

‘The Old Man and the Sea’: Acquisitive Prescription in International Law and Mohammad Mosaddegh’s Sovereignty Measures Regarding the Iranian Trio Islands

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Abstract

This article examines the legal implications of Dr. Mohammad Mosaddegh’s actions in defending Iran’s sovereignty over the islands of Abu Musa, Greater Tunb, and Lesser Tunb, in the context of the doctrine of acquisitive prescription in international law. It first analyzes the legal framework governing the acquisition of territorial sovereignty, with a focus on the doctrine of acquisitive prescription, where continuous, peaceful, and unchallenged exercise of authority over a territory may, in limited circumstances, lead to a transfer of sovereignty. The article highlights the stringent conditions required for prescription to apply, emphasizing the necessity of uninterrupted and effective control by the occupying State and the absence of formal objections from the original sovereign. Through a detailed analysis of legal doctrine,

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international case law, and arbitral awards, it demonstrates that mere passage of time or unlawful occupation does not confer legal title. In this context, the study reviews Iran’s persistent and systematic protests against the British occupation of the islands, including diplomatic, administrative, and legal measures, with a focus on Mosaddegh’s tenure as Foreign Minister, Member of Parliament, and Prime Minister. It argues that Mosaddegh’s actions—such as formal protests, diplomatic communications, parliamentary advocacy, and administrative measures like the establishment of a civil registry on Abu Musa—constituted effective assertions of sovereignty, interrupting the temporal continuity required for acquisitive prescription. The study concludes that Iran’s legal and political efforts successfully preserved its sovereignty over the islands and prevented the consolidation of British claims under the doctrine of prescription.

Keywords: Acquisitive Prescription, Territory, Three Iranian Islands, Iran, Mohammad Mosaddegh.

Introduction

*“My father [Mohammad Mosaddegh] loved two things more than anything else: one was Iran, and the other was his mother”.*¹

The Persian Gulf—or, as the late Ahmad Eghtedari called it, “the adventurous Iranian sea”² —is a precious legacy of the ancient and enduring history of its homeland, Iran. As Takmil Homayoun points out, Shah Abbas I of the Safavid dynasty sought assistance from England to expel the Portuguese from the Persian Gulf. This move paved the way for British entry into the region—an entry that, especially from the era of Iran’s decline and internal disarray under Shah Sultan Hussein onward, allowed Arab tribes in the Persian

¹ From the Introduction by Gholam-Hossein Mosaddegh on the book: Mohammad Mosaddegh, *Memoirs and Sufferings of Mosaddegh*, 4th edition (Tehran: Elmi Publishing, 1986), p. 9. (In Persian)

² Ahmad Eghtedari, *The Persian Gulf from the Ancient Times to the Presents*, 1st edition (Tehran: Amir Kabir Publishing Institute, 2008), p. 15. (In Persian)

Gulf—supported by colonial agents—not only to engage in piracy and incite unrest, but also to encroach upon Iran’s southern shores.³ That entry and the subsequent developments, alongside other contributing factors, ultimately led to numerous difficulties for Iran, its territory, and its people, and challenges that, though varied in form, persist to this day. In the nineteenth century—the “century of imperialism”, when international law was based on equal treatment among Europeans and their unequal treatment of others—⁴ the world witnessed the intensification of colonial rivalries across various regions,⁵ particularly between Britain and Russia in Iran.⁶ Amid challenges posed by Russian and German ambitions in the Persian Gulf, and the Iranian government’s positions regarding their presence—positions that seriously alarmed British political circles—⁷ the British government gradually took measures to establish control over the strategic islands of Abu Musa, Greater Tunb, and Lesser Tunb⁸ which are so-called ‘Iranian triple/trio islands’. Even earlier, in 1838, Lord Palmerston, the then British Foreign Secretary, had officially declared that Britain’s objective in the Persian Gulf was to

³ See: Nasser Takmil Homayoun, *The Persian Gulf*, 5th edition (Tehran: Office of Cultural Researches, 2007), pp. 45-46. (In Persian)

⁴ See: Hamidreza Malek-Mohammadi Nouri, *An Introduction to International Law* (Tehran: Shirazeh, 2001), pp. 66-67. (In Persian)

⁵ See: Majid Bozorgmehri, *History of International Relations (1870-1945)*, 3rd edition (Tehran: SAMT, 2007), pp. 93-97. (In Persian)

⁶ See: Ahmad Matin Daftari, *A Journey Through International Relations and International Law*, 1st edition (Tehran: Pocket Books Organization, 1962), pp. 100-120. (In Persian)

⁷ See: Mohsen Azizi, “A Brief Overview of the European Governments’ Policies in the Persian Gulf Based on Diplomatic Documents”, in: The Persian Gulf Studies Center, *Persian Gulf Articles Collection* (Tehran: Office of Political and International Studies, 1990), pp. 400-401. (In Persian)

⁸ Farideh Shayegan, *Iran and the Security Council: From the Evacuation of Azerbaijan to the Iran-Iraq War* (Tehran: SAMT, 2020), p. 56. (In Persian)

place the region under its influence and prevent the entry of other powers.⁹

In fact, toward the end of the nineteenth century, Russia’s southward expansion toward the Persian Gulf region, coupled with Germany’s emerging presence in the Persian Gulf itself—seeking to establish a foothold—prompted Britain to consolidate its position in this strategically vital body of water. To this end, the British entered into protectorate treaties with Arab tribal leaders in the Persian Gulf, obligating them not to enter into agreements with any State other than Britain, not to receive representatives of other governments without British consent, and not to cede any part of their territory to foreign powers.¹⁰ It was in this context that Britain decided to occupy the islands as mentioned earlier in the name of the sheikhs of Sharjah and later Ras al-Khaimah—a move that, amid the significant domestic turmoil Iran faced during the Constitutional Revolution,¹¹ led to the occupation of Abu Musa and Greater Tunb in 1903, and of Lesser Tunb in 1908. From the very beginning, these actions were met with Iranian protests. As Pirouz Mojtahedzadeh explains, one of the legal pretexts invoked by Britain and the Persian Gulf sheikhs to assert sovereignty over the three islands was the principle of acquisitive

⁹ Salah al-Eqaad, *Colonialism in the Persian Gulf*, translated by Nematollah Maghsoudi and Gholamreza Zaeri (Tehran: Giva, 2017), p. 99. (In Persian)

¹⁰ Gholamali Bayandor, *The Persian Gulf*, 2nd edition (Tehran: Dr. Mahmoud Afshar Endowment Foundation, 2017), p. 71. (In Persian)

It is worth mentioning that Admiral Gholamali Bayandor served as the Commander of the Iranian Imperial Navy from September 1936 to September 1941, and during the Allied invasion of the country on September 1, 1941, he sacrificed his life for the homeland. His book *The Persian Gulf* was published in 1938, and according to Kaveh Bayat in his preface to this work (p. 17), “it is one of the first research works resulting from a new era of Iranian attention to the Persian Gulf and the restoration of the country’s national sovereignty over that region”.

¹¹ See: Ervand Abrahamian, *Iran Between Two Revolutions*, translated by Ahmad Golmohammadi and Ebrahim Fattahi, 11th edition (Tehran: Ney Publishing, 2005), pp. 127-89. (In Persian)

prescription (the passage of time), namely the argument that since the flag of Sharjah had been raised on the islands in 1903, and since 68 years had passed until their return to Iran in 1971, during which time the rulers of Sharjah and Ras al-Khaimah had constructed buildings and established official posts on the disputed territories, the element of prescription should preclude Iran's sovereignty claims.¹²

One of Iran's most prominent figures in its political, legal, and historical spheres is Dr. Mohammad Mosaddegh (also known as Mossadegh or Mosaddeq) (June 1882-March 1967). The authors of this article have resolved to draw upon a range of credible and authoritative sources to first explore, through a process of description and analysis, the significance of acts of political, administrative, legal, military, and other forms of protest against the illegal occupation of territory and islands under international law. This includes a review of the concept, criteria, and conditions necessary for the establishment of acquisitive prescription, as well as the obstacles to its realization. Thereafter, the study offers a broad overview of Iran's persistent objections to Britain's illegal occupation of the three islands over the 68 years, and briefly examines the actions of Dr. Mosaddegh during his tenure as Minister of Foreign Affairs under Prime Minister Moshir al-Dowleh, as a member of the National Consultative Assembly, and during his roughly 28 months as Prime Minister (from April 1951 to August 1953). It also deals with the legal implications of Mosaddegh's measures taken in the three aforementioned periods.

The structure of this study is organized into three main sections to ensure both analytical clarity and a coherent progression of arguments. The first section, titled *Acquisitive Prescription in International Law*,

¹² Pirouz Mojtahedzadeh, *The Persian Gulf: Countries and Borders* (Tehran: Atayi Publishing, 2000), p. 220. (In Persian)

comprises the following sub-sections: (1-1) Territorial Disputes and Methods of Acquiring Sovereignty over Territory; (1-2) Acquisitive Prescription in International Legal Doctrine; and (1-3) Conditions for Acquisitive Prescription in International Judgments and Awards. The second section, titled Mosaddegh’s Actions Concerning the Three Islands, includes the following sub-sections: (2.1) His Tenure as Foreign Minister; (2.2) His Service as a Member of the National Consultative Assembly; (2.3) His Tenure as Prime Minister. And finally, section 3 titled *Acquisitive Prescription’s Factual Conditions and the Legal Implications of Mosaddegh’s Actions* is comprised of the following sub-sections: (3.1) Examples of Factual Conditions for Acquisitive Prescription in International Judgments and Awards; (3.2) The Legal Implications of Mosaddegh’s Actions. This structure is intended to ensure both a well-organized and systematic presentation of the study and a logically sound progression toward addressing the main research question. The authors aim to reinforce the view that Mosaddegh’s actions during his time in office were both a continuation of the efforts of his predecessors and a foundation for the more serious undertakings by his successors, culminating in the end of 68 years of unlawful occupation and the islands’ liberation on November 30, 1971 (corresponding to Azar 9, 1350 in the Iranian calendar), just one day before Britain’s withdrawal from the Persian Gulf.

I. Acquisitive Prescription in International Law: Concept, Background, Conditions

Acquisitive prescription, as a potential mode of acquiring sovereignty under international law, has long been a subject of scholarly debate and judicial scrutiny. This section aims to provide a systematic examination of the concept by exploring both its

theoretical underpinnings and practical applications. Accordingly, Section 1 is structured into 3 parts or sub-sections: it begins by outlining the general framework of territorial disputes and the recognized methods of acquiring sovereignty over territory under international law (1.1), which provides a foundation for the subsequent analysis of acquisitive prescription in international legal doctrine (1.2). The third part (1.3) focuses on the conditions required for acquisitive prescription as articulated in international judicial and arbitral decisions. In this way, Section 1 offers a comprehensive overview of acquisitive prescription within the theory and practice of international law, setting the stage for the subsequent analysis of Dr. Mohammad Mosaddegh's actions in Section 2.

a) *Territorial Disputes and Methods to Acquire Sovereignty over Territory*

The emergence of modern international law is often considered to coincide with the rise of the modern State. Furthermore, as Zol-Ain has pointed out, it was during the 16th and 17th centuries, with the formation of modern States, that the concept of borders—understood in the present sense—emerged. States, which had been situated alongside one another, were compelled to delimit their territorial boundaries. In this sense, a border is a line that demarcates a State's internal sovereignty and external independence, distinguishing one State from another. In the 19th century, the importance and precision of borders reached their pinnacle.¹³ The emergence of modern international law can be viewed as occurring simultaneously with the formation of modern States. One of the primary factors that distinguishes States from each other in the realm of international

¹³ Parviz Zol-Ain, *Fundamentals of Public International Law*, 6th edition (Tehran: Ministry of Foreign Affairs, 2009), p. 253. (In Persian)

relations, or at least the most significant factor, is their borders and, in essence, their territories. Given this, the role of territory in both the development of modern international law and the formation of States is particularly noteworthy. This is precisely why the majority of legal and political disputes between States throughout history have centered on issues related to territory.¹⁴

A significant portion of rulings by the International Court of Justice (ICJ) pertains to territorial and boundary disputes,¹⁵ which can sometimes escalate into violent conflicts.¹⁶ Territory is intrinsically linked to another very important element: sovereignty. As the late Cassese noted, there is a fundamental connection between territorial boundaries and sovereignty.¹⁷ In fact, “territorial ownership is both the legal basis for the State’s power over a specific territory and the justification for its sovereignty or jurisdiction. To say that a State owns a territory is to recognize its sovereignty and its exercise of jurisdiction there”.¹⁸

This level of conflict and the importance of territorial issues have led international law to establish relatively clear rules regarding methods of acquiring and proving sovereignty over territory, to regulate international relations. Various classifications of methods for acquiring and proving sovereignty over territories, including islands,

¹⁴ See: Seiki Tanaka, “The Microfoundations of Territorial Disputes: Evidence from a Survey Experiment in Japan”, *Conflict Management and Peace Science*, Vol. 33, No. 5 (2015), pp. 516-517.

¹⁵ Mohammad Saber-Rad, “The Principle of Legal Possession and Its Application in Territorial and Border Cases before the International Court of Justice”, *Culmination of Law Quarterly*, Vol. 4, No. 2 (Winter 2018), p. 109. (In Persian)

¹⁶ Songying Fang and Xiaojun Li, “Historical Ownership and Territorial Disputes”, *The Journal of Politics*, Vol. 82, No. 1 (2019), p. 345.

¹⁷ Antonio Cassese, *International Law*, translated by Hossein Sharifi Tarazkouhi, 4th edition (Tehran: Mizaan Publishing, 2017), p. 120. (In Persian)

¹⁸ Louis-Antoine Aldo, *Public International Law*, translated by Majid Adib (Tehran: Mizaan Publishing, 2018), p. 193. (In Persian)

have been proposed. For example, Beigzadeh, in the first volume of his book titled *International Law*, enumerates the methods of acquiring territory with the possibility of exercising full sovereignty and jurisdiction as follows: establishing a causal relationship (such as marriage), papal decree, testament, discovery, occupation, acquisitive prescription, transfer or cession, purchase, military conquest and annexation, natural expansion, continuity and contiguity, self-determination, and legal appropriation.¹⁹ He also lists methods for acquiring territory with the possibility of exercising limited jurisdiction, which fall outside the scope of the present article.²⁰ According to Professor Murphy's lectures in 2016 at *The Hague Academy of International Law* regarding international law relating to islands, the methods for acquiring and proving sovereignty over a territory—such as an island—are as follows:

- 1) discovery and occupation of terra nullius;
- 2) military conquest;
- 3) international treaties between States;
- 4) State succession;
- 5) continuous and peaceful display of sovereignty.²¹

Accordingly, this classification appears to be an authoritative one, particularly for the purposes of this article, as it reflects the most recognized legal doctrines and practices in the acquisition of sovereignty over territory, including islands. Therefore, it seems that if a State's claim to sovereignty over a territory or an island does not stem from any of the first four methods—discovery and occupation,

¹⁹ Ebrahim Beigzadeh, *International Law (Vol. I): Foundations, Sources, and Subjects*, Third Edition (Tehran: Mizaan Publishing, 2025), pp. 408-428. (In Persian)

²⁰ See: *Ibid.*, pp. 429-437.

²¹ Sean D. Murphy, *International Law Relating to Islands* (Leiden: Brill/The Hague Academy of International Law, 2017), p. 101.

military conquest, treaties, or State succession—the remaining pathway to establish such a right lies in the continuous and peaceful display of sovereignty. In the following sections, we seek to examine the concept, historical background, and legal conditions of this fifth method of acquiring or asserting sovereignty over territory, including islands. This analysis aims to shed light on how, in the absence of formal titles or treaties, effective, continuous, and unchallenged exercise of State authority can serve as a legal basis for sovereignty under international law.

b) *Acquisitive Prescription in International Legal Doctrine*

Foregoing “continuous and peaceful display of sovereignty” is commonly referred to as ‘acquisitive prescription’, ‘usucapion or usucaption’, ‘effective occupation’, and/or ‘historical consolidation of sovereignty’. As has been pointed out, this principle (hereafter ‘acquisitive prescription’), rooted in private law, is generally used in contexts where a State replaces or succeeds another State’s ownership title through possession.²² According to research, a prescription is one of the tools for establishing and solidifying ownership in all legal systems, and, in most legal systems around the world, it is one of the means of creating ownership, even in modern times.²³ Nevertheless, the application of acquisitive prescription in the context of territorial sovereignty under international law remains highly controversial and subject to stringent conditions. It raises fundamental questions about the relationship between time, conduct, and legal title, especially in cases where initial acts of occupation may have been unlawful or

²² *Ibid.*, pp. 119-120.

²³ Alireza Sedighi and Abol-Hassan Mojtahed Soleimani, “The Role of Prescription in the Creation and Stabilization of Property Rights (A Comparative Study of Islamic, Iranian, and English Law)”, *Comparative Legal Studies*, Vol. 24, No. 1 (Spring 2020), p. 88. (In Persian)

where competing claims persist over time. To better understand the scope, limitations, and legal weight of acquisitive prescription as a means of acquiring sovereignty over territory, it is essential to explore the views of leading scholars such as James Crawford, Malcolm N. Shaw, and Ebrahim Beigzadeh, each of whom has engaged critically with this concept and its place in international law.

Crawford explores whether acquisitive prescription can apply to state sovereignty in international law. His analysis is cautious, emphasizing the fundamental difference between private law concepts and the international legal order. He argues that the lapse of time alone does not extinguish title in international law, especially where peremptory norms (*jus cogens*)—like the prohibition on the use of force—are involved. Instead, for a change in sovereignty to be legally recognized, there must be either: 1) A formal settlement of the dispute (e.g., through treaties or explicit legal acts), or 2) A general acceptance by the international community that the situation has been resolved, despite its unlawful origins. Crawford points out that continued unlawful occupation or annexation does not necessarily lead to a lawful title over time. The doctrine of prescription in international law, therefore, does not function like its private law counterpart. Rather, it acts as a placeholder term for the collective judgment of the international community that a new territorial situation is stable, peaceful, and consistent with the international order. Crawford illustrates this with post-World War II cases, notably the Baltic States, where widespread non-recognition by other states preserved their legal personality, despite decades of Soviet control. He stresses that isolated recognitions do not equate to a prescription of sovereignty; it is the broad, consistent, and collective stance of the international community that matters. Finally, he references the *Kasikili/Sedudu Island* case (ICJ, 1999) to show the Court's reluctance to endorse a strict theory of

prescription. He also notes that cases like Southern Rhodesia, Namibia, and East Timor demonstrate how legal title is ultimately determined by international consensus, not by the mere passage of time or control on the ground.²⁴

In his authoritative textbook *International Law*, Malcolm N. Shaw addresses the concept of acquisitive prescription in the context of international law. While he acknowledges its theoretical basis, Shaw emphasizes that its application is highly constrained and subject to stringent conditions. He outlines that for acquisitive prescription to be recognized in international law, the following criteria must typically be met: 1) Effective and Continuous Possession: The occupying state must exercise actual, uninterrupted authority over the territory; 2) Peaceful and Public Display of Sovereignty: The state's control should be open and without opposition; and 3) Lack of Protest from the Original Sovereign: The original sovereign state must not contest the occupation over a significant period. However, Shaw cautions that even when these conditions are ostensibly satisfied, the doctrine's applicability is limited, especially in cases involving violations of peremptory norms (*jus cogens*), such as the prohibition of the use of force.²⁵ Both Shaw and James Crawford express skepticism regarding the effectiveness of acquisitive prescription in legitimizing territorial claims arising from unlawful acts. Crawford argues that the passage of time does not, by itself, confer legal title, particularly when the initial acquisition violates fundamental international norms. Similarly, Shaw underscores that international law does not readily condone territorial

²⁴ See: James R. Crawford, *Creation of States in International Law*, 2nd Edition (Oxford: Oxford University Press, 2006), pp. 703-705.

²⁵ See: Malcolm N. Shaw, *International Law*, 8th Edition (Cambridge: Cambridge University Press, 2017), pp. 374-377.

acquisitions stemming from illegal actions, regardless of the duration of occupation.

In addition, Beigzadeh also refers to the scholarly debate on the possibility of acquiring territory through prescription. According to him, some scholars argue that acquiring sovereignty over territory through prescription is not possible. Others, however, maintain that acquisition of territory through prescription is indeed possible, provided that no other State objects and that the acquiescence of the other State can be inferred from its conduct in response to the effective possession of the territory by the claimant State. If there is an objection, additional conditions must be satisfied, including the effective, public, and peaceful exercise of sovereignty by the occupying State. Beigzadeh continues by stating that it appears that international practice aligns more closely with the latter view. That is, for a State to rely on prescription, it must demonstrate that the territory in question has been under its sovereignty continuously, openly, and without interruption for a prolonged period. This requirement creates a distinction between the acquisition of territory through prescription and the acquisition through occupation. According to Beigzadeh, the element of acquiescence—or the absence of protest—further differentiates the two methods. In the case of prescription, acquiescence is of great importance, such that only through the acknowledgment or absence of objection can sovereignty over a territory be acquired by prescription. Lack of recognition or objection may manifest in various forms, including diplomatic protests, issuing statements in international organizations, recourse to international legal institutions, or the application of domestic laws to the disputed territory. Beigzadeh further emphasizes that acquiescence may also result from silence. Additionally, he considers the requirement of continuous and uninterrupted possession to be another

defining feature of prescription. Such possession must be maintained for an appropriate period and must be exercised peacefully and publicly.²⁶

The views of Crawford, Shaw, and Beigzadeh reveal both convergence and divergence in the interpretation of acquisitive prescription as a means of acquiring sovereignty in international law. While Beigzadeh suggests that international practice tends toward recognizing prescription—under strict conditions of continuous, peaceful, and public possession, coupled with the acquiescence or absence of protest by the original sovereign—Crawford and Shaw remain far more skeptical. Both emphasize that the mere passage of time or prolonged control, especially when arising from unlawful acts such as the use of force, cannot in itself confer legal title. Instead, they underscore that the legitimacy of territorial claims must ultimately rest on either explicit legal acts or the collective acquiescence of the international community as a whole. The synthesis of these perspectives suggests that while the doctrine of prescription retains some theoretical relevance, its practical applicability is extremely limited, particularly in cases involving violations of peremptory norms. The international legal order, therefore, continues to favor the stability of existing legal titles over claims based on mere *effectivités*, unless such claims are reinforced by broad and sustained international recognition.

In the following two sub-sections, we will examine the position of acquisitive prescription in international judicial decisions and arbitral awards, as well as the specific conditions and concrete examples—identified in such rulings—that illustrate the kinds of acts regarded as

²⁶ See: Beigzadeh, *supra* note 19, pp. 414-418.

constituting continuous, peaceful, and effective displays of sovereignty over a territory, including islands.

c) Conditions for Acquisitive Prescription in International Judgments and Awards

In the ruling of the *Island of Palmas* case, it was emphasized that the continuous and peaceful display of sovereignty over a territory in the context of the formation of modern international law is equivalent to the territorial boundaries of a State during the pre-modern international law period, based on the exercise of the State's power over those boundaries. In this ruling, it was also mentioned that 'peaceful' in this context refers to the nature of the relationships with other States.²⁷ Charles Rousseau, in his application of the principle of acquisitive prescription, identifies several conditions to be considered in establishing sovereignty claims, namely: effectiveness, continuity, and peacefulness of the occupation.²⁸ Professor Momtaz, also citing the views of Charles de Visscher and Oppenheim, explains that international law accepts the acquisition of sovereignty through possession and occupation, provided that the duties of the State are carried out continuously and peacefully.²⁹ In other words, in international law, acquisitive prescription confers legitimacy upon sovereignty when the possession is practical (or effective), peaceful (or unobjectionable), and continuous (or uninterrupted) over a prolonged period.³⁰

²⁷ Permanent Court of Arbitration, *Island of Palmas Case (Netherlands, USA)*, 4 April 1928. Reports of International Arbitral Awards, Vol. II, pp. 829-871, p. 839.

²⁸ Cited in: Ali Omid, *International Law: From Theory to Practice*, 2nd edition (Tehran: Mizaan Publishing, 2015), p. 99. (In Persian)

²⁹ Djamshid Momtaz, *Iran and International Law* (Tehran: Dadgostar, 1997), p. 245. (In Persian)

³⁰ Pirouz Mojtahedzadeh and Tahmoures Heydari Mosalou, "Explaining the United Arab Emirates' Arguments for the Occupation of the Three Islands", *8th National Conference on*

Concerning the conditions for acquiring and proving sovereignty over territory, two important concepts are worth noting. The first condition is ‘effectiveness/effectivités’ or ‘effective control’, which, according to some authors, was solidified in the ruling of the Island of Palmas case.³¹ In this case, the adjudicating body must infer the State’s sovereignty over the island from the effective governmental functions of that State.³² In the *Eastern Greenland* case, the Permanent Court of International Justice (PCIJ) referred to two determining factors: the intention and willingness to act as a sovereign State, and the actual or demonstrable exercise of such power in some cases. According to the PCIJ, Denmark had demonstrated its sovereignty rights over Greenland for at least a decade before Norway became involved in the dispute, to an extent sufficient to establish a valid claim to sovereignty.³³ Such actions are not limited to colonial powers during the colonial era; indigenous populations can also be considered in this context.³⁴ Moreover, these actions must be specifically related to the island and, more importantly, must be carried out in the capacity of a sovereign State (Titre de souverain). A very important point to note is the requirement that actions related to the exercise of sovereignty must be undertaken without the consent of another State, meaning these actions must be conducted in a sovereign capacity. This assertion is not unrelated to the connection between

the Persian Gulf, Kish Island, Iranian Students’ Scientific and Cultural Tourism Center, and Kish Free Zone Organization (May 1-2, 2012), p. 73. (In Persian)

³¹ See: Yuxin Zeng, “Effective Control in International Territorial Disputes: Based on the Palmas Case”, *International Journal of Education and Social Development*, Vol. 2, No. 1 (2025), pp. 8-12.

³² ICJ, *Frontier Dispute (Benin/Niger)*, Judgment of 12 July 2005, ICJ Reports 2005, p. 90, paras. 47, 63.

³³ PCIJ, *Legal Status of Eastern Greenland (Denmark v. Norway)*, Judgment of 5 April 1933. PCIJ, Series A/B, No. 53, pp. 45-46, 63.

³⁴ ICJ, *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*, Judgment of 23 May 2008. ICJ Reports 2008, p. 12, paras. 94- 124.

independence and sovereignty when examining the specific features of a State in international law, particularly in the legal elements that form the foundation of statehood.³⁵ This issue is outside the scope of this contribution, and we hope to address it in a separate article.

The second key condition and concept is that of the ‘critical date’. According to Momtaz, in international disputes—especially territorial ones brought before international judicial forums—there exists a specific point in time that must be considered as fixed and determinative. Events occurring after this date are regarded as legally irrelevant to the resolution of the dispute. The significance of this date lies in its role in establishing the applicable legal norms at the time, identifying the relevant facts, and determining the rights of the parties involved. This is because it is at this point that the adjudicating body must assess the applicable law and examine the legal positions of the parties, while disregarding any subsequent developments.³⁶ Put more simply, the critical date is the moment that may serve as the legal foundation for a State’s claim of sovereignty over a territory. If a State can demonstrate its sovereignty over a territory before this specific date, its claim will be considered legally valid. In the *Island of Palmas* case, for example, the year 1898 was identified as the critical date. Had the United States been able to prove its sovereignty over the island before that year, it would have been recognized as the rightful

³⁵ See: Sattar Azizi, *Creation and Succession of States* (Hamedan: Bu-Ali Sina University, 2021), pp. 6-7 and 20. (In Persian)

It appears, therefore, that further reflection is required regarding the relations between the sheikhs of Sharjah and Ras al-Khaimah with Britain prior to and during the occupation of the three islands by the British. Indeed, in our view, this issue holds significant importance in the context of question of the three islands in the Persian Gulf which may provide the groundwork for an in-depth legal analysis of this matter from the standpoint of international law.

³⁶ Momtaz, *supra note* 29, p. 256.

sovereign.³⁷ As clarified by the International Court of Justice, the critical date serves as a dividing line: any actions taken by disputing parties after that point are no longer relevant for assessing the effectiveness of their claims.³⁸

However, this exclusion is subject to an important exception—post-critical-date conduct remains relevant if it demonstrates the continuation of conduct established before the critical date. In other words, such acts are admissible if they represent a continuation of prior practice.³⁹ Another crucial point that must be emphasized is the value of effective and uncontested occupation of an island for years, decades, or even centuries to the critical date. If a State can show such occupation without objection from other States, its claim to sovereignty becomes significantly stronger.⁴⁰ In the case concerning the territorial dispute between El Salvador and Honduras, Nicaragua’s application to intervene as a third party was accepted and reviewed by the Chamber of the ICJ.⁴¹ The Chamber found that since 1849, Honduras had effectively occupied the island of El Tigre in the Gulf of Fonseca, and accordingly recognized Honduras’s ownership.⁴² Conversely, Honduras’s silence and lack of opposition regarding

³⁷ Omidi, *supra* note 28, p. 99.

³⁸ ICJ, *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*, Judgement of 8 October 2007, ICJ Reports 2007, p. 659, para. 117.

³⁹ See: ICJ, *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, Judgement of 17 December 2002, I. C.J. Reports 2002, p. 625, para. 135; ICJ, *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Judgment of 19 November 2012. ICJ Reports 2012, p. 624, para. 83.

⁴⁰ Murphy, *supra* note 21, p. 124.

⁴¹ Mohsen Mohebbi and Vahid Bazzar, “Referral to the United Nations Security Council for the Enforcement of the International Court of Justice’s Rulings”, *Iranian Journal of International Politics*, Vol. 8, No. 2 (Spring and Summer 2020), p. 285. (In Persian)

⁴² ICJ Chamber, *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua Intervening)*, Judgement of 11 September 1992, ICJ Reports 1992, paras. 354-355; available at: <https://www.icj-cij.org/sites/default/files/case-related/75/10277.pdf>

another island—Meanguera—led the Court to recognize El Salvador’s sovereignty over it.⁴³ This outcome underscores the importance of the absence of objection in establishing peaceful exercise of sovereignty over a territory.

The issue of ‘continuity’ in exercising sovereignty presents particular challenges in the case of small, remote, sparsely populated islands. Yet, in the Island of Palmas case, when the Spanish discovery of the island in the sixteenth century was discussed, arbitrator Max Huber emphasized that the Netherlands had exercised peaceful and continuous authority over the island since the seventeenth century. As a result, Spain held no sovereignty over the island at the critical date of 1898 that could have been transferred to the United States. Huber also noted that due to the island’s remoteness from the Netherlands’ mainland, constant physical presence was not necessary to establish sovereign authority.⁴⁴ It is also worth briefly mentioning the legal requirements for the abandonment of islands in international law, which include both a material and an mental element. As Momtaz writes, for abandonment to be legally valid, both elements must be present. The material element involves the absence of effective exercise of sovereignty. In assessing this element, especially in the case of distant and sparsely populated territories, one must consider the prevailing conditions of the island in question. In the Clipperton Island arbitration, the arbitrator rightly concluded that “a failure to exercise authority in a definite and ascertainable manner does not entail the loss of sovereignty once lawfully established”.⁴⁵ Momtaz continues that, likewise, accidental weakening or reduction of a

⁴³ *Ibid.*, para. 367.

⁴⁴ See: Island of Palmas Case, *supra note 27*, pp. 840-868.

⁴⁵ Clipperton Island (France v. Mexico), 2 Reports of the International Arbitration Awards 1105 (1931), p. 111, as quoted in: Momtaz, *supra note 29*, p. 243.

State’s presence does not amount to abandonment. This same principle was affirmed by Marshal MacMahon, then President of France, in his 1875 arbitration between Britain and Portugal concerning the Bay of Delagoa. He stated that a State’s weakness does not affect its sovereignty nor lead to the loss of its possessions. Furthermore, the mental element of abandonment requires an express and deliberate intention to relinquish sovereignty.⁴⁶ As such, in the context of remote and sparsely populated islands, permanent and all-encompassing presence is not required for continuity of sovereign authority—consistent performance of sovereign functions is sufficient. Consequently, just as distance from an island cannot negate a State’s sovereign rights, mere proximity to it does not, in and of itself, establish a valid legal claim to sovereignty.

The term ‘peaceful display of sovereignty’ refers to the absence of objection or opposition from other States, either directly or indirectly. This is why some scholars refer to the principle of acquisitive prescription as “undisputed occupation”⁴⁷ indicating the lack of any protest or challenge to a claim of sovereignty over a disputed territory or island.⁴⁸

II. Mosaddegh’s Sovereignty Measures Concerning the Trio Islands

The islands of Abu Musa and the Greater and Lesser Tunbs have belonged to Iran since the dawn of written history, as have all the islands and shores of the Persian Gulf, which were under Iranian

⁴⁶ Cited in: *Ibid.*

⁴⁷ Omid, *supra* note 28, p. 99.

⁴⁸ Ian Brownlie, *Principles of Public International Law* (8th Edition: James Crawford), translated by Mohammad Habibi Mojandeh (Qom: Mofid University Press, 2017), p. 332. (In Persian)

control from 550 BC to 651 AD. From 950 AD, these territories were once again brought under Iranian sovereignty and remained so until the advent of British colonial influence in the Persian Gulf. The Tunb Islands and Abu Musa, during the expansion of British colonial rule in the Indian Ocean, were part of the autonomous governance of the Qasimi branch (Qawasim or Jawasim) in Bandar Lengeh. In 1900, the Governor of the Persian Gulf Ports established close correspondence with the Sheikh of Abu Dhabi. The Sheikhs of Sharjah and Dubai, who were dissatisfied with the changes in Bandar Lengeh, particularly the removal of Sheikh Qasimi from his governorship and the appointment of a non-Arab ruler, reported this correspondence to the British political agent in the Persian Gulf. The British authorities, in support of the Qasimi rulers of Sharjah and Ras al-Khaimah, raised claims over the islands of Tunb, Siri, and Abu Musa in 1887 (the same year the Qasimi Sheikh was dismissed from his post in Bandar Lengeh).⁴⁹ This claim was rejected by Iran. In July 1903, the British recommended the occupation of the Greater Tunb and Abu Musa islands by the Sheikh of Sharjah, who proceeded with this occupation. The Lesser Tunb island was also occupied by Britain in 1908. In response to protests from Iranian officials and the removal of the Sharjah flag from the islands and the raising of Iran's flag in 1904, an agreement was reached to avoid flying any flags on the islands, and negotiations were to take place. However, on June 17, 1904, only

⁴⁹ It should be noted that this period coincides with the years when, on one hand, the competition between Russia and Britain in the Persian Gulf was at its peak, on the other hand, Germany was seeking to play a role in this region, and on the third hand, Nasser al-Din Shah had purchased ships, including two vessels, *Perspolis* and *Shush*, from a German company to safeguard the shores of the Persian Gulf. In this regard, see: Gholamhossein Moghtader, *The Key to the Persian Gulf* (Tehran: Mohammad-Ali Elmi Press, 1954), pp. 95-69. (In Persian) These factors, hand in hand, further heightened the anxiety and greed of the British, which ultimately, along with other factors, led to their aggressive and unlawful actions, including their occupation of the three Iranian islands.

three days after the mutual understanding, the British raised the Sharjah flag on Greater Tunb and Abu Musa (and in 1908, on Lesser Tunb), violating the agreement and disrupting the status quo. In reaction to this, despite severe domestic challenges, Iran initiated a persistent and determined struggle to regain the occupied islands⁵⁰—a struggle that lasted 68 years until the islands were liberated.

According to the late Bavand, Britain, in addition to baselessly invoking the principle of terra nullius (land belonging to no one),⁵¹ also used the doctrine of acquisitive prescription or ownership resulting from peaceful and continuous occupation as a legal justification for its claims over the three islands. Bavand, outlining the conditions for acquiring sovereignty over territory in international law, such as maintaining ownership over a long period, uninterrupted, and uncontested, explains that Iran’s actions—such as continuous protests, temporary occupation, inspections, surveys of the islands, and leaving signs indicating the intent to exercise sovereignty or ultimately restore sovereignty—disrupted these conditions. He concludes that, due to these actions, the status of the islands from 1903 (the occupation by Britain) until 1971 (the liberation of the islands) remained “unlawful occupation”.⁵² In his robust defense of

⁵⁰ Mojtahedzadeh, *supra* note 12, pp. 191-197.

⁵¹ For a well-supported refutation of this claim, see, among others: Momtaz, *supra* note 29, pp. 246-241; Naghi Tabarsa, *The Iranian Three Islands in the Persian Gulf: A Historical-Legal Study* (Tehran: Abrar Mo’aaser Tehran, 2011), pp. 188-161 (In Persian); Naghi Tabarsa, “The Application of the Principle of Terra Nullius and Britain’s Justification for the Occupation of the Iranian islands of Greater and Lesser Tunb and Abu Musa in 1903 and Its Consequences”, *Journal of Political Science*, Issue 2 (Autumn and Winter 2005), pp. 102-61 (In Persian); Mehdi Ghorbani, Ahmad Bakhshayeshi Ardestani, and Naghi Tabarsa, “Refuting Britain’s Legal Claims Regarding the Three Islands in International Forums”, *International Relations Studies*, Vol. 11, Issue 41 (Spring 2018), pp. 137-131. (In Persian)

⁵² See: Davoud Hermidas Bavand, *Historical, Political, and Legal Foundations of Iran’s Sovereignty over the Tunb and Abu Musa Islands*, translated by Bahman Aghaie (Tehran: Ganj-e-Danesh, 1998), pp. 68-66. (In Persian)

Iran's sovereignty over the three islands of the Persian Gulf, Bavand lists the most important practical measures taken by the Iranian government during these years to protest the unlawful occupation of the islands by Britain. He asserts that Iran's continuous protests forced the British to refer to the status of the islands between 1904 and 1971 using terms like 'disputed islands', 'islands claimed by Iran', or 'islands with an unclear status'.⁵³ The legal and international standing of Iran's actions regarding the three islands between 1903 and 1971, especially during Dr. Mohammad Mosaddegh's premiership, hinges on this very point.

In the following three sub-sections, the actions of Dr. Mohammad Mosaddegh will be specifically discussed in three key periods: his tenure as Minister of Foreign Affairs (2.1), his role in the National Consultative Assembly (2.2), and his time as Prime Minister (2.3).

a) During Mosaddegh's Tenure as Minister of Foreign Affairs: Diplomatic Protest

Mosaddegh's sensitivity to the issue of Iran's independence and territorial integrity has been considered one of his key traits.⁵⁴ As Bahmani Qajar writes, Dr. Mosaddegh also placed great importance on Iran's ownership of the three islands even before his premiership. When he was the Minister of Foreign Affairs under the government of

⁵³ *Ibid.*, pp. 90-81.

For a brief overview of Iran's protests regarding the illegal occupation of the three islands prior to the coup of August 19, 1953, see: Fatemeh Amiri-Pari, "A Review of the Three Islands Issue During the Pahlavi Era: A Look at the Actions of the Government and Parliament", *Baharestan Documents*, New Series, Issue 2 (Summer 2013), pp. 70-65. (In Persian)

⁵⁴ Jahangir Taghipour, "Mossadegh and His Characteristics", *The Center for the Great Islamic Encyclopedia Center, Website*, August 19, 2020; available at: <https://shorturl.at/kyBXU> (In Persian)

Mirza Hassan Khan Moshir al-Dowleh (July 1906-March 1907),⁵⁵ he made the issue of Iran’s right to the islands a government priority and protested to the British government over the occupation of Iranian islands.⁵⁶ Mosaddegh himself recounts the event as follows:

“On the first day of my arrival at the Ministry of Foreign Affairs, Mirza Mohammad Qoli Khan Montakhab al-Molk, the head of the English Department, presented me with a letter from Sir Percy Lorin, the British Minister Plenipotentiary to Mostowfi al-Mamalek, the Prime Minister. The letter’s subject was that the islands of ‘Abu Musa’ and ‘Sheikh Shoaib’⁵⁷ in the Persian Gulf did not belong to Iran and that the military was unlawfully intervening in them. The Prime Minister had written in the margin of the letter that it should be filed, and Montakhab al-Molk asked me whether we should respond to this letter or leave it unanswered. I told him that I could not give an opinion on the matter before reviewing the file. After examining the file, it became clear that these islands were undeniably Iranian, so I raised the issue in the Cabinet, and it was documented in the minutes of the meeting. I then replied to the Minister Plenipotentiary’s letter and also had several verbal discussions with him”.⁵⁸

The British Minister Plenipotentiary’s protest against Iranian military interference in Abu Musa Island reflects Iran’s activities, indicative of sovereignty concerning these islands and a deep-rooted belief in their Iranian identity at the time, a period that coincided with the strengthening of Iran’s naval power in the Persian Gulf. It is worth mentioning that Bani Jamali, in his insightful and groundbreaking work on Mosaddegh’s political life, outlines some of his key actions

⁵⁵ Homayoun Katouzian, *Mossadegh and the Battle for Power*, translated by Ahmad Tadayyon, 2nd edition (Tehran: Rasa Cultural Services Institute, 1993), p. 54. (In Persian)

⁵⁶ Mohammad Ali Bahmani Qajar, *Iran’s Territorial Integrity during the Pahlavi Era* (Vol. 2): *Abu Musa, Greater and Lesser Tunb* (Tehran: Political Studies and Research Institute, 2013), p. 29. (In Persian)

⁵⁷ It is worth mentioning that the current name of this island, which was also known as ‘Bu Shoaib’ is ‘Lavan’. This name was adopted in 1963 following a proposal by the National Iranian Oil Company and approval by the Ministry of the Interior. For further details, see: Iraj Afshar Sistani, *The Name of the Persian Gulf, the Caspian Sea, and Iranian Ports and Islands* (Tehran: Valfajr Shipping, 1997), p. 148. (In Persian)

⁵⁸ Mosaddegh, *supra note 1*, p. 162.

as Minister of Foreign Affairs, based on sources such as these: countering British movements in Bahrain and the Persian Gulf islands, rejecting their ownership of Abu Musa and Sheikh Shoaib islands, and dismissing Russian claims regarding the Caspian fisheries and navigation rights in Lake Urmia.⁵⁹ These all demonstrate his attachment and sensitivity to the territory and the rights of the Iranian people.

b) During Mosaddegh's Service as a Member of the National Consultative Assembly: Exposing A Colonial Plan

Mosaddegh, during his representation in the 16th National Consultative Assembly, also mentioned Iran's ownership of the islands in one of his speeches before the agenda. In his speech on September 10, 1950, he referred to the British effort to separate the islands from Iran, stating that the British government, in line with its colonial ambitions, wanted to detach the islands from Iran:

“Know that the British government wants the two islands to be part of Sharjah, and that the Iranian government should refrain from any interference in them. There is no need for further explanation; everyone knows that the aim is to secure concessions from Sheikh of Sharjah, which is easier than dealing with the ancient and constitutional Iranian government, where the oil company has not been able to get the Saed and Gas Agreement [i.e. *Gas-Golshaian Contract*] approved in the Assembly. Just as Bahrain is also an inseparable part of Iran”.⁶⁰

After the Portuguese withdrew from the Persian Gulf in 1620, the Dutch and then the French also had a brief presence, but it was the British who took root in this waterway. According to Zandfard,

⁵⁹ Ahmad Bani Jamali, *Chaos: A Study of the Life and Character of Dr. Mohammad Mosaddegh*, 8th edition (Tehran: Ney Publishing, 2019), p. 193. (In Persian)

⁶⁰ *Proceedings of the National Consultative Assembly*, 16th term, Session 57, September 10, 1950. Available at: <https://shorturl.at/af77K> (In Persian)

Britain’s commercial influence in the Persian Gulf gradually paved the way for its political dominance in the region. Thus, from the late 18th century, a new era began in the Persian Gulf, meaning that the Persian Gulf entered the world of politics, and political considerations were added to the other concerns of Britain.⁶¹ In fact, from this point onward, Britain’s colonial approach to the Persian Gulf took on a new dimension. According to Bavand’s book, from the very beginning of the dispute, particularly from 1903 and then 1904, Iran viewed the British occupation of its islands as part of a colonial plan to prevent the increasing challenges from Russia and Germany. The involvement of the Sheikhdoms of Sharjah and Ras al-Khaimah in this matter was merely an excuse to gain control over Iran’s strategic islands. As a result, the solution to the issue of Iran’s occupied islands inevitably had to be achieved through some kind of understanding with the British government. Here, the British government was not necessarily acting as the protectorate of the mentioned Sheikhdoms but as the very government at fault and the designer of the political scenario, relying on the diplomacy of warships, or what is known as the policy of applying force.⁶² This point is particularly important because, in practice, the main party for Iran in this issue was Britain, not the Sheikhdoms of Sharjah and Ras al-Khaimah. Furthermore, the representatives of these Sheikhdoms were regarded as agents of the British government, and they did not protest this arrangement until the final day of Britain’s presence in the Persian Gulf.⁶³ For this reason, Bavand frequently refers to the statements made by British officials regarding the end of disputes over the islands with Iran, both before

⁶¹ Fereydoun Zandfard, *Iran and the League of Nations* (Tehran: Shirazeh, 2021), p. 160. (In Persian)

⁶² Bavand, *supra note* 52, p. 10.

⁶³ *See: Ibid.*, pp. 10-14.

and after the withdrawal of British forces from the Persian Gulf. According to him, the end of Britain's colonial movement in the Persian Gulf had only one outcome: the restoration of Iran's sovereignty over its islands.⁶⁴ It should be noted that until 1921, Sharjah and Ras al-Khaimah were a single emirate. From this year onward, Ras al-Khaimah separated, and they became two emirates. Sharjah claimed sovereignty over Abu Musa, and Ras al-Khaimah claimed sovereignty over the Greater and Lesser Tthe United Arab Emirates bases its claim to the islands on this assertion and views its claimed sovereignty as a continuation of the ownership of the two aforementioned emirates.

According to Bahmani Qajar, Mosaddegh's approach aligned with the political conditions in Iran during the Nationalization of Oil Movement, a period marked by an increasing national spirit and a growing desire for independence, anti-colonialism, and opposition to Britain. This created a favorable ground for increased efforts to actualize Iran's sovereignty over the three islands.⁶⁵ It should not be overlooked that, according to Masoud Kuohestani-Nejad, the serious actions taken by the Iranian government to restore sovereignty over the three islands dateto before Mosaddegh's premiership and to the time of General Haj-Ali Razmara's premiership, who served from June 26, 1950 to March 7, 1951 (5th Tir to 16th Esfand, 1329 in Iranian calendar). According to him, for more than a century, from the Qajar period to the Pahlavi era, the only practical and decisive action to return these islands to the national territory was carried out by General Razmara. The author, in an unusual yet thought-provoking opinion, regards the first restoration of Iran's sovereignty over the

⁶⁴ *Ibid.*, p. 10.

⁶⁵ Bahmani Qajar, *supra note* 56, p. 30.

three islands not in November 1971, but in February 1951, during Razmara’s administration, and even suggests that the assassination of Razmara on March 7 that year was a result of his actions in this matter.⁶⁶ What is clear is that the various Iranian governments, throughout the 68 years of illegal occupation of the three islands, both before and after Mosaddegh’s premiership, never consented to their occupation by Britain and, in various ways—even during the most difficult challenges and in the heat of crises—strived to assert sovereignty over a part of their territory in the Persian Gulf. For this reason, Amir-Khosro Afshar, in a session of the UN Security Council regarding the three islands in 1971, following a complaint from Iraq, Algeria, Libya, and South Yemen after the liberation of the Iranian islands, firmly stated: “Throughout the time that Iran was deprived of its sovereignty over these islands, it never ceased to protest this matter”.⁶⁷

c) During Mosaddegh’s Tenure as Prime Minister: Legal and Administrative Pursuits

During Mosaddegh’s premiership, from May 1951 to August 1953 (Ordibehesht 1330 to Mordad 1332 in the Iranian calendar), actions regarding the three islands were also taken. It is worth noting that Mosaddegh served as Prime Minister of Iran twice during this period. The first time, starting in May 1951, he resigned on July 16, 1952 (25th Tir 1331 in the Iranian Calendar) due to Shah Mohammad Reza Pahlavi’s refusal to assign him the Ministry of War. He was succeeded by the late Ahmad Qavam, a skilled political figure who played a

⁶⁶ For more information on this topic, see: Masoud Kohestani-Nejad, *The Iranian Islands of the Persian Gulf: Iran’s First Restoration of Sovereignty over Greater Tunb, Lesser Tunb, and Abu Musa in 1951* (Tehran: Donya-e-Eghtesad Publication, 2014). (In Persian)

⁶⁷ See: Abdolreza Houshang Mahdavi, *Iran’s Foreign Policy during the Pahlavi Era: 1921-1979*, 2nd edition (Tehran: Alborz Publishing, 1995), p. 374. (In Persian)

crucial role in saving Azerbaijan and the expulsion of Soviet Red Army forces from the region, preventing the disintegration of Iran by the Azerbaijani Democratic Party, led by Ja'far Pishevari, and the Kurdish Democratic Party, led by Qazi Mohammad.⁶⁸ Qavam's tenure lasted only five days, and he resigned on July 21, the same year.⁶⁹ On July 22 1952, coinciding with the announcement of the International Court of Justice's ruling in favor of Iran in the Anglo-Iranian Oil Co. case, Mosaddegh's popularity rose again, and on July 23 1952, after expressing interest from the Senate, his second term as Prime Minister was approved, and he remained in office until the coup on August 19, 1953 (28th Mordad 1332 in Iranian calendar).⁷⁰

According to Mohammad-Ali Movahhed in his valuable work on the three islands,⁷¹ Iran's Ministry of Foreign Affairs sent a note on August 10, 1953, to the Swiss Embassy, which had been the protecting power for Iran during the diplomatic break with Britain. This note referred to a response from Britain dated July 11, 1953, addressing Iran's earlier note of May 22, 1953. The contents of the August 10, 1953, note clearly show that, despite the severed relations, discussions on the matter were still ongoing. The note states that,

⁶⁸ For more information on the Azerbaijan crisis and, in particular, the role of Qavam al-Saltaneh in resolving it, see: Houshang Tale', *The History of the Disintegration of Iran* (Vol. 1: The Failed Attempt to Disintegrate Azerbaijan), 3rd edition (Langarud: Samarghand Publishing, 2017) (In Persian). Also, for further understanding of Qavam al-Saltaneh's political life, see: Hamid Shoukat, *In the Crosshairs of Disaster: The Political Life of Qavam al-Saltaneh*, 5th edition (Tehran: Akhtaran, 2020). (In Persian)

⁶⁹ Hassan Pirnia, Kiyān Mehryeen, and Abbas Eghbal Ashtiani, *A Complete History of Iran*, 4th edition (Tehran: Waashghaan, 2016), pp. 1124-1123. (In Persian)

⁷⁰ For detailed events in this period, see: Bagher Agheli, *Iran's Prime Ministers from Moshir al-Dowleh to Bakhtiar*, 1st edition (Tehran: Badraghey-e- Javidan, 1992), pp. 800-714. (In Persian)

⁷¹ For a brief introduction to this work, see: Sattar Azizi and Mousa Karami, "The Motherland: A Look at the Book *The Borrowed Eloquence* Regarding the Iranian Three Islands", *Iranian Association of United Nations Studies Forum*, January 29, 2025; available at: <https://shorturl.at/I3Pnq> (In Persian)

based on existing historical documents and evidence, Iran’s sovereignty over Abu Musa is unquestionable and indisputable. Britain had violated the agreed-upon commitment to respect the status. Iranian government could not accept its explanations. Thus, Iran strongly protested Britain’s interference in Abu Musa and demanded the immediate withdrawal of British forces and wireless equipment from the island. This note was issued only six days before the failed coup of August 16, 1953 (25th Mordad 1332) and nine days before the successful coup of August 19, 1953 (28th Mordad 1332).⁷²

It should be noted that the Iranian government statement concerning the violation of the commitment to respect the status quo by Britain refers to the case of raising the Sharjah flag on Abu Musa and Greater Tunb in 1903, and later on Lesser Tunb in 1908. In 1903, the Sheikh of Sharjah, following the recommendation and insistence of the British Indian government, raised his flag on the islands of Greater Tunb and Abu Musa, which was met with a reaction from Iran. In April 1904, Iranian customs officials, upon inspecting the islands, took down the Sheikh’s flag from Abu Musa and the Tunb islands and replaced it with the Iranian flag, stationing several guards on both islands. The British Viceroy of India, in a telegram, suggested that Britain, by using force and dispatching a warship to the islands along with the sheikhs, remove the Iranian flag and raise the Sharjah flag. However, the British Minister Plenipotentiary in Iran at the time, Sir Arthur Hardinge, suggested negotiating with Iran before resorting to force. In the negotiation between Hardinge and Joseph Naus, the Director General and later Minister of Customs in Iran, the sovereignty over the three islands was declared disputed, and it was

⁷² Mohammad-Ali Movahhed, *A Fuss Over Nothing: An Examination of the Documents Referred to by the Sheikhs in Their Claims over the Lesser Tunb, Greater Tunb, and Abu Musa Islands*, 3rd edition (Tehran: Karnameh Publishing, 2021), pp. 80-79. (In Persian)

decided that the Iranian flag should be removed, and further negotiations on the matter should continue. Thus, on June 14, 1904, the Iranian flag was removed from the islands, but contrary to the agreement between the two sides that negotiations would take place, the Sharjah flag was later raised. Britain justified this action by citing the maintenance of the 'status quo' and claiming that "the Arabs have raised their flag where it was before the recent events". Implicitly, Britain threatened that if Iran made an issue out of this, it would revisit the matter of Sirri Island and question Iran's sovereignty over it.⁷³ This trickery by the British in their negotiations and dealings with Iranian officials over the islands extended even to non-disputed islands, where they created stories and difficulties to compel Iran to abandon its claims over the disputed islands.

Regarding the political and diplomatic efforts of the Mosaddegh government, on July 31, 1951, the Ministry of War submitted a report on the situation of Abu Musa Island, requesting that the matter be raised in the Cabinet for the establishment of Iran's sovereignty. On September 7, 1952, Mosaddegh wrote a letter to the Ministry of Foreign Affairs, instructing that, due to the country's supreme interests, a prompt and definitive decision be made regarding the islands. On April 6, 1953, the Ministry of Foreign Affairs sent a report to the Prime Minister. It announced the formation of a commission from the representatives of the Ministries of Foreign Affairs, National Defense, Interior, and Customs to pursue Iran's sovereignty over the three islands. Subsequently, Hossein Fatemi, the then Minister of Foreign Affairs, in a report dated April 21, 1953, wrote to Mosaddegh that the commission of representatives from the four ministries had convened and approved three matters: 1) a strong protest to the British

⁷³ *Ibid.*, pp. 60-64.

Embassy and a request for the withdrawal of British soldiers and wireless equipment from the islands through a formal note; 2) comprehensive and thorough investigations into the conditions of the islands by a committee of representatives from the Ministries of Foreign Affairs, Interior, National Defense, and Customs; and 3) the reconvening of the commission and presenting an opinion to the Cabinet regarding the establishment of Iran’s sovereignty over the islands after receiving the report.⁷⁴ The contents of this report were discussed and approved in the Cabinet, and Mosaddegh, in his capacity as Prime Minister, conveyed this resolution to the Minister of Foreign Affairs through a letter. Although Iran’s measures and plans for establishing sovereignty over the three islands were met with a response from the British, and the British government resorted to military occupation of the islands, with its air force monitoring the islands, Fatemi, as the Minister of Foreign Affairs, on May 19, 1953, in an official note, reaffirmed and emphasized Iran’s ownership of the islands and protested the military occupation of Abu Musa Island.⁷⁵

These protest letters and emphases on the Iranian sovereignty over the three islands negate the condition of uninterrupted passage of time for the establishment and realization of acquisitive prescription. Had such protests not been made, they would have been interpreted as tacit consent or implied approval, which would have been legally detrimental to our country. It should be noted that tacit consent or implied approval refers to a failure to object to an event where protest is necessary.⁷⁶ If a concerned State does not express its opposition, it

⁷⁴ Bahmani Qajar, *supra note* 56, p. 30.

⁷⁵ *Ibid.*, p. 31.

⁷⁶ Mehdi Ghorbani, *The Reasons and Documents Behind Britain’s Occupation of Abu Musa, Greater Tunb, and Lesser Tunb from 1903-1971*, MA Thesis in International Relations (Supervisor: Abbas Soltanlou), Tehran: Islamic Azad University, Central Tehran Branch (Summer 2012), p. 23. (In Persian)

is interpreted that it has accepted the status quo. Research has shown that the legal consequences of silence (in the case of the *Preah Vihear Temple*) are sometimes recognized as an indication of the State's consent in the practice of the ICJ.⁷⁷ This is why, in the case concerning sovereignty over *Pedra Branca/Batu Puteh, Middle Rocks, and South Ledge (Malaysia/Singapore)* (2008), the Court concluded that correspondence between Malaysia and Singapore in the 1950s indicated Malaysia's acceptance of the loss of sovereignty over Pedra Branca/Pulau Batu Puteh.⁷⁸

During Dr. Mosaddegh's tenure, efforts were made to implement administrative measures that emphasized Iran's ownership of the three islands. At this time, the Ministry of Foreign Affairs requested the General Directorate of Statistics and Civil Registration to carry out the civil registration of the residents of Abu Musa. The General Directorate of Statistics and Civil Registration then instructed the Civil Registration Office of Bandar Lengeh to take the necessary legal and registration actions for the people of Abu Musa Island. Subsequently, the Abu Musa Civil Registration District was established, and a representative for this district was selected. Civil registration documents were issued for the residents of Abu Musa, and shortly afterward, a large number of the island's inhabitants received their Iranian identity cards. The residents' initiative to obtain Iranian identity cards, even in circumstances where this part of Iran was under foreign occupation, reflects the people's love and desire for their

⁷⁷ For more information, see: Ahmadreza Touhidi and Fatemeh Mir-Akhurli, "Referring to the Silence of States in Resolving International Disputes with Emphasis on the Approach of the International Court of Justice", *Legal Studies*, Vol. 16, Issue 3 (Autumn 2024), pp. 161-192. (In Persian)

⁷⁸ See: Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore), *supra note* 34, paras. 192-230.

Iranian nationality.⁷⁹ Additionally, it should be noted that at that time, Iran was the only regional State in the Persian Gulf, and the United Arab Emirates, which now claims the legacy of the Sharjah and Ras al-Khaimah tribes, was established only after the liberation of the three islands and the restoration of Iranian sovereignty over them in 1971. This situation has led Iranian scholars to correctly question the legitimacy of subnational entities in acquiring territory.⁸⁰ Sharjah and Ras al-Khaimah, during the British occupation of the three islands of Iran from 1903 to 1971, were not States that had the legitimacy or right to acquire territory under international law.

III. Acquisitive Prescription’s Factual Conditions and the Legal Implications of Mosaddegh’s Actions

This Section, firstly, presents concrete examples and factual illustrations from international jurisprudence, demonstrating how such conditions have been interpreted and applied in practice to establish or refute claims of sovereignty over territory, including islands (3.1). Thereafter, it deals with the legal implications of Mosaddegh’s actions as regards three islands in the Persian Gulf (3.2).

a) Examples of Factual Conditions for Acquisitive Prescription in International Judgments and Awards

Examples of the ‘effective’, ‘continuous’, and ‘peaceful’ display of sovereignty, which encompasses the exercise of State functions, are found in the Eritrea-Yemen arbitration ruling. These include: Public

⁷⁹ Bahmani Qajar, *supra note* 56, p. 33.

⁸⁰ Ebrahim Beigzadeh and Niloufar Ashtari, “The Eligibility for the Acquisition of Territory by Subnational Entities: A Case Study of the Qawasim of Bandar Lengeh and Its Impact on the United Arab Emirates’ Claim over the Three Islands (Abu Musa, Greater Tunb, and Lesser Tunb)”, *Humanities Development*, Vol. 4, Issue 7 (Summer 2023), pp. 31-65. (In Persian)

declaration of sovereignty over the islands; Legislative actions regulating activities on the islands; Issuance of licenses for activities on the islands or their surrounding waters, including oil concessions; Arresting fishing vessels near the islands; Granting permission for maritime travel to or around the island; Issuing notices to mariners or providing pilotage instructions for the waters surrounding the islands; Conducting search and rescue operations or other forms of jurisdiction in response to maritime incidents near the islands; Deploying coast guard and patrol vessels in the waters surrounding the islands; Environmental protection measures in the area of the islands; Utilization of surrounding waters for fishing by private individuals or foreign States; Holding ceremonies and gatherings on the islands; Establishing military posts on the islands; Construction and maintenance of facilities such as lighthouses on the islands; Exercising criminal or civil jurisdiction over events occurring on the islands.⁸¹

The International Court of Justice has also examined actions of administrative jurisdiction in cases such as the dispute between France and the United Kingdom, where Britain's exercise of jurisdiction over the Minquiers Islands included actions like enforcing authority over ships in distress, inspecting vessels, registering contracts, and establishing customs offices and other fortifications like docks and lighthouses. Conversely, France's actions, such as constructing a dock outside the reef area of the Minquiers, were not deemed sufficient by the Court to demonstrate an intention to exercise sovereignty over the islands, and such actions were considered insufficient to establish

⁸¹ See: The Arbitral Tribunal (Yemen-Eritrea), *Award of the Arbitral Tribunal in the First Stage of the Proceedings between Eritrea and Yemen (Territorial Sovereignty and Scope of the Dispute)*, Decision of 9 October 1998, Reports of International Arbitral Awards, Vol. XXII, pp. 209-332, pp. 272-291.

French authority over the area.⁸² In the *Qatar v. Bahrain* case, operations related to navigational aid around the island were regarded as affirming Bahrain’s sovereignty over the relevant island.⁸³ Similarly, Malaysia’s actions, such as controlling turtle fishing, gathering eggs, establishing bird gardens, and setting up a lookout tower on certain disputed islands, were considered significant in determining its sovereignty over those territories.⁸⁴ Furthermore, Honduras’s sovereignty over small cays was affirmed based on actions such as the exercise of criminal jurisdiction, regulating migration combating drug-related activities in the region.⁸⁵ Singapore’s actions in the 1950s, such as controlling the wrecking or sinking of ships, hoisting a flag on an island, granting other States permission to carry out mapping activities, installing military equipment, and taking other significant measures concerning the island, were deemed relevant and crucial in affirming Singapore’s sovereignty.⁸⁶ Similarly, Colombia’s sovereignty over certain islands was supported by actions such as legislative and administrative measures regarding the extraction of bird guano, phosphate lime, and coconut gathering.⁸⁷ It should be noted that actions by private individuals are not typically considered a demonstration of State authority unless they are conducted under formal arrangements or State jurisdiction. In other words, if private actions are undertaken by

⁸² ICJ, *The Minquiers and Ecrehos Case (France/United Kingdom)*, Judgement of 17 November 1953, ICJ Reports 1953, p. 47, General List No. 1, pp. 278-283 & p. 71.

⁸³ ICJ, *Maritime Delimitation and Territorial Questions (Qatar v. Bahrain), Merits*, Judgement of 16 March 2001, ICJ Reports 2001, p. 40, para. 197.

⁸⁴ See: *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, *supra note* 39, paras. 132, 143-149.

⁸⁵ *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*, *supra note* 38, paras. 185, 189, 195-196.

⁸⁶ *Sovereignty over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge (Malaysia/Singapore)*, *supra note* 34, paras. 231-277.

⁸⁷ *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, *supra note* 39, paras. 25-103.

the State or authorized by it, they should be factored into the assessment of effective control.⁸⁸

Murphy, citing the 1865 arbitral award in the dispute between Venezuela and the Netherlands, asserts that temporary or seasonal occupation of an island—such as for three or four months per year—does not necessarily signify exclusive sovereignty. On the contrary, such patterns may even indicate the possible abandonment of the island in favor of use by others. He further emphasizes that, especially when sovereignty over an island is disputed or contested by another State, more substantial acts of authority are necessary to support the claim. Nonetheless, Murphy promptly refers to the view of the PCIJ in the case concerning the *Legal Status of Eastern Greenland*, where the interpretation of ‘continto small, remote, and possibly uninhabited islands must be evaluated within the specific context of the case. In this regard, he highlights the arbitrator’s inclination in the *Clipperton Island* case (1931) to acknowledge France’s continuous sovereignty over the island as influenced by its remoteness and lack of population.⁸⁹ The ICJ has similarly acknowledged the unique circumstances of small, uninhabited, or non-permanently inhabited islands. In the 2002 case between Malaysia and Indonesia, the Court observed that the sparse and scattered acts of Malaysia over a substantial period still reflected a discernible pattern of intent to exercise governmental functions over the islands in question.⁹⁰ In the *Nicaragua v. Honduras* case, the Court ruled that sovereignty over small maritime features such as the disputed islands could be established on the basis of relatively minimal—yet qualitatively and

⁸⁸ Murphy, *supra* note 21, p. 130.

⁸⁹ *See: Ibid.*, pp. 131-132.

⁹⁰ Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), *supra* note 39, para. 148.

quantitatively sufficient—demonstrations of State authority.⁹¹ The court or tribunal assessing the display of sovereignty must therefore examine the relative strength of the parties’ claims based on the situation before the critical date. Murphy also points out that an exclusive reliance on effective occupation—at the expense of other means such as treaty, succession, or military conquest—can make proving sovereignty more difficult. In reality, effective occupation often serves a complementary role, bolstering other evidence of sovereignty. It is also possible for a State to originally hold sovereign title over an island—such as Malaysia’s primary and original claim via succession—but for another State’s continuous and peaceful display of sovereignty, unopposed by the original sovereign, to lead to a transfer of sovereignty over time.⁹² In this process, it is ultimately the absence of objection—the *undisputed* nature of the display—that plays the decisive role.

The most recent judgment of the International Court of Justice regarding sovereignty over islands, as of the time of writing this article, dates back to 19 May 2025. On this date, the ICJ rendered its final judgment in the case concerning *Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)*, which involved a territorial dispute between Equatorial Guinea and Gabon. Part of the dispute concerned sovereignty over three small islands in the Gulf of Guinea, namely *Mbanié*, *Cocotiers*, and *Conga*. The other two aspects of the dispute related to the delimitation of the land boundary (see paragraphs 99–157 of the judgment) and the maritime boundary (see paragraphs 200–208 of the judgment), which fall outside the scope of this study. In its 19 May

⁹¹ Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras), *supra* note 38, para. 174.

⁹² Murphy, *supra* note 21, pp. 134-135.

2025 judgment on the territorial dispute between Gabon and Equatorial Guinea, the International Court of Justice assigned a pivotal, though complementary, role to the principle of acquisitive prescription—understood as the continuous, peaceful, and uncontested exercise of sovereignty over time—in determining legal title to the disputed islands of Mbanié, Cocotiers, and Conga. While the Court ultimately based its ruling on the legal title held by Spain at the time of Equatorial Guinea’s independence in 1968, it expressly acknowledged that this title was not accepted in isolation but was reinforced by Spain’s longstanding, deliberate, and uncontested acts of sovereignty over the islands in the preceding decades. The Court found that Spain’s consistent and explicit conduct—documented through administrative acts, correspondence, maps, and the absence of objections from France and Gabon—constituted a continuous and peaceful display of sovereignty, which effectively prevented any competing claim from maturing under international law.⁹³ This judgment reaffirms the legal significance of effectivités as evidence of sovereignty in territorial disputes and illustrates the interplay between state succession and acquisitive prescription in establishing and maintaining legal title over territory.

Mosaddegh’s actions toward the three Iranian islands in the Persian Gulf have been introduced and the factual conditions of the acquisitive prescription principle in international law concerning territorial acquisition have been clarified to some extent, in the next sub-section, we will examine the legal implications.

⁹³ See: ICJ, *Case Concerning Land and Maritime Delimitation and Sovereignty over Islands (Gabon/Equatorial Guinea)*, Judgement of 19 May 2025, General List No. 179, paras. 158-199.

b) Legal Implications of Mosaddegh’s Actions

To summarize the key findings from Section 1, international law governing the acquisition of territorial sovereignty recognizes that acts reflecting the exercise of sovereign authority—whether administrative, legal, political, military, or economic—play a decisive role in substantiating a State’s title over territory, including islands. Such acts, especially when performed continuously and peacefully, serve not only to affirm a State’s sovereignty but also to contest rival claims. In particular, when faced with an unlawful occupation, a State must actively assert its rights through protests and demonstrations of authority to prevent the occupying State from consolidating a claim under the doctrine of acquisitive prescription. According to customary international law, acquisitive prescription arises only when an occupying State exercises effective and continuous authority over a territory without significant objection from the original sovereign State over a prolonged period. If the original State fails to formally and consistently protest, this silence may, over time, be interpreted as tacit consent, allowing the occupying State’s de facto control to evolve into lawful sovereignty.

Thus, under international law, protests and objections—whether expressed through diplomatic channels, official statements, legal claims, or administrative acts—are crucial in interrupting the temporal continuity required for acquisitive prescription to apply. First, they signal that the original sovereign State has not acquiesced to the occupation, thereby preventing any presumption of legal consent or estoppel from arising. Second, continuous protests serve to characterize the occupation as a disputed situation, reinforcing the view that the occupation is neither lawful nor settled. Third, consistent objections influence the international community’s perception, highlighting that the occupying State’s claim lacks legitimacy and that

the original State continues to assert its rights. Fourth, such protests undermine the stability required for a prescriptive claim to crystallize, as uninterrupted and peaceful control is a necessary element of prescription. The importance of this principle is reflected in the historical record, where Iran's persistent objections, including those advanced during Dr. Mosaddegh's tenure, prompted British authorities to qualify their statements regarding the islands, demonstrating the legal impact of Iran's protests in shaping the dispute.

The legal implications of Dr. Mohammad Mosaddegh's actions concerning the three Iranian islands—Abu Musa, Greater Tunb, and Lesser Tunb—must therefore be understood in this context. As Foreign Minister, a member of the National Consultative Assembly, and later as Prime Minister, Mosaddegh consistently opposed the British occupation and took deliberate legal and administrative measures to reinforce Iran's sovereignty. His actions included issuing formal diplomatic protests, sending legal memoranda, delivering parliamentary speeches, and implementing administrative initiatives such as the registration of residents, the issuance of identity cards, and the classification of the islands within Iran's internal territorial divisions. These measures were not merely political statements; they represented concrete and effective exercises of sovereign authority, reflecting Iran's ongoing intent and capacity to maintain its title over the islands.

From a legal perspective, Mosaddegh's actions were instrumental in interrupting the temporal requirement for acquisitive prescription. By consistently asserting Iran's legal rights, his measures negated any inference of acquiescence and precluded the formation of a valid prescriptive title in favor of the British occupiers. Furthermore, his actions aligned with the broader principle in international law that, in

cases of unlawful occupation, original title alone is not sufficient; the displaced State must actively assert its sovereignty through protests, legal claims, and administrative acts to preserve its rights. Mosaddegh’s approach demonstrates an acute understanding of this legal reality: without consistent engagement, Iran risked losing its claim over time, but through continuous objections and demonstrations of authority, he maintained Iran’s legal position and prevented the occupation from maturing into lawful sovereignty.

Moreover, the legal significance of Mosaddegh’s measures extends beyond the actions taken during his premiership. The historical record shows that Iran’s stance on the islands remained consistent even after the political upheavals following the coup of August 19, 1953. Successive Iranian governments continued to assert sovereignty over the islands through diplomatic protests, legal claims, and administrative measures. For instance, in 1954, the Iranian government revised its administrative divisions, incorporating the islands into the Coastal Province of the Persian Gulf and the Sea of Oman: Greater Tunb was classified under the Qeshm district, while Abu Musa and Lesser Tunb were placed under the Kish Island district. This administrative reorganization reflected Iran’s ongoing legal and administrative assertion of sovereignty over the islands and further reinforced its claim in the eyes of international law. Additionally, legislative efforts such as the bill concerning territorial waters, which amended the 1934 Law on the Boundaries of Iranian Territorial Waters and the Contiguous Zone, underscored Iran’s continued assertion of its maritime and territorial rights in the region.⁹⁴

⁹⁴ For a brief review of Iran’s actions during the post-coup period until the liberation of the islands in December 1971, see: Amiri-Pari, *supra* note 53, pp. 82-70. For a more detailed account of these actions, see: Bahmani Qajar, *supra* note 56, pp. 365-33.

Mosaddegh's 1953 speech in the National Consultative Assembly, in which he framed the British occupation of the islands and broader Persian Gulf activities as part of Britain's colonial ambitions, further encapsulated Iran's legal position. This view, shared by successive Iranian governments, emphasized that the occupation of the islands was a temporary extension of British colonialism and would necessarily terminate with the end of Britain's presence in the Persian Gulf. The events of 1971 confirmed this legal position: with Britain's withdrawal and its tacit and explicit acceptance of Iran's sovereign rights over the islands, the occupation ended, and any purported claims by the rulers of Sharjah and Ras al-Khaimah—who had functioned as instruments of British colonial policy—were extinguished. Their authority, derivative and subordinate to British control, lacked independent legal standing and dissipated upon Britain's departure.

In conclusion, the legal implications of Mosaddegh's actions underscore a fundamental principle of international law: the preservation of sovereignty in the face of unlawful occupation requires active, consistent, and formal protests, legal measures, and administrative assertions of authority. Mosaddegh's efforts were a vital component of Iran's legal strategy to protect its sovereignty, and they played a decisive role in precluding any legal foundation for British prescriptive claims. These actions, in conjunction with the broader legal and historical context, affirm Iran's enduring sovereignty over the three islands and invalidate any arguments based on acquisitive prescription.

Conclusion

Acquisitive prescription, while recognized as a theoretical mode of acquiring sovereignty over territory in international law, is a doctrine

subject to strict and well-defined conditions. These include the requirement of continuous, peaceful, and effective exercise of sovereign authority by the Claimant State over a prolonged period, coupled with the absence of timely and effective protests by the original sovereign State. The present study highlights that this doctrine, though acknowledged in legal scholarship, has been interpreted and applied with great caution by international courts and tribunals, particularly due to its potential to legitimize territorial acquisitions arising from initially unlawful acts, including those obtained through force. The analysis reaffirms that acquisitive prescription cannot be viewed as an automatic mechanism to resolve territorial disputes but rather as a supplementary principle that may be invoked in exceptional circumstances, provided that its strict conditions are met and the broader norms of international law, including the prohibition of the use of force, are fully respected.

The legal implications of Iran’s consistent and systematic protests against the British occupation of the three islands—manifested through diplomatic correspondence, parliamentary debates, and administrative actions—constitute a decisive factor in precluding the establishment of acquisitive prescription in favor of Britain. These protests served to interrupt the temporal continuity that is essential for prescription to take effect, thereby nullifying any potential argument that British control, however prolonged, could evolve into a legitimate legal title. Iran’s conduct reflects the principle that sovereignty is not passively lost by mere passage of time but can be preserved through persistent and formal objections. Thus, the study underscores that the legal force of a State’s protests, when properly and consistently articulated, operates as a shield against the prescriptive claims of another State.

Dr. Mohammad Mosaddegh's actions in various capacities—as Foreign Minister, Member of Parliament, and Prime Minister—formed a critical component of Iran's legal and political efforts to maintain its sovereignty over the three islands. His measures, including formal protests, diplomatic communications, parliamentary advocacy, and administrative initiatives such as the establishment of a civil registry on Abu Musa, exemplify the active and deliberate exercise of sovereign authority required under international law. These actions not only demonstrate Iran's intention to assert its sovereignty but also provide concrete evidence of the continuous and peaceful display of sovereignty over the islands, reinforcing Iran's legal position in the face of rival claims. Therefore, Mosaddegh's contributions must be understood as integral to Iran's long-standing efforts to safeguard its territorial integrity.

The historical and legal status of the three islands during the British occupation from 1903 to 1971 is best characterized as a situation of unlawful occupation rather than a legitimate transfer of sovereignty through prescription or other legal means. The study confirms that the legal doctrine of acquisitive prescription requires not only effective control but also a lawful basis for such control—an element absent in the case of the British presence on the islands, which arose from a unilateral and forcible act. Iran's persistent protests, including those during Mosaddegh's tenure, disrupted any prescriptive claims and ensured that no valid legal title could be transferred to Britain or the United Arab Emirates. Accordingly, the occupation of the islands must be viewed as a continuing violation of Iran's sovereignty, with no legal effect on the underlying title.

In sum, the legal analysis conducted in this study demonstrates that Iran's sovereignty over Abu Musa, Greater Tunb, and Lesser Tunb has been preserved through a combination of consistent legal protests,

active assertion of authority, and the absence of lawful grounds for rival claims. The study further confirms that under international law, the doctrine of acquisitive prescription does not permit the acquisition of sovereignty where initial control was established through unlawful means, nor can it override persistent and timely objections from the original sovereign State. Dr. Mosaddegh’s actions are thus to be seen not merely as historical facts but as crucial legal acts that interrupted the temporal requirements of prescription and reinforced Iran’s position under international law.