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**KAIYAN HOMI KAIKOBAD**

**THE SHATT-AL-ARAB  
BOUNDARY QUESTION:  
A LEGAL REAPPRAISAL**

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# Shatt Al Arab Boundary Question A Legal Reappraisal

**Daniel Meier**



## **Shatt Al Arab Boundary Question A Legal Reappraisal:**

**The Shatt-al-Arab Boundary Question** Kaiyan Homi Kaikobad, 1988 Using newly discovered maps of the river forming part of the disputed boundary between Iran and Iraq this book reexamines the history of this dispute within the framework of international law and proposes a solution to the problem

**The Shatt-al-Arab Boundary Question** Kaiyan Homi Kaikobad, 1988 The persistent problems presented by territorial disputes are among the most important of our time The Falklands War and the war between Iran and Iraq are but recent illustrations of the potential for mischief which attaches to issues concerning boundaries and the validity of title to territory including maritime rights The significance of these issues is in inverse proportion to the level of understanding exhibited by the media and by political scientists For the most part it has been left to lawyers and geographers with the occasional historian to study particular disputes The proper study of a boundary dispute calls for the careful teasing out of the strands of history politics diplomacy and law which go to make up the special universe of each boundary dispute Dr Kaikobad has brought the necessary qualities of patience and scholarship to his task and he has used an impressive variety of sources The result is not only a major work on the background to the Gulf War but a contribution of quality to the literature on territorial disputes to the development of a typology of disputes and to diplomatic history

International Law and Boundary Disputes in Africa Gbenga Oduntan, 2015-06-26 Africa has experienced a number of territorial disputes over land and maritime boundaries due in part to its colonial and post colonial history This book explores the legal political and historical nature of disputes over territory in the African continent and critiques the content and application of contemporary International law to the resolution of African territorial and border disputes Drawing on central concepts of public international law such as sovereignty and jurisdiction and socio political concepts such as colonialism ethnicity nationality and self determination this book interrogates the intimate connection that peoples and nations have to territory and the severe disputes these may lead to Gbenga Oduntan identifies the major principles of law at play in relation to territorial and boundary disputes and argues that the predominant use of foreign based adjudicatory mechanisms in attempting to deal with African boundary disputes alienates those institutions and mechanisms from African people and can contribute to the recurrence of conflicts and disputes in and among African territories He suggests that the understanding and application of multidisciplinary dispute resolution mechanisms and strategies can allow for a more holistic and effective treatment of boundary disputes As an in depth study into the legal socio political and anthropological mechanisms involved in the understanding of territorial boundaries and a unique synthesis of an African jurisprudence of international boundaries law this book will be of great use and interest to students researchers and practitioners in African and Public International Law International Relations and decision makers in need of better understanding the settlement of disputes over territorial boundaries in both Africa and the wider world

**International Law** Malcolm N. Shaw, 2014-09-18 This new edition of International Law confirms the text's status as the definitive book on

the subject Combining both his expertise as academic and practitioner Malcolm Shaw's survey of the subject motivates and challenges both student and professional By offering an unbeatable combination of clarity of expression and academic rigour he ensures both understanding and critical analysis in an engaging and authoritative style The text has been updated throughout to reflect recent case law and treaty developments It retains the detailed references which encourage and assist further reading and study

*Territorial Foundations of the Gulf States* Richard Schofield, 2016-11-18 This book first published in 1994 provides a comprehensive treatment of a crucial set of geopolitical issues from a region where political developments are observed with great care and some trepidation by the rest of the world Based on expert analysis by leading researchers the book is the first English language to deal collectively with the origins and contemporary status of land and maritime boundaries in the Gulf and Arabian Peninsula The 1990 Iraqi invasion of Kuwait was the gravest challenge yet posed to the system of small states established by Britain during its stay as a protecting power along the western Gulf littoral Immediately questions were raised about the origins of these tiny emirates How had this territorial framework evolved What was its raison d'être How capable was this framework of withstanding serious internal and external upheaval such as that caused by the Iraqi invasion This book reviews these and related concerns from a variety of informed perspectives those of the boundary maker himself the international lawyer the oil economist and the political and historical geographer The origins of the region's framework of state territory are carefully scrutinised as are the region's borders and the contemporary disputes over their status The period following the first Gulf War has witnessed an increase in the prevalence of Arabian territorial disputes Some are new such as Saudi Qatar but most are established cyclical affairs Although a complete explanation for these developments is premature they have occurred as states in the region have been making clear moves to finalise the framework of Arabian state territory only the Saudi Yemen border remains indeterminate albeit the subject of current negotiations The book begins with a major scene setting chapter by Richard Schofield This is followed by chapters containing expert insights into the relationship between territory and indigenous notions of sovereignty Britain's role in drawing Arabian territorial limits including a contribution from someone who drew up some of its boundaries Iran Kuwait disputes in particular maritime boundaries the hydrocarbon dimension and concepts of shared political space With many newly drawn maps based on original research this volume stands alone as a comprehensive reader on an issue that plays a dominant part in the regional geopolitics of the Gulf and Arabian Peninsula

*Bordering the Middle East* Daniel Meier, 2020-05-21 This volume focuses on the influence that borders in the Middle East can have on actors identity building as well as how local national or transnational actors re-define borders and boundaries The Middle East is facing a political crisis revealed by the Arab uprisings that is affecting states borders in a paradoxical way while local communal or tribal dissent tends to contest international borders states are trying to affirm their control over national territory in building border fences Focusing on borders in their materiality as well as their symbolic dimensions their representations may help

with reappraising the region's own history the local national specificities as well as regional global constraints affecting borderlands and those who cross borders be they workers migrants or jihadists In this book six case studies will provide insights on state community relationships through the lens of border issues in the Levant and the Gulf The theoretical framework provided by the border studies conceptual tools allows authors to delve into the process of bordering de bordering and re bordering which is affecting the region raising questions on sovereignty authority and the political legitimacy of the regimes This book was originally published as a special issue of *Geopolitics* **Law, Territory and Conflict Resolution** Matteo Nicolini, Francesco Palermo, Enrico Milano, 2016-05-02 Prompted by the de facto secession of Crimea in early 2014 *Law Territory and Conflict Resolution* explores the role of law in territorial disputes and therefore sheds light on the legal realities in territorial conflicts Seventeen scholars with backgrounds in comparative constitutional law and international law critically reflect on the well established assumption that law is part of the solution in territorial conflicts and ask whether the law cannot equally be part of the problem The volume examines theory practice legislation and jurisprudence from various case studies thus offering further insights on the following complex issue can law act as an effective instrument for the governance of territorial disputes and conflicts **Standing Your Ground** Paul Huth, 2009-08-20 Explains why governments have initiated escalated and settled territorial disputes with neighboring states since the end of World War II **Iran, Iraq, and the Legacies of War** L. Potter, G. Sick, 2004-11-12 Iraq and Iran are the two most important states in the Gulf region given their population size military strength and the potential threat they pose to other states in the region This book enhances our understanding of the troubled relationship between Iran and Iraq placing it in historical context examining the rapid deterioration leading to the eight year war that started in 1980 and the effects of that trauma and exploring the ongoing issues that currently bedevil bilateral relations The authors cover such central issues as how each side has sought to use opposition groups in the other state to weaken it ethnic divisions the role of outside states especially the United States and a fascinating account of how the war affected a generation of Iraqis and Iranians The role of the U S in the region and how U S policy has affected the two states are also considered This book provides a basis for understanding the background of a tumultuous relationship that is entering a new era **Arab-Iranian Rivalry in the Persian Gulf** Farzad Sharifi-Yazdi, 2015-06-29 Iranian ambitions in the Persian Gulf and rivalries with Arab neighbours are subject to intense and heated speculation controversy and debate Here Farzad Cyrus Sharifi scrutinises the rival Arab Iranian claims to Bahrain the Shatt al Arab waterway and the Abu Musa and Tunbs islands in the years after World War II and before the Iranian revolution Through investigation of previously unexamined primary materials and interviews with leading players this book sheds new light on the evolution and dynamics of hegemonic and nationalistic Arab Iranian rivalries and how these rivalries began to find symbolic expression through territorial disputes Sharifi illustrates that these ongoing disputes and the deep seated tensions still prevalent in Arab Iranian relations are largely rooted in how they were

constructed in the post World War II period making this book vital reading for researchers of the politics history international relations and diplomacy of the Middle East

**Kosovo: A Precedent?** James Summers, 2011-08-25 Kosovo's declaration of independence on 17 February 2008 has had a profound and polarising impact on international relations While over a third of the world's countries have recognised Kosovo others have been concerned that it sets a precedent for secessionist minorities Indeed Kosovo appears to have been used as a precedent in the Russia Georgia conflict over South Ossetia The book brings together contributions from leading academics on the legal aspects of Kosovo and in particular the International Court of Justice's Advisory Opinion of 2010 The result is an extensive examination from a variety of experts on Kosovo and its impact on international law

*Preventive Negotiation* I. William Zartman, 2001 Negotiation lies at the core of preventive diplomacy This study is unusual in approaching preventive diplomacy by issue areas it looks at the way in which preventive negotiation has been practiced notes its characteristics and then suggests how lessons can be transferred from one area to another but only when particular conditions warrant such a transfer The distinguished contributing authors treat eleven issues boundary problems territorial claims ethnic conflict divided states state disintegration cooperative disputes trade wars transboundary environmental disputes global natural disasters global security conflicts and labor disputes The editor's conclusion draws out general themes about the nature of preventive diplomacy

**International Boundaries and Boundary Conflict Resolution** International Boundaries Research Unit, 1990

*Irresolvable Norm Conflicts in International Law* Valentin Jeutner, 2017-07-14 Conventionally international legal scholarship concerned with norm conflicts focuses on identifying how international law can or should resolve them This book adopts a different approach It focuses on identifying those norm conflicts that law cannot and should not resolve The book offers an unprecedented controversial yet sophisticated argument in favour of construing such irresolvable conflicts as legal dilemmas Legal dilemmas exist when a legal actor confronts a conflict between at least two legal norms that cannot be avoided or resolved Addressing both academics and practitioners the book aims to identify the character and consequences of legal dilemmas to distil their legal function within the sphere of international law and to encourage serious theoretical and practical investigation into the conditions that lead to a legal dilemma The first part proposes a definition of legal dilemmas and distinguishes the term from numerous related concepts Based on this definition the second part scrutinises international law's contemporary norm conflict resolution and accommodation devices in order to identify their limited ability to resolve certain kinds of norm conflicts Against the background of the limits identified in the second part the third part outlines and evaluates the book's proposed method of dealing with legal dilemmas In contrast to conventional approaches that recommend dealing with irresolvable norm conflicts by means of non liquet declarations judicial law making or a balancing test the book's proposal envisions that irresolvable norm conflicts are dealt with by judicial and sovereign actors in a complementary fashion Judicial actors should openly acknowledge irresolvable conflicts and sovereign actors should decide with which norm they will comply The book concludes

with the argument that analysing various aspects of international law through the concept of a legal dilemma enhances its conceptual accuracy facilitates more legitimate decision making and maintains its dynamic responsiveness

**The Gulf War of 1980-1988** Iger F. Dekker, Harry H. G. Post, Nederlands Instituut voor Sociaal en Economisch Recht, 1992 This book deals with a number of the most important international legal aspects of the Gulf War of 1980 1988 To date remarkably little attention has been paid to this war from the international legal perspective However the need to do so seems obvious Many more States than the two belligerents have directly or indirectly become involved as a result in particular of the extensive activities of the belligerent parties which were detrimental to the shipping of non participating States Furthermore even if the hostilities have finally come to an end the international community will still have to cope with the international legal aftermath for a prolonged period of time After all the Gulf War of 1980 1988 has placed certain matters which for a long time seemed to have lost their place of prominence at the centre of interest for international lawyers notably the law of neutrality and some areas of the law of international armed conflict particularly the rules regarding the conduct of war

Tony Allan David Dent, Martin Keulertz, Michael Gilmont, 2025-09-26 This book follows Tony Allan's journey through the maze of water management and global awareness of the risks of mismanagement tracing the trajectory of the hydraulic mission from a time of infinite possibilities fiat panis and piped water to risk aversion loss of confidence and political will and post water societies Part I spanning fifteen chapters explores Tony Allan's formative years at SOAS his groundbreaking work in remote sensing and his Middle Eastern studies It examines his influential contributions to understanding the political economy of water the concept of virtual water and the intricacies of transboundary water disputes His keen insights into power dynamics shaped his perspective on regional agriculture environmental issues and cross border water management Part II investigates two decades of profound societal and economic transformation It highlights the expanding influence of the private sector and showcases Tony Allan's transdisciplinary collaboration with diverse stakeholders from institutions to communities The narrative follows his strategic pivot from conventional water issues to food systems the primary water consumer culminating in the comprehensive Oxford Handbook of Water Food and Society Through sixteen detailed chapters this book examines the mixed legacy of privatization and the complex politics of the water energy food nexus It tackles contentious issues of sustainability and governance ultimately advocating the rebalancing of power dynamics within food systems and broader society This book offers critical insights for scholars policymakers and practitioners in the fields of water management agriculture and the environment Most of the chapters in this volume were originally published in Water International

Law, Power, and the Sovereign State Michael Ross Fowler, Julie Marie Bunck, 2010-11-01 In the wake of the collapse of the Soviet bloc it is timely to ask what continuing role if any the concept of sovereignty can and should play in the emerging new world order The aim of Law Power and the Sovereign State is both to counter the argument that the end of the sovereign state is close at hand and to bring scholarship on sovereignty into the post Cold War era The study assesses

sovereignty as status and as power and examines the issue of what precisely constitutes a sovereign state In determining how a political entity gains sovereignty the authors introduce the requirements of de facto independence and de jure independence and explore the ambiguities inherent in each They also examine the political process by which the international community formally confers sovereign status Fowler and Bunck trace the continuing tension of the chunk and basket theories of sovereignty through the history of international sovereignty disputes and conclude by considering the usefulness of sovereignty as a concept in the future study and conduct of international affairs They find that despite frequent predictions of its imminent demise the concept of sovereignty is alive and well as the twentieth century draws to a close

The Gulf War of 1980-1988 Harry H.G. Post,Ige F. Dekker,1991-12-01 This book deals with a number of the most important international legal aspects of the Gulf War of 1980 1988 To date remarkably little attention has been paid to this war from the international legal perspective However the need to do so seems obvious Many more States than the two belligerents have directly or indirectly become involved as a result in particular of the extensive activities of the belligerent parties which were detrimental to the shipping of non participating States Furthermore even if the hostilities have finally come to an end the international community will still have to cope with the international legal aftermath for a prolonged period of time After all the Gulf War of 1980 1988 has placed certain matters which for a long time seemed to have lost their place of prominence at the centre of interest for international lawyers notably the law of neutrality and some areas of the law of international armed conflict particularly the rules regarding the conduct of war **The Middle East and North Africa** Clive H. Schofield,Richard N. Schofield,2012-09-10 Middle East and North Africa brings together some of today s most influential analysts of a region which from colonial times to the present has seen great territorial change **Continental Shelf Delimitation and Related Maritime Issues in the Persian Gulf** Ahmad Razavi,1997 The most significant characteristic of the Persian Gulf is the presence of huge oil fields under the sea bed of its shallow waters On the other hand the lack of understanding among the littoral states concerning the proper exploitation of these valuable resources has led to many conflicts and is still considered as having a very high potential for conflict This work clarifies the international legal rules applicable to the region with particular attention to the special characteristics of the Persian Gulf such as ethnic conflicts lack of defined land borders presence of numerous islands reefs and shoals and the presence of transboundary oil deposits It consists of a collection of materials relating to the law of the sea including both domestic and international rules conventions maritime agreements state practice the jurisprudence of the International Court of Justice and others The study analyses all of these important factors in order to find an equitable solution to the problems facing the international community



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