Arab League to involve themselves in the issue. Although the 1971 Iran-Sharjah agreement would seem to have opened the door to international involvement, Iran has continued to reject any such efforts.

#### **The Legality of the Sharjah Agreement**

Sharjah, and the United Arab Emirates, continued to abide by the 1971 agreement between Iran and Sharjah. Yet there are serious questions about the validity of that agreement even before Iran began to systematically violate it. The Arab League questioned the validity of the agreement from the beginning, noting Article 52 of the Convention of the Law of Treaties:

A treaty is void if its conclusion has been produced by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.

Given the imminent deadline for British withdrawal, the open threat by Iran to use force, and the pressure brought to bear by the British, as well as Iran's insistence that it would not recognize the UAE if the Islands dispute was not resolved, Sharjah's agreement in the 1971 arrangement was at the very least

made under extreme duress. The UAE has nevertheless remained true to the agreement.

#### **Non-Use of Force**

Although the Iran-Sharjah Agreement resolved the Abu Musa dispute peacefully, Ras al-Khaima's refusal to sign a similar agreement led to the Iranian landing on the Tunbs and the deaths of several police and soldiers in the fighting which followed. This invasion clearly violated the fundamental principle of not using force to resolve international disputes. Iran's landing was not provoked by any change in circumstances, except for the British withdrawal, which left Ras al-Khaima unable to defend its own territory against stronger Iranian forces. Lacking stronger arguments in law or precedent, Iran resorted to main force.

Iran has continued to refuse to refer the dispute to the International Court of Justice or any other international body. It has considered the issue of the Tunbs decided once and for all by its 1971 invasion, and has openly violated its agreement with Sharjah over Abu Musa.<sup>90</sup>

Under international law, Iran's position is precarious indeed. Of course, realistically, one must admit that there is no way (short of military action) to force Iran to leave the Islands or to submit the dispute to international arbitration. But if the principle of international law mean anything at all, the world should at least recognize Iran's blatant violation.

### **Why Did the World Stand By?**

Why did the world stand by in 1971 when Iran blatantly seized the Tunbs and pressured Sharjah to sign the agreement on Abu Musa? At least in part we have already seen the answer: Great Britain, and probably for the United States, Iran was seen as a more stable guarantor of the security of the Strait of Hormuz, than the weak, new United Arab Emirates, which may doubted would survive. The Shah's strategic arguments were repeated more frequently than the much weaker historical ones. The irony that it was to be Iran, and not the UAE, which was destabilized is a reminder of the dangers of ignoring international legal principle for transient geopolitical reasons.

There were other problems. Once the Baharain issue was resolved, Britain felt itself freed to leave the Gulf, tidying up the issue of the best way it could. It therefore pressured its "protected" clients to accept Iran's terms. Sharjah accepted a compromise; Ras al-Khaima did not. Britain was clearly annoyed by Ras al-Khaima's sticking to its principles.

The Indian-Pakistan war was under way when the Iranians landed on the Islands, and the U.S. was still involved in Vietnam. The major powers considered the Islands issue a rather minor sideshow. And Iran seemed, to them, a far more stable guarantor of the gateway to the Gulf. Events would prove them wrong.

## VI. Since 1971

Since 1971, the issue of the Islands has remained alive because the UAE and its constituent Emirates Sharjah and Ras al-Khaima have never yielded on their defense of their rights, while Iran has increasingly consolidated its power over Abu Musa.<sup>91</sup>

From December 6, 1971, until the present, the UAE and other Arab states have repeatedly raised the issue in the United Nations. It has refused any discussion of the Tunbs, and at least until 1992 insisted that it was respecting the agreement with Sharjah over Abu Musa. From the beginning, however, Iran has used Abu Musa as a military base, staged naval maneuvers in the area and otherwise made clear that it considers even before the fall on the Shah's regime in 1979.

In 1973, oil was discovered in the Mubarak field off Abu Musa, and as agreed in 1971 revenues were shared between Sharjah and Iran, although Sharjah also had to make arrangements with Umm al-Qaiwain, another UAE Emirate which had some conflicting territorial claims with Sharjah.<sup>92</sup>

Iran and Iraq went to war in 1980, and it was subsequently reported that by 1984, if not earlier, Iran stopped transferring to Sharjah its half shares of the Mubarak oil field revenues. This would of course be a violation of the 1971 agreement.

During the Iran-Iraq War, Abu Musa was used as a military post for both Iranian Armed Forces and the Revolutionary Guard. Some reports suggest that it was used as a base for boat attacks

against shipping during the tanker war of 1987-88, though this is not completely clear from the record. There have been reports of radar stations on the Islands and of a surface-to-air missile site on Abu Musa.

Early in the Iran-Iraq War, Iraq, seeking the support on other Arab states, made return of the Islands one of its conditions for peace with Iran. This led to an Iranian response that the Islands would never be given up, leading to new protests to the United Nations.<sup>93</sup>

Iran appears to have long been treating Abu Musa as if it were an integral part of Iran, despite the 1971 agreement to limit Iranian troops to one side of a demarcation line.

#### **1992: Iran Moves to Control All of Abu Musa**

In the spring of 1992, the latest flare-up of the Abu Musa controversy began. The situation seems to have been gradually worsening for some time. Reportedly it worsened more after a visit by Iranian President 'Ali Akbar Hashemi-Rafsanjani to the Abu Musa in March. In early April reports began to circulate that Iran had expelled Arab citizens from the Island. On April 16, The New York Times reported the story for the first time in the West, saying that Kuwaiti officials said that "a few days ago" Iran warned all Arabs there to leave and seized Emirates property of the Island, including a desalting plant and a school. Iran denied the account, with Iranian Ambassador to the United Nations Kamal Kharazzi saying that no specific development had occurred, but that those had not in the past lived on the Island

had no right to live there. Iranian Foreign Minister 'Ali Velayati denied that Iran was expelling residents. He did, however, confirm indirectly that Iran was making great efforts to transform the status quo on Abu Musa:

The Islamic Republic of Iran is making great efforts for developing and reconstructing the southern region of the country, especially the Islands in the Persian Gulf, the Strait of Hormuz, and the Gulf of Oman. Therefore, a great many measures have been adopted to develop Abu Musa Island during the past few years. Included among these are the upgrading of the Island--the administrative organization of the country--from a district to a governorate. The Island's reconstruction

Thus began a new crisis which would reach its high point several months later. Iran seems to have begun fairly cautiously by expelling or refusing to re-admit some non-UAE nationals to the Island, but increasingly tests its powers to control access entirely.<sup>94</sup>

#### **The UAE's Complaints**

A UAE complaint later in the year spelled out a wide variety of violations of the 1971 agreement:

Since the beginning of the 1980s, Iran has committed numerous violations of the provisions of the Memorandum of Understanding, thus interfering in the internal affairs of the United Arab Emirates. The Iranian behavior clearly demonstrated Iran's intentions to annex the Island and to impose its sovereignty over it.

Following are examples of such violations:

a. Iran's transgression on UAE territory, located outside that area of the Island in which it is allowed to maintain its military forces, is evidence by Iran's construction of roads, an airport, civilian and military facilities, and agricultural

projects.

b. Iran's interference in the daily lives of the citizens of the United Arab Emirates residing on the Islands by preventing them from constructing new buildings, or repairing existing ones, by closing their businesses, and preventing them from re-opening those businesses without a permit issued by the Iranian authorities for that purpose.

c. The Iranian measures that compel the resident of the Islands to enter and exit the Island only through an Iranian point of entry.

d. Iran's measures that require all new employees and their replacements coming to the Island to acquire an advance permit for that purpose.

e. Iran's installation of missile systems in that part of the Island which the Memorandum of Understanding has designated to the United Arab Emirates.

f. Iran's obstruction of the work of Police Force of the United Arab Emirates by the presence of Iranian military patrol units in the streets and markets of the Island.

g. The establishment of a municipality in Abu Musa under the authority of the province of Bandar Abbas, and the attempt to link the municipal service provided to the residents with those offered on the Iranian side of the Island.<sup>95</sup>

h. Closure of a kindergarten school on the Island and the eviction of the students and their teachers.

i. Entering a police precinct and insulting, as well as mistreating its members.

j. Arresting some teenagers while they were playing in front of their houses.

k. The eviction of 60 workers from the Island in March of 1992 and asking the teachers and alien resident to choose between carrying an Iranian identity of leaving the Island for good.

l. Preventing the teachers and some resident from disembarking on the Island at the end of August 1992, and severing the anchor of the ship that was carrying them.

m. Interception by Iranian military vessels of the fishing boats belonging to citizens of the United Arab Emirates in the territorial waters of the UAE, as well as interrogating them and confiscating their boats.<sup>96</sup>

#### **The Ship Incidents**

Although Iran had denied in April that it had taken control of the Island and expelled resident, by August the situation was worsening, and the incident involving a ship, mentioned above, occurred. Some 104 residents of Abu Musa, including school teachers returning after a summer holiday, were denied entry to the Island and their ship, the Khatir, was turned back to the UAE. After three days at sea, many of the passengers were ill. According to Agence France-Presse, there were UAE nationals as well as Palestinians, Syrians, Egyptians, and Jordanians, most of them school teachers who had lived on the Island for many years. They sailed from Sharjah and were accompanied by a police unit.

Iranian authorities refused to allow them on the Island, and reportedly threatened to sink the ship. "They sent a launch which rammed into the back of our ship when we refused to leave. They later sent a large vessel called Hormuz 21 and warned it could sink our ship if we stayed near the Island," AFP quoted a passenger as saying.

In a subsequent meeting with the press, Sharjah's governor of Abu Musa, Muhammed Abu Ghanim, said that "The Iranians now have all the Island." Lt. Salim Mukarrab of the Sharjah police said that Iran's military base includes speedboats, military vehicles, and helicopters, and that the resident had been subjected to considerable intimidation to force the Arab resident to leave:<sup>97</sup>

"The residents there have recently been subjected to a great deal of intimidation by the Iranian authorities despite the political agreement between the two countries," said Abu-Ghanim, who was turned away with the shipload.

"Most of the time, we are confined to our homes and limited areas. At night we must stay in. The Iranians have also closed the only kindergarten there and stopped a six-month commercial project that could have provided proper markets for the people of the Island. . . ."<sup>98</sup>

"After the end of the Gulf War, we started to suffer for the first time," said the school headmaster Bashir Ibrahim, a Jordanian who has lived on the Island for about 20 years.

"There is continuous harassment by the Iranian police there. We cannot move freely and if we want to get anything from the UAE, we have to obtain a permit from them. Life has become very difficult there."

Ibrahim, who tried in vain to negotiate with the Iranians during the ship ordeal, said Iran had a large police force on the Island and they continuously stop people to check their identity. He said the Iranians expelled 60 Pakistani workers from Abu Musa in April. They told them they did not have Iranian permits. When the Pakistanians asked for permits, they refused to give them any he said."

Ahmed Hilal, an English teacher at Abu Musa school, said it would take three days to obtain an Iranian permit for their supplies from the UAE. "We are virtually being pressured to leave the Island," said Hilal, also Jordanian who has worked in the Island for 10 years.

"During the war, the Iranians asked us to inform them about the arrival of every boat for security reasons," Abu Ghanim said. "But that was the first time that a civilian ship was denied admission to the Island."

On September 8, Iran's news agency IRNA claimed that the ship had finally been allowed to land 20 Sharjah nationals on Abu Musa on September 3, apparently indicating that the other residents were refused the right to return.

On September 10, 1992, AFP reported from Abu Dhabi that "Most Arab residents of Abu Musa . . . have left since Iran

asserted total control over the Island," quoting Governor Abu Ghanim:

All women and children have left because they have nothing to do here when there are no classes," Abu Ghanim said by telephone from Abu Musa, where he returned last week. "Only a few people are still here to run the clinic and the power station. All the 70 Indians and Pakistanis expelled early this year are still in Sharjah and we don't know when they or the teachers can come back," he said . . .<sup>100</sup>

The governor also said he has had no contacts with Iranian authorities since he returned to the Island last week. Between 50 and 100 people live on the Iranian side of the Island. Iran's Supreme National Security Council restated Iran's position that its sovereignty had never been seriously doubted, with an Iranian radio commentary noting that residents of Sharjah had long been free to visit, but that "the arrival of ordinary people to the Arab sector of Abu Musa is very different from the appearance of spies and saboteurs on the Island." No specific allegations were made.<sup>101</sup>

Throughout September the Iranian media kept up a series of changes that the UAE was creating problems because it was being urged by the West to do so, and insisting that Iran had not violated its agreements though reiterating its sovereignty over the entire Island. On September 20, IRNA reported with the dateline "Abu Musa, Hormuzgan Province" that "Abu Musa will become one of the most beautiful Islands of the Islamic Republic

of Iran in the near future," noting the beginning of the new academic year.<sup>102</sup>

### **The September Talks**

Negotiations were held in Abu Dhabi in late September. During the September 27-28 talks, according to a UAE statement, the UAE asked Iran to:

- a. Terminate its military occupation of the Islands of Greater and Lesser Tunb;
- b. Commit itself to respect the provisions of the 1971 Memorandum of Understanding with respect to the Island of Abu Musa;
- c. Refrain from intervening in any way or under any circumstances or under any pretext in the UAE's exercise of its complete jurisdiction over its sector of Abu Musa Island;
- d. Revoke all steps and measures which it imposed on the government organs on the Island of Abu Musa and on the citizens of the state and on the expatriates who work there;
- e. Indicate a suitable framework to resolve the question of sovereignty over the Island of Abu Musa within a specified period of time.

Iran, however, protested the raising of the issue of the Tunbs, insisting that it would discuss Abu Musa only.<sup>103</sup>

After the deadlock of the Abu Dhabi talks, the UAE referred the issue to the United Nations. Meanwhile, in October, there were reports of new Iranian military moves involving Abu Musa.

The London-based Saudi newspaper Al-Sharq Al-Awsat reported on October 23 that Iran had set up eight missile launching sites on Abu Musa, to be used to launch Chinese Silkworm anti-shipping missiles and modified launching Scub B surface-to-surface missiles from North Korea. Since these are very different sorts of weapons there is some reason to doubt the story; Western sources only confirm surface-to-air missile sites on Abu Musa, though Iranian opposition sources have also said Silkworms will be based there. Militarily the Island could be a potent site for Silkworms, which are used against shipping.<sup>104</sup>

## VII. Conclusion

When the British Government declared in 1968 that it was planning to withdraw from East of Suez at the end of 1971, negotiation started for the establishment of a federal state in the Arab Gulf region. These negotiations resulted in the formation on December 2, 1971, of the New United Arab Emirates as a federal, independent, and fully sovereign state comprising seven Emirates: Abu Dhabi, Dubai, Sharjah, Ajman, Umm al-Qawain, Fujairah, and Ras al-Khaima.

Immediately after its formation, the UAE joined the League of Arab States, the United Nations, and several specialized agencies. From the outset, the UAE formulated its foreign policy on the basis of the principles of peaceful coexistence, good neighborliness, non-use of force or threat of force, as well as a firm commitment to resolve all differences through peaceful means. These foreign policy values were derived from the noble teachings of Islam, and from the principles embodied in the Charter of the United Nations and various international agreements and customs.

(1) Less than 48 hours before the declaration of the establishment of United Arab Emirates, the Shah of Iran in an act of aggression sent his troops to invade and occupy the Islands of Greater Tunb and Lesser Tunb, which belong to Ras al-Khaima. After a courageous resistance of the sovereignty of the Emirates over the Islands which resulted in casualties on both sides of

dead and wounded, the inhabitants of the Islands were expelled thus leaving behind their properties and possessions.

Ever since this aggression, the United Arab Emirates has continuously used on numerous occasions various methods to denounce this aggression and seek the return of the Islands to its sovereignty.

(2) Iran's military occupation of the Islands of Greater Tunb and Lesser Tunb since 29 November 1971, constitutes a flagrant violation of the principles and rules of international law, with total disregard for peaceful coexistence and good neighborly relations among nations and states. These principles, enshrined in the Charter of the United Nations, have become the foundations upon which the international relations are governed. The use of military force for the purpose of acquiring rights and privileges as a practice has been rejected by the international community. It is also prohibited by the principles of international legitimacy embodied in the Hague Convention and Charter. It is also emphasized by the General Assembly resolution 2625 (XXV) of 1970, entitled "Declaration of Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations," and resolution 3314 (XXIX) of 1974, entitled "Definition of Aggression." Such prohibition of the use of force has become one of the main principles of international law (juscogens) and of the basis of contemporary international relations.

(3) With respect to the Island of Abu Musa which belongs to the Emirate of Sharjah, the Iranian forces occupied parts of it in accordance with the Memorandum of Understanding, concluded in November 1971 between the Ruler of Sharjah and the Iranian Government, under the supervision of the British Government.

Although the text of the Memorandum of Understanding does not compromise either party's claim to sovereignty over the Island; it was intended to be only a temporary arrangement for the administration of the Island. It was concluded by the Emirate of Sharjah under duress as set forth by the following:

A) Britain's determination to withdraw from the region on the specified date thus leaving the Emirates without British protective umbrella;

B) Iran's threat that it will occupy the three Islands by force of arms, unless an agreement is reached before the creation of the proposed federal state;

C) Iran's threat not to recognize the proposed federal state, and even its opposition to the very creation of such a state unless an agreement consistent with its interests is reached with respect to the three Islands;

D) The rejection by the UAE of Iran's aggression as well as the demand for the elimination of such aggression emanates from the Emirates firm belief in its sovereignty over the three Islands. In this regard the following factors are mentioned.

The residents of these Islands are Arabs whose mother tongue is Arabic. They have inseparable family and commercial ties with

the Arab Coast of the Gulf. They also belong to prominent Arab tribes and extended families in the UAE, such as the tribes of Al-Sudan, Al-Boumheir, Bani Hammad, Al-Shawames, Bani Tamim and many other. They owe their allegiance to the Rulers of Sharjah and Ras al-Khaima.

The historical record confirms that these Islands belonged to the Qawasim of Sharjah and Ras al-Khaima since at least the 18th Century. This was the situation when the British came to the region and concluded several agreements with the rulers of the Emirates, including the first agreement of 1820. The advent of the British did not affect the sovereignty exercised by the Qawasim of Sharjah and Ras al-Khaima over the Islands, since the two Emirates were at the time a single and United Qawasim Emirate. When Ras al-Khaima was separated from Sharjah at the beginning of the 20th Century, the Island of Abu Musa reverted to the Qawasim of Sharjah, while that of Greater Tunb and Lesser Tunb passed to the Qawasim of Ras al-Khaima. The Qawasim possessed these Islands continuously, peacefully, and without interruption until November 1971. Throughout those years, they exercised such acts of sovereignty as were compatible with the size, physical features, and population density of the three Islands. Nothing in the historical record indicated that sovereignty over the three Islands was abandoned at any point in time, or that the Qawasim ceased to look after the affairs of the Islands. By contrast, Iran never exercised any degree of sovereignty on the three Islands. Whenever Iran's claims were

made on the Islands, they were contested. In law, any theoretical claim to sovereignty over a territory, does not replace actual exercise of sovereignty.

The following acts clearly indicate the actual exercise of sovereignty:

A) The three Islands hoist the flags of Sharjah and Ras al-Khaima, the laws, regulations and customs of the two Emirates are followed on the Islands, and the residents of the Islands are citizens of the two Emirates.

B) Representatives of the Rulers of the two Emirates are always present on the Islands.

C) The Rulers of Sharjah and Ras al-Khaima collect annual fees for the economic activities undertaken by the residents of the Islands, such as fishing, pearl diving, and herding.

D) The Islands of Abu Musa and Greater Tunb have public utilities that belong to the Emirates of Sharjah and Ras al-Khaima. Lesser Tunb has no such utilities because of its size and the lack of fresh water resources. This Island was under the direct supervision of the representative of Ras al-Khaima in Greater Tunb, who used to make periodic visits to the Island of Lesser Tunb.

E) Since the turn of the century, Sharjah and Ras al-Khaima have granted licenses for exploration and oil drilling in three Islands and their territorial waters. For example, the Ruler of Sharjah granted several companies licenses which authorized them to exploit iron oxide in Abu Musa in 1898, 1933, and 1935, the

last having a 21-year term. Likewise, the Ruler of Sharjah granted oil concession in Abu Musa to Petroleum Co., Inc. in 1937 and to Buttes Co. in 1970.

With respect to the Islands of Greater Tunb and Lesser Tunb, the Ruler of Ras al-Khaima granted licenses for iron oxide exploitation in 1952, in addition to oil drilling licenses to two American companies in 1964.

Iran has made intermittent claims on the Islands, but these claims were not supported by any legal evidence and were contradicted by subsequent conduct of the Iranian Government which offered, through the British Government, to purchase the two Islands from Ras al-Khaima in 1929. However, the Ruler of Ras al-Khaima rejected the offer and the British Government notified Iran of the rejection.

In October 1930, the Iranian Government submitted a proposal to the Ruler of Ras al-Khaima in which it offered to lease the Islands of Greater Tunb for a period of 50 years. Once again, the Iranian Government offered to purchase the Islands in 1971, but its offer was turned down.

This Iranian conduct warrants the application of the principle of international law which stipulates that if a certain party, by words or deeds, behaves in a manner that contradicts its claims, then it should cease raising those claims.

On more than one occasion, through official documents and correspondence dating back to the 19th Century, the British Government stated that it recognizes the right of Sharjah and Ras

al-Khaima Qawasims to exercise sovereignty over the Islands. The British also opposed the Iranian claims, and warned Iran in September 1934 not to challenge the status of the Islands and threatened to resist any intervention on the Islands.

The future of the Islands remains uncertain. The UAE persists in its efforts to have Iran leave the Islands and restore full rights to the displaced residents. These Islands are important to all who use the Gulf and the peaceful resolution of this conflict is in the interest of the UAE and the United Nations.

69

## IX. Historical Documentation

4

### II.

Let him who reads this document know, that with reference to this ~~Red-oxide Company~~ which I joined, I have, by virtue of this document, transferred my share to Yusuf bin Abdullah, and it is vested in him and he has the disposal of it.

I have no further concern in the result whether it be profit or loss; whichever it be it is for him.

I undertake to assist him to the best of my power should he experience difficulty.

Let it be known accordingly.

(Signed) SUGGAR BIN KHALED.

7th Rameen 1316 (20th January 1899).

### III.

Yes, I, Yusuf bin Abdullah, have sold to Haji Hassan bin Ali Samaiyeh outright and completely the share in the red oxide mine mentioned in this paper, which I have acquired from Sheikh SUGGAR BIN KHALED. The aforesaid share is now transferred to Haji Hassan bin Ali Samaiyeh, and there is left for me no claim or right therein. And I have received the sum of 400 dollars from Haji Hassan on account of the value of the share.

Let it not be hidden.

15th Shaban 1318 (7th December 1900).

(Signed and sealed) YUSUF BIN ABDULLAH.

Witnessed—

(Signed and sealed.)

ABDUL LATIF BIN ABDUL RAHMAN.

True copy according to the original.

(Signed) HASSAN BIN ALI SAMAIYEH.

( " ) BADE BIN MAHOMED AMIN.

it is not  
mine it is  
red oxide  
Company

3

*Translations of 3 documents relating to the Concession.*

I.

The object of writing this documentary agreement is that we, the persons mentioned in this agreement, have admitted Sheikh Suggar bin Khaled as a partner in the Concession of the lease of red oxide mines at Abu Musa Island which we have leased from Sheikh Salam bin Sultan at 250 dollars per annum plus 100 dollars on account of ground rent for landing Muhar and Zenni oysters, should we land any at Abu Musa Island for trade purposes. And similarly Sheikh Suggar has agreed to assist us and to endeavour with us, as far as possible, to avoid any delay in the work connected with the red oxide mines in the said island. And whatever the expenses in regard to the red oxide mine may come to it shall be borne by all the partners and the net income shall be distributed amongst all.

This agreement has been concluded on the above conditions, with the consent of all; so that it may not be hidden.

1st Rabi II 1316 (20th August 1896).

and Sheikh Suggar has the option to withdraw from the said Red-oxide Company if he so desire.

(Signed and sealed.)

ISA BIN ABDUL LATIF.  
ABDULLAH BIN HASSAN SAMAIYEH.  
HASSAN BIN ALI BIN SAMAIYEH.

*Witness—*

(Signed and sealed.)

ABDUL LATIF BIN ABDUL RAHMAN.

---

مخطوطة رقم ٢١

66 (50)

[Confidential.]

No. 3052, dated Bushire, the 16th (received 27th) December 1906.

From—MAJOR P. Z. Cox, C.I.E., Political Resident in the Persian Gulf,

To—The Secretary to the Government of India in the Foreign Department.

I have the honour to refer to paragraph 3 of my letter No. 2794, dated 29th November 1906, on the subject of the Abu Musa Concession, in which I mentioned that I was taking steps to ascertain what Hassan Samaiyeh meant when he said that he had "purchased the Chief of Shargah's share" in it. I have since received further news from the Residency Agent at Lingah.

2. It will be remembered that the original Concession was granted by Salim bin Sultan on 10th April 1898 during Sheikh Sagar's absence. On the latter's return from Mecca he evidently claimed to become a partner in the concern, and was admitted as such by the others; but a few months later he transferred his interest in it to one Yusuf bin Abdullah, who, again, was eventually bought out by Hassan Samaiyeh in December 1900. Copies of the three documents setting forth the transfers are appended with translations.

3. I also forward a copy of the original Concession of 1898, as desired in Foreign Department telegram No. S.-178, dated 14th instant. In submitting it I have to request that in the translation which I furnished with my letter No. 2794 of 29th ultimo the word "mensem" may be altered to "annum." The latter word is correctly given in the translation of 1898 on my record, and that fact must account for my not having noticed the clerical error when despatching my letter just quoted.

4. The conduct of the Residency Agent at Shargah in connection with this Concession does not appear to me blameless from the first; and although he heard of the deal with Herr Wonckhaus from Hassan Samaiyeh himself in June last he made no report of it to me; I shall, however, address Government later in this connection if circumstances call for it.

---

مخطوطة رقم ٢٠

II.

694 (48)

*Let him who reads this know, that with reference to this*  
*share which I have acquired in this share of this*  
Red-oxide Company which I joined, I have, by virtue of  
this document, transferred by share to Yusuf bin Abdulla  
and it is vested in him and he has the disposal of it.

I have no further concern in the results whether it  
be profit or loss; whichever it be it is for him.

I undertake to assist him to the best of my power  
should he experience difficulty.

Let it be known accordingly.

(Signed). Suwar bin Khaled.

7th Rabi'an 1316 (20th January 1898).

-----  
III.

Yes, I Yusuf bin Abdullah have sold to Haji Hassan bin  
Ali Saraiyah outright and completely the share ~~in the~~  
~~oxide~~ *oxide* mentioned in this paper which I have acquired  
from Sheikh Suwar bin Khaled. The aforesaid share is now  
transferred to Haji Hassan bin Ali Saraiyah and there is  
left for me no claim or right therein. And I have received  
the sum of 400 Dollars from Haji Hassan on account of the  
value of the share.

Let it not be hidden.

15th Shawan 1318 (7th December 1900).

(Signed and sealed). Yusuf bin Abdullah.

Witnessed.

(Signed and sealed). Abiul Latif bin Abiul Rahman.

True copy according to the original.

(Signed). Hassan bin Ali Saraiyah.

(Signed). Badr bin Hanomed Amin.

مخطوطة رقم ١٩

بسم الله الرحمن الرحيم

عبد الرحمن بن محمد  
 بن عبد الوهاب بن عبد  
 الوهاب بن عبد الوهاب  
 بن عبد الوهاب بن عبد  
 الوهاب بن عبد الوهاب

المربوب بعد هذه الكتابة عن الأمانة استأنا بهذا الكتابه فدا من هذا كتابنا  
 في شركة الجار صادق من جزيرة بومون استأجرنا هذا الكتاب من  
 مالك خطه وما يندونك في أرضه فربنا الجار ونفي اذا نزلنا في جزيرة بومون  
 الكتابه وكلنا نديننا بنات البيع من ان يساعدها ويصنعها معنا حتى للخدمة  
 عدم تعطيل اشكال صادق الف في الجزيرة المذكورة ومنها يبلغ من المصارف على  
 ذلك جميع الشرائع والى بعض المصالح ينقسم بين الجميع فلو  
 مادة الكتابة برضا الجميع حتى لو تخلفا

١٣١٦

والبيع من اجازة اراد ان يخرج من شركه المملكه  
 مع عبد الرحمن بن محمد  
 مع عبد الرحمن بن محمد  
 مع عبد الرحمن بن محمد

Yusuf  
 Oude  
 not. nini

بسم الله الرحمن الرحيم  
 بسم من رى هذا الكتاب ان هذه شركة التي دخلت فيها هذه الجزيرة  
 هذه الجزيرة فقد حلتها الى ريف جليله وصار لوجه وجهه وله العون  
 ذلك وانا اهلي مني من التبعات ان كان ربح او خسران فله وحده  
 على المساهمة الكتابه مجرد لو كان ان حصل عليه الوعد في ذلك  
 مع عدم بيع من ريفه  
 ١٣١٦  
 رمضان ١٠٢٠

ثم انا ريف جليله قد بنيت الاحكام من جميعه عام وكان اخصه  
 المكتوب في هذه الجزيرة التي اوردتها في سفره رحمه الله وصار اخصه  
 الى كافي من جميعه لوفيق لي في اخصه للجزيرة حق ولا دعوى وقد  
 ارجعنا به ريبك فانه زيد امان من قبة اخصه حتى لو تخلفا  
 ١٥ شعبان ١٣١٦

سوار مطافى الاول  
 من رعي سيمه  
 اولى مطافى الاول  
 من رعي سيمه

مخطوطة رقم ١٧

dated Pursuant of a letter from <sup>10</sup>  
Her Highness Sabina Ben Sultan <sup>14</sup>  
Chief of Marzakh <sup>Trans</sup>

To Resident Persian Gulf

dated 12<sup>th</sup> Mejjah 1288

22<sup>nd</sup> February 1872

Received 15<sup>th</sup> March 1872

A. B. I wrote to you before  
in regard to the Island of  
Bomossu. You wrote to the  
Gov<sup>t</sup> Agent to prevent the people  
of the Poles from sending their  
Camels & horses to graze there.  
The Agent did so but has  
not succeeded in keeping  
them out. I fear disturbances  
may take place on that Island,  
which may extend to the Sea  
and beg you will be so good  
as to inform the Chiefs not  
to send their cattle there. But  
if you do not consider this  
advisable I trust you will  
not blame me hereafter

True Pursuant

A. B.

مخطوطة رقم ١٥

related: ~~copy~~ of a letter from <sup>P1</sup>  
Native Agent ~~and~~ <sup>to</sup>

to  
Resident Brown Gulch

No. 137 Dated 17 Nov 1874  
13 Dec 1871

Dec. 24 Dec 1871

P.6. I have received a  
letter with enclosure from the  
Chief of Pomek Khyrnok in which  
he writes about the Islands Pomek  
Komb & Seer & Chonis these  
Islands in his territory -

I wrote to Major Gray on  
this subject some time ago &  
he directed the other Menkha  
not to send their cattle to the  
Island of Pomek - Moon, as that  
Island was for the people of the  
Islands and that they had  
no right even to the other  
Islands -

It would appear from  
the Chief of Pomek Khyrnok's private  
letter that he intends to bring  
possession of the above named  
Islands and to permit other people  
to bring their cattle & horses there -  
This matter will not be  
shown -

مخطوطة رقم ١٠

Appendix-2

Oil Concession Agreement dated March 3, 1964 between the Ruler of Ras al Khaimah, the Union Oil Exploration and Production Company and the Southern Natural Gas Company.

THIS AGREEMENT, made the 3rd day of March 1964, corresponding to the 19th day of Shawwal in the year 1383, between His Highness Sheikh Saqr bin Mohammed bin Salim Al-Qasbi in the exercise of His powers as Ruler of Ras al Khaimah, and its dependencies, including Tugh and Nabiyu Tunb Islands, and its territorial waters, and the seabed and subsoil underlying such waters and underlying the offshore waters of Ras al Khaimah, (hereinafter called "Ras al Khaimah"), on his own behalf and in the name and on the behalf of His heirs and successors in whom is or shall be vested for the time being the responsibility for the control and government of the Shaikhdom of Ras al Khaimah, (hereinafter called "the Ruler"), of the one part, and UNION OIL EXPLORATION AND PRODUCTION COMPANY, a company incorporated in the State of California, U.S.A., whose registered office is situate at Los Angeles, California, U.S.A. (hereinafter called "Union") and SOUTHERN NATURAL GAS COMPANY, a company incorporated in the State of Delaware, U.S.A., whose registered office is situate at Birmingham, Alabama, U.S.A. (hereinafter called "Southern"), of the other part, (Union and Southern being collectively hereinafter called "the Companies", which expression includes the successors and assigns of the Companies);

WITNESSETH

THAT, in consideration of the mutual agreements and undertakings hereinafter contained, the Ruler and the Companies hereby agree as follows:

ARTICLE I

DEFINITIONS

In this Agreement unless inconsistent with the subject or context:

- 1.1 "Anniversary Date" means the anniversary of the Effective Date.
- 1.2 "Barrel" means a barrel of forty-two (42) Standard United States gallons at sixty degrees Fahrenheit (60°F).
- 1.3 "Chargeable Oil" means Crude Petroleum exported by the Companies from the Concession Area and other Crude Petroleum sold by the Companies to any other person or corporate body.

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CONFIDENTIAL

كسوم

73

مخطوطة رقم ٧

B. 14

B. 14 R/15/1/246<sup>①</sup>

File No. 371 - r.  $\frac{14}{88}$  I

Continued in  $\frac{14}{88}$  II

Islands of Abu Musa - Janb.

+ Sir Bu Na'air

1871 — 1888 & 1900

Correspondence Continued in

Vol: B. 30.

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081/62)



BRITISH EMBASSY,  
TEHRAN.

January 23, 1962.

CONFIDENTIAL

611083 / 1

*At 10:55*

Dear Jack,

You will have received a copy of our Note to the Ministry of Foreign Affairs of January 13, reserving the rights of the Ruler of Ras-al-Khaimah in regard to the Island of Tumb.

2. I delivered this to the Political Director General at the Ministry of Foreign Affairs, and suggested that the wording of our Note did not oblige the Iranians to reply. If, however, they felt it necessary to do so, perhaps their reply could be confined to a reservation of Iranian rights, so that further correspondence could be avoided.

3. Mr. Dara said he thought that the Ministry of Foreign Affairs would have to reply reserving Iranian rights. We have now duly received a further Note, of which I enclose a translation. No doubt you will let us know if you wish us to continue the exchange.

4. I am sending a copy of this letter to Man at Bahrain and Craig at Dubai.

*Yours ever*

*G. E. Millard*

(G. E. Millard)

E. F. Given, Esq.,  
Arabian Department,  
Foreign Office,  
London S.W.1.

CONFIDENTIAL

مخطوطة رقم 5

## Memorandum of Understanding

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

1. Iranian troops will arrive on Abu Musa. They will occupy areas the extent of which have been agreed on the map attached to this memorandum.
- 2.(a) Within the agreed areas occupied by Iranian troops, Iran will have full jurisdiction and the Iranian flag will fly.
- (b) Sharjah will retain full jurisdiction over the remainder of the Island. The Sharjah flag will continue to fly over the Sharjah police post on the same basis as the Iranian flag will fly over the Iranian military quarters.
3. Iran and Sharjah recognize the breadth of the Island's territorial sea as twelve nautical miles.
4. Exploitation of the petroleum resources of Abu Musa and of the seabed and subsoil beneath its territorial sea will be conducted by Buttes Gas and Oil Company under the existing agreement which must be acceptable to Iran. Half of the governmental oil revenues hereafter attributable to the said exploitation shall be paid directly by the company to Iran and half to Sharjah.
5. The nationals of Iran and Sharjah shall have equal rights to fish in the territorial sea of Abu Musa.
6. A financial assistance agreement will be signed between Iran and Sharjah.

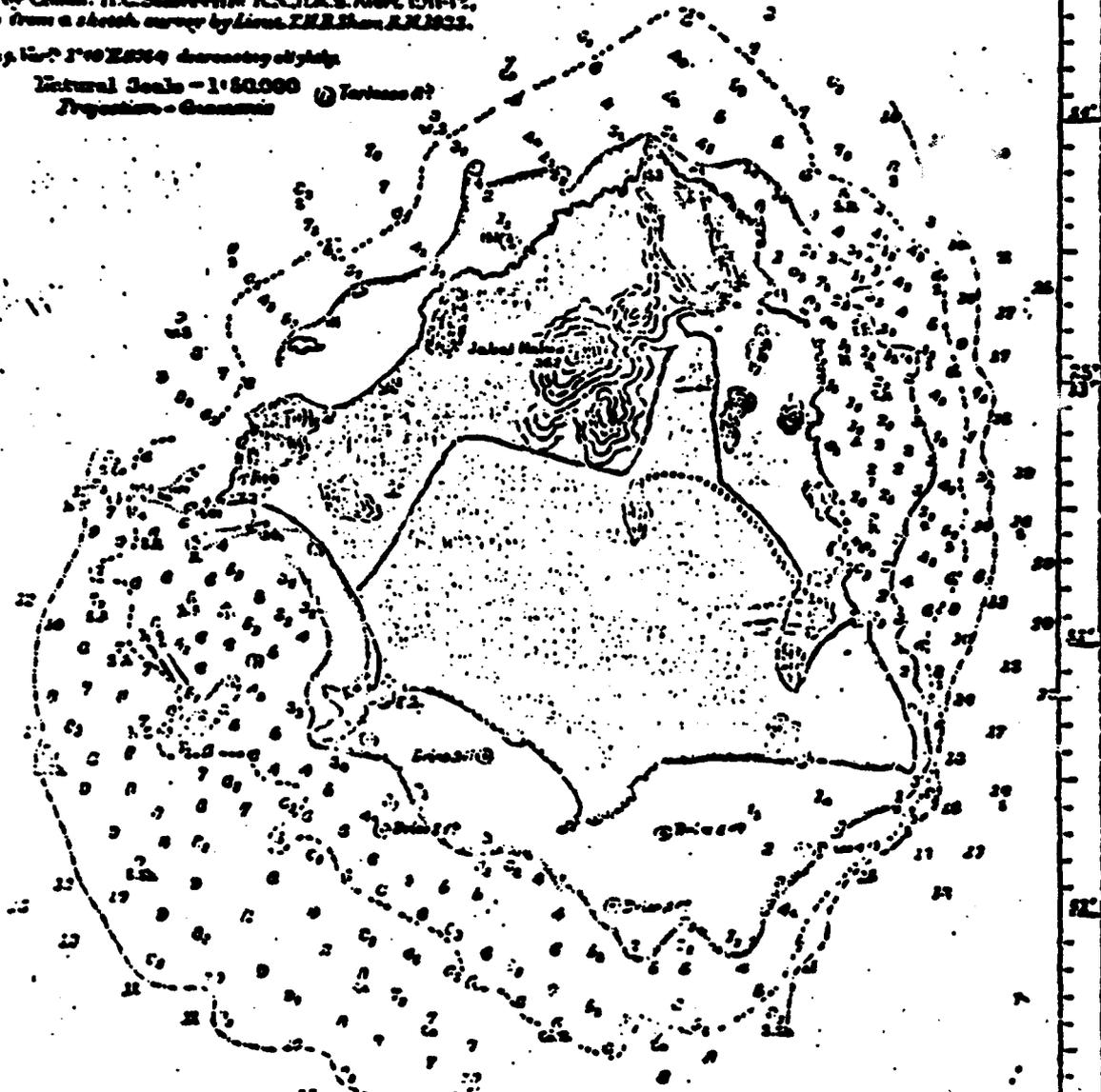
November 1971

# JAZIRAT BŪ MŪSA

From a survey by Commr. H.C. Somerville R.N. 1848-52.  
with additions from a sketch survey by Lieut. F.R. Shaw R.N. 1853.

26 p. 1857 1' 00" X 2000' drawing by J.H.S.

Natural Scale - 1:50,000  
Projection - Cassini



Scale of 1:50,000  
Projection - Cassini  
Published by the Hydrographic Office, London  
1857

## Endnotes

1. Ehsan Yarsbater, Ed Encyclopdia Iraniea, London. Vol. 1, "Abu Musa"; J. G. Lorimer, C.I.E., Gazeteer of the Persian Gulf' Oman and Central Arabia, Calcutta, 1915, Volume IIB, Geographical and Statistical, p. 1909, S.V. Musa, Bu.

2. J. G. Lorimer, C.I.E., Gazeteer of the Persian Gulf, 'Oman and Central Arabia, Calcutta, 1915. Volume IIB, Geographical and Statistical, p. 1909, S.V. Tunb (Nabiya or Nabi). Adamee, Ludwig W., Ed. Abadan and Southwester Iran, Graz, Ausrria, 1989, S.V. Tumbs and Tunb.

3. The 48.5 number is based on the U.S. Government map The Strait of Hormuz and Vicinity, 801029 (455797) 6-87. The 20.75 nm figure is from R. K. Ramazani, International Straits of the World: The Persian Gulf and the Strait of Hormuz, Alphen aan den Rijn, the Netherlands: Sijthoff & Noordhoff, 1979, pp. 1-2.

4. These Claims by the People's Mojahedin (*Mujahedin-i-Khalq*) were summarized in the article "As Iranian Sub Arrives, Buildup Continues, GCC Strengthens Peninsula Shield, in the *Estimate*, (Washington), November 20 - December 3, 1992, pp. 1, 11.

5. Donals Hawley. The Trucial States, London, 1970, p. 38, note 15.

6. See Donals Hawley, The Trucial States, London: 1970, 91-92, with a detailed history of the Qawasim "Empire"; also Frawke Heard-Bey, From Trucial States to United Arab Emirates: A Society in Transition, London and New York: 1982. 81ff.

7. Hawley, pp. 92-93.

8. Hawley, p. 93

9. Hawley, p. 94.

10. For a detailed account of Qawaxitn-British relations and a defense of the Qawasim against the charge of piracy, see the work by a member of the family, Sultan Muhammad al-Qasimi, The Myth of Arab Policy in the Gulf. London.

11. Hawley, p. 96.

12. Sultan-al-Qasimi, They Myth of Arab Piracy in the Gulf, p. 162, quoting the original text. The glosses are my own.

13. Ql-Qasimi, p. 164-1565.

14. Al-Qasimi, p. 197. A "country ship" in this context is a British flag vessel, while a company ship if an east India company vessel.

15. Burrell, p. 165.

16. The fullest account in this period, though decidedly pro-British in its viewpoint, is that of J. B. Kelly, Britain and the Persian Gulf 1795-1880, Oxford, 1968, Chapter IX. On the battle of "Great Tomb", see pp. 355-356.

17. For a short general history of this period, see Malcolm Yapp. "British Policy in the Persian Gulf," in The Persian Gulf States: A General Survey, ed. Alvin J. Cottrell and others, Baltimore and London: Johns Hopkins, 1980. For this period, see p. 75.

18. Kelly, Britain and the Persian Gulf 1795-1880, pp. 358-359.

19. Heard-Bey, 88f.

20. R. M. Burrell, "Britain, Iran and the Persian Gulf: Some Aspects of the Situation in the 1920s and 1930s," in Drek Hopwood, ed., The Arabian Peninsula: Society and Politics, Totowa, N.J., 1972, p. 172.

21. J. B. Kelly, Arabia, the Gulf and the West, New York, 1980, p. 88.

22. Lorimer, Vol. I, p. 745.

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29. Abdullah, p. 234.
30. Ibid., p. 235.
31. Abdullah, p. 235, for this intra-Qasimi dispute.
32. Ibid., p. 236.
33. There is a full account of the aftermath of the Sirri occupation in Abdullah, pp. 238-243.
34. Abdullah, pp. 235-236; Albaharna, pp. 237-238.
35. Abdullah, p. 242.
36. Lorimer, Volume I, p. 745.
37. Abdullah, p. 243.
38. Abdullah, p. 244.
39. Lorimer, pp. 1, 745 is the fullest account of this incident.
40. Lorimer, Loc. cit.: Abdullah, pp. 244-245.
41. Abdullah, p. 245.
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44. Lorimer H, pp. 1908-1909.
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47. Buseh, pp. 369-372.
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53. Abdullah, pp. 256-262; Zahlan, pp. 89-91.
54. Zahlan, p. 90; Burrell, pp. 172-173.
55. Abdullah, p. 262.
56. Zahlan, p. 126.
57. Burrell, p. 173.
58. Abdullah, p. 265 is the fullest; see also Burrell, pp. 173-174; Zahlan, p. 126.
59. Abdullah, p. 266; Burrell, p. 174.
60. Zahlan, p. 127; Burrell, p. 175.
61. Burrell deals with the overall crisis well; see p. 166ff.
62. Abdullah, pp. 266-267.
63. Abdullah, pp. 268-269; Burrell, p. 175; Zahlan, p. 128.
64. Abdullah, pp. 269-270; Burrell, p. 176.
65. Zahlan, p. 128; Burrell gives a lengthy description of the crisis, pp. 174-178.
66. Zahlan, p. 129.
67. Burrell, p. 178.
68. Zahlan, pp. 129-130.
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72. Abdullah, p. 282.
73. Abdullah Omran Taryam, The Establishment of the United Arab Emirates 1950-85. London: Croom Helm. 1987, p. 179.
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79. "Documents on the Understanding Concerning the Island of Abu Musa," in Ali A. El-Hakim. The Middle Eastern States and the Law of the Sea. Syracuse University Press, 1971, Appendix VII, p. 208. For the Arabic text, see the appendices to Tahir Musa 'Abd, al-Ihtilal al-Askari al-Irani li-Juzur Abi Musa, Tanb al-Kubra, Tanb al-Sughra. Baghdad: Ministry of Culture and Information, 1983.
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81. Taryam, p. 184.
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83. That is the implication of Prime Minister Amir "Abbas Hoveyda's announcement of the majlis on November 30, indicating that the landing occurred "at 0615 today". Ramazani, Persian Gulf, p. 141.
84. Keesing's Contemporary Archives. Dec 25, 1971, p. 2501.
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