

Ottawa, Canada
October 21, 2024

Open letter to Charles Michel, President of the European Council

Concerning the First European Union-Gulf Cooperation Council Summit - Joint Statement Section D-46 of the Joint Statement is Illegal and is Against the Rules of International Law

The Heads of State and Government of the Member States of the European Union (EU) and the Gulf Cooperation Council (GCC) held their first Summit on 16 October 2024 in Brussels, Belgium, under the theme “Strategic Partnership for Peace and Prosperity” to celebrate the deepening partnership between the two blocs. Section D-46 of the Joint Statement reflects a wrong and unlawful proclamation against the rules of international law.

“We call on Iran to end its occupation of the three islands of the United Arab Emirates, Greater Tunb, Lesser Tunb, and Abu Musa, which constitutes a violation of the sovereignty of the UAE and the principles of the Charter of the UN.” (Section D-46)

Two lines of argument prove the illegality of the claim in the Joint Statement:

First Argument It is the Persian Gulf and NOT the shorter name Gulf.

The first step to promote a peaceful coexistence everywhere in the world is to comply with the rules of international law, notably the Charter of the United Nations, with *bona fide* and *Ex aequo et bono*. I am citing this requirement from your Joint Statement:

“Our Strategic Partnership aims to be the motor in promoting our common objectives as close partners, anchored in respect for an international rules-based order fully respecting *international law, including the United Nations (UN) Charter*, (italic for emphasis) to international humanitarian law and the promotion and protection of universal human rights.”

The Charter in the Preamble clearly states that the people of the United Nations are determined to “establish conditions under which justice and respect for the *obligations arising from treaties* and other sources of international law can be maintained.” The sanctity of international treaties requires that all member states of the global community adhere to their obligations in good faith and without prejudice. Per the Charter, all members of the UN are required to act with good faith, which is the guarantee of the treaties. The Charter is the most important of all international treaties, and the UN embodies its provisions. Good faith requires complying with the rules established by the UN.

The UN has already confirmed it is the “Persian Gulf,” as the *UN Editorial Control Section* mentioned on August 18, 1994, and NOT the shorter name Gulf,¹ or the intentionally and politically

¹ Subject: USE OF THE TERM "PERSIAN GULF". The purpose of the present addendum is to urge that care be taken to ensure the appropriate use of this term in documents, publications and statements prepared by

forged name Arabian Gulf. The Joint Statement ignores the excellent *faith* in naming the Gulf as the Persian Gulf. Isn't it a breach of international law obligations?

Knowingly distorting a correct historical name, is it a sign of good faith or infringing the nation's territorial integrity and political independence? Is this not a deliberate intention to remove Persia from the Persian Gulf a breach of international law? It seems that it is a breach of the peremptory norms of general international law (*jus cogens*),² necessarily because it materializes the fields of tension and instability.³

Here is a short presentation of the politically constructed crisis created by countries that are not willing to comply with the Charter's purposes to "develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace."

As all historical facts prove, the United Arab Emirates and some allied countries have been trying to damage the territorial integrity of Iran concerning the Lesser and the Greater Tombs and Abu Mousa Islands in the Persian Gulf. Sadly, the EU has joined the southern countries of the Persian Gulf region, and blatantly, a provocative claim and a big mistake, "occupation of the three islands of the United Arab Emirates" by Iran. This false claim is a flagrant violation of the purposes and obligations of states specified in the United Nations Charter. Further, in a futile attempt to ignore the historical name of Persia for the Persian Gulf, the Joint Statement is trying to undermine the historical facts acknowledged by the United Nations.

These futile efforts are a violation of the mandatory rule of international law to respect the territorial integrity and political independence of countries according to paragraph 1 of article 2 of the United Nations Charter, hence, are conducive to international responsibility according to article 31 of the *Draft Articles on State Responsibility for Internationally Wrongful Acts*. "The responsible State is obliged to fully reparate for the injury caused by the internationally wrongful act."⁴

In this regard, the *United Nations Group of Experts on Geographical Names*, in the addendum dated 18 August 1994, directly and urges "care to be taken to ensure the appropriate use of the term Persian Gulf in documents, publications, statements prepared by the Secretariat" The addendum continues that "The full-name Persian Gulf should be used in every case instead of the shorter term Gulf including in repetition of the term after this initial use in the text".⁵

the Secretariat. The full term "Persian Gulf" should be used in every case instead of the shorter term "Gulf", including in repetitions of the term after its initial use in a text. ST/CS/SER.A/24/ADD.2., August 18, 1994.

² Conclusion 2. Definition of a peremptory norm of general international law (*jus cogens*): A peremptory norm of general international law (*jus cogens*) is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character. Report of the UN Legal Office.

³ My letter to the Secretary General of the United Nations (July 27, 2023).

⁴ Draft Articles on State Responsibility for Internationally Wrongful Acts, *International Law Commission*, 2001.

⁵ Supra note 1.

Given the responsibility of the members of the United Nations to undertake, with *good faith* (article 2 part 2),⁶ all obligations contained in the Charter, legal opinions, and instructions of the *United Nations Group of Experts on Geographical Names* must be strictly complied with.

United Nations Group of Experts on Geographical Names found unanimously in historical documents the term Persian as the proper historical name for the closed sea in the south of Iran today. The group on working paper number 61 of 2006 considered the ancient names as the *human knowledge built in the course of history* (emphasis added) of different nations. Names are associated with the identity of nations; *the Persian Gulf is the ancient name for the Persian Gulf*. The Group emphasizes that:

No water channel has been so significant as PERSIAN GULF (emphasis in the original text) to the geologists, archaeologists, geographers, merchants, politicians, excursionists, and scholars, whether in the past or in the present. This water channel, which separates the Iran Plateau from the Arabian Plate, has enjoyed an Iranian Identity since at least 2200 years ago.⁷

The group of experts reminds us that researchers who have researched the name of the Persian Gulf became unanimous in considering it. Throughout the centuries, and at least during the past 2500 years, as of the time of the powerful Pars Empire, there has never been such unanimity in the Middle East among writers and historians on one name.

The UN Group of Experts on Geographical Names argues that no written deed has remained since the era before the Pars Empire. Still, in the oral history and culture, the Iranians have called the southern waters the Jam Sea, Iran Sea, and Pars Sea (emphasis added). In this way, the group cites historical documents that are all specifying the name Persian for the Persian Gulf:

In the travel account of Pythagoras, several chapters are related to the description of his travels accompanied by Darioush, a king of Achaemenid, to Shoush and Persepolis, and the area is described. From among the writings of others in the same period, there is the inscription and engraving of Darioush the Great, installed at the junction of waters of the Arabian Gulf (Ahmar Sea) and Nile River and Rome River (current Mediterranean), which

belongs to the 5th century BC where, Darioush, the king of Pars Empire has named the PERSIAN GULF Water Channel: PARS SEA. From among the other significant deeds written in this field, the world map Hecataeus (472 to 509 B.C.) can be stated where PERSIAN GULF (emphasis in the original text) and Arabian Gulf (Red Sea) have been clearly shown. Also, a map remained from Herodotus, the great historian of Greece (425-484 B.C.), which



⁶ Charter, article 2 (2): All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.

⁷ Working Paper, No. 61.

introduces the Red Sea as the Arabian Gulf.⁸

The said group of experts cites the name Persia for the Persian Gulf in a series of international agreements which are all, according to article 38 of the ICJ Statute, the primary sources of international law:

- General contract with Arabian Emirs on January 08, 1820,⁹ between Sheikhs of United Emirates at PERSIAN GULF, signed by General Cairo and 11 chiefs of Arab Tribes. The word *Alkhalij Alfarsi* (emphasis added) has been used in the Arabic texts.
- Contract of 1947 on Prohibition of Slave Sales.
- Permanent Contract of Peace in 1853.
- Treaty of 1856 on Slaves Trade.
- Contract on Independence of Kuwait (this deed was registered with the Secretariat of the United Nations on June 19, 1961).
- Treaty on Determination of Border Lines of Iraq and Kuwait (1996).

Also, the word Bahre Fars, or Persian Gulf, was used in the political, legal, and economic accords concluded between the United Emirates and the other countries from 1806 to 1971.

The *UN Group of Experts on Geographical Names* earnestly stresses the name Persia for the Persian Gulf by citing several maps endorsed by Britain during its expansion in the region in the 18th and 19th centuries:

- The map of the Empire of Persia was prepared by the photographer Jean-Baptiste Bourguignon D'Avnille in 1770.
- A New Map of the Empire of Persia prepared by D'Avnille in 1794.
- Persia Map was prepared for the new Atlas by Thomson in 1818.
- Persia map prepared by Orme, Brown Longman, and Rees in 1828.
- Persia with part of the Ottoman Empire prepared by G. Long in 1831.
- Central Asia Map, prepared by Alex Burnes in 1834.
- Persia Map (1840) prepared for Atlas Black.
- Persia Map prepared for Atlas B lack in 1884.
- Persia & Cabool Map prepared by A. K. Johnston in 1844.
- Map of Persia, Kabul, etc., prepared by J. Arrowsmith in 1873.
- Map of Persia & Afghanistan prepared by A. C. Block in 1854.
- Maps under the title: Map of Persia published in 1886 (this map was prepared upon instruction by the Ministry of Seafaring and Information Services of the Ministry of War of England.)
- Map of Persia prepared by Captain St. John upon instruction by Vice-Minister at Indian Affairs, England Cabinet in 1874.
- Map of Persia prepared by the Information Sector of the English Ministry of War in 1891.

⁸ Supra note 4.

⁹ Article six: The friendly Arabs, if they choose, shall send an Envoy to the British Residency in the Persian Gulf with the necessary accompaniments... see: Qatar Digital Library. File 2902/1916 'Treaties and Engagements between the British Government and the Chiefs of the Arabian Coast of the Persian Gulf' [131r] (272/448).

- A map of Iran, Afghanistan, and Baluchistan was published under the supervision of Kerzen in 1891 and 1892.
- Maps under the Map of Persia were prepared in the Shimla Drawing Department in 1897.

International organizations have also applied the correct name, Persian Gulf. The *Division for Ocean Affairs and the Law of the Sea (DOALOS)*, *Office of Legal Affairs*, and the *UN Editorial Control Section* formally used the Persian Gulf: "States of the Persian Gulf." Bahrain, Iran, Iraq, Kuwait, Oman, Saudi Arabia, and the United Arab Emirates are all coastal countries located south of the Persian Gulf.

The Expert Group extends this reference to the Persian Gulf and the formal name of the waterway existing on the south side of Iran. The Group also urges attention to the other instructions of the United Nations:

- Note No. LA45.82 dated Aug. 10, 1984 (New York)
- Circular No. CAB/1/87/63 dated 16.02.1987 of Managing Director of UNESCO.
- ST/CSSER/29 dated Jan. 10, 1990.
- AD/311/1/GEN dated March 5, 1991.
- ST/CS/SER.A/29/Add.1 dated Jan. 24, 1992.
- ST/CS/SER.A/29/Add.2 dated Aug. 18, 1994.
- ST/CS/SER.A/29/Rev.1 dated May 14, 1999.



The Group insists that ignoring the prefix Persian for the Persian Gulf is a politically motivated plan by the countries located in the Arabian south of the Persian Gulf. This is a motivation to change the name of PERSIAN GULF intentionally. It is purely political, and the motivation to change the name of the Persian Gulf is strictly political.

There are also historical incentives by arab nationalists to distort the name Persian Gulf. The Cold War greatly affected the situation. The rivalry of the Cold War era further

fueled these evil desires. In the 1950s, Arab nationalists from Iraq and Egypt and anti-Iran propagandists began to call the Persian Gulf the Arabian Gulf. In the 1960s, the Iranian government strengthened its claims against Iraq in the Shatt al-Arab waterway by calling the river "Arvand Rud." In the same vein, in the 1960s, the Iraqi Government began to call the Iranian province of Khuzestan by its earlier name of "Arabistan." And, in recent memory, the Iranian government has sought to refer to Abu Musa as "Bu Musa." These are examples of the political use of toponyms to claim, rectify, adjust, subvert, or de-recognize a territorial status quo.¹⁰

¹⁰ Guive Mirfendereski, *The Toponymy of the Tonb Islands*, *Iranian Studies*, Summer - Autumn, 1996, Vol. 29, No. 3/4 (Summer - Autumn, 1996), pp. 297-320.

Historical facts extend deeper roots to the name Persian Gulf. In Arrian's 'Indike' on India: Intention and Reality, Franz Ferdinand Schwards narrates adventurer Lambulus, written sometime between 165 and 50BC:

Then, they were shipwrecked in a sandy and marshy region of India, and his companion lost his life in the surf. Still, lambulus, having found his way to a particular village, was then brought by the natives into the presence of the king at Palibothra, a city which was distant a journey of many days from the sea. And since the king was friendly to the Greeks and devoted to learning, he considered lambulus worthy of cordial welcome, and at length, upon receiving permission of safe conduct, he passed over first of all into Persia and later arrived safely in Greece.¹¹

The Honorable Charles Michel,

All members of the United Nations and European Union who conceded to the Joint Statement should comply with the purposes contained in the Charter, among them developing friendly relationships with *good faith*. Ignoring such a vital need for a peaceful world causes international responsibility.

Second Argument
Historical facts CANNOT be Distorted and politicized
Facts and law are together: They are inseparable

“As the global political landscape is being reshaped by strategic competition, growing global instability, and attempts to undermine the rules-based international order, the EU needs a clear strategic plan and a solid framework for actions.”¹²

Suppose the EU needs a clear strategic plan and a solid action framework. In that case, such needs will not be attained through distortion of historical facts against the benefits of the international community. The international community is ruled by international norms, which are urgent needs for the construction of a peaceful world. The law cannot have any meaning without facts. The law is not *ex nihilo*. Indeed, facts and law are interdependent and indivisible. The historical evidence proves Iran's “effective control” over the Greater Tunb, Lesser Tunb, and Abu Musa. The notion of “effective control” is evident in the Iranian sovereign rights over the three islands.

In addition to the maps mentioned above, legal documents prove Iran's sovereignty over the islands. For instance, by decision of Britain to terminate its colonial commitments in the Persian Gulf, announcing its withdrawal from the area by the end of 1971, the agreement signed by Iran and Sharjah based on *modus vivendi* concerning Abu Musa, on 30 November 1971, Iran re-possessed the Tonbs.

The Tonbs correspond to the ancient Tabiana, described by Ptolemy as "islands jacent to Persidis [Fars]," to the dm (read dam or dom) or zm (read zam) of Ibn al-Balkhi

¹¹ Franz Ferdinand Schwards, Arrian's Indike on India: Intention and reality. East and West, Vol. 25, No. 1/2 (March-June 1975), pp. 181-200 (20 pages) page 183.

¹² European Council, Strategic agenda 2024-2029.

(d. A.D. 1116), and to the kind (read kand or kond) or gnd (read gand gond) of Hamdallah Mustawfi (A.D. 1340). Mustawfi says these "counted among the known islands, belonging to Iran and inhabited."¹³

Historical evidences are undeniable. In a compelling argument on the Persian Gulf, Daniel T. Potts, cites Iranian islands in the Persian Gulf. Darius of the Achimedean Empire commemorated the opening of "this canal from a river by the name Nile which flows in Egypt, to the sea which goes from Persia." He said that "ships went from Egypt through this canal to Persia."¹⁴ The statement implies that in ancient times, the Persian Gulf was under the control of Iran and its islands similarly. Since, at that time, there was no rival power against the Persian Empire in the Persian Gulf regions, it is not surprising to argue that the region and its islands were under the control of Iran. Indeed, Iran could apply its "effective power" in the Persian Gulf.

The notion of "effective control" merits a deeper delve into the truth of the Indianness of the three islands. The historical facts can also ascribe *res nullius - terra nullius* to the islands in ancient times. Since the islands came under the control of Iran, this country applied its sovereignty over them with no resistance from the Greeks, who were the only adjacent country of Achimedean Empire. This means that the islands in the Persian Gulf were susceptible to controlling the power and sovereignty of Iran. In this way, the islands have historically been subjected to regular human activities under the control of Iran without competing claims by other countries; at that time, no other country was on the south side of the Persian Gulf.

In modern times, control of Iran over the Persian Gulf Islands continued with no competition. This continuity from the ancient time, bestows Iran the "original title" driven from *terra nullius* in Achimedean Empire time. Therefore, in territories such as Tonbs and Abo-Musa termed as *terrae nullius* (in the Achimedean time), sovereignty of Iran over these islands is termed in international law as "original title". This means that Iran is legally entitled to exercise therein its sovereignty, especially due to the fact that historically speaking there has been no objection against it, and because no country has been in the Persian Gulf region except Iran. The arbitrator Max Huber, in the the Island of Palmas (The Netherlands / The United States of America) case in 1928) confirmed such a sovereignty and competence.¹⁵

The ICJ in Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) case in 2001,

Mirfendereski's argument on the historical sovereignty of Iran over the Islands in the Persian Gulf is solid and undeniable since all have been historically proven.

In 1797, the English Orientalist William Vincent explained the connection between the European and Persian names for the Tonbs." He stated: (1) "[A conspicuous tomb] is, perhaps, what there is on most of the islands in the gulph, the tomb of some Mohammedan reputed saint; and such tombs are generally small buildings constructed with brick, and ending in a cupola; "2' "[t]he two islets called Tumbo if the appellation is Portuguese, have doubtless some allusion to a sepulcher, either ancient or modern, and

¹³ Supra note 10.

¹⁴ Daniel T. Potts, The Persian Gulf, chapter 37. See: <https://www.ancientportsantiques.com/wp-content/uploads/Documents/PLACES/IndOc-Gulf/Gulf-Potts2021.pdf>

¹⁵ Report of International Arbitral Awards. Island of Palmas case (Netherlands, USA), 4 April 1928, p. 867.

possibly some Marabout, or Imam, is revered here, as a successor either to some ancient hero or deity, or even Erythras himself'; and "[t]hese two islands are generally called, Gum-bad-e Bousurg-Gumbad-e Kutcheek-Great and Little Dome-from the domes which usually crown the sepulchers of these Mohammedan imams.

The historical evidence proves Iran's notion of "effective control" over the three islands mentioned. In international law, the ICJ has referred to the notion of "effective control" in the *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States of America), 1986. Referring to "effective control" in this case might be argumentative. However, historical facts confirm the identity of the three islands to Persia (Iran).

The historical ties between *res nullius - terra nullius* and the notion of "effective control" were confirmed by the Island of Palmas (The Netherlands / The United States of America) case in 1928. Max Huber, the arbitrator, confirmed that it is sufficient to take the display of control over the island as evidence of sovereignty:

But apart from the consideration that the manifestations of sovereignty over a small and distant island inhabited only by natives cannot be expected to be frequent, the display of sovereignty doesn't need to go back to a very far distant period. It may suffice that such display existed in 1898 and had already existed as continuous and peaceful before that date long enough to enable any Power who might have considered herself as possessing sovereignty over the island or having a claim to sovereignty to have, according to local conditions, a reasonable possibility for ascertaining the existence of a state of things contrary to her real or alleged rights.¹⁶

The "effective control" over the islands of the Persian Gulf, including the Tonbs and Abu-Musa, merits delving into more evidence taken from international judicial proceedings. The ICJ, in the *Sovereignty over Pulau Ligitan and Pulau Sipadan* (Indonesia/Malaysia) case in 2001, highlighted the "original title" associated with "effective control."

"the activities relied upon by Malaysia . . . [we]re modest in number but . . . they [we]re diverse in character and include[d] legislative, administrative and quasi-judicial acts. They cover[ed] a considerable period of time and show[ed] a pattern revealing an intention to exercise State functions in respect of the two islands in the context of the administration of a wider range of islands."¹⁷

According to the judgment, Malaysia "at the time when these activities were carried out, neither Indonesia nor its predecessor, the Netherlands, [had] ever expressed its disagreement or protest". By analogy, from Achimedan's time until the occupation of the Islands by Britain, caused by the weakness and incompetence of the Qajar dynasty in Iran as well as the naval superiority of England, Iran was exercising its power and activities over the said islands. Rights After Britain's withdrawal from the islands, Iran took over the islands again. It is NOT the incorrectly forged "occupation" cited in the Joint Statement. Rather is the continuation of the "original title". In its judgment, the Court found out that based on the above-mentioned effectivities, sovereignty over Pulau Ligitan and Pulau Sipadan belonged to Malaysia. "Given the circumstances of the case, and

¹⁶ Supra note 15.

¹⁷ *Sovereignty over Pulau Ligitan and Pulau Sipadan* (Indonesia/Malaysia). Judgment of f 17 December 2002, p. 270.

in particular because of the evidence furnished by the Parties, the Court concludes that Malaysia has title to Ligitan and Sipadan based on the effectivity referred to above". Again, by analogy, effectivities over the islands have been done by Iran. In the said case, and as a principle in international law, the Court approves the acquisition of territories as a legal method confirmed by terra nullius and "original title", especially in the historical context.

In the advisory opinion on Western Sahara case of 1979, the Court confirmed bellogness of Western sahara to Morocco. In response to the question "What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?", the Court "expressed the opinion that the materials and information presented to it showed the existence, at the time of Spanish colonization, of legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara".¹⁸ This landmark opivnion once again admits our argument about the sovereignty of Iran over Tonbs and Abu-Musa. Although, British forces occupied the islands by force, let's call it colonialism, such occupation NEVER means removal if Iran over the said islands. In the same case, the Court is on the advisory opinion that

According to the State practice of that period, territories inhabited by tibes or people having a social and political organization were not regarded as terrae nullius: in their case sovereignty was not generally considered as effected throught occupation.... At the time of its colonization the territory had a sparse population that for the most part consisted of nomadic tribes the members of which traversed the desert on more or less regular routes, sometimes reaching as far as southt:rn Morocco or regions of present-day Mauritania, Algeria or other States.¹⁹

The materials and historical evidence prove the "original title" of Iran over the islands, with zero legal dispute. Therefore, by the termination of colonialism, Iran sought its sovereign rights over the islands. Based on what legal foundation and rules of international law of territories the EU used the forged term "occupation"?

If we move further back in the recent hisotry, the dispute over Clipperton Island between france and Mexico, provides another piece of arbitration reconfirming the sovereignty of Iran over the Tonbs and Abu-Musa. France's argument for its ownership of Clipperton against Meico was based on its 1858 claim and the formal annexation of the island and that the land was *terra nullius*. The arbitrator, King Victor Emmanuel III of Italy confirmed *terra nullius* status of the island and awarded to France.

The Arbitrator held that, even assuming the discovery to have been made by Spain, it would be necessary for Mexico to show that Spain had effectively exercised the right of incorporating the Island in her possessions, but that Spain had not done so. Since Mexico had similarly failed to exercise any right of sovereignty before the arrival of French sailors on the Island, it was therefore a *territorium nullius* at the latter date and the French claim to sovereignty, based on effective occupation, was to be preferred.²⁰

¹⁸ The ICJ., Western Sahara, Advisory Opinion of 16 October 1975, summary of the advisory opinion.

¹⁹ Ibid., p. 101.

²⁰ (D) Succession of Territorial Claims Case of Clipperton Island (1931) Mexico v. France Arbitrator (King of Italy) appointed under a Special Agreement of 2 March 1909 Reports of International Arbitral Awards, vol. II, p. 1105. See: Yearbook of the International Law Commission: 1962, vol. II. https://legal.un.org/ilc/documentation/english/a_cn4_151.pdf

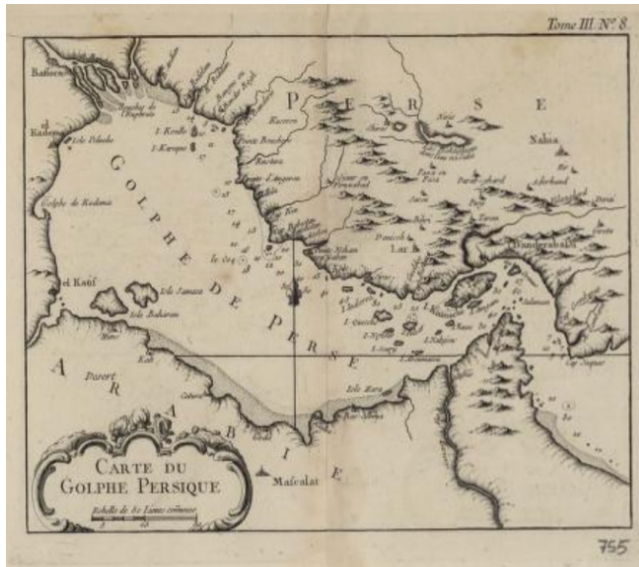


In this arbitraion, the aquisition of the island was legally justified due to *terra nullius* status of the territory. Have Tonbs and Abu-Musa been *terra nullius*, when British colonal forced occupied the islands? It is a very false and has no legal basis to include the three mentioned islands under *terra nullius* status. Tonbs and Abu-Muas islands have alwas been an integral terrotory of Iran since even before the formation of UAE the persian Guld has been the territory of Iran, and its islansa as well.

The Estoppel principle must also be mentioned. Estoppel is an equitable doctrine, a bar that prevents one from asserting a claim or right that contradicts what one has said or done before, or what has been legally established as true. The Britain map of 1886, indicates the Persian Gulf; the Persian Gulf belonged to Iran. By the end of colonialism, Britain left the said islands. Therefore, the act of *dereliction* applies to its decision to abandon the islands. Iran took possession of its territory. Even in the time of illegal occupation of the islands by British colonialism, these territories had never been *terra nullius*. If due to the weakness of the Qajar dynasty Iran was not able to prevent the occupation of the islands by Britain, it does NOT mean *dereliction*, since this term refers to the intentional abandoning of a territory. Britian occupied the islands by force. The presence of some personal and commercial activities in the islands by Sharjah (under the control of Britain), never means removal of Iran's sovereignty or *dereliction*. The ICJ in *Burkina Faso/Republic of Mali Frontier Dispute* depends sovereignty on the behaviour of the authorised administratives as proof of the effective exercise of territorial jurisdiction.²¹



²¹ Case Concerning the Frontier Dispute (Burkina Faso/Republic of Mali) Judgment of 22 December 1986.



In summary, the “occupation of the three islands...” in the Joint Statement is legally baseless, as historical facts, international arbitrations, and judicial proceedings prove it. Politically speaking, it conveys a severe accusation, giving rise to the global responsibility of the Council of Europe. This dangerous political position has been put forward under the guise of legal reasoning by the Council of Europe: “...constitutes a violation of the sovereignty of the UAE and the principles of the Charter of the UN.” It is a terrible mistake by the Council to justify political incentives under the compelling terms of international law; “violation of the sovereignty” and “the principles of the Charter of the UN”. The Council emphasizes

adherence to international law but violates the rules of international law. Isn't there an inherent contradiction in the Statement?

The reliable scientific facts also confirm Iranian islands in the Persian Gulf (Abu-Musa, Greater Tonb, Lesser Tonb, and a few more). Research on recording the type of mosquitos in the Iranian islands in the Persian Gulf names the three islands of Iranian sovereignty. Abu-Musa, Greater Tonb, and Lesser Tonb are all considered Iranian historical belongings in the Persian Gulf.

There are almost 35 inhabited and uninhabited Iranian islands in the Persian Gulf belonging to three southern provinces of the country and including Dara and Minu (Minoo) (Khuzistan Province), Khark (Kharg) and Kharku (Khargu) (Bushehr Province), Abu-Musa, Farur (Forur or Greater Farur), Farurgan (Lesser Farur), Hengam, Hormuz, Kish, Larak, Lavan, Qeshm (Gheshm), Shidvar, Siri, Greater Tonb (Tunb) and Lesser Tonb (Hormozgan Province).²²

The Honorable Charles Michel,

The historical facts and law are interwoven, as already mentioned. The usage of the baseless claim in the Joint Statement, “We call on Iran to end its occupation of the three islands of the United Arab Emirates, Greater Tunb, Lesser Tunb, and Abu-Musa, which constitutes a violation of the sovereignty of the UAE and the principles of the Charter of the UN,” lacks both historical and legal basis. The term “occupation” is a dangerous claim in the Statement since could never fit the rules of international law.

²² M. Khoobdela, S. Azari-Hamidian* and A.A. Hanafi-Bojd, Mosquito fauna (Diptera: Culicidae) of the Iranian islands in the Persian Gulf II. Greater Tonb, Lesser Tonb and Kish Islands, *Journal of Natural History*, Vol. 46, Nos. 29–32, August 2012, 1939–1945.

If “the EU needs a clear strategic plan and a solid framework for actions,” this need is met under proper legal bases, complying with the rules of international law, and good faith.

We expect your response to this letter.

We preserve our rights to bring this Council's wrong position and error to academic circles as well as to organs of civil society.

Respectfully submitted

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Alternative Perspectives and Global Concerns (<https://apgc.ca>)