

KUWAIT

STATEHOOD AND BOUNDARIES



Kuwait Foundation for the Advancement of Sciences

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Kuwaiti Documents Project

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Contents

	Page
Introduction	13
 Chapter One:	
The 1990 Gulf Crisis:	
Precursors, Developments and Dimensions	17
I Background of the Crisis	17
II Developments of the Crisis	21
(A) Iraq's Conduct in the Crisis	21
(B) The Regional Gulf Dimension	25
(C) The Arab Dimension of the Crisis	27
(D) The International Dimension of the Crisis	29
III Iraqi Claims	31
IV The Liberation of Kuwait... A Victory of International Will	36
 Chapter Two:	
Kuwait: Historical Status	41
– Kuwait: A Distinguished Position	43
– Kuwait: Affiliation Defined	46
– Kuwait and the Ottoman State - The First Stage	50
– Kuwaiti-Ottoman Relations During the Nineteenth Century	53
– Ottoman Attempts at Subjugating Kuwait to Domination	56
– The Historical Truth about the 1899 Agreement	64
– Ottoman Attitude after the 1899 Agreement	66
– The 1913 Agreement and Delimitation of Borders between Kuwait and Basra	69
– Between the Outbreak of the 1914 War and Iraq's Independence in 1932	81
– Between Iraq's Independence in 1932 and Kuwait's Admission to the United Nations in 1963	83
– Iraqi-Kuwaiti Relations After 1963	93
– The Problem of Boundaries in Iraqi-Kuwaiti Relationships After 1963	95

Chapter Three:

International Law vis-à-vis the Iraqi Aggression Against Kuwait and Iraqi Claims	101
First: Kuwait's International Status, Statehood and Boundaries:	
– Elements and General Characteristics of a State	103
– Kuwait's Long Standing Fulfillment of the Substantive Prerequisites of a State	103
– Relations between Kuwait as a Distinguished Entity and the Ottoman Vilayet of Basra	106
– Sovereignty and Independence	107
– The 1899 Protectorate Agreement from the Point of View of International Law	109
– The 1913 Agreement between Britain and Turkey	109
– Legal Merits of the 1913 Agreement	110
– The Post-World War I Phase Up To Kuwait's Independence	111
– The Independence Stage Since 1961 until this Current Crisis	114
Second: Iraq's Recognition of the State of Kuwait	114
Third: Kuwaiti People's Right to Self-Determination	118
Fourth: Kuwaiti People's Right to their Natural Wealth	122
Fifth: The Attitude of the International Community in Confronting the Iraqi Aggression against the State of Kuwait:	124
(1) The Iraqi Aggression against Kuwait is an Attack against International Legitimacy	125
(2) Adverse Effects of the Iraqi Aggression against Kuwait	126
(3) International Efforts Aimed at Deterring Iraqi Aggression against Kuwait	128
– International Condemnation of Iraqi Violations of Human Rights and International Humanitarian Law in Kuwait	136
– International Condemnation of Iraqi Practices	142
Chapter Four:	
Economic Effects of Kuwait's Invasion	147
1- Claims Pertaining to Boundaries, Security and Finance	147
2- Oil Prices and Exceeding Production Quotas	151
3- Distribution of Wealth and Developmental Assistance	154
4- Gulf Development Assistance to Arab States	157
5- Iraqi Economic Harvest of the Gulf Crisis	160

Annex: Economic Statistical Tables	165
Conclusion	177
References	181
– Historical References	184
– Legal References	186
– Economic References	187

TABLE OF MAPS

	Page
Map (1) Northern Borders of the Arabian Peninsula, according to the writings of Arab geographers	42
Map (2) Map of Kuwait as appended to the British-Ottoman Agreement of 1913	72
Map (3) Map of Kuwaiti Boundaries (1934)	85
Map (4) Current Political Boundaries of the State of Kuwait	113
Map (5) Political Boundaries at the mouth of the Arabian Gulf	115

Introduction

Introduction

The second of August 1990 was a sad day witnessed by the world. On that day, humanity retracted to the barbaric age, in which the law of the jungle prevailed, as Iraq attacked the State of Kuwait. Ever since its independence, Kuwait has contributed — most enthusiastically — to the consolidation of international peace and security, and to the enhancement of international cooperation in economic, cultural and social fields.

This aggression was, surprisingly, waged by an Arab Islamic state against a fraternal neighbouring state, equally Arab and Islamic. Peculiarly enough, the attacked state pursues a foreign policy held as exemplary in good neighbourhood vis-à-vis the attacking neighbour.

The Iraqi aggression against Kuwait, not only violates the rules of international legitimacy, but also runs contrary to the lofty Islamic and Arab values and the principles of good neighbourhood, which constitute a pillar in international relations in general.

Paradoxically, this illegitimate aggression took place at a time in which the world is witnessing a most impressive scene of international rapprochement, as though the aggressor meant to wade against the current.

Iraq's expansionist ambitions in Kuwait have no legal basis and, indeed, contradict the fundamental principles of international law, which underscore the principle of stable boundaries and the peoples' right to self-determination.

The Iraqi treacherous aggression against the State of Kuwait is indeed a human catastrophe. Its negative effects on Arab interests and world economy are manifold, apart from the flagrant injustice to the rights of the Kuwaiti people.

No wonder, then, that the whole world has forcefully condemned this aggression. World and regional organizations were quick to denounce the assault. No wonder, also, that peace-loving states rushed to assist Kuwait and the endangered Arab countries, in defending their territories and safeguarding their rights, all within the framework of the State's right to individual or collective self-defence, as enshrined in Article 51 of the United Nations Charter, and in Article 2 of the Joint Defence and Economic Cooperation Agreement, concluded in April 13, 1950 among the member-states of the League of Arab States.

Hardly had a few days passed since Iraq ruthlessly overran Kuwait when the official authorities of the State of Kuwait when the official authorities of the State

rushed to entrust a committee with the task of undertaking a very important project. It aims at the compilation, analysis and scrutiny of documents related to Kuwait from numerous different sources, in a truly academic fashion, with the aim of revealing and displaying the whole truth, that refutes any false allegations. Undoubtedly, historical sources are decisive and conclusive. They reveal the plain truth and rebut any false claims or arguments that Iraq had been attempting to propagate and disseminate to mislead public opinion and arouse doubts, in order to substantiate its notorious and preposterous claim to a historical right in Kuwait.

For undertaking this project, a Scientific Committee was set up comprising distinguished Arab university professors and experts, specialized in deciphering historical documents and in the disciplines of law, economy and political sciences. Embarking on the assignment entrusted therewith, this Committee was able to compile a large number of documents, reliable sources and reference material, concerning the emergence and development of Kuwait, up till the proclamation of its national independence in 1961. The Committee unanimously felt the urge to put out an academic work, that would stress the objective facts, which substantiate Kuwait's sovereignty and independence and refute all Iraqi claims. This was to be done in a clear and simplified fashion, in order to convey the true facts to the hearts and minds of people and to expose the malice caused by the Iraqi invasion to the Arab and Islamic Nation. Furthermore, this was to emphasize that the invasion was a flagrant violation of legitimacy in both Islamic and international laws. The committee settled on issuing this academic work under the title: "Kuwait: Statehood and Boundaries We entertain high hopes that this book will receive welcome and appreciation. We pray to Allah to always guide us to the true path of success .

Project Head
Prof. A.Y. Al-Ghunaim

CHAPTER ONE

THE 1990 GULF CRISIS: PRECURSORS, DEVELOPMENTS AND DIMENSIONS

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THE 1990 GULF CRISIS: PRECURSORS, DEVELOPMENTS AND DIMENSIONS

When Iraqi forces invaded the territory of Kuwait at the dawn of August 2, 1990 with the intention of occupying it and toppling its legitimate Government, the whole world was taken by surprise. The surprise was not all due to any lack or scarcity of information about the prior movements of the Iraqi army. Such information was available, in varied degrees of accuracy, to world and regional intelligence and surveillance agencies. The surprise was, indeed, attributable to the absolute unexpectedness of such measure of precipitation and adventure on behalf of the Iraqi regime. Embarking on such an act is, by all standards, very unusual in international relations.

However, if, on the one hand, we go back to the weeks which preceded the crisis and, on the other hand, we analyse the overall objective conditions in the Gulf area which determined the Iraqi-Gulf relationships, this will help to unveil the aggressive behaviour of the Iraqi regime, which failed to realize the grave consequences of its blunder from Arab, Gulf and international aspects. This background is also vital before tracing the development and repercussions of the crisis and, subsequently, examining and analyzing Iraqi claims on this issue, which aroused a great deal of perplexity and confusion in contemporary Arab political history.

I - Background of the Crisis:

An observer of the political situation in the Gulf region and Middle East area over the weeks directly preceding the invasion, particularly since April 1990, can easily sense two major Iraqi orientations:

First, the escalation of the propaganda campaign against Israel and, the growing threats that Israel would be attacked with what is more effective and arousing than mere lip service. This has been the cause of regional and international reactions. The Iraqi regime exploited the latter in building for itself an image in the public eye as being the powerful Arab party, capable of challenging Israel, as well as those who back it.

Second, concoction of a political crisis with Kuwait and, internationally, accelerating it in July 1990 at quick and progressive paces, so as to give the impression that Iraq, having exhausted all «peaceful means» for solving this problem, is now preparing the scene for invading Kuwait.

In short, the Iraqi regime was aiming at exhaustively exploiting the anti-Israeli Arab feeling in order to build a general Arab sympathy around it, leaning heavily on those Arab organizations and agencies in which Iraqi presence carried weight. When this Arab support of Iraq was at its peak, Iraq concocted the crisis with Kuwait and promptly escalated it before the actual invasion on August 2 with the hope that Arabs would swallow this act as being a step towards the liberation of Palestine, and that the world would overlook this matter under the delusion that its vital interest in the region, namely oil, is not undermined. **The «opportunistic» linkage between the Palestinian question and the Iraqi invasion of Kuwait was not, therefore, an outcome of the crisis. It was part of a prior plan. This becomes obvious if we recall, retrospectively, the events of the four months directly preceding the invasion:**

On the second of April 1990 and in an address to a number of Iraqi military men, President Saddam Hussein made his astonishing statement that «he would set half Israel on fire, if it ever attempted to strike at Iraq»! These words were uttered by Saddam Hussein as a warning to Israel not to blast the missile-launching platforms, reportedly built in Iraq, and that Iraqi missiles are capable of reaching Tel-Aviv! A close scrutiny of the course of Arab- Israeli struggle would reveal that, throughout the long history there exists no serious involvement of Iraq in the struggle against Israel. However, Iraq has always had the loudest voice. In addition, the only direct military action by Israel against Iraq, namely the bombing of the Iraqi nuclear reactor in July 1981, was never retaliated by Iraq, except for a stream of verbal threats.

However the threats to burn Israel with chemical weapons did succeed in arousing counter- reactions in the United States and Israel. American President Bush suggested the withdrawal of these declarations, which he termed as «bad». He called upon Iraq to renounce the use of chemical weapons saying: «These declarations neither help Middle East peace nor secure Iraq's interests». On their part, Israeli leaders showed no indication of actually believing that Iraq was capable of striking at Israel effectively. Yitzhak Rabin declared that «Israel is strong and can strike at Iraq more powerfully than Iraq is capable of doing». Israeli Chief of Staff, Dan Shomron, likewise, declared that Tel-Aviv possesses the capability to attack and the means to ensure deterrence of Iraq from waging any attack against Israel.

Nevertheless, the Iraqi president persisted in escalating his declarations against Israel. By way of example, on April 12, Saddam Hussein said to a

delegation of US congressmen that «orders have been given to commanders of airbases and missile formations that the minute they hear of an Israeli atomic attack on Iraq, they should mobilize all chemical weapons towards Israel's territories»!

On April 18, he reiterated the same thing before a delegation of the Arab Labour Federation saying: «We have erected missile bases, directed towards the West (meaning Israel) and not the East... If they strike at any of the erected missile bases, we also have mobile missile bases».

These statements, along with the feverish reactions caused thereby, contributed to the creation of a tense atmosphere in the region, which seemed to coincide with a number of threats to Arab security. These threats crystallized specifically around the complex Palestinian question: the stalemate in the peace process and the influx of Jewish immigrants from the Soviet Union into Palestine, on the one hand, and the Western and Israeli threats against Iraq, on the other. It was amidst this atmosphere that Iraq and P.L.O. together called for an emergency Arab summit, which convened in Baghdad in May 28-31, 1990.

No wonder that the meeting of the summit in Baghdad itself made the conference appear, as though it was intended to be an Arab backing of Iraq in its stance against Israel, the United States and, indeed, all powers seeking to dwarf the Arab force. Amidst a number of resolutions, revolving mainly around the Palestinian question and its ramifications, came a resolution in which the conference denounced the threatening campaigns and aggressive measures, directed against Iraq (and Libya). The conference stressed Iraq's right to take whatever measures it deemed conducive to ensuring its national security and protection. In two other resolutions, the Conference also stressed the right of Arab states to the development and use of science and technology. Developed countries were called upon to facilitate the transfer of technology to Arab States on a *pari passu* basis with other states. The conference, also, supported all endeavors, aiming at the elimination of mass destruction weapons from the Middle East region, provided that such elimination is carried out without discrimination or bias and would include all types of mass destruction weapons.

Thus, the Iraqi regime succeeded in creating a general Arab impression that Iraq's pivotal cause, now that the war with Iran has come to an end, was the Palestinian issue, and that the main reason for accumulating and developing arms is to deter Israel and to counter Israel's nuclear and other mass destruction weapons with chemical weapons. Such being the case, it was only natural to see Arab groupings and organizations racing to support Iraq and back the stance it had adopted against imperialism and Zionism.

Amidst these developments, in which the Iraqi regime deluded the Arabs into believing that its guns and missiles were pointing towards Israel, the

premeditated and carefully-planned crisis with Kuwait broke out. In a sudden move, Iraqi foreign minister Tarek Aziz sent a memorandum on July 15, 1990 to Shazli Gulaibi, Secretary-General of the League of Arab States, in which Iraq complained that the Government of Kuwait took advantage of Iraq's preoccupation with its war with Iran and established military installations, posts, oil facilities and plantations on Iraqi territory. The memorandum also accused both Governments of Kuwait and the United Arab Emirates of jointly participating in a premeditated conspiracy to dump oil markets with excessive quantities of their respective quotas as fixed by the Organization of Petroleum Exporting Countries (OPEC). This resulted in depressing the oil price per barrel from US\$ 11 and 13, thus inflicting a loss upon Iraq between 1981 and 1990, amounting to US\$ 89 billion. Kuwait was further accused in the memorandum of erecting oil facilities in the southern part of the Iraqi Rumaila oil field and drawing oil therefrom, amounting to US\$ 2400 million in the period 1980 through 1990. Iraq asked for forgiveness of its debts due therefrom, and for devising an Arab plan (along the lines of Marshall Plan) in order to indemnify Iraq for its war losses!

No observer could fail to notice the highly provocative language used by the Iraqi side in this memorandum, so much so that the responding memorandum by the Government of Kuwait to the Secretary-General of the Arab League expressed «excessive astonishment and amazement at the Iraqi memo and wordings, which were inconsistent with the spirit of fraternal relations existing between the two countries». While the Kuwaiti memorandum asked for the formation (within the framework of the Arab League) of a committee to decide on the question of demarcation of the boundaries between the two countries, in pursuance of the existing agreements and documents, yet it asserted that Rumaila field falls within Kuwaiti territory, where production operations are conducted.

Once more the Iraqi foreign minister, in his reply to the Kuwaiti message, addressed a memorandum dated July 21, 1990 to the Secretary-General accusing Kuwaiti officials of «plundering» Iraq's wealth. The Kuwaiti message was described as being «full of falsification» and that Kuwaiti officials were «averting and deferring any serious coordination between the two countries».

When Kuwait sent a memorandum to the United Nations Secretary-General (Perez de Cuellar) on the development of the crisis, Iraq reproved Kuwait for such an action, on the grounds that Kuwait was seeking to internationalize the crisis at a time in which it keeps talking about the Arab League and inter-Arab relations.

More important still is that Iraq rejected, at this stage, an Arab framework in seeking a solution for the dispute, and called for bilateral talks with Kuwait. When Egyptian President Husni Mubarak visited Baghdad to mediate in the issue, the spokesman of the Iraqi minister of foreign affairs made a point of

announcing that the «visit comes within the framework of bilateral relations and has no bearing on the present crisis»!

When a meeting in Jiddah, Saudi Arabia was scheduled for July 29 between officials of Kuwait and Iraq, the meeting was postponed by Iraq. Meanwhile, news spread about the concentration of Iraqi forces on the borders with Kuwait. However, an Iraqi official declared that these movements «were of a routine nature on behalf of the Seventh Corps»!

Following intensive pressure and contacts by Arab kings and presidents, July 31 was fixed as a new date for deliberations. However, the Iraqi delegation (headed by Izzat Ibrahim, Deputy Chairman of the Iraqi Revolutionary Command Council) came not to debate the issue but to find out to what extent Kuwait had accepted Iraqi claims! On the very morning of the meeting, the Iraqi newspaper «Al-Jumhuriya » confirmed that Iraq «will not bargain over its legitimate rights»!

II - Developments of the Crisis:

Although the term «Gulf crisis» suggests that the nature of the crisis is local or regional, the crisis has acquired from the outset wide and serious «Arab» and «international» dimensions. These dimensions, however, have been influenced directly or indirectly by the party which triggered the crisis, i.e. Iraq. Therefore, analysing the Iraqi conduct is a prelude necessary for identifying the regional, Arab and international dimensions, and for tracing the relevant historical roots and legal diagnosis.

(A) Iraq's Conduct in the Crisis:

If it is established beyond any doubt that the Iraqi invasion, occupation and annexation of Kuwait by force were all premeditated, and that all Iraq's actions in the weeks preceding the crisis paved the way for this invasion, then the essence of Iraq's conduct after the invasion and occupation was an attempt to flee with the spoils and to resist Arab and international pressure to withdraw from Kuwait. Thus, four clear dimensions could be identified here, namely:

(1) The first dimension consisted of an attempt to establish the *fait accompli* on a firm basis, through accelerating the pace of Kuwait's annexation and obliterating its internationally-recognized independent identity. Following the march on Kuwait of at least one hundred thousand Iraqi troops, supported by Iraqi aircraft and tanks, in order to take complete control over the country, and following the proclamation of the establishment of the so-called «Provisional Free Kuwait Government», an announcement was made on the eighth of August to the effect that Kuwait had been annexed to Iraq within the framework of a

comprehensive integrative unity. Two Iraqi Republican Decrees were subsequently issued on August 28, the first providing for the creation of a new «Governorate», composed of the three provinces of Kazimah, al-Jahrā' and al-Nidā' (the latter being the new name given to the city of al-Ahmadi). It, further, claimed that Kuwait was henceforth the nineteenth governorate in the Iraqi administrative subdivision. The second decree provided for the creation of a new province called «Saddamiyyat al-Mitlā^c», which extends from al-Mitlā^c north of the Bay of Kuwait to the south of Basra. The administrative boundaries of Basra with North of Kuwait were also changed. These were accompanied by other changes including the re-naming of Kuwaiti schools, university, streets and hospitals giving them names of Iraqi and Arab figures. In addition, it was claimed that a series of projects had been launched to link Kuwait with Iraq, by means of the Iraqi railways and water distribution network. At the economic level, the changes undertaken equated the Kuwaiti dinar to the Iraqi dinar as a first step towards complete economic integration. Thousands of Iraqi families were brought from their native places in Iraq to settle down in places evacuated by expatriates who left Kuwait. This was part of a scheme contemplated to change the demographic structure of Kuwait.

(2) The second dimension consisted of the need to neutralize the Iranian danger. Once the war with Iran came to an end, Iraq came up with many initiatives, designed to expedite the settlement of its dispute with Iran. All initiatives were turned down by the Iranian side, under the pretext that they fell short of meeting Iranian conditions. However, matters totally changed within less than two weeks from Iraq's involvement in the Kuwaiti invasion. On August 15, 1991 the Iraqi president suddenly and without any overtures, announced what he termed as a «good-will» initiative towards Iran, consisting of three main principles, namely:

- a- Iraq's ratification of the 1975 Agreement of Algiers and the bases and conditions contained therein, regarding the demarcation of the boundaries in Shatt al-Arab between the two countries.
- b- Unilateral withdrawal of the Iraqi forces from Iranian territories, effective as of August 16.
- c- Immediate embarkation on the complete exchange of prisoners of war, effective as of the same date.

Thus, in a unilateral and personal act, Iraq waived and abandoned all that it had gained in its long and bitter war with Iran, which lasted for almost eight years and cost Iraq some US\$ 288 billions, apart from the destruction of Iraq's economic and strategic establishments worth US\$ 8.2 billion and the loss of about one million lives killed in the war on both sides.

In making these concessions, Iraq had to pay a heavy price, not only for safeguarding its position in Kuwait, but also for facing the consequences of its presence there. Three aims were meant to be achieved by this Iraqi act, namely:

- to neutralize Iranian power in any future struggle, in which Iraq may find itself involved.
- to withdraw more Iraqi forces from the Iranian front and thrust them at the front of possible confrontation.
- to induce Iran to extend help to Iraq in facing the military and naval blockade enforced against it.

(3) The third dimension at the Arab level consisted of an attempt to gain the largest possible popular support to the Iraqi stance. This dimension of Iraqi conduct could only be understood and interpreted in the light of the ambitions entertained by the Iraqi Ba^cth Party and Saddam Hussein himself in a «leading» role for Iraq at the present stage. Since the mid-seventies, and with the dwindling role of Egypt's leadership in the wake of the Egyptian- Israeli treaty, Saddam Hussein's illusions about leadership began to inflate. For the first time in Arab history came an opportunity, in which the elements of wealth, revolutionary ideology and capable leadership were all combined in one Arab country: Iraq under his leadership (with the Ba^cth in power and with an oil wealth realized by the surge of oil prices after 1973!) Driven by these ambitions and illusions, Saddam Hussein relinquished Iraq's rights in Shatt al-Arab under the Algiers Agreement with Iran, so as to subdue the Kurdish rebellion. Then he assumed control of the belligerence against Egypt, following its Camp David Accords and Treaty with Israel. When the Iranian Revolution broke out, he indulged in war under the delusion that it would soon come to an end. But the war dragged on for years, turning into one of the longest contemporary wars. But the manner in which the war ended made it possible for the Iraqi regime to appear victorious. This attenuated the endless difficulties it was apt to face. As a matter of fact, the war helped Saddam Hussein to pose, not only as a defender of the «Eastern gate» of the Arab Nation, but also as an antagonist and a challenger of the Israeli presence in the region.

In pursuance of this trend, the Iraqi regime exerted feverish efforts to enhance its influence, whether at the level of Arab countries -each separately- or at the level of joint Arab action, as well as at the official and popular levels. Towards this end, generous subsidies were channelled to political parties, trade unions, associations, as well as press and media institutions, which either supported or acted as direct or indirect mouthpieces for Iraq. Intensive efforts were deployed by the Iraqi regime, in order to conciliate with Syria, especially as regards the backing of Michel ^cAwn's military government in Lebanon. A

declaration was subsequently made by the Iraqi leadership, in which it pledged itself to be responsible for the security of any Arab country against any Israeli aggression! When Iraq took the initiative to summon a summit meeting in Baghdad in May 1990, its declared aim was to deter the danger of the immigrant Soviet jews to Israel, as it had previously indicated.

Under such circumstances, it was only natural for the Iraqi regime to entertain the ambition of reaping the dividends of its endeavors, not only in the form of making overtures to some Arab countries to align with Iraq, even at the expense of seriously dividing the Arab nation, but also through the creation of a deep rift between Arab peoples and governments. In short, the Iraqi regime was under the delusion that the Arab peoples- from the Atlantic Ocean to the Gulf- would rise against their rulers in support of Saddam Hussein, whose heroic act of annexing Kuwait would achieve Arab unity, and whose fiery declarations against Israel and Zionism would retrieve Palestine. From the very first moment of the invasion, Iraqi propaganda was harping on these two strings. A further tune was added, this time using an immature Islamic theme, amidst which Saddam was introduced as a descendant or Prophet Muhammad's honourable line, and also as custodian of the religious shrines against the forces of infidelity, that defile the land of peace!

(4) The fourth dimension consisted — at the international level — of an attempt to gain time and an endeavor to dissipate the international consensus against the Iraqi aggression. In fact, the Iraqi regime was initially hopeful of forging an international pro-Iraqi attitude or, at least, neutralizing some international parties, so as not to take part in any international action against Iraq. But this has proved to be a complete failure, as evidenced by the immediate support given by the Soviet Union and China to the American-sponsored resolution in the Security Council, calling for the imposition of such necessary measures as may enforce the economic sanctions ratified by the Council. This same attitude was substantiated in all developments and measures, whether within or without the United Nations.

In view of this failure, which reflected obvious ignorance of the facts of the new international order and the foreign policy priorities of its adhering parties, the Iraqi regime attempted to gain time, through manoeuvring and advancing preposterous initiatives, all digressing from the core and crux of the issue and ignoring the very essence of the unanimously- approved request voiced by the world, namely: withdrawal from Kuwait and the return of legitimacy. The first «initiative» announced in this context on August 12, 1990 was an attempt on behalf of Iraq to link Iraq's withdrawal from Kuwait with Israel's withdrawal from Arab territories, Syria's withdrawal from Lebanon and Iraq's withdrawal from Iran, provided that withdrawal follows the same chronological order of occupation, i.e. the first to occupy, the first to withdraw!

These tactics culminated with the «hostages» issue, whereby all aliens residing in Iraq were detained for eventual bargaining thereon. The fact that these aliens were designated as «guests of Iraq» did not conceal the shameful and uncivilized nature of the act of bargaining with the souls of thousands of innocent people, mostly women and children. Iraq's decisions in respect of these hostages came in rapid succession, not only for the purpose of gaining time and preventing a military strike against Iraq, but also for attempting to create a rift in the international coalition against Iraq. Iraq's policy was designed to gradually release some hostages rather than others, depending on the attitude taken by their respective countries towards Iraq: whether they were prepared to come to terms with Iraq or oppose it, and whether they had any reservation against the American attitude or not.

(B) The Regional Gulf Dimension:

As applied here, the Gulf dimension means the developments of the crisis at the level of Gulf countries, namely: Iran and the Gulf Cooperation Council (GCC) States.

From the very first moment of the Iraqi occupation of Kuwait, the pivotal position taken by the GCC States was to oppose the aggression, insist on the absolute withdrawal of Iraqi forces from all Kuwaiti territories, and insist on the return of Kuwait's legitimate Government to its own country. Moreover, the GCC leaders realized, early enough, that the crisis was too complex to be resolved within the framework of the League of Arab States. Nevertheless, they continued to be involved in every facet of common Arab action, despite the pressure brought on them at some stages. They were not in favour of taking any individual actions. It was no wonder, then, that following the resolutions adopted on August 3, 1990 by the Arab League Council, the GCC foreign ministers released at statement, in which they stressed that the words contained in the Arab League Council's Resolution, regarding «the categorical refusal of any interference in Arab affairs» did not -in their own understanding- preclude the collective international measures by the United Nations and its Security Council. Pursuant to the charters of the UN and the Arab League, the UN is considered the international organization legally competent to safeguard security and peace in the world. Moreover, UN measures and resolutions do not fall under the concept of foreign intervention.

On the other hand, the Iraqi invasion contributed to the consolidation of relations among the GCC States and to the better functioning of the Council's bodies. The GCC became the most successful Arab grouping as compared to its counterparts: the Arab Cooperation Council and the Moorish Union.

Perhaps the most emphatic evidence of the GCC's success in responding to the challenge posed by the Iraqi invasion was demonstrated by the Eleventh Gulf Summit, held in Qatar between December 23 and 25, 1990. In their proclamation issued by the summit, Council leaders stressed «the need for immediate and unconditional Iraqi withdrawal from all Kuwaiti territories, so that the legitimate authority may return to Kuwait before the fifteenth of January 1991, in order to spare the people of Iraq, as well as the peoples of the region and the entire world, the scourges of a devastating war».

If this proclamation has underscored Arab Gulf countries' determination to resist the Iraqi aggression and to refuse to submit to the threats and blackmailing of the Iraqi regime, the most important thing reflected by the proclamation is that the GCC States have become aware of the deficiencies exposed by the crisis. Two steps will be taken towards their rectification namely:

- to give attention to the radical development of the security and defence arrangements contemplated by the GCC, so as to ensure the protection of the individual states and of the regional security of the six member-states of the GCC. In this regard, it was reported by some sources that plans have been developed to increase the GCC's Peninsular Shield Forces ten thousand to fifty thousand troops.
- to concern themselves with consolidating the economic development efforts in Arab and Islamic states, so as to improve their economic performance, especially where states have experienced economic difficulties, due to the Iraqi invasion. This programme calls for participation in the mobilization of international supports for Arab development plans, through international financing agencies and national development assistance agencies.

As for Iran, the non-Arab partner in the Gulf, it was the first to benefit from the Iraqi invasion of Kuwait, whether in its relations with Iraq or with the Gulf countries or at the international level. Concerning its relations with Iraq, Iran benefited immediately from Iraq's waiver of all its claims. As mentioned earlier, Iraq sacrificed in one stroke all that it had endured in its bitter war with Iran. Although Iran reacted favourably to the Iraqi initiative, this did not necessarily mean its approval of Iraq's invasion of Kuwait. On the contrary, Iran has repeatedly announced that it concurs with the international unanimity in insisting on Iraq's withdrawal from Kuwait. As for the relations with other Gulf countries (GCC members), it was not surprising to see all these countries interested in improving their relations with Iran, as overtly expressed in the resolutions of the Doha Summit in December 1990. The Summit welcomed the improvement and development of relations with Iran and stressed the importance of «working earnestly and realistically towards resolving the outstanding differences between Iran and Member-States, so that the states in the region could concentrate on the

realization of their aspired aims and on utilizing their resources for achieving their comprehensive economic development». Meanwhile, it was logical for these States to welcome Iran's participation in any collective security measures in the Gulf area. Lastly, and at the international level, the Iraqi aggression against Kuwait unveiled the ugly face of the Iraqi regime. Many international forces were induced to reconsider not only their previous positions vis-à-vis the Iraqi-Iranian war, but also to question the soundness of the pro-Iraqi positions they had adopted. The invasion also led many Western press organs, particularly the American press, to find out the truth about America's great support for Saddam Hussein in the course of his war with Iran. Thus, it was natural for the Iraqi invasion of Kuwait and its repercussions to coincide with improvements in Iran's international relations, especially that Iran had recently announced its commitment to international relations and to international legitimacy in confronting Iraq's conduct.

(C) The Arab Dimension of the Crisis:

The Gulf crisis had multiple negative effects at the Arab level as a whole. The most critical effect was its impact on Arab solidarity and the tenacity of the Arab system, on the one hand, and on the pivotal Arab cause, i.e. the Palestinian question, on the other.

Although all Arab countries declared that they did not tolerate invasion as a matter of principle, the behaviour of some revealed that they actually supported Iraq. While, following the 1987 Oman Summit, hope reigned over the Arab nation of commencing a new era of Arab solidarity, yet the Iraqi aggression soon dealt a fatal blow to this hope. What is more serious is the disunity which resulted from the aggression. This was not a mere rift among Arab governments. For a variety of complex considerations, the rift extended to Arab masses, whether on a national basis or within each country separately, and even within the same political trend in each country. For this reason, it seems difficult to tackle this disunity, because the nature of the issue involved casts heavy shadows of doubt on inter-Arab relations. Actually, the danger of invasion and annexation is now posed by one Arab country towards another.

The Arab nation has thus become divided into two camps: the anti-Iraqi camp, accounting for 60% of the member states, and the pro-Iraqi accounting for 40%. The former camp comprised the six GCC States, Egypt, Syria, Morocco, Lebanon, Somalia and Djibouti. The latter comprised Algiers, Yemen, Jordan, Palestine, the Sudan, Mauritania, Libya and Tunisia. However, no clear coherence was prevalent within each camp. For example, the GCC States, which formed part of the first camp and were directly involved in the crisis, took a more

antagonistic stance towards Iraq, when compared to the other countries. Morocco, in spite of its adamant condemnation of the invasion, was keen on maintaining a stance that would allow it to move freely towards a peaceful solution, under favourable conditions. Egypt's position, which was characterized by a keen concern for respecting and asserting international legitimacy, insisted on the immediate and unconditional withdrawal from Kuwait and the return of the legitimate Government. Yet, it allowed every opportunity for mediation and peaceful settlement. As regards the other camp, the parties, though generally in agreement about the seriousness of foreign intervention, varied in condoning such intervention. Libya's position within the camp was characterized by categorical condemnation of Iraq's attitude. Still, its rejection of foreign intervention was not absolute.

Regarding the Palestinian question, no doubt this crisis has relegated it to a secondary place on the ladder of Arab and international priorities. In addition, the crisis harbored the risk of diminishing the material support by Arabs to the Uprising (al-Intifadah), whether directly or by suspending Palestinians' remittances in support of their cause. This has been a consequence of the actual and potential harm, resulting from the support accorded to Iraq by the Palestinian public opinion and, also, by the position adopted by the PLO. The Gulf States regarded the latter as actually siding with the Iraqi invasion. From a third aspect, all these developments were undoubtedly detrimental to the line of peaceful settlement adopted in 1988 by the PLO, which counted on the possibility of bringing about some changes in the attitude of the West and the United States. If Israel has often suspected the PLO attitude as being a phased or tactical shift, its suspicions have eventually gained solid foundation, due to the PLO's support for Iraq.

Notwithstanding the foregoing, there should be no doubt that the crisis has revealed the deeply-rooted and critical nature of the Palestinian question and its impact on the feelings of the Arabs vis-à-vis the forces supporting Israel. The feelings of disappointment and bitterness generated among the people of Palestine within and without the occupied territories, as well as among Arab nationalist forces, that emphatically sympathize with them, on account of the failure to reach any settlement of the Palestinian question, together with the Israelis' persistent arrogance and the reluctance on behalf of the US to bring effective pressure upon Israel... all these factors were instrumental in shaping the psychological and emotional climate, that drove many people in the Arab nation to support any act, that seems to be directed against the US, or the Western world in general. As mentioned earlier, this point was very strongly exploited by the Iraqi regime, which raised slogans linking the settlement of the Palestinian question to Iraqi withdrawal from Kuwait, hoping to lure and delude the Arab masses into believing that it is Saddam Hussein who will liberate Palestine, and

that liberation of Palestine will be via the occupation of Kuwait! Thus, one of the fundamental lessons to be drawn by all parties seeking stability and peace in the region is that so long as the Palestine question remains unsettled and there is slackness in finding a comprehensive and just settlement to it, an atmosphere of tension will prevail. Adventurous powers will be provided with a rich source of excuses for achieving their selfish aims. Hence, the insistence by the GCC leaders in the December 1990 Doha Summit on «the firm stance of the GCC States, as a matter of principle, to support the Palestinian uprising (al-Intifadah) and uphold the Palestinian question, as the prime Arab cause, until the international community finds a just solution that would restore to its fraternal people their legitimate rights, namely their right to self-determination and to the establishment of their independent state on their national soil».

(D) The International Dimension of the Crisis:

Admittedly, the Gulf region acquires its present international significance from the fact that it is the most important source of oil in the world. It possesses the largest reservoir of future oil reserves in the world. Historically speaking, the importance of this region has been derived from its strategic position. Still, its importance has gained momentum during the cold war era, on account of its geographical proximity to the Soviet Union. With the developments in contemporary international relations, its importance is now primarily contingent on oil. From this perspective, Iraq's invasion of Kuwait meant that Iraq was aiming at controlling almost one quarter of the world oil reserves. If ever Iraq had succeeded in extending its control to the eastern region of Saudi Arabia, it would have gained control over more than one half of the amount of oil traded on world markets. It should also be noted here that the US has been leaning heavily on oil imports from the Gulf. Figures of 1989 indicate that America imported 44% of its oil consumption in that year. According to some forecasts, America will rely on oil import to meet two thirds of its consumption by the year 2000. No wonder then that even before the crisis, many American officials and strategists were inclined to emphasize the need for establishing stability in the region, especially in the wake of the shift in US-Soviet relations from a state of confrontation to one of cooperation.

If oil is the factor that gave the crisis its «world-wide» character, the essence of the crisis is not the potential direct threat to oil sources and the impact on oil supplies. This, incidentally, has never been threatened by Iraq at any moment, nor is Iraq capable of practically doing so, apart from the fact that Iraq has direct interest in the continued flow of oil production in order to meet war requirements. The essence of the crisis, which is a direct lesson derived from the experience of war with Iran, is a political one. It concerns America's role in the

framework of the New World Order, which seeks world security and stability. From this point of view, no regional or world power, whose conduct is unpredictable, will be permitted to control or dominate more than half of the world's oil reserve. Such power could expose the world, through personal decisions of a political dictatorial regime, to oil (and economic) crises and fluctuations, even if that regime had pledged itself to desist from hindering international interests: Whoever imagines that he possesses the right to grant, may also imagine — at any moment — that he has the right to withhold, which is internationally intolerable!

In the light of these elementary facts about the nature of the new international order, the respective stances taken by the major international parties could be understood. For the US, the crisis quickly demonstrated that the individual and collective local and regional efforts in the Gulf were incapable of self-defence, which put American strategy (and European strategy as a whole) before a difficult test in defending the Gulf. Thus, while the US condemned the invasion the moment it occurred, and refused to recognize its sequels, it was keen, from the very first moment, to avoid any unilateral act. It occupied itself with concerting a true international response to the crisis. This was actually crystallized in the large degree of international consensus, perhaps never before realized in any previous crisis. This was achieved, not only through aligning the major international powers (whether in the Security Council: Britain, France, the Soviet Union and China) or outside (such as Japan and Germany), but also through all international blocs and groupings. A few weeks following the crisis, the U.S. crystallized a two-fold strategy: the first by tightening the grip on Iraq's isolation as well as economic and maritime blockade to a degree that would compel Iraq to withdraw from Kuwait; the second by deterring Iraq from launching any further military attacks. This was secured by the deployment of intensive military forces in the region. Thus, the declared aims and fundamental principles of America's policy vis-à-vis the crisis crystallized in:

- (1) the necessity to withdraw all Iraqi forces from Kuwait immediately and unconditionally;
- (2) the necessity to ensure the return of the legitimate Government of Kuwait to its country;
- (3) a commitment on the part of Iraq to ensure security and stability in the Gulf; and.
- (4) emphasis on protecting the lives of US and other foreign citizens in Iraq.

The Soviet attitude was no less adamant than international (US and Western) and Arab stances. From the beginning of the crisis, the Soviet Union made an unequivocal call for an immediate and unconditional withdrawal of Iraqi forces from Kuwait. What is more important still is that Moscow announced

suspension of all military supplies to Iraq, with all its direct impact on the Iraqi military force, which consisted mainly of Soviet-made arms, including 5500 tanks and most of the missiles and aircraft, which are at Iraq's disposal.

The strategic treaty between Moscow and Washington does not, however, deny the fact that the Soviet attitude was somewhat distinct, in that it stressed further the need to reach a peaceful settlement of the crisis and to recognize the need for solving the region's entire problems as a prerequisite for the maintenance of comprehensive stability therein. The Soviets made reservations concerning any military action outside the UN framework. However, the distinction in the Soviet attitude did not, for any moment, contradict the US policy, in addition to the keen interest in maintaining full coordination and consultation with the US at all stages.

Considering that Western European states were among the first powers to suffer from any possible threat to oil resources, they promptly lined up to demonstrate their emphatic collective reaction, denouncing and categorically condemning the crisis, vigorously engaging themselves in the international endeavor within the UN for the adoption of resolutions on economic sanctions and asserting the international character in condemning the invasion. A joint Euro-American endeavor particularly favoured an international trend towards the preparation for military action against Iraq in case the economic blockade failed to achieve the desired aims or if the Iraqi regime persisted in refusing to withdraw from Kuwait. This became apparent with the increase of Western military in the Gulf and when Western European countries, led by Britain and France, despatched various military units to the region. It was further observed that some member states of the North Atlantic Treaty Organization (NATO) tended to take advantage of the crisis, in restoring their strategic positions in the Western alliance. Such positions were experiencing weakness with the ending of the cold war. This is true of Turkey, which was present on the scene of the crisis, and of Greece — but to a lesser degree. The common denominator between all European countries was their insistence on the preservation of legitimacy under international law and the protection of the new world order whose features were beginning to materialize with the end of the cold war era.

III - Iraqi Claims:

From the onset of the Iraqi invasion of Kuwait, the Iraqi information mouthpiece and media came out with false pretexts and preposterous allegations to justify the invasion and occupation of Kuwait, and undermine its independence. One of these pretexts was a concocted claim that Iraq came to the support of a revolutionary coup in Kuwait and that as soon as the coup could stand on its

feet, Iraq was committed to withdraw. Meanwhile, the media was reiterating that Iraq had a historical claim on Kuwait, on the grounds that it had constituted part of its territories. On another occasion, the media claimed that the essence of what Iraq had done was to realize Arab unity and to eliminate the artificial boundaries drawn between parts of the Arab nation by colonialism. Subsequently, the Iraqi regime resumed its false contentions, through reiterating that the occupation and annexation of Kuwait were based on the principle of fair distribution of Arab wealth between the rich Arabs of the Gulf and the poor Arab countries. On a further occasion, the media argued that Iraq's annexation of Kuwait was intended to raise the prestige of Islam in the face of corrupt regimes, and that in confronting foreign powers, Iraq was defending Islam against its enemies. Another argument advanced by the media was that the current campaigns waged against Iraq were due to its steadfast position against Israel! In return, Iraq would accept no solution to the crisis resulting from its occupation of Kuwait, unless a parallel solution to the Palestinian question would be worked out!

There is no doubt that the invocation of the principle of «historical right» to justify Kuwait's occupation only reflects sheer ignorance of the rules on which international norms have stood for a considerable time. The question concerning these arguments is not whether to refute or uphold a claim on legal or historical basis — as any tracing of its historical context weakens the claim considerably.⁽¹⁾ but the question is whether this right, even assuming it ever existed, can be relied upon for the annexation of a sovereign state? This principle has been overruled and was unanimously renounced by all developed and developing countries, because if this principle was ever adopted, it would throw the door wide open to an overwhelming chaos in international relations. This is why Europe recognized the post-World War II boundaries, despite the unfairness of many of them. This is also the reason why Africa pledged to respect post-independence boundaries, despite the obvious colonial nature of the boundaries. It follows that any admission of the colonial nature of most Arab political boundaries does not at all justify any attempt to redemarcate these boundaries. This would give rise to endless futile disputes and conflicts. It may lead to military confrontation that would blast any call for Arab unity or Arab nationalism.

This brings us to the Iraqi claim that the invasion and annexation of Kuwait is conducive to the realization of **Arab unity**. The rationale of this claim is to justify the armed subjugation and arbitrary annexation as a means for realizing Arab unity in lieu of voluntary and democratic means. We need not assert here that forced unity (like claims of historical right) has ceased to have any merit in contemporary international politics. If these standards were acceptable, in

(1) See the historical chapter entitled "Kuwait: Historical Status."

political history long before, they are neither permissible nor acceptable in a world where democratic values and human rights are gradually dominating.

But what should be noted here is that the democratic and voluntary work towards unity was not an overlooked value in modern Arab politics. By contrast, if the attitudes of Gamal Addel Nasser — the most distinguished Arab leader in modern ages, who raised the banner of Arab nationalism, and called for Arab unity, and who is often likened by some advocates of the Iraqi regime to Saddam Hussein — are examined and analysed, we would be asserted of how deeply-rooted and clear this value was to him. On September 29, 1961 when Syria defected from «the United Arab Republic», Abdel Nasser ordered the despatch of some Egyptian Army units to Latakia. Realizing that there was a possibility of an armed confrontation between Egyptian forces and the pro-defectionist movement in the Syrian Army, Nasser immediately cancelled these measures and, in an address to the nation on September 30, stated that «unity is a popular will. On my part, I do not accept — under any circumstances — to transform unity into military operations. This is why yesterday I issued orders to cancel the military action».

For this same reason Nasser refused any «unity» with Yemen, so long as Egyptian forces were stationed there. When the Egyptian National Charter tackled the subject of unity, it refused to consider German or Italian unity as models for Arab unity. In terms of the Charter: **«No unity can or should be dictated. Any act of forcing a unity is in itself a counter-act to unity».**

When, under the rule of Abdul Karim Qassem of Iraq, the Iraqi forces instigated Egyptian and Syrian forces, stationed on the Syrian-Iraqi borders in March 1959, Nasser stated that «Qassem of Iraq has despatched his planes to attack our Republic. We could have retaliated by dealing a double blow, but we abstained, because we might be striking Arab forces. When we acquiesced to the attack, we only did so because we could never tolerate attacking an Arab village or killing an Arab soul in Iraq».

When Abdul Karim Qassem declared his allegations about the annexation of Kuwait to Iraq, Nasser categorically condemned this act, and declared on August 17, 1961: «Resorting to force will never be our means to achieve unity under any circumstances. We are one Arab people. We entertain hopes for unity. But force cannot be our means to fulfill such hopes».

As regards the argument that Iraq's aggression against Kuwait is justifiable for re-distributing Arab wealth, this argument is a clear and shameful distortion of facts. In one sense, this argument means that «wealth» would be distributed

(1) See the statistical tables at the end of the book.

between those who fight and those who refrain from fighting. It follows that the latter group would be expected to pay a «tax» for the security they enjoy! In another sense, wealth would be distributed between the rich Arabs and the poor ones. If what is intended is the former sense, **then definitely Kuwait can be singled out among Gulf states as giving Iraq material and political support in its war with Iran, apart from the fact that it was greatly jeopardized by the war dangers and their direct impact on its political stability. If the latter sense was intended, then it implied a blatant falsification of facts that Iraq, like Kuwait, is a fabulously rich Arab oil-producing state. Yet, the various kinds of backing and support by Kuwait to sister Arab states⁽¹⁾ cannot at all be compared to the very little and, indeed, meagre assistance extended by Iraq. The question here is one of figures not of lies and empty slogans.** If Iraq is insinuating that Arab wealth is being squandered, then such a behaviour is characteristic of the Iraqi political regime, which has spent billions of dollars in the pursuit of political ambitions and illusionary aims, and in desperate attempts to buy organizations, political parties, institutions and personalities throughout the Arab nation and the Muslim World, with the hope of gaining artificial support and popularity for the Iraqi president and the Ba'ath Party. Over and above, there exist two points:

First, in order to ensure fair distribution of Arab wealth, this task should be entrusted to responsible Arab agencies, and should be carried out under official Arab control and supervision, and not by means of aggressive acts that are contrary to international law and are more of theft acts and looting. Iraq's record in Kuwait since the invasion up till now, as testified by all neutral international organizations, is by all standards a shameful record.

Second, speaking of a fair distribution of wealth among Arab countries should not blind us to the distasteful disparity in the distribution of wealth in some countries that are bragging with this slogan. In voicing this slogan they attempt to conceal the ugly features of injustice within their own countries!

Over and above, political opportunism is demonstrated in its ugliest forms in Iraq's declaration that it insists on **solving the Palestinian question** in return for its withdrawal from Kuwait. As indicated earlier, Iraq's conduct — even long before the eruption of the crisis — reveals that the Palestinian question was being exploited in every possible way to present the Iraqi regime within Arab and international quarters as being the vanguard of the Palestinian question and the principal power confronting and deterring Israel! Within the context of this image, Iraq would occupy and swallow Kuwait! If such tricks and acts of fraudulence have succeeded in deceiving some Palestinians and Arabs, who believed, amidst the despair of the perpetual *fait accompli*, that the Iraqi regime under Saddam Hussein would liberate Palestine, facts have proven quite the contrary. They proved to what extent the Iraqi regime has caused and will

continue to cause irreparable harm to the Palestinian question. If the Iraqi regime wants to parallel the withdrawal from Kuwait to Israel's withdrawal from the occupied territories, it ignores — first and foremost — **that its occupation and onslaught against Kuwait provide in themselves the justification and excuse for the Israeli occupation of Arab territories and for Israel's continued aggression thereagainst. If torture of Arab people (in Kuwait) is administered by a (sister) Arab state, is there anything peculiar in the torture of the usurped Arab state (Palestine) at the hands of Israel?**

Thus, linkage between all problems in the region is a right argument used in a wrong context. It is true that Israel's occupation of Arab territories interprets the feelings of despair and frustration prevalent among the Palestinian people and among some Arab sectors. These feelings, in turn, explain why the latter were readily deceived by Iraq's slogans about enmity to Israel and the liberation of Palestine. It is equally true that the settlement of the Palestinian question would constitute the main approach for the establishment of stability and security in the region. However, this is one thing and calling for a simultaneous linkage between the solution of both questions is another. Actually, the invocation by Iraq of the linkage argument only aims at procrastination, delay, gaining time and deceiving Arab and international opinion, with the hope of making them overlook the occupation of Kuwait! **Over and above, Iraq's long record vis-à-vis Israel, which is full of slogans and verbal exaggerations void of any actual action, exposes the opportunism of the Iraqi Ba'ath Party and the Iraqi President!**

Lastly, the Iraqi regime did not overlook the turban of «Islam» as a last trick designed to deceive Arab and Islamic masses. Paradoxically, this manoeuvre comes after 8 years of a ferocious war waged against «Islamic» Iran, in which the Iraqi army used the wildest methods of chemical war against the disarmed «Muslim» population, and where «Islam» did not constitute a moral or ethical deterrent against such acts. All of a sudden, in a complete shift from the secular ideology of the Ba'ath Party and contrary to all Iraqi broadcasts against the Islamic slogans used by Iran in its war with Iraq, the Iraqi President posed himself as a descendent of religious nobility «which derives its great honour from its work and from its lineage going back to the Quraishi family of Muhammad the Prophet (PBBUH). Its line of descent goes back to Al-Hussain and our great grandfather «Ali bin abi Taleb»! He justified his conduct by saying that he «is conveying the message of Prophet Muhammad, may Allah bless him and grant him salvation, as set forth in the Holy Quran to all humanity... Consequently, the role of the nation is a chosen one; it is intended to render the Arab nation capable of exercising its leading role and assuming the responsibilities vested in it by Allah. By so doing it would maintain the concepts of the new heavenly message (i.e. Islam) in constant illumination». (Quotation from Saddam's message in August 22, 1990 to Egyptian President Mubarak).

Thus, the ideology of the Iraqi Ba'ath and Saddam Hussein shifted from one extreme to another and propagated the same concepts that Iran had propounded against Iraq. This alone draws an ugly image of trading with religion and playing about with religious symbols and slogans for the attainment of politically-doomed ambitions.

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IV: The Liberation of Kuwait... A Victory of International Will:

During the period of Iraqi occupation of Kuwait, which lasted for almost six months, the Iraqi regime rejected all peaceful endeavors and initiatives. It continued to challenge international will, showing no retraction from its obdurate attitude, despite the condemnation of its aggression against Kuwait by international consensus. Economic sanctions failed to force the Iraqi regime to comply with Security Council Resolution 660 and subsequent ones. It continued to spread havoc and administer looting against Kuwait, consolidating its military presence therein.

On November 29, 1990, the Security Council convened at the level of Foreign Ministers of its fifteen Member-States where thirteen ministers took part. Resolution 678 was adopted, with the approval of twelve members against two (Yemen and Cuba), with China abstaining.

By this resolution, Iraq was warned that unless it withdrew from Kuwait before mid-January 1991, the Council would authorize Member-States supporting Kuwait to adopt measures necessary to uphold and enforce Security Council Resolution 660 and all relevant subsequent resolutions and to restore international peace and security in the region.

Barely eighteen hours after the adoption of this resolution, American President George Bush submitted a new initiative, aimed at putting an end to the crisis. He offered to conduct a direct dialogue with Iraq, through receiving the Iraqi minister of foreign affairs in Washington and delegating his Secretary of State, James Baker, to meet the Iraqi President in Baghdad. However, this initiative failed to find any response from Iraq. On January 9, 1991 the initiative was substituted with a meeting held in Geneva, between the US Secretary of State and the Iraqi minister of foreign affairs. Still no positive results were achieved. The Iraqi regime persisted in its earlier attitude of ramifying the crisis and linking withdrawal from Kuwait to other regional and Arab issues. The Iraqi Foreign Minister refused to accept a message from the US Secretary of State, addressed by the US President to the Iraqi President, under the pretext that its language did not conform to the language exchanged between two heads of states.

Following the failure of the Geneva meeting, the UN Secretary-General de Cu'ellar paid a visit to Baghdad, with the aim of meeting the Iraqi President and urging him to withdraw Iraqi forces, in order to avert the outbreak of war in the Gulf. On January 11, 1991 the Iraqi President delivered a speech in what he called «the Islamic Popular Conference». He defied the will of the international community and stressed that he would defeat the international troops led by the US, reiterating his call for Jihad (holy war!).

Strikingly enough, the date set for the convocation of this conference was so arranged as to coincide with the visit of de Cu'ellar, which naturally, ended on January 13 in complete failure. The behaviour of the Iraqi regime towards this personality, who represents the international community, was discourteous. The Iraqi President made it clear to the UN Secretary General that he should only listen and make no proposals!

Until the few remaining hours before the expiry of the deadline fixed for Iraqi forces to withdraw by the fifteenth of January 1991, the Iraqi regime was turning a deaf ear to numerous appeals to withdraw from Kuwait and avoid the scourges of war. Such appeals were addressed by Arab and Islamic heads of states, including Egyptian President Muhamed Husni Mubarak and the Custodian of the two Holy Mosques, king Fahd ibn Abdul Aziz, in addition to the UN Secretary General.

January 15 was the decisive date between the liberation of Kuwait by peaceful means and the beginning to operate military power for attaining this end. On January 16, the liberation war began, after the Iraqi President rejected all peace initiatives, and after the world community exhausted all approaches to peaceful solutions.

During the liberation war-which lasted six weeks- the Iraqi regime began to reiterate its call for Jihad, accusing coalition forces of shelling civilians and attacking Iraqi holy shrines.

In a desperate attempt, on January 25, the Iraqi regime embarked on an indiscriminate arrest of Kuwaiti citizens, including women and children.

Enormous quantities of oil were dumped in Gulf waters from al-Fateh pump station in al-Ahmadi port. This led to vast environmental pollution and exposed the region to a serious catastrophe, apart from the damage done to desalination stations of the Gulf states. This was followed by setting Kuwaiti oil fields on fire, in pursuance of the policy of "Scorch Earth", committing by that terrorist actions incompatible with all Islamic and humanitarian values.

As a result of the heavy air raids, launched against the strategic and military targets of the Iraqi regime, Iraq declared readiness to withdraw from Kuwait.

However, its withdrawal was contingent upon a number of conditions which the international community rejected, considering them as tricks of the Iraqi regime, designed solely for dividing the international coalition. It did not take long before Iraq sustained a crushing defeat under the pressure of land attacks waged against the Iraqi regime between February 24 and 28, 1991, and upon which Kuwait was liberated after one hundred hours from the commencement of land operations. At last, the Iraqi regime conceded to the the conditions formulated by the United States, according to international resolutions. On February 26, 1991, the Iraqi President broadcast a speech on Baghdad Radio, in which he declared that the Iraqi forces, in response to Security Council Resolution 660, would complete their withdrawal from Kuwait. Furthermore, as of the night of February 25, 1991, Kuwait ceased to be part of Iraq. This was followed by the withdrawal of Iraqi forces which abandoned their arms and war equipment. Iraq complied with all UN resolutions, assumed liability for restituting the damage caused to Kuwait and agreed to release all prisoners of the Coalition States and suspend terrorist actions.

Despite the grave consequences experienced by Kuwait, the Arab nation and even Iraq itself, and the Arab and Islamic nation, armed with the power of resistance of innate cultural heritage, remain confident and hopeful of soon overcoming this crisis, and that this tragic page would be folded, save for the lessons derived therefrom.

As for Kuwait, despite the far-reaching effects of this tragedy and the deep psychological harm sustained thereby, it shall always remain as its Emir said in his speech, delivered at the UN on September 27, 1991- a safe and secure abode and a green and blossoming oasis, in which all good and honest people find a shaded resort, whether Kuwaitis or resident brethren, who work hand in hand to serve the cause of prosperity and constructive achievements, in compliance with the divine words in the Surah of Muhammad, verse 7: "O ye who believe. If ye help Allah, He will help you and will make your foothold firm". Allah is truthful.

CHAPTER TWO

KUWAIT: HISTORICAL STATUS

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Following the Iraqi overrunning of Kuwait in August 1990, a war in which history was employed as a weapon was waged initially by Iraqi historians. Provoked by such abuse of history in Arab disputes, other foreign historians began waging what might be called a "counter war", a unique war in the field of historical studies. Studies of this sort have known wars of a different kind. But, certainly, we come for the first time across a war, whose precipitators claim that they rely on history to change geography. This was through advancing historical allegations that justify the wiping out of a country from the map!

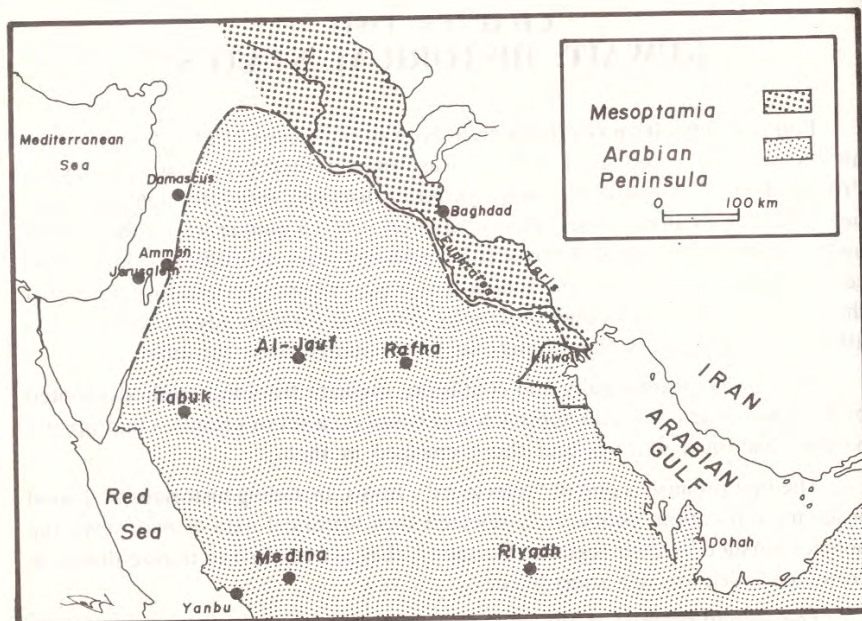
The source of ambiguity and confusion originate from the method adopted by Iraqi historians. Such an approach was based on a set of premises that greatly harmed historical writings and those engaged in them.

The first premise is one of "selectivity". Iraqis, including historians of a good academic reputation, deliberately selected such historical data as may serve the policies pursued by their regimes. Certainly, they are the first to realize that such "oriented" writings are short-lived.

The second premise is one of partial quoting, following the example of the Holy Quranic verse "O ye who believe! Draw not near unto prayer", discarding the latter part which says "when ye are drunken". Thus, they deduce only such arguments as may serve their aims or the policies of other people!

The third premise is connected to the previous two. It overlooks the "historical facts", irrespective of how dictating such facts may be, and even if such facts are so overwhelming to beginners in research work, let alone well-reputed professors of history!

The fourth premise reflects the inclination of these historians to concern themselves with form rather than substance. This is evident in the attention given to marginal events, which are full of fabrications, and to the production of documents, which are designed to express a political view, rather than to embody a historical fact. The inherent dangers of such a game are realized by those who engage in historical writing. It is a game intended to obscure facts, and not to substantiate them, for the purpose of serving a casual aim. Such facts eliminate distortion and perplexity within the nation's memory. This is more lasting than many a dispute. Any dispute, however serious, will soon be folded in the pages of history!



Map (1)

Northern borders of the Arabian Peninsula, according to writings of Arab geographers, such as al-Hamadani, al-Istakhri, Ibn-Hawqal, al-Maqdisi, al-Bakri, al-Idrisi and Abul Feda. The map shows that the Northern border of the Arabian Peninsula begins at the Gulf head near Abadan, then extends parallel to the right side (Western) bank of the Euphrates, then turns South up to the Northern tip of the Gulf of Aqabah. The map also shows that the territory of Kuwait is an integral part of the Arabian Peninsula's desert, which is completely different from Iraq's black earth (al-Sawad). This difference is characteristic between Mesopotamia's agricultural stability and the grazing nomadic life of shepherds in Arabian deserts. These deserts are the historical cradle, in which shepherds were born and multiplied, and in which the Message of Heaven was revealed and conveyed to countries of the ancient world. The map demonstrates that the territory of Kuwait is a fundamental part of the Arabian Peninsula and has no relation with Iraq's black earth (al-Sawad). Kuwait also represents, and rightly so, the threshold of the Arabian Peninsula overlooking the head of the Arabian Gulf.

The fifth premise is one of flagrant distortion of history through the use of contemporary historical criteria to pass judgement on a different age and a different situation. To apply concepts of sovereignty, suzerainty and similar concepts of our contemporary world to situations that prevailed two or more centuries ago, under a state like the Ottoman Empire, only materializes the fragile basis on which such studies rest. The axioms that a student of history learns is that each age has its own criteria and circumstances which must be taken into consideration.

The last of these premises is reflected in particular in titles of books issued by the Iraqi side. These titles suggest that those who chose them had their own *a priori* judgements. The first book, through which this "war by history" was declared, had been released under the title of "The Iraqi Identity of Kuwait". The predetermined attitude evidenced by this title only reflects the kind of writings embodied in such peculiar works, issued in this critical era of the Arab nation's history. Those who wage history in their war should have restricted themselves to facts or else remained silent!

At any rate, our review in the following pages will aim at correcting facts and dealing objectively with them without any prior bias, without overlooking concrete facts, without attempting to be selective or partially representing facts.

Kuwait: A Distinguished Position:

Perhaps the most important observation made by any impartial historian along three centuries (1712 - 1990) is that the region which overlooks the North-Western shore of the Arabian Gulf continued - under all circumstances and despite all changes - to enjoy a distinguished entity.

These circumstances ranged from the rise of the Ottoman Empire and its subsequent expansion to the Arabian Peninsula and Iraq in the first half of the sixteenth century, to the presence of a major integrated state on the eastern side of the Gulf, regardless of its name (whether Persia or Iran), to unification attempts of the Arabian Peninsula, primarily at the hands of the Saudi State during its different phases, and lastly to the maritime presence of major colonial states in the Gulf. This presence started before the emergence of Kuwait itself, and was accompanied by struggles over world transportation routes.

Tracing this primary historical observation, i.e. the distinguished entity, eventually leads to investigating the causes that brought about this phenomenon. The axioms of historical research do not interpret such a phenomenon as a coincidence. Coincidence alone does not constitute a historical phenomenon,

especially when it acquires such perpetuity. The emergence of such a phenomenon is attributable to three things:

(1) The Kuwaiti people were successful early enough in creating a distinguished urban "socio-economic" entity, due to their commercial activity, at a time when the neighbouring political entities had different socio-economic patterns. Such patterns ranged between a "feudal agricultural" entity as in Iraq under Ottoman domination and Persia under its successive regimes, and between a predominantly "bedouin" entity, as in most parts of the Arabian Peninsula. Apart from the various productive interests and relations, this economic entity creates social forces unknown to contiguous countries whether, Iraq or elsewhere. Moreover, it equally propagates, social values that definitely produce a human distinction that cannot be wiped out, save by an annihilating war. Despite its occurrence, yet such war is impossible in our age.

(2) The universality characterizing the Greater Islamic State, which existed when Kuwait emerged as a distinguished entity, and which continued until the fall of that State. By the Islamic State we mean the Ottoman Empire, which fell in 1922 after which the Turkish Republic was proclaimed.

The very nature of this kind of Medieval States rules out any talk about the existence of "political boundaries" or "national soil".

Instead of the concept of "national soil" in such kind of Medieval States, another concept is advanced, namely that of "Darul-Islam" (or the homeland of Islam). In such nations, which are founded on "religious affiliation", policies pursued by leaders entertain the ambition of expansion together with the spread of religion. Thus they overrule any argument of having inalienable national soil.

On the basis of this concept, such a State has no "political boundaries", because this would imply that the State has given up its mission of spreading Islam, which is its most important function. Thus, these kinds of states are separated from others by "separating lines" or "ports". which are all temporary separations for military and not political purposes.

On the other hand, there is the question of suzerainty in the vilayats (provinces) of the Ottoman Empire. Governments of States like the Ottoman Empire exercise a special kind of suzerainty over their vilayats. It is restricted to such aspects as security, foreign relations and collection of financial appropriations from the vilayat treasuries, in the form of "tributes" or "treasury despatches".

Such decentralized states exercise some form of nominal or *de jure* suzerainty which is completely different from the one exercised by a modern centralized state.

Like all similar states, the Ottoman Empire maintained different relations with affiliating countries, or countries sharing the same religion or "jihadi"⁽¹⁾ position.

The central part of the State came later to be known as Turkey. Arab and European vilayats of the Ottoman Empire were ruled from Constantinople (Istanbul), through a complex system of pashas (valis or governors), military garrisons and indigenous partisans.

It cannot be said that Kuwait fell under either regime, whether that in which actual suzerainty was exercised, or that in which some sort of *de jure* sovereignty was exercised.

The third part of this universal State encountered different circumstances. It comprised the vilayats of North Africa, except for Morocco. The relations between these vilayats and Constantinople were more of an alliance than of direct dependence. This alliance was engendered by the circumstances of the "naval jihad war", in which the Muslims of these vilayats endured successive European attacks throughout the sixteenth, seventeenth and eighteenth centuries. Again, Kuwait did not belong to this type. It emerged in 1712 after the European wave of colonialism, that accompanied geographical discoveries, receded and before the new wave of imperialism reached its zenith in the last third of the nineteenth century and the wake of the twentieth century. The new wave brought about the end of the Ottoman Empire itself!

Since Kuwait did not belong to any of these political divisions, known under the Ottoman Empire, an attempt must be made to define the nature of the relationship that linked Kuwait to the Ottoman Empire. Such a relationship must have existed.

(3) The State which emerged in Kuwait depended primarily on trade, and endeavoured to maintain its entity in the face of the surrounding major land powers: the Ottoman Empire in the north and west, Persia in the east and major naval powers in the Gulf, first Holland, then Britain and France. This state had to pursue a carefully-balanced policy, in order to safeguard its entity. It may be said that the pursuance of this policy explains many aspects of Kuwait's relations, whether with the Ottoman Empire or with Britain.

(1) Jihad: Holy war in Islam.

Kuwait: Affiliation Defined:

Defining the "historical affiliation" of a given State plays a major role in defining its political position. Affiliation usually develops in circles in the following manner:

These circles naturally begin with the «Arab environment». In all events, Kuwait remains part of the large Arab structure. This fact needs no proof in the face of Iraqi allegations or others.

The second circle of Kuwait's affiliation consists of the Arabian Peninsula. This fact is substantiated by the constant «human movement» between the rest of the Arabian Peninsula ever since ancient days and this part overlooking the Gulf that came to be known as Kuwait.

The interpretation of this phenomenon is obvious. Kuwait is located between the vast desert plateau - which forms the Arabian Peninsula and which, throughout history, has been a region exporting human elements - and between the fertile valley of Mesopotamia, which later came to be known as Iraq and which, also throughout history, has been a region importing or attracting such migration. This fact is confirmed by the historical event of the emergence of modern Kuwait. It is, indeed, an indisputable fact to all parties concerned.

This "fact" purports that the Shaikhs of Bani Khalid tribe, who came from the Arabian Peninsula in the mid-seventeenth century, managed to overthrow the Ottoman presence in al-Ahsa and Qatif. They succeeded due to the fact that the Ottoman presence continued to be nominal. No attempt was made on behalf of the Ottoman State to consolidate the influence of its valis in al-Ahsa, or to supply them with adequate military garrisons. Taking advantage of these conditions, Shaikh Barak ibn Gharir expelled the Ottoman Pasha and declared himself ruler over al-Ahsa and Qatif in the year 1670. Soon enough, the influence of Bani Khalid extended from Qatar southward to the outskirts of Basra northward.

Shaikh Barak is given credit in most reliable accounts for the building of a "kut" or small fortress, which he used as a supply and ammunition depot. According to Ibn 'Alwan, the fortress was built architecturally like the military bases and towers of al-Ahsa. This base, especially its centre, was called "kut". The newly-built base of Bani Khalid was smaller than a "kut", thus, it was given the diminutive name of "Kuwait".

This indisputable fact implies that Kuwait soon grew and developed at the hands of al-ʿUtub tribes, following their mass migration from the centre of the

Arabian Peninsula and their frequent resorting to some parts of the Arabian Gulf until they finally settled down in this location. This was in the wake of the eighteenth century A.D. (according to Records of Bombay Government).

There is evidence that the fortress was handed over by Bani Khalid to al-ʿUtub as a prize for the support given by the latter to the former in their struggle with the Ottomans. They settled in the fortress and refurbished it. Notwithstanding the manner in which this whole arrangement was made, the fact remains that the arrangement was worked out among the influxing tribes from the Arabian Peninsula without any participation from other human groups.

The third smaller circle to which Kuwait belonged is the Gulf circle. If Arab-Islamic records did not pay heed to separate Islamic provinces, Iraq - which in some writings is referred to as al-Sawad (or black earth), due to the prevalence of agricultural land - was considered a province distinct from the Gulf and the Peninsula.

Specifically speaking, the coastal plains, extending from Abadan northward to Ras Musandam, constituted the region of Bahrain. Naturally, this included Ual Island (which is the ancient name for Bahrain as mentioned by al-Qalqashandi in his book "Subh al-'Asha"). The Province of Oman and the Province of Bahrain constituted one region during the days of the Abbasid State, with al-Ahsa, Qatif and Kazima, as its principal towns.

Thus, historically speaking, Iraq was never part of the "Kuwait equation", prior to the emergence of modern Iraq more than seventy years ago. It was merely a member of the wider Arab circle. On the contrary, **ever since the fall of the Abbasside State at the hands of the Mongol (656 A.H. corresponding to 1258 A.D.), Iraq was divided into a group of Mongols emirates. It became associated with the Mongol-Persian bloc. This association was only extricated by the Ottomans, three centuries later. Unfortunately, Iraq continued to be (one way or another) an area of Ottoman-Persian struggle. This affected Iraq's political and human stability. Meanwhile, the "Province of Bahrain" on the other side of the Gulf was enjoying more stability.**

Self-Made Kuwait:

The Dutch have a popular saying: "if God has created the world, the Dutch have created Holland". This saying applies to some degree to Kuwait, which is man-made!

A panoramic view of the area known as Kuwait, separating the Arabian Peninsula from Iraq, indicates that it is something different from the predominantly bedouin regions in the Peninsula and from the agricultural regions with

their rural character, which constitute Iraq, to which ancient Islamic writings refer as the black earth or al-Sawad. This difference is absolutely made by the Kuwaitis themselves.

Let us refer once more to the indisputable "historical facts" which go to prove that Kuwait is man-made.

According to these facts, Bani Khalid's strength and ability to maintain order and security were among the factors that encouraged Kuwait to grow and prosper. Al-^cUtūb had, apparently, settled down and enjoyed the patronage of Bani Khalid, but the latter gave them free hand in running their own affairs. This became evident when Kuwait prospered and increased in population. Taking the initiative, al-^cUtūb assigned the rulership to one of their leaders, Shaikh Sabah, in the usual tribal fashion observed since the mid-eighteenth century, specifically in 1752.

From that very day Kuwait began acquiring its distinguished character. al-^cUtūb succeeded in achieving for Kuwait an obvious amount of prosperity. This might be attributed to more than one cause. Neighbouring powers were suffering from a great deal of chaos and instability, but Kuwait succeeded in avoiding any involvement in such circumstances. Wars continued to rage between Persia and the Ottoman State. Before the establishment of the first Saudi State, Nejd, was also divided into numerous scattered Shaikhdoms. It was only natural for European companies, which became active at this time, to exploit the Eastern routes, especially the Gulf route, and to call on the port of Kuwait with its advantageous position on the Gulf. They used to commute from the port's entrance onto the desert route, which extended from Kuwait to the Levant's coast (Eastern Mediterranean) near Aleppo, where vessels of these companies were anchoring.

No doubt, a dialectical relationship developed between this fact and Kuwait's distinguished entity. If European companies were lured by the geographical position and the state of security to proceed to Kuwait, the benefits reaped by the Kuwaiti people from those companies which exploited their country's position, made their Shaikhs more inclined to become independent, thanks to their economic backbone.

Carsten Neibuhr, a German traveller who toured the Gulf and Arabian Peninsula between 1764 and 1765, as member of a scientific mission despatched by the King of Denmark to the Arabian Peninsula, gave an account of the prosperity enjoyed by Kuwait in the period directly following the settlement of al-^cUtūb. He reported that they owned more than eight hundred vessels and were importing the necessary timber to build them from India. Among the most important information given by this German traveller is that the Kuwaitis

"developed into an urban community, engaged in trade, diving and shipbuilding" (Neibuhr: *Travels Through Arabia*, Edinburgh 1972, Vol. II, p. 103).

The significance of this information lies in its reference to the different nature that the Kuwaitis succeeded in bestowing on their country at a very early stage.

No doubt, the commercial prosperity and richness of Kuwait created friction between Kuwait and the Shaikhs of Bani Khalid, who wanted to re-subjugate Kuwait to their authority, as recorded by Neibuhr. He wrote that disputes always arose between al-^cUtūb and Bani Khalid who harboured an ambition to dominate. In this connection an important fact can be stated. Al-^cUtūb held firmly to their independence. When the Shaikhs of Bani Khalid used to despatch their forces to subjugate Kuwait, the Kuwaitis would move temporarily with their belongings to the small Island of Faylaka, pending eventual return.

Two things are suggested by this fact:

(1) The commercial community created by Kuwaitis was mobile, contrary to the static agricultural community, or the pastoral community which defended grazing lands. All that concerned the commercial community (of Kuwait) was its "belongings", or in modern terms "capital" This is a movable asset.

(2) Kuwait at that time was valueless without tradesmen. Inasmuch as the Kuwaitis constituted the community of commerce, seafaring and diving, as accounted by Neibuhr, their leaving Kuwait to Bani Khalid, who were basically a bedouin community, would have meant nothing to Bani Khalid, who were apt to desert it sooner or later. The Kuwaitis were well aware of this fact.

By standards of time and place, the prolonged continuous ruling by a certain dynasty in a given country leads to the consolidation of its distinguished political entity. This fact may have been realized by those who attended the Kuwaiti Popular Conference, held recently in Tayif (Saudi Arabia), which backed the family of al-Sabah as being the symbol of Kuwait's national existence.

Historical precedents prove that the emergence of a number of modern states was attributable to the role played by ruling families. An example, is the Tudors in England, the Bourbons in France, the Hohenzollerns in Germany, etc.

The same applies to the Islamic World, where dynasties continued to rule countries, such as the Ottoman dynasty in the greatest Islamic State of that time. Later the Muhammed Ali Family in Egypt succeeded through the 1840 - 1841 settlement, and after ferocious wars in Syria, to secure a special status for Egypt. This status constituted the cornerstone of Egypt's distinguished position during the nineteenth century, which laid down the foundations for Egypt's independence afterwards.

The prolonged rule by a given family, in addition to internal political stability implied thereupon, also provides the country with a permanent political structure, capable of dealing with foreign powers and deepening the "distinguished presence" of the State. Such presence took various shapes and followed different courses.

Perhaps the most important course pertains to the relations between Kuwait and the Ottoman Empire, the greatest Islamic State at the time. The entire world presumably had some kind of relationship with this "patriarchal State". Thus, it is deemed necessary to devote a part of this study to Ottoman-Kuwaiti relations.

Kuwait and the Ottoman State - The First Stage:

The very first thing to observe about this relationship is that the religious tie was a prerequisite for legitimacy, when Kuwait emerged in the mid-eighteenth century.

The Islamic World then was no different in this respect from Medieval Europe, whose emperors and kings derived their legitimacy from the Papacy in Rome. This legitimacy eventually ceased after the emergence of modern national States in the seventeenth and eighteenth centuries contemporaneously with the movement of religious reform.

But the role played by the Islamic Caliphate, as embodied in the Ottoman Empire, was different from that of the Papacy in Rome in that the Ottoman rulers combined religious and political authorities, though the exercise of these two authorities varied considerably.

In some precise regions, the political authority predominated, while in others, both authorities were clearly merged. In other regions of the Islamic World, the religious authority existed solely. Kuwait most certainly continued to fall under the last category, by a mutual consent of both the Ottoman and Kuwaiti parties until 1871. An attempt was made then by Constantinople, to change this situation which made the relationship between the two parties enter a new phase characterized by struggle.

According to an indigenous source (ʿUthman ibn Sanad al-Basri in his book "Saba'ik al-ʿAsjad), the ʿUtūb family decided, at an early stage to delegate their first leader Shaikh Sabah to Baghdad, in order to ask the Ottoman Vali to grant them recognition in their place of settlement. Shaikh Sabah was reported to have been successful in his mission.

Divergent views expressed about the reasons for this move on behalf of al-ʿUtūb. Some attribute it to a desire on the part of al-ʿUtūb to maintain equilibrium between Bani Khalid's influence in al-Ahsa and Qatif on the one

hand and the Ottoman Empire on the other, by acknowledging some allegiance to the Empire so long as this did not affect their positions.

It is worth mentioning that the struggle during that phase was not between Bani Khalid and the Ottoman State, but between the former and al-ʿUtūb. Al-ʿUtūb believed that by gaining some degree of legitimacy, through establishing relations with the great Islamic State, they would enjoy a certain degree of invulnerability against Bani Khalid or others.

During the subsequent years, al-Sabah succeeded in becoming the exclusive leaders in Kuwait, following al-Khalifa's withdrawal from the alliance and their departure to al-Zubarah in the Peninsula of Qatar followed by al-Jalahmas. This enabled al-Sabah to establish their stability and government in Kuwait at the internal level. As to the external level, this stability was strengthened by means of the weakness that befell Bani Khalid due to their family strife, especially after the repeated Saudi blows between 1785 and 1795, which brought about their downfall.

There is no doubt that the consolidation of al-ʿUtūb to their position in Kuwait has helped al-Sabah family to maintain its relations with the Ottoman State within the framework of religion. They never permitted any representative of the State, especially those in the Iraqi Vilayets, to combine the state's religious influence with the political authority.

In this, al-Sabah were aided by Iraq's own position under the Ottoman rule. Various elements weakened the Ottoman influence in Iraq. Perhaps one of the major features of such weakness was Baghdad's independence from the Sublime Porte (the Ottoman Caliph or ruler) under the rule of a group of Mameluks (a military junta), at a time when Kuwait was emerging and developing. The rule of these Mameluks lasted for almost ninety years (1749-1831), during which Iraq was under the nominal suzerainty of the Ottoman State.

This is as far as Iraq is concerned. As for Basra - which Iraqis claim Kuwait was part of — it is well-known that before the emergence of Kuwait, Basra was attacked by Iranian rulers and was subsequently attacked by the tribe of Bani Kaʿb. After Kuwait emerged, Basra was assailed by Karim Khan al-Zindi in 1776. Persians remained there for four years, at a time when the City of Kuwait was emerging and developing.

In any event, the success of the Kuwaiti people in maintaining relations with the Ottoman State, within the religious framework, is substantiated by a series of events witnessed by their mutual relations over the eighteenth and nineteenth centuries, namely:

First: The people of Kuwait relied on themselves in ensuring protection against any attacks to which they were exposed, especially on the part of Bani Ka'b and al-Muntafiq tribes. Both tribes were in the habit of raiding Kuwait, which received no assistance from the Ottoman authorities, whether in Basra or Baghdad. According to indigenous sources, the people of Kuwait built a mud wall around the City to protect their souls and belongings against the frequent attacks to which they were exposed in 1760. The wall had six gates which were, then, adequate for the protection of Kuwait.

Second: Kuwait was a refuge for rebels against the Ottoman authorities in Baghdad. This represented no contradiction between what the Kuwaitis or others may have vis-a-vis the Ottoman State and any dispute with any vali or ruler appointed by that State.

Examples in this respect are multiple. In 1787 both Thwaini, Shaikh of al-Muntafiq and Mustafa Agha, the Muttasalim (i.e. in charge of) of Basra sought refuge with Shaikh Abdullah al-Sabah, Ruler of Kuwait (1762-1815) following their rebellion against Soliman Pasha, the Mameluk Vali of Baghdad, who despatched a large force to Basra to subdue this movement. On its way from Baghdad to Basra, the Pasha's force engaged in a fight with al-Muntafiq tribes led by Shaikh Thwaini, and defeated them. Realizing that he was in no position to face the Ottoman force, Mustafa Agha, accompanied by Shaikh Thwaini, fled to Kuwait and sought refuge with its ruler.

The significance of this incident lies in the Shaikh of Kuwait's refusal to extradite those who sought refuge with him to the Vali of Baghdad, in order to penalize them. Soliman Pasha sought the assistance of Samuel Manisty, who was in charge of the British Commercial Agency in Basra, in his campaign against the Shaikh of Kuwait. However, the friendly relations between Shaikh Abdullah, Ruler of Kuwait and the officials in Basra Agency prompted Mr. Manisty to send word to Shaikh Abdullah that the Vali was planning to attack Kuwait, if the refugees were not surrendered. In response to Mr. Manisty's message, Shaikh Abdullah said that he felt indebted to him for the communicated information and that the situation, in his opinion was that he himself was gaining nothing from the presence of Mustafa Agha, the Muttasalim of Basra in his country. Nevertheless, expelling him from Kuwait was inconsistent with Arab tradition, which bestows protection on anyone seeking refuge. He added that it would be shameful to let down a refugee or deliver him to his enemies. He proceeded saying that the Pasha should entertain no fear from any possible attack waged by the refugees against Basra, so long as they were in Kuwait under his protection. He said he was prepared to fight the Pasha in order to protect his guests, if war was the only alternative left.

The crisis ended when the Shaikh of Kuwait insinuated to the Muttasalim of Basra and his company to depart to Nejd, with all the money they had carried from Basra, and join a caravan that was ready to move. Similar incidents occurred, when, for example, a Shaikh of Bani Ka'b tribe in the Province of Arabistan sought refuge in Kuwait, following the occupation of the town of Muhamarah by the Ottomans in 1837.

Failure of the Shaikhs of Kuwait to comply with the orders issued by Baghdad valis demonstrates the prevailing concept on the nature of their relations with the Caliphate State. Their relations were purely religious, with no bearing on the interests or independence of Kuwait. They implied no conference of political rights on the Valis of the Ottoman State in Iraq vis-a-vis Kuwait.

Third: A further incident illustrates Kuwait's concept of its relations with the Caliphate. Not only did Kuwait have no allegiance to the Ottoman State's Pashas in the Iraqi Vilayets, but it also went as far as to refuse any form of trusteeship over its foreign relations, whether exercised by the State itself or by its representatives.

The incident in question relates to the transfer of the British Agency affiliated to the British East India Company from Basra to Kuwait. According to British sources, this transfer was undertaken when Mr. Manisty and his assistants Harford Jones Brydges and John Reinaud decided to move the Agency from Basra to Kuwait, where it remained between 1793 and 1795 following a dispute between the latter and the Ottoman authorities. **This incident proves that Kuwait never depended on an Ottoman political sovereignty over its country.** Similar incidents occurred, particularly between 1821 and 1823 (See Lorimer: Gazetteer of the Persian Gulf, Vol. III, pp. 14-15).

Kuwaiti-Ottoman Relations During the Nineteenth Century:

The first half of the nineteenth century witnessed a series of changes in the nature of powers surrounding Kuwait. This was reflected in the Ottoman-Kuwaiti relations.

One such change was the Saudi invasion of al-Ahsa and the suppression of the influence of Bani Khalid. Another change was the growing Ottoman influence in Iraq, following the successful extermination of Da'ud Pasha in 1831, who was the last Mameluk ruler in Baghdad. Lastly, there was the growth of the British influence, which began to spread from Muscat to the southern coasts of the Gulf, following the conclusion of the General Peace Treaty in 1820 and the subsequent imposition of Maritime Truce Treaties on the rulers of that coast. This was

accompanied by British pressures on Kuwait, with the aim of inducing the Shaikhs to adhere to the General Treaty or to join the Maritime Truce Agreements and hoist the Trucial Coast Flag on their vessels. Shaikh Jabir (1815-1859) refused to respond, despite British threats of setting an embargo on Kuwaiti vessels calling at Indian ports.

These developments placed Kuwait in a position of "difficult choices", that prompted its rulers to take a step forward on the Ottoman road. This was a calculated step, assuming that the Ottoman road was less dangerous than the two other alternatives. It would not, at least, prejudice the country's "special position" as a distinguished entity. More important still is that it would not impair the interests of the class of tradesmen who have become the backbone of social life in Kuwait.

This step materialized in a decision adopted by Shaikh Jabir in 1829 to hoist the Ottoman Flag on Kuwaiti vessels. This decision was not the outcome of any special arrangement between Kuwait on the one hand and the Ottoman State or some of its regional representatives in Baghdad, Basra or elsewhere, on the other. It was indeed a Kuwaiti initiative which aimed at preserving the interests of Kuwait and safeguarding the safety of vessels on high seas. This was due to the fact that the major powers which had entered the Gulf, especially Britain, ceased to recognize any flags of indigenous Arab powers which failed to adhere to the Trucial Treaty.

It should be observed that the step of "hoisting the flag" was accompanied by some features of what might be described as "exchange of interests" between both sides: Kuwait and the Ottoman presence in Iraq.

Some sources reported in this connection that Shaikh Jabir began hoisting the Ottoman Flag on Kuwaiti vessels as of 1829 and was paying an annual kharaj (tax) to the Vali of Baghdad estimated by Lorimer to be 40 sacks of rice and 400 clusters of dates (as tax due on Kuwait's agricultural land property in Basra and Faw) and that the Vali was receiving each year a robe as a gesture of honour. According to the same sources, "the Shaikh of Kuwait was not prompt in sending this kharaj, on the grounds that shortly afterwards he rendered services to the Ottoman State, much more important than rice and dates".

These services consisted in the assistance rendered by Kuwaiti vessels in the defence of Shatt al-Arab, which reversed the whole situation. Rather than requiring Kuwait to pay in return for the hoisting of the Ottoman flag, Ottoman representatives in Iraq were now paying annual salaries to the Shaikhs of Kuwait in return for their protection of Shatt al-Arab and Southern Basra, from the tribal raids to which they were exposed. In 1831, the Shaikh of Kuwait supported the Muttasalim of Basra when the tribes of Bani Ka'b raided al-Mutasalimia and forced the Muttasalim to flee to Kuwait. Reinforcements consisting of a few

vessels laden with men and ammunition were sent to him by Shaikh Jabir. Five years later, the Shaikh of Kuwait helped the Ottoman State in crushing a rebellion by the people of Zubair, by blocking the city's exits on the sea front (Lorimer, *Gazetteer of the Persian Gulf*, the Historical Section, Vol. III, p. 1513). This is an embodiment of what we called "exchange of interests".

This trend in the Ottoman-Kuwaiti relations was substantiated by Kuwait's position from the Egyptian-Ottoman struggle of the 1830s, which had its repercussions in the Gulf.

The year 1838 witnessed the march of Egyptian forces under Khurshid Pasha from Central Arabia to the coasts of al-Ahsa. Simultaneously news of the victories accomplished by Muhammed Ali, the Egyptian Vali in Syria, and his approach almost to the outskirts of Constantinople reached the Gulf area. The Shaikhs of Kuwait entertained no sensitivity in dealing with the new Islamic power (i.e. Egypt), especially with the growing British pressure at that time.

In the light of the policy of exchange of interests, pursued by the rulers of Kuwait, the advance of Egyptian forces was welcomed by the rulers. They did not object to the arrival of a representative sent by Khurshid Pasha in 1839, to reside in Kuwait, despite the fact that his residence was contrary to Ottoman policies and interests.

It has been pointed out by historical sources that the real aim sought from the emissary's residence was to collect news and information about the possible success of an Egyptian plan, designed to encircle Ottoman Iraq from the South, by means of troops coming from al-Ahsa with Kuwaiti support, in addition to Egyptian forces stationed in Syria in the North.

In this regard it was reported that Shaikh Jabir, not only extended favourable reception to the Egyptian emissary and accorded him a special place in his majlis (council), but also placed the well-equipped Kuwaiti vessels at the service of the Egyptian forces. Cargoes of ammunition and armaments were shipped by Kuwaiti vessels from al-Hudaidah port on the Southern coast of the Red Sea to the Egyptian troops camping in al-Ahsa.

All these acts on the part of Shaikh Jabir go to prove that his policies were not determined by any allegiance to the Ottoman State, nor that he viewed his country as being part of the Ottoman State. This could be easily seen from the manner in which Ottoman Pashas in Syria dealt with Egyptian troops, arriving to their Vilayets. The vital element which determined the policies pursued by the Shaikh of Kuwait during this period of turmoil was "Kuwait's interests". This element proves to what extent Kuwait was independent from Constantinople.

Shaikh Jabir's keenness to give prominence to this feature of his relationships is demonstrated by the manner in which he employed his good relations with the

Egyptian expedition in order to resist British pressure. He went as far as treating Lieutenant Edmonds, a British officer, in a dry manner, when the latter visited Kuwait to negotiate with him a project for building a railway across the Arabian desert to Kuwait. Shaikh Jabir was well aware at that time that the British were seeking to turn Kuwait into a naval base in lieu of Kharg from which they were forced to withdraw in 1839.

Undoubtedly, this position adopted by Kuwait, along with other positions, irritated the British from the presence of Egyptian forces in the Gulf. This was one of the reasons why the British were strongly motivated to adopt a hostile attitude towards Muhammed Ali in the following year (1840). That year witnessed the collapse of Egyptian presence in Syria and the Arabian Peninsula and its recession in the Gulf, including Kuwait of course.

There is no room here to elaborate on examining this presence, but only to deduce confirmations that substantiate the nature of Kuwaiti-Ottoman relations. These relations reverted to their manner of "exchanged interests", after the absence of the Egyptian elements, and lasted until the early 1870's.

This is further evidenced by the fact that in 1845 the Kuwaiti Navy again moved to protect Basra upon the Ottoman request. In this regard, the Shaikhs of Kuwait were authorized to protect the port upon the request of the Ottoman State, in return for annual salaries paid from the treasury of the Vilayet.

This arrangement on behalf of the Ottoman authorities is of great significance. It greatly refutes any claim that Kuwait belonged to Ottoman Iraq. In normal practice, the subordinate is paid by the principal and not vice versa!

Ottoman Attempts at Subjugating Kuwait to Domination 1869-1899:

It was inevitable for the movement of reform, witnessed by the Ottoman State in the nineteenth century, to leave its marks on the Ottoman-Kuwaiti relationships. This movement was translated into two famous Sultanate Decrees namely: the Gulkhane line issued in 1839 and Tanzimat issued in 1856. The most significant aspect of this movement is that it sought to "modernize the Ottoman State". A major aspect of this modernization consisted in the creation of a "central government" along the lines of European governments and, also, along the lines of the government that Muhammed Ali succeeded in establishing in Egypt.

It was natural, with this trend towards state centralization, to reorganize Arab vilayets.

In this new organization, laid on such bases, Ottoman Iraq was divided into three vilayets: the old Vilayet of Baghdad, the Vilayet of Mosul and the Vilayet of Basra, which included the sanjaks (subdivisions) of El-Emara, Basra and al-Muntafiq.

Since then, particularly during the term in office of Midhat Pasha- a very capable Turkish administrator whose name began since 1860 to acquire fame in European Vilayets, who was associated with the movement of reform, and who assumed the office of Pasha in Baghdad between 1869 and 1872 — during his term in office, Ottoman rulers in Basra and Baghdad ventured on an attempt which lasted till 1914 to change the state of affairs that continued to characterize Kuwaiti-Ottoman relationships, i.e. the state of affairs in which the Kuwaitis accept the religious authority of the Ottomans and where exchange of interests between the parties occur, without any intervention by the Ottomans in Kuwaiti affairs.

It is observed that the movement of Ottoman reform was accompanied by intensification of the struggle between European colonial powers over the legacy of the sick man of Europe. The fact is that each of them was a cause and an outcome of the other. In other words, modernization represented one facet of European intervention, whereas the pursuance of the reform policy led to more European penetration into the Ottoman Empire.

Perhaps the Berlin-Baghdad Railway project offers an example of the validity of this argument. This project was an outcome of the policy of modernization, that sought to connect all parts of the Ottoman Empire, and so tighten the grip of the Central Government. Simultaneously, it enabled colonial powers to penetrate into the Ottoman State and, indeed, led to violent struggles between them, as recalled about this railway. All this had its bearing on Kuwait, which presumably constituted the southern terminal of the famous railway line.

* * * *

The Ottoman State began to implement its new policy by imposing centralization on Iraq and later on contiguous regions, with Namiq Pasha's appointed as Vali of Baghdad (1866-1869). This Pasha sought to implement these policies in two directions: First, to see to it that the Shaikh of Kuwait accepts the post of *qā'im-maqām* "district president." Second, to set up an office for levying custom duties at the port of Kuwait. Both moves were rejected by the Kuwaiti people, as their implementation would have entailed serious economic harm. They insisted on maintaining Kuwait as a commercially open port and disregarded all protests by the Pasha of Basra. The latter was under the

impression that Kuwait's prosperity was at the expense of Basra. Obviously, the Kuwaitis felt that the process of modernization, taking place in the Ottoman State, did not concern them in the least, and that they were not required to pay the price of such a policy. Their relation with the Ottoman State was to remain within the same framework that they had devised and pursued over the past one hundred and fifty years.

Nevertheless, the fact that the Ottoman State proved a failure at the hands of Namiq Pasha did not preclude his successor, Midhat Pasha, from pursuing the same policy. Before assuming the status of Pasha in Baghdad, Midhat acquired a wide reputation as a leading figure in the movement of reform, on one hand. On the other, he had succeeded in applying his policies of reform in Iraq. This encouraged him to apply them outside Iraq, i.e. Kuwait. To implement these reforms, Midhat issued directives for an Ottoman expedition to move from Basra to al-Ahsa, under the command of Nafiz Pasha. Kuwait took part in this expedition, through providing a naval force, led by Shaikh Abdullah himself, and a land force led by Shaikh Mubarak al-Sabah, who later assumed power in Kuwait. This entails an explanation.

The Kuwaiti action was motivated by the same motive behind similar previous actions, namely solidarity with the great Islamic State. This motive gained momentum with the acceleration of British influence in the Gulf. However, the success achieved by this expedition had adverse effects on Kuwait. Following his success, Midhat Pasha announced that the territories of the Ottoman State now extend to Nejd and that Emir Abdullah ibn Saud had become the qā'im-maqām of Nejd on behalf of the Ottoman State. (The text of Midhat Pasha's statement to the people of Nejd, dated April 20, 1871, is appended to a message addressed by Shaikh Issa bin Ali to Colonel Sir Lewis Pelly, British Resident in the Gulf).

It may be said that the short interval, which followed the Ottoman expedition, was the period on which the Iraqis leaned heavily in asserting their allegations, that Kuwait was historically part of the Vilayet of Basra and, *ipso facto*, part of Iraq.

In substantiating this argument, the Iraqis recall that when Midhat Pasha visited Kuwait in late 1871 on his way to inspect the military units in al-Ahsa, he issued an official order, declaring Kuwait an Ottoman province reporting to the Vilayet of Basra. The post of qā'im-maqām of Kuwait was assigned to Shaikh Abdullah al-Sabah. In consideration for its military involvement in al-Ahsa expedition, Kuwait was exempted from the payment of some duties. Nevertheless, Midhat ordered that all alien flags hoisted by Kuwaiti vessels must be pulled down, stressing that the Ottoman flag was the only one to flutter on land and at sea.

Secondly, in substantiating their claims, the Iraqis invoke the 1892 Orders, issued by the Vali of Basra to Shaikh Muhammed al-Sabah, directing him to join a military campaign, led by Muhammed Hafez Pasha against Shaikh Qassim al-Thani in Qatar. This Order was actually carried out. The Shaikh equipped an army led by his brother Shaikh Mubarak. During the same year, Shaikh Muhammed al-Sabah turned down a request by the British Government to establish official relations. He emphasized that — as qā'im-maqām — he reports to the Vilayet of Basra and is committed to the Turkish Government resolution of banning British vessels from frequenting the Northern waters of the Arabian Gulf.

Thirdly, the Iraqis cite the arrival of a Turkish health officer to Kuwait in 1897. He resided there for the purpose of controlling the health quarantine. This indicates Kuwait's subordination to the Vilayet of Basra.

To substantiate further their claims, they lastly cite the telegrammes received in 1897 by Muhsen Pasha, the Vali of Basra, advising him that an Order had been issued by the Sultan appointing Shaikh Mubarak as qā'im-maqām for Kuwait. The latter was to report to the Vali of Basra. He was appropriated an annual salary of 300 gold sovereigns and 150 weights of dates. (See Mustafa El-Najjar et al, **Iraqi Identity of Kuwait**, Baghdad, 1990, p. 30).

With the exception of the third and last foregoing citations advanced by the Iraqis, the evidence set forth in the first two is drawn from general writings. As regards the third and last citations rather than relying on Ottoman official documents, which should be an accurate basis in this concern, the Iraqis relied on Lorimer's "Gazetteer of the Persian Gulf", Historical Section, Vol. III, p. 1528).

We must exercise caution here, because most of Lorimer's material was derived from documents of the East India Company since 1622, and from those of the Indian Government, which succeeded the East India Company in ruling India since 1857.

Undoubtedly, in sending their communications, from which Lorimer derived his material, the Agents of the Company or the Government in the Gulf area took into account what was conducive to serving the interests of the Company or the Government of India within the region. Towards this end, they saw no harm in reporting a piece of information, irrespective of its accuracy, but which would eventually lead to the adoption of policies serving the desired interests!

Reading this section reveals that its writer was, indeed, endeavoring to urge the British Government not to lose sight of Turkish activities in Kuwait. This fact is substantiated by the information published under the title of "Attitude of Turkish Authorities vis-a-vis Shaikh Mubarak", followed immediately by a report under the title of "Britain's Doubts about the Nature of Relations between the Shaikh of Kuwait and the Turkish Government 1896-1897".

More important than doubtful evidence advanced by the Iraqis is to examine facts embodied in such evidence within the general context of the historical relations between Kuwait and the Ottoman State. The outcome of such an examination is a complete refutation of such evidence.

In the light of the historical context directly preceding 1871, it would be difficult to accept such sudden shift in the Kuwait stance, considering that the Kuwaitis gave military support to the Ottoman side and, in exchange, were receiving dates or gold. It is not true that they received both. Even in this detail, the Iraqi author was wanting in accuracy. (See Lorimer, Vol. III, p. 1527).

Furthermore, the Iraqi furnisher of evidence lacked the sense of historical fairness, namely the acknowledgement of historical facts. This is clear from his account of the Order by Midhat Pasha for hoisting the Ottoman flag. This Order is irrelevant here because Kuwait, as mentioned earlier, was hoisting the Ottoman flag since quite some time, for aforementioned reasons. Thus the Order by Midhat Pasha or anyone else in this regard was *non sequitur*.

This is seen again in the Orders issued by the Vali of Basra to Kuwait, in order to take part in the campaign against Shaikh Qassim al-Thani in Qatar. Had the Iraqi author, who quoted Lorimer's "Gazetteer", read on the very same page of his quotation the account published under the heading "Aggression by the Shaikh of Doha in Qatar 1897-1898", he would have learnt that Shaikh Muhammed al-Sabah did not have to wait for orders from any side to take part in an attack against an opponent. The whole matter boils down to an agreement between two parties, having common interest in fighting a common opponent, rather than an act of carrying out orders, issued by one party to the other and implying subordination. This is exactly what the official Iraqi authors were keen to insinuate.

Rectifying matters — as indicated above — only weakens Iraqi evidence but, more important still, removes contradiction between what ought to be, as shown by the course of past historical relationships between the two parties, and what the Iraqi version purported for serving political aims and distorting historical facts.

The early 1870's, when power was centralized in the Ottoman State, bear witness to Kuwait's success in preventing the arrival of such centralization to its country. Neither Iraq nor any other Ottoman vilayet was successful in this domain. This is evidenced by the mutual relations which were established between the two parties, after persistent attempts on the part of Midhat Pasha to alter them. The Kuwaitis agreed to a degree of *de jure* relationship, that was much closer than the existing relationships with the Government of Constantinople or

its Representatives in Ottoman Iraq. This degree of *de jure* relationship was demonstrated in two things: First, the Shaikh of Kuwait was appointed qa'im-maqam and second, a customs office was established by the Ottoman State in Kuwait. In return, the Ottoman State agreed to the principle of succession to the Shaikhdom among Shaikhs of al-Sabah family. The Ruler of Kuwait was independent in handling the internal affairs of Kuwait, and was exempt from the payment of taxes or duties to the Ottoman State. Furthermore, an annual salary was paid thereto. In fact, a Sultanate Firman (Decree) was issued conferring upon the Shaikh of Kuwait the title of qa'im-maqam as well as the title of Pasha.

While the Ottoman Tanzimat, which were accepted by Kuwait, authorized Kuwaiti vessels to hoist the Ottoman flag, owners of these vessels were not required to pay customs duties or fees — a privilege granted by Ottoman authorities. These Tanzimat did not oblige Kuwait to apply the Ottoman judicial system. Kuwait was left free to exercise its own judiciary system, according to the dictates of its own circumstances. No reference was made in these Tanzimat to the adoption of the Ottoman currency by Kuwait. Kuwait's trading and commercial activities necessitated dealing in various currencies that were in circulation within the region, whether European currencies (such as Maria Theresa riyals), Indian, Persian or Ottoman currencies.

It is noteworthy that the assistance rendered by the Shaikh of Kuwait to Midhat Pasha in his campaign against al-Ahsa did yield its dividends to the Kuwaiti ruling family. This was in the form of vast areas of date plantations, exempted from any taxes, conceded to them near Basra. Eventually, this led to many problems between the parties, i.e. the Shaikhs of Kuwait and the Vilayet of Basra and, later on, with Iraq.

A review of all these arrangements in the Kuwaiti-Ottoman relationships during the early 1870's suggests that the Kuwaiti side had been enviably successful in greatly exploiting these arrangements for its own interests.

Titles or decrees conferring it, or even hoisting the Ottoman flag, all these added nothing worthwhile to the form of relations accepted by Kuwait vis-à-vis the Sublime Porte. Such form enabled Kuwait to derive legitimacy from the great Islamic State. Perhaps the only exception to this rule was Kuwait's concurrence to the opening of an Ottoman customs office in Kuwait. Such concurrence was contrary to the earlier policies of Kuwait of refusing any "actual Ottoman presence" on Kuwaiti territories, especially if such concurrence impaired Kuwait's most vital interests, i.e. commercial interests.

Undoubtedly, the Shaikh of Kuwait agreed to establish this customs office for a temporary period, during which the Shaikh would prove that it served no purpose for the Ottomans. On the other hand, the Shaikh would firmly establish

the advantages decreed in these arrangements for Kuwait. This belief is substantiated by the fact that the customs office in question did not last for more than two years, following which the Ottomans closed it down and withdrew their representatives. There is no doubt that the rapid disappearance of the Ottoman office was the result of Kuwait's success in rendering it useless! One of the reasons for the shrinkage of the Ottoman position, in the post-Midhat Pasha's era, is the fact that this transient resurgence in the Gulf soon dwindled.

On the one hand, the Turkish military presence in al-Ahsa, the backbone of this resurgence, began to recede due to the famines and plagues, which ravaged the Ottoman garrison, and resulted in its withdrawal to Basra, with the exception of a symbolic force. On the other hand, the Ottoman State was preoccupied with its wars with Russia and its problems in the Balkans, leaving it no time or effort to maintain or enhance its presence in the Gulf.

The last years of the nineteenth century witnessed a series of developments that left their mark on the Ottoman-Kuwaiti relationships. Some of these developments resulted from family disputes during these years, which whetted the appetite of the Turks and others to interfere in Kuwait's affairs.

It is a known fact that Shaikh Mubarak ibn al-Sabah (1896-1915) managed to seize power, after getting rid of his two brothers Muhammed and Jarrah. This move was received unfavourably by the Ottoman Vali in Basra. The two brothers had permitted Shaikh Yusuf ibn Ibrahim, a leading pearl dealer in Kuwait, related by marriage to al-Sabah family, to assume control over the affairs of the Emirate, despite the fact that he did not belong to it. This stirred in him hopes of inheriting the rule of the Shaikhdom.

Two obstacles stood in the way of materializing this dream: the obstinate brother Mubarak was the first obstacle. The second and far more drastic was the legitimacy acquired by the family of al-Sabah, by reason of its continued assumption of Government, with the approval of the Ottoman Caliphate State, which was the highest religious authority in the Islamic world at that time.

Shaikh Yusuf appealed for moral support from the Pasha of Basra in order to seize power in Kuwait. The Pasha found no reason why he should not accord this support. No cost was involved. Moreover, he would guarantee the subordination of this independent Emirate.

This prompted Shaikh Mubarak to appeal to the people of Kuwait, especially tribal bedouins, over whom he was exercising tangible influence. He urged them to resist the pressures which the Vali of Basra was obviously exercising on their country.

Another development encountered at the time was the British growing interest in the northern parts of the Gulf, especially that this coincided with a growing European interest to exercise influence over the Ottoman State, after the fall of Bismarck in 1890, and the emergence of the German policy of *Drang nach Osten* (meaning drive to the East).

With the growing British interest in Kuwait and its jeopardized distinguished position, due to Shaikh Yusuf's antagonism towards the Pasha of Basra, it was natural for Shaikh Mubarak to assist the British. This act invoked doubts that he had gotten rid of his brothers on British advice. Such an accusation was lodged against him by the authorities in Basra, under instigation from Shaikh Yusuf.

Although the Vali of Basra sided with Mubarak's opponents, the Ottoman Sultan was forced to recognize the *fait accompli*. A Shahani Firman was issued in 1897, by which Mubarak was appointed as qā'im-maqām in Kuwait, and was paid a salary in kind of 150 weights of dates, translated later into a salary in cash of 300 pounds.

It may be observed that Shaikh Mubarak accepted the conditions set forth in the Shahani Firman. However, this may be attributed to more than one reason:

(1) He wanted to deprive his opponents of the legitimacy inherent in the Sultan's recognition;

(2) He wanted to put an end to any attempt on behalf of the Pasha of Basra to lean on Shaikh Mubarak's opponents in order to enhance his own influence in Kuwait; and

(3) He was afraid to lose his property and his family's property in Basra and Faw.

On the other hand, the Pasha of Basra imagined that Mubarak's acceptance of the position of qā'im-maqām would open the way before the Pasha to establish some sort of an "Ottoman presence" in Kuwait. This presence, which had materialized in the form of a customs office, lasted for a very brief period. This time, the Pasha wanted to renew the presence through the establishment of a health quarantine centre. However, Mubarak was not prepared to accept this. He knew that the matter was not simply to establish a quarantine centre or an office in his country, but was indeed a matter of maintaining an actual presence of Ottoman employees in Kuwait. This was suggested by the Vali of Basra in spite of all entailed impairment to his country's sovereignty.

This situation drove Mubarak to try to contact the British. In fact, in February 1897 he applied for a meeting with the British Political Resident in the Gulf. He told the Resident that he was looking forward to British support in order to confront any interference in his country's affairs by the Ottoman authorities.

The Historical Truth about the 1899 Agreement:

Although initially reluctant, the British began to change their attitude in the light of news that Ottoman forces were pouring into Basra, in preparation for an onslaught on Kuwait, and the toppling of Mubarak. Furthermore, there existed an acute European competition in the Gulf, which might have lured any other European power to come to the rescue of Kuwait. Consequently, the British would have lost such an opportunity.

Although Lord Curzon, British Viceroy of India, emphasized the need to impose British protection over Kuwait, Sir Nicholas O'Connor, the British ambassador to Constantinople, advised his Government to exercise caution in providing such protection.

In expounding his opinion, Sir Nicholas leaned on a memorandum, prepared by Mr. Stawrides, the embassy's legal counsel, and a memorandum by Captain Whyte, the British consul in Basra.

While stressing that Kuwait enjoyed a special entity, both memoranda mentioned that the acceptance of the Shaikh of Kuwait for the position of qā'im-maqām legally precludes recognition of his independent status as a ruler.

On the other hand, British Foreign Secretary, Lord Salisbury, was not enthusiastic about proclaiming British protection over Kuwait. He feared any complications which could impair his country's foreign relations, whether with the Ottoman State with whom Britain entertained especially sensitive relations, because of the increasing call for "Pan Islamism", or with European powers which became competitive.

In the light of the foregoing, the British Foreign Office advised the Government of India to be content with a secret agreement, concluded with the Shaikh of Kuwait. It assumed the form of a pledge on behalf of the Shaikh, where neither the Shaikh nor anyone of his heirs or children after him were to relinquish any province on their territories, nor was the Shaikh to receive any emissary, sent by any other State, without having recourse to and receiving approval from the British Government.

British official documents reveal that the motive engendered by the latter request was the fear that the Ottoman State might exercise pressure on Kuwait to relinquish parts of its territories to Germany which was keen on extending Baghdad Railways as far as Kuwait.

(F.O. 78/5174 Memorandum respecting Koweit, PP. 13-16).

In compliance with the foregoing, the British Resident in the Gulf, Colonel Meade, arrived in Kuwait, and on January 23, 1899 an agreement was concluded.

This agreement provided that the Shaikh of Kuwait, acting on his own accord and at his own discretion, pledges that he and "his heirs as well as successors would forever" refuse an agent or qā'im-maqām on their territories, on behalf of any State or Government, without the consent of the British Government. Furthermore, the Shaikh would not mandate, sell, lease, mortgage or dispose of any part of his territories to any State or sponsor without the consent of the British Government.

This agreement has two aspects related to the Kuwaiti-Ottoman relations, which the Iraqis attempt to forcibly raise an issue about to serve their interest. **The first aspect deals with Kuwait's entering into a contractual relationship with some other power. This means that such power was well aware of Kuwait's distinguished status, by virtue of which it could exercise such an important foreign relationship. Naturally, such relationship could not have been practised by any department of the Ottoman State properties.**

By way of example, Britain, the other party to this agreement, could not proclaim its protection over Egypt despite its occupation of it for more than one third of a century (1882-1914) until the Ottoman sovereignty was abolished. This was when the Turks sided with the Central Powers during the war. **The second aspect is that the agreement would put an end to any Kuwaiti subordination to the Ottoman State, from a de facto point of view.** The Shaikh of Kuwait has then become under obligation not to relinquish any part of his territories nor to accept an agent from any other Government without the consent of the British Government. This applies to the Ottoman State as well.

Before elaborating on the course of the Kuwaiti-Ottoman relationship during this critical epoch of its history, we should point out that if it was the Pasha of Basra who was occasionally contacting the Shaikhs of Kuwait, or carrying out policies of the Ottoman State that he represented vis-à-vis Kuwait, it was not on account of the Vilayet under his rule, but in compliance with the policies of the Sublime Porte which were drawn in Constantinople.

Any Firmans (Decrees) issued had to carry the Grand Seal of the Sultan. Obtaining a part of the Kuwaiti territories for the Berlin-Baghdad Railway project was connected with the policies of the Ottoman State rather than those of its Valis in Iraq. **In other words, neither the Vilayet of Basra nor any other Iraqi Vilayet had any form of suzerainty over Kuwait, even if such nominal suzerainty was of the religious nature which affiliated Kuwait to the Ottoman Caliphate State.**

It is worth mentioning that the agreement as concluded was void of any obligation on behalf of the British Government. Nevertheless, upon the Shaikh's insistence, the British Resident was obliged to address him a letter assuring him of

the "good will" of the British Government towards him and his successors. The Resident also agreed that Shaikh Mubarak would receive fifteen thousand rupees from the treasury of the British Residency in Bushire in consideration for his concurrence to this agreement. It was decided to keep this agreement confidential and not to disclose it, unless prior approval was obtained.

This agreement may obviously be classified as an agreement for the "exchange of benefits". In other words, it does not fall under the category of arbitrary agreements, which are concluded for the benefit of one party at the expense of the other. It would be, thus, difficult to say that it was a "Protectorate Agreement" in the traditional sense of agreements concluded during those days.

This is clear from the fact that Britain made sure that the Shaikh would not cede any part of his territories to any other state. In addition, Britain secured a number of concessions and tax exemptions. It obtained the Shaikh's approval to have a British Resident in his country to look into law suits involving aliens. In return, the British Government facilitated the export of arms to Kuwait which the Shaikh needed to use against his enemies.

Ottoman Attitude After the 1899 Agreement:

Despite all measures taken by the Kuwaiti and British parties to safeguard the confidentiality of the agreement, word leaked to the Turkish side.

This prompted the circles of Yeldiz Palace (the Ottoman Sultan's Palace in Constantinople) to take a series of measures designed to exercise some form of actual sovereignty over Kuwait. Such sovereignty never existed, as mentioned before.

Among these measures was the promulgation of a Decree appointing an Ottoman superintendent for the Port of Kuwait with the intention of despatching a military force to Kuwait. Furthermore, the Ottoman State attempted to unseat the Shaikh. It served a warning upon him, followed by despatching the Head of the Alids of Basra on board the vessel "Zahaf" in order to banish the Shaikh from his country. (Document No. 26, Series No. MF2M, Documents of the Government of India).

Undoubtedly, this unprecedented move on behalf of the Government of Constantinople, towards imposing actual sovereignty over Kuwait, was motivated by a number of considerations.

One of these considerations was the intrusion of a European element in the equation of the Ottoman-Kuwaiti relationship. The Germans sided with the Ottomans and the British with the Kuwaitis.

Another consideration was the emanation of a "vital interest" for the Ottoman State in Kuwait. This interest resulted from Turkey's insistence on building the Berlin-Baghdad Railway, with all its economic and political implications.

In short, Kuwait became the focal point of what was termed as "the Eastern question", at a time when such a question had reached its peak.

Despite all this, we observe that the Yeldiz Palace circles were always keen on emphasizing the religious character of the relations with Kuwait. This was demonstrated in their decision to despatch the Head of the Alids of Basra, the distinguished religious figure, rather than delegating a military or administrative figure, to deliver the warning addressed to the Shaikh.

Nevertheless, the decisions adopted by the Ottoman authorities were all met with vehement opposition on behalf of Shaikh Mubarak. When the appointed Port Superintendent was sent in the company of five soldiers, the Shaikh refused to receive them in audience and forced them to return to Basra.

The British side was not expected to stay idle. Sir Nicholas O'Connor was quick at delivering a complaint to the Sublime Porte, purporting that the British Government, while entertaining no ambitions in Kuwait, maintains special relations with its Shaikh. Furthermore, if Ottoman authorities made any attempt to impose control or supervision over Kuwaiti custom duties, an unavoidable serious crisis is to be expected between Constantinople and London. (Lorimer, Gazetteer of the Persian Gulf, Historical Section, Vol. III, p. 1537).

Having failed in its attempt at direct intervention in Kuwait, the Ottoman Government made a second attempt, but this time under a German guise.

This attempt proves that Yeldiz Palace did not seek sovereignty over Kuwait for historical reasons, but rather for reasons dealing with new plans, which developed after the increase of its economic interests in the Gulf.

This attempt was exemplified in what happened in 1900, when Germany, backed by the Ottoman State, offered to purchase a coastal area of approximately 20 square miles near Kazima from the Shaikh of Kuwait. It was meant to be turned into a terminal for the Baghdad Railway.

The German mission, which submitted the offer, and which consisted of the German Consul in the Turkish capital and the Military Attache of the German embassy in Constantinople, was treated very roughly by Shaikh Mubarak. He refused the presents they offered him. He also refused any negotiations with the mission over their offer, despite the fact that Shaikh Mubarak was assured by the head of the mission, that Germany had already obtained from the Ottoman Sultan a concession for building railway lines across his territories.

In response, Shaikh Mubarak replied that he solely had exclusive power over his territories -not the Ottoman Sultan- and that he was not interested in extending the railway lines to his country.

With Turkish intervention under "German guise", the Government of London had no need any more to hide the agreement concluded with the Shaikh of Kuwait, especially then that the Government of Constantinople seemed to have learnt about it. Accordingly, Sir Nicholas advised both the Sublime Porte and the German embassy in the Ottoman capital that the existing relations between the Shaikh of Kuwait and Britain precluded him from ceding any part of his territories to another State. (I.O. Political & Secret Library B. 127 Koweit Conf. PP. 6-7).

After the failure of direct measures, through the authorities in Basra and of indirect measures through the "German guise", the Ottomans tried to play with their last card, a card frequently played by the Ottoman State throughout its history. It consisted in provoking an indigenous force to rise up against the force they needed to overthrow.

The indigenous force that the Government of Constantinople employed for this task was the force of Emir Abdul Aziz ibn al-Rashid in Hayel, who was provoked to attack Kuwait. The Vali of Basra promised him to become ruler of Kuwait, if he managed to seize it.

As a matter of fact, Hayel and Kuwait clashed over some local complications in 1901 in the battle of al-Sarif, half way between them both. The result was a crushing defeat for Kuwait, with all its inevitable consequences.

For reaping the fruits of this development, the Ottoman State attempted to unseat Mubarak, as ruler of Kuwait. Sayyid Rajab, Head of the Alids in Basra, was delegated by the Ottoman State to Mubarak. The latter was offered a choice between going to Constantinople, where he would be appointed Member of the State's Consultative Council (Majlis Shura al-Dawlah), or accepting voluntary exile anywhere in the State, and receiving a permanent pension paid by the State. In the event of turning down both options, force would be used against him.

Here again, the British Government intervened to preclude the Ottoman side from benefiting from outcome of al-Sarif. On September 11, 1901, British Foreign Secretary, Lord Lansdowne, summoned the Ottoman ambassador in London, and advised him that the British Government will not change its relations with Kuwait, so long as the Ottoman State does not despatch military forces to Kuwait. However, in the event of an assault, whether directly by the State itself or indirectly through its ally ibn al-Rashid, the British Government

will act promptly, and give full support to the Shaikh of Kuwait. The crisis ended upon the release of a statement by the Ottomans maintaining the *status quo*. (F.O. 78/5174 Memo respecting Koweit).

Now that the Kuwaiti issue has entered the so-called German *Welt Politik* (world politics), Turkey was not expected to retract, though it merely changed its plans from an attempt to take over the whole of Kuwait to an attempt to take some parts of it. Its aim was to prepare a suitable terminal for the Baghdad Railway.

This shift in policy confirms once again that the Ottoman State was not concerned about historical facts as much as for realizing urgent interests.

This was substantiated by what happened in the following year of 1902. Military forces were despatched by the Ottoman State with the aim of usurping Kuwaiti regions located between Um Qasr and Safwan. The Ottoman's justification for this was that the *status quo* they had recognized was the one existing in Kuwait before the conclusion of the 1899 agreement between Britain and Kuwait.

This move was certainly taken upon German insinuations. Areas to be seized from Kuwait and placed under the Ottoman Government would provide access to the deep waters of Khor Abdullah and al-Zubair, where the Baghdad Railway terminal would be set up.

The argument advanced by the Ottoman State for such a move was that the regions seized were within the Vilayet of Basra. In refuting this argument, Shaikh Mubarak stressed that the areas seized by the Ottoman State were long before inhabited by the Kuwaitis. Tribes under his rule were engaged in fishing and pearl diving within these areas.

(I.O. Political and Secret Library of B. 181).

It may be stated that such Ottoman encroachments have invalidated any claims against Kuwait. Indeed, they diverted any Ottoman claims to some other direction i.e. to the direction of usurping parts of Kuwaiti territory. Consequently, the question of their bilateral relations took another direction. It became a dispute over boundaries. Eventually, this led to the 1913 Agreement.

The 1913 Agreement and Delimitation of Borders between Kuwait and Basra:

Following the events of 1901, both the British and Kuwaiti parties became convinced that the approach pursued to maintain confidentiality of the 1899 agreement had produced reverse results.

On the one hand, the agreement ceased to be a secret convention in the real sense of the word. Ottomans and others knew about it. On the other hand, the Kuwaitis felt that the agreement had lost its *raison d'être* insofar as they were concerned due to its secrecy. The result was that their territories were exposed to encroachments by the Ottoman State. On their part, the British felt, accordingly, that there was no more sense in maintaining secrecy, in view of the role played by the Ottoman State as a "cat's-paw" for German policies in the Near East. The trend towards disclosing the true facts about British-Kuwaiti relationships acquired momentum, because of the events in the following year (1902). Ottoman authorities in Basra supported Shaikh Yusuf al-Ibrahim and Mubarak's nephews by despatching a naval expeditionary force to invade Kuwait in September 1902.

Before venturing to disclose the 1899 agreement, the British authorities wanted to ascertain that their legal position was valid. Thus, Lord Curzon, the British Viceroy in India, ordered Colonel Kembale, the British Resident in the Gulf, to study the status of Kuwait and the extent of its subordination to the Ottoman State.

Colonel Kembale's report remains a reliable reference for anyone seeking to discern the nature of relationships between Kuwait and the Ottoman State. It was on this report that the Government of London relied in proclaiming its overt protection over Kuwait.

It was indicated in the report that the Ottoman State based its allegations for Kuwait's subordination by claiming that Kuwait's original population came from Um Qasr, South of Basra. However, the reports in the archives of the Government of Bombay indicate that the original population of Kuwait came from Nejd. Kembale's opinion favoured the latter reports.

So far about the original population of Kuwait. The official British report, prepared by Kembale, proceeds to establish a set of events, all of which go to prove that no actual Ottoman control existed in Kuwait.

On the one hand, Kuwait — according to Colonel Kembale — successfully resisted all attempts of subjugation by the Ottoman State. Ever since its establishment, around the middle of the eighteenth century, Kuwait has succeeded in maintaining its entity, and in defending itself against any attempts of intervention in its affairs from neighbouring powers.

Furthermore, Kembale put on record a set of facts, on which he relied in drawing his conclusions: that the Shaikhs of Kuwait protected rebels against Ottoman authorities, that at no time were there any Ottoman garrisons on Kuwaiti soil, and that the rulers of Kuwait were under no financial obligations to the Ottoman authorities, save for very short intervals in cases of emergency,

warranting negligence. The contrary was true. It was the Ottoman State that was paying annual stipends to the Shaikhs of Kuwait, in return for the protection of Shatt al-Arab, according to a local arrangement. The hoisting of the Ottoman flag was not considered by Kembale to imply any form of allegiance. The matter was no more than a token of religious respect to the Islamic Caliphate State.

On the basis of the foregoing, the famous British report concluded that at no time was Kuwait part of the Ottoman State. In a statement in 1903 to the House of Lords, Lord Lansdowne invoked this report, to declare that the Shaikh of Kuwait was under British protection, and that the British Government was bound to the Shaikh by special treaties. This was the first official British statement regarding British protection over Kuwait.

Two main issues were a consequence of this statement: Kuwait's continued hoisting of the Ottoman flag and Kuwait's boundaries with the Vilayet of Basra.

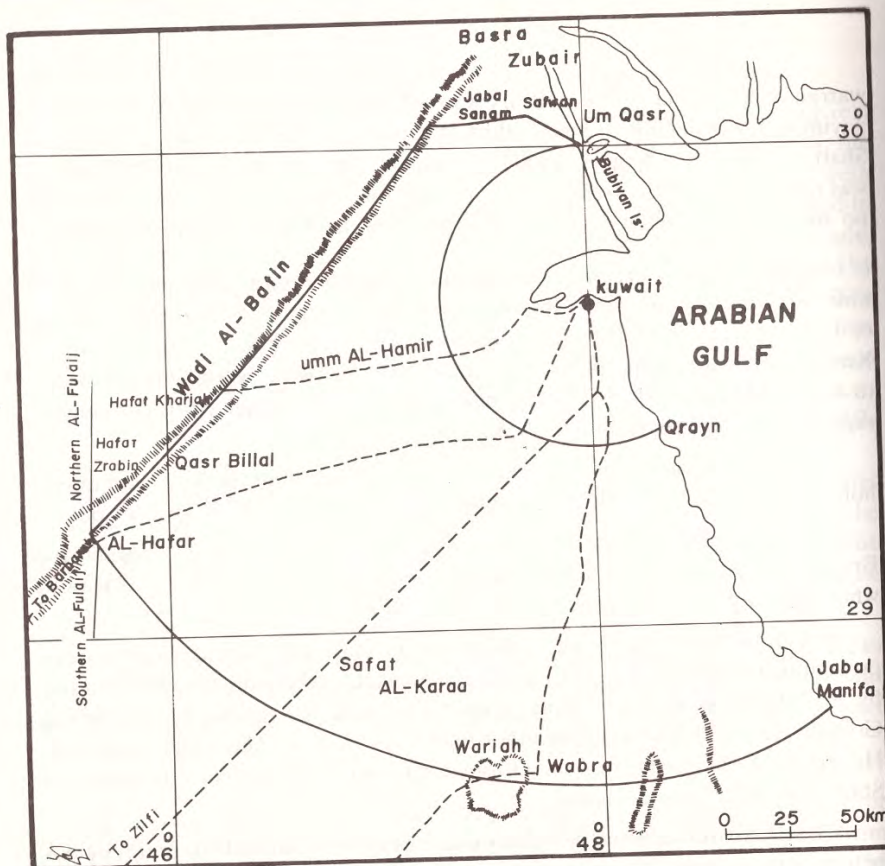
As regards the former issue, views were clearly controversial between the British who rely on international law considerations, and the Shaikhs of Kuwait who rely on religious considerations.

From the British view point, there was a clear legal contradiction between preventing Ottoman forces from landing in Kuwait and hoisting the Ottoman flag by the Shaikh of Kuwait. Thus, Shaikh Mubarak was asked by the British Government to choose any flag other than the Ottoman. The Shaikh objected. He contested that he hoisted the Ottoman flag, not as a subject of the Ottoman State, but as a devout Muslim.

This controversial issue between principles of international law and religious beliefs remained unresolved for a considerable time. Finally, they were settled in the July 1913 agreement. The Shaikh was to hoist the Ottoman flag, provided that the word "Kuwait" was conspicuously written on one of its corners, upon his request.

The second issue, dealing with the delimitation of boundaries between Kuwait and the Vilayet of Basra, was the most vital. Shortly after Lansdowne's statement, the British Government made the first attempt at delineating border lines in 1904, through drawing a line that runs from "Khor al-Sabiya, crossing south of Um Qasr and Safwan, and heading to Jabal Sanam, and from there to Wadi al-Batin".

The Shaikh of Kuwait refused this first proposal of delineating his country's border lines. He felt that this would deprive his country of the previously-seized regions by the Ottomans, namely, Um Qasr and Safwan. Furthermore, the British proposal contained nothing about Kuwait's naval boundaries. In his opinion, these included all coasts and islands extending from the Island of Faylaka to Shatt al-Arab.



Map (2)

Map of Kuwait as appended to the British-Ottoman agreement of 1913. Zone A in which the Shaikh of Kuwait exercises full self-independence includes the Islands of Warbah, Bubiyan, Maskan, Faylaka, Umm Al-Maradim, Auhah, Kubbar, Qaru and Maqata, along with the contiguous isles and territorial waters (Article 5 of the agreement).

Zone B, which includes the regions in which tribes are living, is provided in Article 6 of the agreement to be regarded as belonging to the Shaikh of Kuwait. He exacts therefrom tithes and administrative grants. The Government of the Ottoman Empire does not exercise any administrative function in this zone, without the knowledge and cognizance of the Shaikh of Kuwait. It is prohibited from stationing any military garrison or from carrying out any military action of whatever nature, etc. The boundaries of this zone were set forth in Article 7 of the agreement.

(Reproduced from British Foreign Office documents).

Three years later, in 1907, a technical committee, set up by the Government of India, considered Warbah and Bubiyan Islands as belonging to Kuwait, but postponed the consideration of the rest of the Kuwaiti claims.

Those who deal with British official documents, and are familiar with the dynamism of British administrations in adopting resolutions, notice that these administrations take time before reaching a decision. But once they take a decision, they advocate it against any counter moves. Hence the great keenness, exercised by these administrations in scrutinizing every major and minor consideration before adopting a decision. The latter becomes defensible, whether before senior Government officials or before adversaries.

In view of all these developments, the Ottoman State was not expected to tolerate being excluded so easily from the Kuwaiti equation, especially in the wake of the Unionist Coup in 1908. The developments witnessed by the Ottoman State, following the coup, were reflected on the question of Kuwaiti-Ottoman relations. In Constantinople, the new Government sought a new approach to tighten its grip on the rest of the Empire.

Shortly after the Unionists succeeded in seizing power, Ottoman Valis in Basra and Baghdad made several attempts to subjugate Kuwait to direct Turkish rule. In response, the Shaikh of Kuwait emphasized his independent status from the Ottoman authorities in Basra. This was evident in his messages addressed to the Unionist Valis in Basra, in which he frequently made a point of calling himself "Ruler of Kuwait and Chieftain of its Tribes", rather than the old Ottoman title of qā'im-maqām. However, the Valis of Basra continued to address him as such.

In view of controversial attitudes, each party began playing with the cards in hand. The Unionist Valis of Basra resorted to the old Ottoman practice of provoking neighbouring forces against Kuwait. Hence their instigation of the tribes of al-Muntafiq to harass Shaikh Mubarak. Likewise, they resorted to another tactic, aimed at bringing pressure on the Shaikh of Kuwait, through his property and the property of his family in Basra and Faw. **The authorities in Basra refused to register these lands in "the Tapu Books of al-Khaqaniyah", under the pretext that the Shaikh was not Ottoman and possessed no Ottoman documents, proving his affiliation to the Ottoman State. The authorities accordingly, desisted from recognizing the ownership of these lands, unless the Shaikh and his family immediately registered themselves in the "Population Record".**

The Shaikh of Kuwait responded in a similar fashion. Confidentially, he hurried to register his property with the British Consulate in Basra. Upon realizing this, the Ottoman authorities encroached on his lands and palm plantations.

Soon after resorting to these mutually hostile policies, new developments came in succession to alter them. The new Turkish Government faced a series of problems, particularly after the deposition of Sultan Abdul Hamid. The Tripolitanian war against Italy ended with Turkey's loss of the Province of Tripoli (1911-1912). In the Balkanic wars (1912-1913) the Turks lost a further number of their provinces in the Balkan Peninsula. All this aroused Islamic sympathy for Turkey. Kuwait was not expected to remain secluded from showing such sympathy.

This was demonstrated in an initiative on behalf of the Shaikh of Kuwait to complete the Hijaz Railway project, which would alleviate the difficulties encountered during pilgrimage. Furthermore, he assisted the Turkish State in overcoming the devastating impact of the great fire that broke out in Constantinople in 1911. Most important still was the favourable treatment extended by the Shaikh to Ottoman troops transiting Kuwait on their way to and from al-Ahsa.

The catastrophes befalling the State at the hands of the new regime, in addition to the improved relationships with Kuwait, went as far as bestowing upon Shaikh Mubarak al-Majidi decoration of the first order. The Ottomans were ready to settle their problems with Kuwait, with the hope of gaining British support, in facing their aggravating problems.

This resulted in initiating discussions between British and Ottoman Governments, which extended from February 1911 over more than two years, until the conclusion of the English-Ottoman Agreement on the Gulf on July 29, 1913.

Whoever follows the detailed discussions, conducted between the two parties, can easily conclude that they tackled standing problems between the parties in the Gulf and in Shatt al-Arab. These included the Kuwaiti issue which was somehow linked to the submitted issues, besides the Egyptian problem!

Parties had divergent views over the Kuwaiti issue and whether or not Kuwait was under Ottoman suzerainty or sovereignty. As regards this issue, the British negotiator held the following views:

(1) that Kuwait was not subject to the actual rule of the Ottoman authorities. This fact was pinpointed by European travellers, including a report by Colonel Sir Lewis Pelly, submitted in 1866 to the Government of Bombay;

(2) that the Ottoman State was asked by the British negotiator to concur to the maintenance of the *status quo* in the Emirate, to withdraw its military garrisons from northern provinces of Kuwait and to recognize that Warbah and Bubiyan Islands belonged to Kuwait; and

(3) that the Ottoman State should refrain from interfering in the affairs of the Emirate, including transmission of rulership by inheritance. It should withdraw quarantine officers from Kuwait, leaving to Britain the exclusive task of laying down quarantine rules and regulations.

The Ottoman point of view ran as follows:

(1) Kuwaiti rulers had sworn allegiance to the Ottoman State. Many of them carried the title of *qā'im-maqām* and hoisted the Ottoman flag. In corresponding with the Valis of Basra, they always renewed allegiance to the Sultan and urged that the honour of Ottoman citizenship be conferred upon them and upon their families;

(2) The Ottoman side, while admitting that no Ottoman garrisons were ever in Kuwait, argued that this did not indicate Kuwait's non-subjugation to the Ottoman State. Ottoman camps were set up 150 miles south of Kuwait. Moreover, the Ottoman State did not maintain military garrisons in several countries under its control, such as Asir and Yemen. This did not mean that Ottoman sovereignty over these places ceased to exist;

(3) The Ottomans insisted that Bubiyan and Warbah Islands belonged to them; and

(4) The Ottoman side attempted to lure the British into recognizing its claim upon Kuwait. If the British concur to that, the Ottoman side would be prepared to recognize all political and economic treaties and agreements concluded between Britain and the Shaikh of Kuwait and all the privileges thereunder.

Differences between the parties were further complicated by the disputes within the British Government over the policy to be pursued vis-à-vis Ottoman claims.

A most important controversial point was to determine where exactly did the Ottoman influence in the Gulf cease. Two views were held in this respect.

The British Foreign Office officials were of the opinion that some concessions could be made to the Turks in return for corresponding concessions elsewhere, especially in Egypt.

The Government of India, particularly Lord Hardinge, was of the opinion that the Ottoman presence in the Gulf was far more dangerous than the Russian or French presence, because of the religious influence exerted by the Ottomans on Arab rulers in the region. For this reason, he went as far as to demand the removal of any Ottoman sovereignty over Kuwait. Recognition of such sovereignty would encourage the Government of Constantinople to proceed to other Emirates such as Bahrain and Qatar. Lord Hardinge stressed that permanent protection must be provided for the Shaikh of Kuwait, lest he should lose confidence in the British Government.

British Foreign Secretary, Lord Grey, adopted a compromising view. He proposed to the Government of India to link this subject to the question of the Baghdad Railway. If Britain was to be involved in the project, there would be no objection to recognizing Ottoman sovereignty over Kuwait, provided that the Shaikhdom enjoyed its autonomy. It could even send an annual amount of money to the Ottoman State.

In return for the British concessions concerning the Kuwaiti issue, he asked for the following:

(1) that the Ottoman State waive all claims upon Qatar, Bahrain, Muscat and the Trucial Coast Shaikhdoms;

(2) that the Ottoman State waive its right to audit Egyptian loans. The Firman (Decree) issued in August 7, 1879 is to be annulled. The Khedive (Egyptian ruler) is to act freely according to the Firmans issued in September 1872 and June 1873; and

(3) that if the Baghdad railway line is to be extended to the Gulf, with a terminal in Kuwait, both Governments are to concur to any measures adopted for the protection of the extended lines.

One observes that the attitudes taken by the Ottoman negotiators were characterized by a great deal of confusion and, indeed, contradiction. While harping on Kuwait's subordination to the Ottoman State, they were insisting on contracting the boundaries of the Emirate. Moreover, their declared readiness to recognize all agreements and treaties concluded between Britain and the Shaikh of Kuwait would, in practice, rule out any claim of Kuwait's subordination to the Ottoman State.

At any rate, these prolonged talks ended upon the signing of the Gulf Agreement on July 29, 1913. On the Ottoman side, it was signed by Foreign Minister Ibrahim Haqqi Pasha and on the British side by Foreign Secretary Sir Edward Grey.

For objective consideration, the main articles of this agreement that deal with Kuwait are outlined hereunder.

The agreement was divided into five parts. The first comprised 10 articles and could be reviewed as follows:

Article 1: The District of Kuwait, as identified in Articles (5) and (7) hereof, shall constitute an independent territory in the Ottoman Empire.

Article 2: The Shaikh of Kuwait shall hoist the Ottoman flag as he did before, after adding thereto the word "Kuwait" on one of the flag's corners, if he so desires. He shall exercise an autonomous administration of the territorial

region as set forth in Article 5 of this agreement. The Government of the Ottoman Empire shall refrain from any interference in the affairs of Kuwait, including inheritance of the post of ruler. It shall also refrain from any other administrative work, military occupation or action in the provinces belonging to Kuwait.

In case the office of the Emir becomes vacant, the Government of the Ottoman Empire shall appoint a qā'im-maqām, by a Shahani Firman, to replace the former Shaikh. The Sublime Porte may delegate an emissary to the Shaikh of Kuwait for the purpose of protecting the interests and subjects of the various provinces in the Empire.

Article 3: The Government of the Ottoman Empire shall recognize the validity of the agreements, concluded earlier by the Shaikh of Kuwait with the Government of His Britannic Majesty, dated January 23, 1899, May 24, 1900 and February 28, 1904, whose texts are appended hereto (as Annexes 1, 2 and 3).

It shall also recognize the validity of the lands conceded by the said Shaikh to the Government of His Britannic Majesty and to British subjects, as well as the validity of claims set forth in the Memorandum dated October 24, 1911 sent by His Majesty's First Secretary for Foreign Affairs to the ambassador of His Imperial Majesty the Sultan (of Turkey) in London (as per the text appended to this agreement as Annex 4).

Article 4: In assurance of the understanding reached earlier between both Governments, concerning the exchanged confirmations dated September 6, 1901 between the Embassy of His Britannic Majesty in Constantinople and the Imperial Ministry of Foreign Affairs, the Government of His Britannic Majesty declares that so long as the Government of the Ottoman Empire does not effect any change in the *status quo* in Kuwait, as defined in this agreement, it shall not change the nature of its relationships with the Government of Kuwait, nor shall it endeavor to establish a protectorate. The Government of the Ottoman Empire shall acknowledge having taken note of this declaration.

Article 5: The independence of the Shaikh of Kuwait shall be exercised within the specified provinces, forming a semi-circle, with the City of Kuwait in the centre, Khor al-Zubair constituting the northern limit and Qrayn the southern limit. This line is marked in red on the map appended to this agreement (as Annex 5). The Islands of Warbah, Bubiyan, Maskan, Faylaka, Awha, al-Khor, Muqata and Umm al-Maradim, as well as adjacent Islands and the waters in the area shall all be included.

Article 6: Tribes located within the agreed borders, as defined in the following Article, shall be recognized as subjects of the Shaikh of Kuwait. The latter shall collect the zakat (religious alms) as before and may exercise

administrative rights enjoyed by him, in his capacity as an Ottoman qā'im-maḳām. The Government of the Ottoman Empire may not exercise any administrative functions in these regions, independent of the Shaikh of Kuwait. It shall refrain from stationing garrisons or carrying out military action of any nature, without prior understanding with the Government of His Britannic Majesty.

Article 7: Boundaries of the Province, as set forth in the preceding Article, shall be defined as follows:

The border line begins at the coast at the mouth of Khor al-Zubair North-West. It crosses exactly South of Um Qasr, Safwan and Jabal Sanam. Thus, these locations and their wells are left to the Vilayet of Basra. On reaching al-Batin, the line follows the range South-West, then crosses the wells of al-Safa, al-Hira, al-Hiba, Warbah and Anta, until it reaches the sea near Jabal Manifa. This line is marked in green on the map appended to this agreement (as Annex 5).

Article 8: If it is agreed between the Government of the Empire and the Government of His Britannic Majesty to extend the Baghdad-Basra Railway up to the sea, and to consider Kuwait or any other point within this independent Province as a line terminal, both Governments are to agree upon the measures safeguarding the line, and also on the establishment of custom houses, warehouses and any other facilities concerning this line.

Article 9: The Shaikh of Kuwait is fully free to exercise his rights within his own property in Basra, provided that in doing so he shall abide by the Ottoman Law. Such property (of immovables) shall be subject to taxation and to the regulations governing their maintenance, financing and legal aspects, as set forth in Ottoman Laws.

Article 10: Criminals from neighbouring Provinces shall not be admitted into the Province of Kuwait. They are to be expelled. It is understood that this provision may not be invoked by the Ottoman authorities, as an excuse for intervention in the affairs of neighbouring Provinces.

* * * *

The significance of this agreement becomes obvious in that both parties who fight by resorting to history will find evidence therein to substantiate their claims.

The Iraqi's official writings account that the agreement stipulates that "Kuwait shall remain a Province belonging to the Vilayet of Basra". According to the Iraqi side "the aim sought by Britain in setting forth the boundary lines of the Province within the draft agreement was to indirectly define its sphere of influence and, accordingly, to determine the extent of intervention therein by the Ottoman authorities".

(The Republic of Iraq - Ministry of Foreign Affairs: "The Truth about Kuwait" - July 1961, p. 11).

This Iraqi logic is rejected by some people, who believe that the only feature of Kuwait's subordination to the Ottoman Empire was the hoisting of the flag. "Nevertheless, the flag was distinguished from the Ottoman flag by the word "Kuwait" written thereon". These people renounce the argument that Kuwait under the provisions of this agreement was part of the Ottoman Empire. They wonder: "How can it be part of the Empire, if the Ottoman Government is not entitled to any administrative, military action or influence in Kuwait?".

(Dr. Mohamed Mursi Abdullah: "Declaration of Kuwait's Independence and the Fall of the Ottoman State", al-Ittihād Newspaper, Abu Dhabi, October 15, 1990).

An important document like this agreement cannot be read that way. This kind of reading extracts the agreement from its general historical context. The majority of Articles in this agreement must be construed in the light of the prevailing conditions before its conclusion.

The agreement endorsed, with some alterations, prior conditions that had been accepted by the Kuwaitis and which were based on some form of recognition of Kuwait's religious affiliation to the Caliphate State.

The first observation in this agreement is that Article 1 made no direct or indirect reference to Kuwait's subordination to the Vilayet of Basra, but referred to it simply as "an independent territory in the Ottoman Empire".

The second thing to draw one's attention is that Kuwait continued to run up the Ottoman flag like before, but after having added the word "Kuwait" to the flag. It is worth mentioning in this connection that the Ottoman "Crescent and Stars" flag continued to be an Islamic symbol, even after the downfall of the Ottoman State. An independent State like Egypt continued to run it up, after having changed its colour!

The Firman, whereby the Shaikh of Kuwait was appointed, was nothing new. The only new thing, however, was the presence of an Ottoman emissary in Kuwait, which infuriated Shaikh Mubarak, lest his presence should open up the door for conspiracies. His presence, however, was restrained by two things: first, all Turkish employees in Kuwait were deported and, second, the competence of this emissary was determined within the very text of the agreement.

Article 3 of the agreement, which provided for the Ottoman Government's recognition of the "validity of the agreements concluded between the Shaikh of Kuwait and the British Government" simultaneously, implied the recognition of Kuwait's independence. To grant Kuwait the right of entering into agreement

with another State and to recognize the validity of such an agreement are both of extreme legal significance.

Recognition of a "border line" for Kuwait, as set forth in Article 7 of the Agreement, is also of great importance. This importance is derived from the fact that a "border line" only exists between two independent political entities. The Government of Constantinople was not ignorant of such a fact.

Seven years earlier, the Ottoman State -as party to the Boundaries Agreement of October 1906 with Egypt- insisted on describing the delimitation line as "an administrative line" or "a separate line" rather than a boundary line.

What remains regarding this agreement is to refer to the stipulation in Article 9 that guarantees the safety of Kuwaiti properties in Basra. This was a long-cherished gain by the Kuwaiti rulers, especially that this would deprive the Ottoman side of a card they always played against the Kuwaiti ruling family.

Viewed in terms of its historical context, the 1913 Agreement is found to have slightly departed from such a context. Viewed in terms of profit and loss, there is no doubt that the Kuwaiti side benefited from more than one Article in this agreement. This may explain why the Iraqi side persists, in all its official publications, in describing this agreement as being a mere «draft». This matter is worth pondering on.

Provision was made that ratification documents of the agreement would be exchanged in London, as soon as possible. However, this was not to be later than three months from the date of signing it.

Despite this provision, on the very day on which the agreement was signed, Haqqi Pasha declared that it would not become effective, so long as the British Government insisted on the reservations enlisted in a memorandum carrying the same date. Britain had made its approval contingent on reservations pertaining to some tax reforms, and to the signing of the Railway agreement by the Ottoman State.

None of these reservations were subsequently withdrawn, nor did Haqqi Pasha retract on his declaration. When the agreement was not ratified within the time limit of three months, negotiations were re-instituted. Further supplemental agreements were concluded, extending the period of ratification by Britain and the Ottoman State. October 31, 1914 was fixed as the deadline for the exchange of ratification documents. By the time this fell due, both States were at the brink of war. Ultimately the agreement was never ratified.

Between the Outbreak of the 1914 War and Iraq's Independence in 1932:

With the Ottoman State's decision of going to World War I on the side of the Central Powers, symbols of subordination to the State that existed in large areas fell.

This happened in Kuwait and also in Egypt. In the former, the matter was not confined to the mere falling of symbols, but extended so far as to contribute to the fall of the Ottoman presence, even in Iraq itself. This was continued in the communication, addressed by Colonel Knox, the Acting British Resident in the Gulf, to Shaikh Mubarak.

The communication provided that the Shaikh of Kuwait was to attack Um Qasr, Safwan and Bubiyan, depending on any reliable Shaikhs, in order to liberate Basra from Ottoman domination, or to take such measures as may be necessary to prevent Turkish supplies from reaching Basra or even el-Qarn, pending the arrival of British troops from India.

If this communication contained the British Government's recognition that "the Shaikhdom of Kuwait shall become an independent government under British protection", it contained simultaneously a promise to realize the interests of the Shaikh of Kuwait, in ensuring that "the palm plantations, located between Faw and el-Qarn, will remain in your possession and the possession of your children, exempted from taxes and duties".

Furthermore, this communication contained another promise, made by the British Government, to the effect that "Basra will never be returned or handed over to the Turkish Government". Some historians believe that this promise seems to imply annexation of Basra to Kuwait.

Irrespective of what was intended by the British communication, the outcome of World War I, including the downfall of the Ottoman Empire and the emergence of «modern Iraq» under British mandate, changed the region's political map, whether in respect of Iraq or in respect of Kuwait.

Concerning Iraq, a political entity named Iraq emerged for the first time in modern history, on the region's political map, with corresponding geographical and political entities.

Again, concerning Iraq, this political entity was established by means of a mandate, resolved by the League of Nations. The resolution defined Iraq's existing borders and authorized no one to extend such borders.

Thirdly, concerning Iraq, the period of the mandate, in which Iraq's borders were delineated, enabled Iraq to annex Mosul, following a political battle with Turkey, which was entertaining the ambition of annexing it. This battle lasted up till 1926.

So much about Iraq.

Concerning Kuwait, the shadow of Ottoman sovereignty, which perpetuated until the outbreak of World War I, was completely dispelled, especially following the Ottoman State's renunciation of Article 132 of the 1920 Treaty of S'evres or the Turkish Republic's admission in Article 16 of the 1923 Treaty of Lausanne, that it had waived all rights in Arab countries.

In addition, the imposition of British mandate over Iraq and of British protection over Kuwait, placed both countries, for the first time, under the control of one single international power. Nothing is more emphatically convincing than this power's recognition of the separate existence of the two political entities. Likewise, nothing is more appropriate than this power's attempt to delineate the borders between them, considering that it had no interest in imposing faulty conditions, that might cause some sort of instability among the peoples under its rule.

Within this framework of attaining a state of stability, we can examine the developments in Iraq, following the emergence of a national Government therein, and the appointment of King Faisal I to the throne in 1922. The boundaries between Kuwait and Iraq were delineated, in accordance with the English Ottoman Treaty of July 29, 1913, which was never ratified, for reasons other than the section in the agreement dealing with boundaries.

This was expounded in messages, exchanged between Shaikh Ahmed al-Jaber, the Shaikh of Kuwait and Sir Percy Cox, the British High Commissioner for Iraq.

In April 1923, Shaikh Ahmed al-Jaber dispatched a message, stating the following:

"Boundaries at issue between Kuwait and Iraq are those which Shaikh Salim demanded in his message to your Excellency, dated 3 Muharram 1339 A.H., corresponding to September 17, 1920 A.D. These begin from the intersection of Wadi al-Ouga and al-Batin eastwards, south of Safwan wells, Jabal Sanam and Um Qasr and extend to the coast of Bubiyan and Warbah up to the sea coast, north of the present Nejdi-Kuwaiti boundaries. The following sea Islands (Maskan, Faylaka, Auhah, Kubbar, Qaru and Umm al-Maradim) fall within these boundaries".

Sir Percy Cox's reply was communicated in the same month, in the form of a letter, addressed to the British Political Agent in Kuwait, in which the following was stated:

«The Shaikh may be informed that his claim, regarding the Kuwaiti-Iraqi boundaries, is recognized by the Government of His (Britannic) Majesty, according to the boundaries and Islands mentioned by the Shaikh in his previous message».

(F.O. 371/ 8952 Memorandum from His Excellency the High Commissioner for Iraq to the Political Agent Kuwait, 19 April 1923).

Between Iraq's Independence in 1932 and Kuwait's Admission to the United Nations in 1963:

Following Iraq's independence and admission to the League of Nations in 1932, Iraqi officials confirmed the validity of boundaries with Kuwait, by means of a memorandum, addressed by Nuri al-Sa'id, Iraq's Prime Minister, to the British High Commissioner, on July 21 of the same year. Through indirect communications, and in view of Kuwait's status as a British protectorate, Shaikh Ahmed al-Jaber expressed concurrence to the boundaries, as set forth in his message, dated August 10, 1932, to the British Agent in Kuwait, purporting that the border line begins:

«From the intersection of Wadi al-Ouga at al-Batin, and from there northwards in the direction of al-Batin line, till a point located south of Safwan which shall be left to Iraq. The border line then runs eastward south of Safwan wells, Jabal Sanam and Um Qasr up to the intersection of routes of Khor al-Zubair and Khor Abdullah, where the Islands of Warbah, Bubiyan, Maskan, Auhah, Qaru and Umm al-Maradim shall be left to Kuwait".

Following agreement on the delimitation of border lines, both parties were supposed to proceed to the next step of demarcation. This step was never taken. Perhaps this is one of the most important causes of the present problem.

Failure to take this step may be attributable to political reasons, pertaining to Iraq, but not to any historical reasons, although history has been employed to justify such political reasons.

Despite the stability experienced by Iraqi-Kuwaiti boundaries as drawn on geographical maps, Iraq has raised many problems with Kuwait, regarding these boundaries. Since the 1930's and following independence, the Iraqi policy went as far as to call for a unity, federation or annexation of Kuwait.

The first of these calls appeared in programmes of some political parties, particularly "the National Union Party", led by Yassin al-Hashmi in 1933. However, members of the Party were animated by the Arab aspiration for establishing a comprehensive Arab unity. Such an approach cannot approve of any claims for annexation. It recognizes that any unity must be realized through some form of popular consent and endeavor.

More important still was king Ghazi's enthusiasm for a union with Kuwait (1932-1939). He was influenced in this respect by his Chief of Cabinet, Rashid Ali al-Kilany. This materialized in his establishment of a broadcasting station in Zuhur Royal Palace in Baghdad to expound his own views on Arab issues in general, and the Kuwaiti issue in particular.

An interesting paradox is that, while Iraq was propagating such a wide propaganda, aimed as repeated by Zuhur Palace broadcasts, at liberating Kuwait from British control, Iraq itself was until then not fully emancipated from British control. The latter consisted of military bases and treaties linking Iraq to the Government of London.

Historians agree that the motives behind Iraqi claim for Kuwait during the early days of its emergence as a State, emanate from more than one consideration:

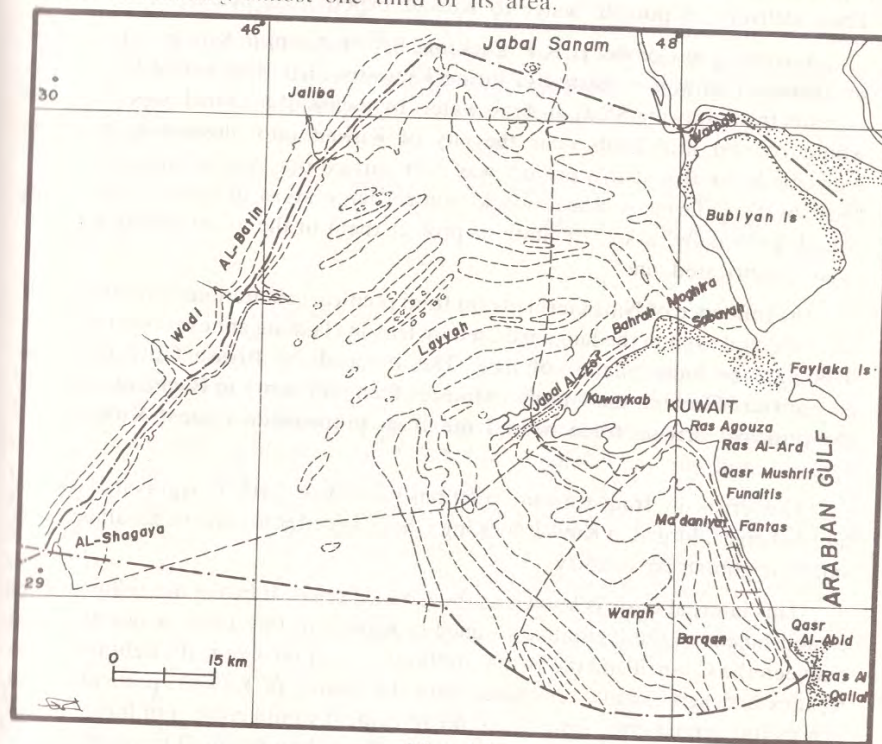
(1) A desire to seize the private Kuwaiti property in Basra and Faw. This is clear from the steps taken by the Iraqi Government. It began by imposing taxes on this property, on the assumption that it was not bound by the pledges made by Britain to the Shaikh of Kuwait during the war, purporting that it would guarantee his title to this property and exempt it from taxes.

A further step taken by the Iraqi Government consisted in adopting the attitude of refusing to reconize any property rights to the Shaikhs of Kuwait in their lands in Basra and Faw, under the pretext that they were not registered in the "Tabu Books". Iraqi courts upheld the rights of many individuals who claimed title to these lands. Seizing the opportunity offered by the crisis, resulting from the call for Kuwait's annexation, the Iraqi Government went a step further and stripped the Shaikh of Kuwait and his family form most of their property for public utility purposes.

(2) Discovery of Burgan oilfield in 1938, one of the largest oilfields in Kuwait, "whetted the appetite" of the Iraqi Government, for benefiting from the oil wealth, that Kuwait was expected to enjoy.

(3) Iraq was anxious to have a broader outlet to the Gulf, especially that the concessions made to Iran in the 1937 Shatt al-Arab Agreement narrowed Iraq's outlet so much that it began to suffer from some kind of naval suffocation.

This is evident from the objection raised by the Iraqi Government against the reports prepared by the technical committees that were entrusted with the demarcation of border lines. These reports were approved by Iraq in 1932. It argued that the committees' decision in 1938 to regard the straight line running eastwards from al-Batin to the south of the last palm tree, located in the extreme south of Safwan, was not a modern method of demarcation. Furthermore, the extension of boundary lines from a point located south of Safwan to the point in which Khor Abdullah and Khor al-Zubair meet, before reaching the Thalweg to abandon its northern provinces up to Latitude 29° 35' degree northward. This means abandoning almost one third of its area.



Map (3)

Map appended to the Oil Concession Agreement between the Shaikh of Kuwait and the British Company (Kuwait Oil Company Limited) in December 1934. Note that the Neutral Zone between Kuwait and Saudi Arabia was not yet divided equally between both countries.
(Source: Arabian Gulf Oil Concessions 1911-1953. Kuwait).

(4) Iraq's failure to subject Kuwait to its economic system, following futile efforts to create a custom duty union between them due to their different economic systems.

Iraq was under the impression that annexation of Kuwait would help in putting an end to smuggling which, allegedly, had bad effects on its economy. Moreover, tribes in the Middle Euphrates were leaning, in their mutiny against Iraqi authorities, on smuggled arms from Kuwait. This was because the border line between Kuwait and Iraq proceeded by the very nature of the regions it crossed due to the lack of any natural or human barriers. Consequently, this illegitimate trade was going from bad to worse.

(5) The Iraqi Government exploded the issue of supplying Kuwait with water from that Shatt al-Arab. Kuwaiti boats engaged in drawing fresh water were inspected, under the pretext that they were involved in trafficking activities. Thus, delivery of potable water to Kuwait experienced delays.

According to Colonel H.R.P. Dickson, British Agent in Kuwait, "Iraq's last overtures to Kuwait consisted in luring Kuwaitis, that they would be reaping benefits from drawing Shatt al-Arab water, by means of a 23-inch pipeline. This would convert arid lands near the city of Kuwait into blossoming gardens. Kuwaitis knew that if this project was ever carried out, arable lands would be tilled by Iraqi farmers. These would control large areas of Kuwaiti lands and would, eventually, ask their State to protect them in the event of any dispute, even a fabricated one".

(6) Influence of Nazi Germany on Iraqi political orientations was obvious. It was reflected even in the language used by Iraq in claiming annexation of Kuwait, it being "the Sudetenland" of Iraq. This induced the British Government to accuse Herr Grobba, the German Minister Plenipotentiary in Baghdad, of being the principal driving force behind the Iraqi propaganda against Kuwait.

* * * *

The crisis in Iraqi-Kuwaiti relationships was further aggravated by an internal crisis, forged in Kuwait by King Ghazi, in order to achieve his aims in this small neighbouring country.

This internal crisis is known as the Council crisis. It broke out following the establishment of the legislative Council in Kuwait in July 1938. A dispute arose between the Council and the British authorities over the Council's right to discuss treaties and agreements, concluded with the Shaikh of Kuwait, particularly oil concession agreements. *Ipsa Facto*, no agreement would come into force, unless approved by the Council. Furthermore, the Council endeavored to reserve some of the executive power's prerogatives for itself. This led to tense relations with Shaikh Jaber. The Shaikh was quick at dissolving the Council before six months elapsed after its establishment.

This crisis provided Iraq with an opportunity to launch a violent campaign against the Kuwaiti system. Elements of Kuwaiti opposition were instigated by Iraq to clamour that Kuwait, "the precious jewel of the Gulf and the natural port of Iraq" is being threatened by grave dangers. On this occasion the Iraqis reiterated their oft-repeated claims, that Kuwait was an Ottoman qā'im-maqāmeya and an Iraqi province before the outbreak of World War I. («al-Istiql'al» newspaper, Baghdad, February 12, 1939).

Personal motives combined with reform inclinations in Kuwait further aggravated the situation. A number of those who led this movement were indebted to the ruler. That was their chance to get rid of these debts. In addition, some of them were promised concessions by the Iraqi Government to run the port of Kuwait, in the event of Kuwait's annexation to Iraq. This led to serious disturbances, that were crushed on March 10, 1939.

These developments prompted Iraq to think seriously of planning an armed attack against Kuwait, a fact substantiated by British intelligence reports. According to these reports, instructions were issued by King Ghazi and Rashid 'Ali al-Kilany to the Mutasarrif of Basra to recruit local troops and attack al-Jahra, an important Kuwaiti defence post.

While preparations were underway to carry out this plan, King Ghazi died in an obscure car accident in April 1939, which brought an end to this attempt.

* * * *

Once this crisis came to an end, discussions were initiated in July 1939 between the Iraqi and British Governments with the aim of the re-delimitation of boundaries between Kuwait and Iraq. The only new thing that came out of these discussions was the addition of one mile south of Safwan, to constitute the last point in the borders between the two countries. Thus, Kē akā fell within Iraqi boundaries. The map prepared in 1920, by the British Ministry of War, was adopted as a basis for the delimitation of boundaries. It was also decided to set up surveillance posts by both the Iraqi and Kuwaiti Governments along their border lines. They were to conclude treaties of friendship and good neighbourhood, along the lines of treaties concluded between Kuwait and Saudi Arabia.

However, Kuwait refused to respond to Iraq's desire of building a port in Khor Abdullah. This would have induced Kuwait to cede part of its naval boundaries, which was categorically rejected.

* * * *

Despite the stormy events witnessed by the region, during World War II, relations between Iraq and Kuwait subsided.

War provided Britain with a chance to tighten its grip over the region. A little over two years, after the outbreak of war, Britain was in full military control of Iraq, in order to suppress the movement staged by Rashid ʿAli Al-Kilany.

This state subsidence continued, because of war circumstances, but ceased to remain after the War, especially because of the important post-war changes.

Economic growth experienced by Kuwait since 1946 was the most prominent change, when oil exports expanded and wealth began flowing in the Emirate.

Troubles started to recur in the 1950's, especially following the formation of the Baghdad Pact. Nuri al-Saʿid, Prime Minister and leading figure in Baghdad, thought that time was ripe for resuming the policy of containing Kuwait, step by step. He must have expected that summoning Kuwait to join the Baghdad Pact would not meet with Britain's traditional opposition. Furthermore, he thought that that would constitute the first step towards the realization of Iraq's claims upon Kuwait. But what the Iraqi leader overlooked was the rising surge of Arab nationalism, which opposed Iraq's adherence to the Pact, let alone the adherence of another Arab state.

Following the formation of the Hashemite Union in 1958, between Iraq and Jordan, Nuri al-Saʿid renewed his attempt at convincing Kuwait to join the Union.

Apart from Iraq's perpetual ambitions in Kuwait, the new attempt was dictated by Iraq's desire to seize Kuwait's wealth, which had become immense during the 1950's. Another desire was to expand the Hashemite Union, which was confined to only two states, especially that several Arab states were entertaining doubts about it.

The downfall and assassination of Nuri al-Saʿid in the wake of the July 1958 Revolution probably helped Kuwait to evade any involvement in his plans.

It is worth noting that the Revolutionary Government, which overthrew the monarchy in Iraq, did not bring up the issue of Kuwait during its first three years. On the contrary, the Iraqi foreign minister called in December 1958 for the establishment of relations with Kuwait on new bases of friendship and equality. The ideal way of realizing this was through opening an Iraqi commercial Consulate in Kuwait, to act as liaison between both countries. Furthermore, the Iraqi Government backed Kuwait's bids to join Arab and international organizations, even before becoming independent, for the sake of an integrated Kuwaiti international personality.

However, the honeymoon between both countries was short-lived. Relations turned upside down, following the exchange of memos between the Shaikh of Kuwait and the British Political Resident in the Gulf on June 19, 1961. These memos were treated as a new agreement, superseding the agreement of January 23, 1899, on the grounds that it was inconsistent with Kuwait's sovereignty and independence. A new phase in the relations between Britain and Kuwait began, based on mutual consultation and friendship.

Following disclosure of the arrangement reached between both Governments, many Arab states were quick to endorse this step. But a different attitude was adopted by Iraq.

Abdul Karim Qassim, Head of the Iraqi Government dispatched a telegramme of felicitations to the Shaikh of Kuwait, which was so worded as to omit any reference to Kuwait's independence. The telegramme purposely invoked "Iraq's historical claims" in Kuwait. It welcomed the abrogation of the 1899 Agreement, on the grounds that it was illegitimate and was concluded without the cognizance of the Ottoman State to which Kuwait belonged. It added that the signatory of the Agreement was Shaikh Mubarak ibn al-Sabah, qa'im — maqam of Kuwait, who was reporting to the Vilayet of Basra. The telegramme warned the Shaikh of Kuwait against accepting a new imperialism.

Shortly, the whole situation became clear. On June 25, 1961 Abdul Karim Qassim held a press conference in which he openly claimed the annexation of Kuwait as a province reporting to Basra. After referring to the absence of any boundaries between both countries, he said that the Republic of Iraq has decided to "protect the Iraqi people in Kuwait" and that he was in the process of issuing a Presidential Decree appointing the Shaikh of Kuwait as qa'im-maqām for the Province of Kuwait reporting to the Province of Basra!

On this occasion, Abdul Karim Qassim invoked history, saying that the Iraqi government possesses historical documents which prove Kuwait's affiliation to Basra.

It is noteworthy in this regard that, in saying that Iraq would be claiming its rights in every inch of the territories usurped by colonial State, Abdul Karim Qassim was clearly referring to other regions that would be claimed in the South of Kuwait, such as al-Ahsa and Qatar.

The way in which this crisis was invoked by Iraq indicates that, although Iraq was attempting to camouflage its claims under the guise of fighting imperialism, it leaned on its belief that Kuwait was part of the Ottoman Vilayet of Basra. Iraq, as heir of the Ottoman State or more specifically Ottoman Iraq, had the right to annex regions that were allegedly in its possession in the past.

An argument which Iraq attempted to bring forward on this occasion, concerned the word "Kuwait", which was claimed to be an Iraqi word. Many towns and locations in Iraq still carry this name, such as Kut al-Emara, Kut al-Zein and so on. In addition, the people of Kuwait cannot be differentiated from the people of al-Zubair and Basra, because of their family ties and intermarriages. If the people of Kuwait and of al-Zubair meet in one place, no one can distinguish between them. All this goes to prove that the Iraqi side was drawing conclusions haphazardly, without any real scrutiny(*)!

There is no doubt that Abdul Karim Qassim was at fault in invoking links between people to justify the idea of annexation or expansion. These links can be invested in unifying peoples at their own free will. Abdul Karim Qassim rejected the idea of conducting a popular plebiscite in Kuwait.

Historical claims advanced by Abdul karim Qassim were accompanied by other claims, including non-recognition of the Kuwaiti-British agreement, concluded on June 19, 1961. He claimed that it was no more than a new colonial agreement and that he wanted to liberate Kuwait from those who were exploiting its oil revenues. He did not fail, on this occasion, to criticize the Shaikhs of Kuwait for building industrial condensers to obtain potable water, although drawing water from Shatt al-Arab is less costly and more advantageous.

Attention is drawn to the fact that Iraq's policy during this crisis contradicted its policy vis-à-vis Kuwait before the crisis. Even before Kuwait abrogated its 1899 treaty with Britain, Iraq used to treat Kuwait as an independent State. This was evident in all passport and customs procedures between the two countries. Text books of history and geography, used in Iraqi educational institutes, all referred to Kuwait as one of Iraq's neighbouring countries. Geographical maps in Iraq also showed the border line separating both countries.

Abdul Karim Qassim's expansionist policy had a bad impact on the people of Kuwait, who staged massive demonstrations in protest against Iraqi claims.

Paradoxically, while Abdul Karim Qassim was kindling the crisis with Kuwait, with the aim of annexing it on grounds of historical rights, the Arab nationalism surge was rising, thus ridding Qassim's bid from any concept of unity.

This is substantiated by the stance adopted by Egypt (or the United Arab Republic). In an official statement, released on June 28, 1961, it opposed Qassim's claims. The main points in the statement were as follows:

(1) that the United Arab Republic believes that relationships between Arab peoples are neither governed by old nor new treaties or agreements;

(2) that it expects any move towards unity by Arab peoples to be on a different basis from the traditional model, which was prevalent in Europe, before World War II, and which resulted in the invocation of territorial claims, based on texts of old treaties. Thus, the United Arab Republic does not tolerate any annexations, although it is ready to uphold the logic of a comprehensive unity;

(3) that Iraq and Kuwait have many reasons to justify a call for unity between them. Such reasons are much deeper and long-lasting than the documents of the Ottoman Empire.

Lastly, the statement emphasized that the United Arab Republic distinguishes between annexation as contemplated by Abdul Karim Qassim — which must be rejected — and popular consensus based on unity and free choice, which must be respected.

The crisis, which the Government of Abdul Karim Qassim exploded, escalated progressively. It could be traced as follows:

A statement was released by the Iraqi Ministry of Foreign Affairs, indicating that the Republic of Iraq did not recognize Kuwait's independence. It emphasized that "historically" Kuwait constituted part of Iraq. The June 1961 Agreement was described as a "disgraceful imperialist plot".

(Republic of Iraq, Ministry of Foreign Affairs: 'The Truth about Kuwait', July 1961).

Following this, Kuwait closed down its borders with Iraq and conducted urgent deliberations with Britain. Consequently, British troops landed in Kuwait, under the terms of the 1961 Agreement, in order to face Iraqi threats. Simultaneously Saudi troops arrived to assist Kuwait in defending itself.

The next step taken by Kuwait to defend its newborn independence was to have recourse to international and regional organizations.

The role played by international organizations in this crisis was limited. Complaints were submitted by both parties to the Security Council, Kuwait accusing Iraq of threatening its independence and Iraq accusing Britain of plotting to attack it. The prevailing balance of powers in the Security Council at that time rendered the latter inept to adopt a resolution. This prompted the Council to leave the matter to the Arab League.

The dispute was, thus, relegated to a regional level. On July 20, 1961 the Arab League Council adopted a series of resolutions, which included, *inter alia*, the following:

(*) For the origin of the name of Kuwait see page

First: that the Government of Kuwait shall undertake to seek withdrawal of British forces from its territories as soon as possible.

- that the Government of the Iraqi Republic shall undertake to refrain from using force in annexing Kuwait to Iraq.

- that any desire expressed by Kuwait for a union or federation with other member-states of the Arab League shall be welcomed, in compliance with the League's Pact.

Second: that Kuwait is welcomed, as member of the Arab League.

- that assistance shall be rendered to Kuwait in order to become member of the United Nations.

Third: that Arab states shall be committed to extend effective assistance to safeguard Kuwait's independence upon its request.

(Report by the Secretary General of the Arab League, September 12, 1961).

Kuwait's admission to the membership of the Arab League and its adherence to the Treaty of Common Defence resulted in the formation of an Arab security force, consisting of the Sudan, Saudi Arabia, Yemen, Jordan and the United Arab Republic, to replace British forces.

Iraq responded by withdrawing from the Arab League and changing Iraq's political map to include Kuwait. Iraqi authorities adopted measures, prohibiting recognition of visas issued by the Government of Kuwait for travelling to Iraq. Furthermore, the Iraqi Ministry of Foreign Affairs announced that Iraq would sever relations with any state recognizing Kuwait's independence, or establishing diplomatic relations therewith. Consequently, all Iraqi diplomatic missions were withdrawn from Arab and foreign capitals receiving Kuwaiti diplomatic missions. The list of boycotted countries began to increase until, eventually, Iraq found itself in a serious state of isolation on both the Arab and international levels.

The only thing, in which Iraq succeeded during this interval, was to postpone Kuwait's admission to the United Nations with Soviet support. The Government of Moscow believed that postponement would help Arab states find a solution to their disputes.

Iraq's request from the United Nations to turn down Kuwait's application for a membership was based on three premises:

- (1) that Kuwait is not and has never been a full-fledged state;

- (2) that from a legal and historical view, Kuwait has always been an integral part of Iraq; and

- (3) that Kuwait, as alleged by the Iraqi Government, is no more than a British colony, which does not qualify it for admission to the United Nations.

In response, the Kuwaiti Government refuted Iraq's historical claims, saying that it had always fought Ottoman ambitions and has never been subject to Ottoman rule. It added that it would adopt the necessary measures to safeguard its safety and preserve its independence.

Although the crisis did not come to an end, except after the downfall of Abdul Karim Qassim on February 8, 1963, its intensity began to ease a few months after its eruption. The only traces left during the remaining period were attempts on behalf of the Iraqi regime to save face, through the issuance of statements which, with time, began to lose their hostile tone.

During the crisis (between June 19, 1961 and February 8, 1963) both the Governments of Iraq and Kuwait released documents in their possession, substantiating their respective views. Several bulletins entitled "The Truth about Kuwait" were published by the Iraqi Ministry of Foreign Affairs. The Kuwaiti Government released a book entitled "The Truth about the Crisis between Kuwait and Iraq". It contained a series of documents and official communications issued by the Iraqi Government itself on various occasions and containing recognition of Kuwait's independence. Strangely enough, some of these documents were signed by Abdul Karim Qassim himself!

In any event, the crisis ended with the downfall of Qassim. The new regime in power hurried to issue comforting statements about Iraqi-Kuwaiti future relationships. On its part, the Kuwaiti Ministry of Foreign Affairs expressed appreciation of the new regime in Iraq.

A few weeks later, on May 7, 1963, Kuwait renewed its application for admission to the United Nations. This time, nothing hindered the approval of its application. Thus Kuwait became the 111th member state in the international organization.

Iraqi-Kuwaiti Relations After 1963:

It may be said that Kuwait emerged from its initial crisis with Iraq enjoying a much stronger international position than ever.

It emerged enjoying membership in the regional organization, the Arab League, in which Iraq was also a member. Iraq was either to accept the new status or withdraw from the organization, though it was a founding member.

Kuwait also emerged from the crisis enjoying membership in the United Nations whose charter prohibits any member state from attacking another member of the organization.

This was followed by a series of practices in Kuwaiti-Iraqi relationships, creating a legal situation, known as the "subsequent conduct", which constitutes an «estoppel by conduct», unchallengeable by Iraq.

Shortly after the overthrow of Abdul Karim Qassim's regime, talks in Baghdad began at the highest level between the prime ministers of the two countries. The outcome was the signing of a document, urging the need for "turning a new leaf in the relations between the two Arab countries, in compliance with the links and relationships binding them". The following points were agreed upon:

(1) The Iraqi Republic shall recognize the independence of the State of Kuwait, and its complete sovereignty over its boundaries that were defined in the letter dated July 21, 1932 by the Prime Minister of Iraq, to which the Ruler of Kuwait concurred, by means of his letter dated August 10, 1932.

(2) Both Governments shall endeavor to strengthen the brotherly ties between the two fraternal countries.

(3) Both Governments shall endeavor to establish cultural, commercial and economic cooperation between their countries.

(4) Towards these ends, diplomatic representation at the ambassadorial level shall immediately be established between both countries.

(Mutually-agreed Minutes between the Iraqi Republic and the State of Kuwait, dated October 10, 1963, Baghdad).

Experience may have taught the Kuwaitis to be on their guard because of Iraq's erratic conduct. This prompted Kuwait to register this agreement with the United Nations and the Arab League, to which no Iraqi objection was raised.

There is no doubt that the series of economic agreements, concluded between both parties in 1963 and 1964, provided the Kuwaiti side with further legal evidence of Iraq's "subsequent conduct" in dealing with Kuwait as an independent entity.

This, however, does not prevent us from putting on record that the Kuwaitis -despite everything- were exercising caution towards Iraq. This is evident in the repeated attempts by Iraq to supply Kuwait with water from Shatt al-Arab. Kuwait evaded accepting lest it should become dependent on Iraq for the supply of this "vital need", and would be put at the mercy of Iraqi whims at all times.

The Problem of Boundaries in Iraqi-Kuwaiti Relationships After 1963:

Iraqi claims for the annexation of Kuwait wore off after 1963 and the border issue forced itself on their mutual relations.

Between 1964 and 1967, talks were conducted between the two Governments for the actual "demarcation" of the border lines. However, in the course of these talks, it was evident that Iraq was not enthusiastic about completing this task, under the pretext that the necessary technical studies were not available, apart from the scarcity of reliable survey maps.

To settle this problem, the Emir of Kuwait visited Baghdad in 1966. In the course of his visit, and agreement was reached to set up a joint technical committee for the demarcation of boundaries between both countries.

Nevertheless, this joint committee was never able to perform its task. In March 1967, Iraq asked the Kuwaiti government's permission for Iraqi surveying teams to enter the border regions so as to carry out their task. Iraq had refused to conduct a joint survey on the grounds that the border line, defined in the Iraqi prime minister's letter and approved by the Ruler of Kuwait in 1932, was not clear.

Iraq, not only hindered the demarcation process of the mutually agreed-upon border lines, but went as far as repeatedly encroaching on these lines.

Among these encroachments was the overrunning of the Kuwaiti Bubiyan Island by Iraqi troops in 1966, in protest against talks conducted between Kuwait and Iran over the division of the continental shelf regions, without Iraq's participation.

Encroachments also included the overrunning of a group of bedouins by an Iraqi force in a region located between al-^cAbdaly and Safwan on the common boundaries in April 1967. The spot overrun by Iraqi troops was located in al-Ratqa oilfield in the vicinity of Rumailah oilfield — a region rich in fresh water and oil.

Observers link the arousal of the border issue by Iraq to its constant demand for additional loans from Kuwait. This is substantiated by the fact that following the last Iraqi overrunning in 1967, when Kuwait extended a large loan to finance the electrification project of Samaraa Dam, Iraq changed its attitude. A joint communique was issued, regarding the talks conducted by the technical committee, entrusted with the settlement of the border issue. It stated that both parties have agreed to conduct a comprehensive survey of the Kuwaiti-Iraqi borders.

Apparently, the Iraqi Government was not prepared to abandon using the border issue as a bait, whenever it needed more loans. This was again evident when Kuwait declined to extend a loan to Iraq by the end of 1972. Consequently, a new Iraqi overrunning followed in March 1973, when two border posts in the North-Eastern corner of Kuwait were attacked. One was in al-Samta. Iraqi troops penetrated three miles within the Kuwaiti territories.

This crisis coincided with Iraqi plans to establish a naval base, with the aid of the Soviet Union. This was when the need arose for a port overlooking the Gulf, thus resulting in the foregoing incident.

The point of view advanced by the Iraqi side was that access to the Iraqi port of Um Qasr would require transiting Kuwaiti territories at al-Samta. All that Iraq did was simply making preparations for the defence of Um Qasr port. The latter was to become a Kuwaiti as well as an Iraqi port. Thus, there was no need for all the fuss raised by the Kuwaitis.

A proposal by the Iraqi Government, requiring both Governments to withdraw their force to a distance of 10 kilometres behind the disputed boundaries, was turned down by the Kuwaiti Government. Kuwait appealed to the Arab League to ensure immediate withdrawal of Iraqi forces beyond the border line, where Arab League Security Forces were stationed in 1961.

As a result of Arab mediation, the Iraqi Government expressed readiness to send a delegation to Kuwait for the settlement of the border issue. The Iraqi Government also promised to withdraw from the locations it had occupied in al-Samta. It actually fulfilled its promise after obtaining a large Kuwaiti loan!

However, the talks resulted in no tangible progress. Kuwait rejected an offer to grant Iraq the right to establish, build and maintain one or more pipelines across Kuwaiti borders up to the deep waters of Bubiyan Island which belonged to Kuwait. The Kuwaitis were well aware that if this offer was accepted and the project completed, Bubiyan Island and the nearby Warbah Island would soon become Iraqi islands.

In 1973, the Iraqi Government disclosed its true intentions. It expressed readiness to demarcate the borders with Kuwait in return for both Islands. This was rejected by the Kuwaiti Government.

Iraq renewed its claims in the same direction, following the conclusion of the Algeria Agreement with Iran in 1975, whereby Iraq ceded the disputed areas in Shatt al-Arab to Iran. This time Iraq demanded that Kuwait settle the bill of the Algeria Agreement, through renting one half of Bubiyan Island for a term of 99 years to Iraq and ceding Warbah Island thereto. However, the Iraqi demand was rejected by Kuwait which insisted on exercising sovereignty over both Islands.

With the kindled situation throughout the Gulf in the wake of the Iraq-Iran war, which lasted for eight years (1980-1988), the border issue between Kuwait and Iraq subsided. The war duration witnessed all kinds of Kuwaiti support to the Iraqi side.

The important thing is that over the extended period, since 1963 until the outbreak of the Iraq-Iran war, Baghdad's claims were confined to the border issue. No historical or non-historical rights in Kuwait were claimed. In the light of this fact, let aside Kuwait's favourable attitude in supporting Iraq during the 8-year war, it was inconceivable that the relations between both countries would undergo such tragic developments to the extent of overrunning Kuwaiti territory by Iraq.

CHAPTER THREE
INTERNATIONAL LAW
VIS-A-VIS THE IRAQI AGGRESSION AGAINST
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Iraq's aggression against Kuwait was associated with Iraqi allegations, to the effect that Iraq had historical title to the territory of the State of Kuwait, the latter being no more than part of Iraqi territory, since Kuwait was treated under the Ottoman State as part of Iraq. This tone, which rose since the Iraqi invasion of Kuwait, was not entirely new. During the days of King Ghazi in 1938, and later during the days of General Abdul Karim Qassim in 1961, the same slogan was heralded by Iraq, in an attempt to hinder Kuwait's independence as a state, and to obstruct its entrance into the arena of the international community, as a full-fledged sovereign state. Past attempts by Iraq came to no avail, in view of the fact that they were based upon sheer allegations, contrary to historical, geographical, political and human facts and contrary to international principles. Current attempts, which are mere repetitions of previous ones, must inevitably receive the same fate. Iraqi attempts in the past neither prevented the State of Kuwait from appearing on the stage of international life and acquiring membership in international and regional organizations, primarily the League of Arab States, nor did Iraqi allegations and claims prevent Kuwait from occupying a prominent international position, especially in economic fields. Present Iraqi attempts are doomed, not only because they are a fallacy, but also because the subsequent conduct of the State and Government of Iraq over approximately thirty years, since Kuwait's independence and till this day, has consistently been incompatible with such allegations. Such conduct has confirmed that the State of Kuwait is independent, discrete and enjoys the characteristics of an international legal personality, that cannot be undermined. Hence, the Iraqi aggression against Kuwait, while constituting a flagrant violation of the contemporary international law -which prohibits the use of force in international relations and which is founded on the principle of respecting territorial security and political independence of States- is equally an outrageous infringement on Arab legitimacy and both Arab and Islamic traditions and values.

According to Iraqi claims, Kuwait belonged to the Ottoman Vilayet of Basra. Since Basra is part of the modern State of Iraq, created by the British in 1920, therefore Kuwait must be part of the State of Iraq. These allegations further purport that British colonization created the State of Kuwait and that the British stripped Kuwait from the Vilayet of Basra, i.e. the State of Iraq in 1920. Consequently, Kuwait must revert to Iraq. Last but not least, following its invasion and occupation of the territory of the State of Kuwait since the second of August 1990, Iraq has faced the world with a new claim, in which it contends that Kuwaiti wealth is part of the Arab nation's wealth. It needs to be re-distributed in a manner ensuring justice, in order to alleviate the sufferings of Arab people ridden with poverty and backwardness.

As these Iraqi allegations were null and void, no wonder the entire world forcefully condemned the aggression and international and regional organizations were categorical in their condemnation. Likewise, the world community rushed to assist the threatened Kuwaiti and Arab States in defending their territories and safeguarding their rights of individual and collective self-defence. These rights are enshrined in Article 51 of the Charter of the United Nations and also in Article 2 of the Agreement of Common Defence and Economic Cooperation among the Member States of the Arab League, concluded on April 13, 1950.

If we wish to examine Iraqi allegations legally and to put the claim of re-distributing Arab wealth under the microscope of international law, in order to discern the truth -where no truth exists- and also in order to understand the real causes behind this steadfast position, adopted by the international community in confronting the Iraqi aggression, we need to review the following issues in succession:

- (1) Kuwait's international status; Statehood and boundaries.
- (2) Iraq's recognition of Kuwait as an independent sovereign State;
- (3) Kuwaiti people's right to self-determination;
- (4) Kuwaiti people's right to their natural wealth within the territory of the State of Kuwait; and
- (5) The attitude of the international community in confronting the Iraqi aggression against Kuwait.

FIRST: KUWAIT'S INTERNATIONAL STATUS; STATEHOOD AND BOUNDARIES;

Elements and General Characteristics of a State:

A State is a legal and political system. It may be defined as a community of both sexes living together and settling permanently in a well-defined specific territory. They swear allegiance to a ruling authority that enjoys sovereignty over the territory and over the individuals in this community. At present, the State is a territorial unity since it is established on a territorial basis. It extends its jurisdiction and control over all individuals and things within the limits of its territory, contrary to the practice in the Middle Ages under feudal regimes, when laws were personal. The fact that the State is established on a territorial basis has given rise to the State's exclusive legislative and judicial competence in its territories, with no other authority sharing therein.

It is universally held that for a given political territorial unit to qualify as a State and become a person of international law and a member of the international community, adhering to the provisions of international law, three fundamental elements must be provided, namely: people, territory and political power exercised over both people and territory, i.e. the government. These three elements have been established in customary international practice, endorsed by international jurisprudence and judiciary and stipulated in some international agreements.

Kuwait's Long Standing Fulfillment of the Substantive Prerequisites of a State:

Kuwait, as a modern State, obtained its independence in 1961, won recognition by states of the world and acquired membership of international and regional organizations, side by side with Iraq. The latter was among the states which extended recognition to Kuwait, exchanged diplomatic and consular relations therewith and concluded numerous international agreements with it. This *per se* suffices to refute Iraqi claims, that Kuwait was part of the Ottoman Vilayet of Basra, which came to be part of Iraq and, *ipso facto*, Kuwait must revert to Iraq. Examination of historical, geographical and political facts about Kuwait⁽¹⁾, within the perspective of the concept of State in public international law, reveals decisively that Iraqi allegations are invalid, contradictory and inconsistent with logic. Objectively speaking, the prerequisites of a State have all been met by Kuwait, ever since its emergence in the first half of the eighteenth century A.D., as is expounded in the historical section of this book.

(1) See preceding chapters.

A review of this section does not show any historical evidence substantiating that Kuwait belonged to Basra. During those days, relations between the Shaikh of Kuwait and the Muttasalim of Basra were friendly. The Shaikhs of Kuwait consistently pursued a policy of fraternity and friendship with the other powers in the region. This friendship, however, never meant or implied any dependence or subjugation.

Examination of the status of Kuwait during this early epoch reveals very clearly that ever since those days, Kuwait has objectively met all the prerequisites of a State. Let us consider the concept of people in international law. It generally means the sum total of individuals who inhabit the territory of a State, where they live and work, irrespective of the origin from which they descend, the language they speak, the religion they advocate or the traditions common among them. They are not required to have in common the coherent social link of a single origin, culture, religion, tradition, or even the desire to have such unity among them, the latter being the bond that distinguishes a nation from the people of a territory. Considering this, we would find that this description applies to the people of Kuwait who are attached to the territory of Kuwait. The people of Kuwait are distinguished in bearing the characteristics of one origin, one religion and a coherent social link, founded on the unity of origin, culture, religion and traditions. No wonder the people of Kuwait are part of the Arab nation, exactly like all other Arab peoples, whose affiliations and attachment to the territories in which they live are not contradictory. In society, man is linked to the family to which he belongs, the clan from which his family branches, a city or district of a city, a governorate to which the city belongs and, lastly, the state of which this governorate is part. No contradictions between such affiliations exist. In addition to all these affiliations, man indeed belongs to a nation and to the human community at large. The same applies to the people of Kuwait. There is no contradiction between the original identity of the people who enjoy their own distinguished identity, traditions, origins and culture, and between their genuine Arab affiliation to the Arab nation which encompasses all other Arab peoples. It should be noted in this respect that international law has now adopted the concept of a territorial community, when defining the people who are entitled to self-determination. This concept will be expounded in a later part of this book.

As regards territory, it is well-known that every state existing in the contemporary international community is in exclusive possession of a piece of the *terra firma* of the globe. This piece is denominated as territory which is the primary element in the existence of a state. No state could conceivably exist in the absence of a territory. Ancient definitions of a state — particularly Greek and Roman ones — made no reference to territory, as a prerequisite in the constitution of a state. A state was conceivably able to move from one territory to another, without the least impairment to its legal personality. The importance of

territory — as a prerequisite in state formation — began to emerge in the Middle Ages. It acquired progressive significance in feudal times, towards the end of the Middle Ages. Kings claimed that their territories were their personal property. Some kind of evolution was then experienced when legal comprehension of the element of territory grew and began to be incorporated in the definition of a state, as constituting one of the state's fundamental elements. This trend henceforth became well-established in prevailing legal writings.

It is worth mentioning in this regard that in Islamic law (the Shari'ah), the concept of territory is very clearly regarded as one of the elements of the state because the main element in classifying the world between *Dār al-Islām* (the abode or territory of Islam) and *Dar al-Harb* (the abode or territory of war) is the territory. *Dār al-Islām* is associated with the sum-total of territories in which provisions of Islamic law are applicable, and where inhabitants enjoy the security provided by Muslims, while *Dār al-Harb*, refers to the sum-total of territories, in which Islamic law is not applicable, and where inhabitants do not enjoy the security provided by Muslims.

Turning to the territory of Kuwait, in the light of the foregoing concept, we find that ever since the *al-ʿUtūb* tribes settled down, the element of territory was present. Kuwaitis became attached to a clearly-defined piece of land, in which they settled down and prevented other people from encroaching upon or impairing it. The territory of Kuwait was a fundamental element in the Kuwaiti entity, according to the concepts prevailing in the eighteenth and nineteenth centuries. In those days, it was not a prerequisite for a territory to be conclusively defined. Much more important still, is the fact that nothing prevented a territory from acting as an element in constituting a distinguished entity — such as a small State, an Emirate, a Shaikhdom or a Vilayet — and remaining at the same time part of a larger entity such as an Empire, a subjugating State or any other denomination. This has been the case in Egypt under Ottoman rule, particularly since the days of Muhammed Ali Pasha.

To sum up, the people of Kuwait have been attached to the same territory of Kuwait known today. Thus, they possess the prerequisites of the concept of a territorial community, i.e. a people attached to a specific territory, according to our contemporary world.

It is an admitted fact that the existence of some people who settle in a given territory does not in itself suffice for the emergence of a state, unless a ruling power is present. This power stands up as the authority which combines the elements of public jurisdiction in the territory, whether vis-à-vis the people or other states. The presence of a government is a basic element in claiming that a state exists with all its constituents. The State, as a legal (juristic) person needs

systems to represent it and express its will, in its capacity as the centre of all authorities. No such will can be embodied or expressed save through such systems that operate under the denomination of a government. A Government within the concept of international law is far greater than within the concept of constitutional law. While the latter considers the Government the State's executive authorities, the former considers it the sum-total of public authorities, politically, and legally organized.

The political authority emerged in its initial form in Kuwait in the eighteenth century, when Sabah ibn Jabir was entrusted by the people of Kuwait with tribal rule, then the family calling itself al-Sabah inherited the rule one generation after another. No doubt, this indicates that the element of government or political authority has been present in the Kuwaiti entity ever since. In other words, Kuwait consisted of a people settling on a specific territory and always having a power or government to which both people and territory submitted. This clearly means that all the prerequisites of a distinguished international entity have been present in Kuwait ever since.

Relations between Kuwait as a Distinguished Entity and the Ottoman Vilayet of Basra:

If today we are definite that Kuwait has been a distinguished entity at the international level, after having met the prerequisites of people, territory and government in the concept of contemporary public international law, and pursuant to the prevailing concept at that time, we should then examine the international status of this Kuwaiti entity: Whether it possessed the qualities of a state ever since, or whether it constituted part of some other distinguished entity, namely the Ottoman Vilayets which were later known as Iraq, particularly the Vilayet of Basra.

In the historical perspective elaborated in the preceding part of this book, Kuwait was proved to have always been part of the Arabian Peninsula and to have always been distinguished from al-Sawad (the black soil of Iraq) and from the Vilayet of Basra. Even conceding to the argument purporting that during a certain historical phase the territory of Kuwait was subordinated to an Ottoman Vilayet or was administratively treated as belonging to the Vilayet of Basra, this, under no circumstances, denies that Kuwait possessed a distinguished entity in the eighteenth and nineteenth centuries and in the first six decades of the current century, before attaining full independence. A question remains: was Kuwait a full-fledged state before independence?

Sovereignty and Independence:

The principle of sovereignty is as old as the concept of State itself. This principle emerged so as to stress the existence and identity of modern European States in the face of dual allegiance to the Pope and to the Emperor. Credit for proposing, establishing and advocating the concept of sovereignty goes to the French Jurist Jean Bodin, as expounded in his 6-volume *De republica*. The concept became very popular in the jurisprudence of both public local and public international law. On its part, German jurisprudence had a leading role in developing the theory of sovereignty, especially in the nineteenth century and in giving it momentum. Some German jurists — F. Jellinck — developed the theory of "jurisdiction of jurisdiction" which means that the State enjoys unlimited and unconditional power in determining all matters falling within its jurisdiction.

The theory of sovereignty encountered sharp criticism since the turn of this century at the hands of social study scholars, such as Dougy and George Sell. Such sharp criticism was perhaps partly at least due — and rightly so — to the historical origin of the theory of sovereignty and the fact that at its emergence it was associated with absolute monarchies and with advocates of absolute dictatorships in different ages. This led scholars of social studies to view it with suspicion and doubt. They believed that its absolute and unrestrictive nature was contrary to submission to law. As a matter of fact, this theory needs to be corrected. Although sovereignty, like freedom, is an absolute and abstract idea, this does not contradict its submission to the provisions of law for organizing and defining its limitations. It is inconceivable that an individual could enjoy his freedom in society in the absence of some law, which specifies the limits between his freedom and that of other people. It is equally inconceivable that states could enjoy their sovereignty in the international community, unless there exist binding international rules, defining the respective limits of the sovereignty of each state, and ensuring peaceful co-existence between the sovereignties, exercised in the international community.

If it is customary in published works on international law and constitutional law to refer to sovereignty as an element of the State, some sections of jurisprudence believe — and rightly so — that sovereignty and its inseparable quality of independence — i.e. independence vis-à-vis other states — are two characteristics of the State's legal personality. Although they are closely connected to a great extent, they are not regarded as elements entering into the constitution of a State. Elements constituting a State are obtained when people, territory and government are present. Thus, any unit possessing these characteristics acquires a legal character, qualifying it to emerge as a sovereign independent state. Sovereignty is the outcome of fulfilling these characteristics rather than an element in the rise of a state. To say that sovereignty is an element of the State is

in fact *petitio principii*. For an entity to be considered as party of international law, enjoying the right to pose as a sovereign power at the level of international relations, it must have already existed as an entity. In its essence, sovereignty is thus a legal status, which public international law confers upon units meeting certain prerequisites, which permit us to say that it has been elevated to the level of a State in the concept of public international law. Thus, it becomes eligible to enjoy the status conferred thereupon by public international law, particularly the principle of sovereignty and equality in sovereignty with other states.

The foregoing point puts our finger on the core of the issue known in traditional international law and is still prevailing under contemporary international law, namely that the entity, which meets the requirements of a State (people, territory and government), does not acquire the quality of sovereignty and independence, except through the legal process of recognition. Once a State-unit is recognized by other states to have met all substantive prerequisites of a State, it becomes eligible to pose at the level of international relations as a full-fledged state, enjoying the capacity of international legal personality, and having sovereignty and independence vis-à-vis other states. The evolution of contemporary international law, concerning the recognition of a new state, is based on the fact that most contemporary theories of jurisprudence view the process of recognition as a process of establishing and revealing the State's legal personality. Thus, it is tantamount to a birth certificate or a diplomatic christening document issued to the state. This view supersedes the view held by traditional jurisprudence to the effect that recognition of a State gives rise to its legal personality.

Before independence, Kuwait was thus a distinguished entity, possessing the substantive characteristics of a State. But the international community of the eighteenth and nineteenth centuries (a community based on discrimination in treatment, characterized with colonial spirit and dominated by strife between major entities, in which European states were preparing themselves to receive territorial spoils or share the estate of Europe's sick man, namely Turkey) did not confer upon it the character of a State. Many other existing Arab states possessed, in turn, distinguished entities but enjoyed no international recognition for different reasons. The international community refused to extend to Kuwait recognition as a full-fledged sovereign state, whether to accommodate Ottoman claims at one stage or to harbour ambitions of proclaiming it a protectorate at another stage.

The foregoing fact does not undermine Kuwait's international status as a distinguished entity, enjoying an international position, even before realizing its independence and before extending recognition to it as an independent State in 1961. Egypt, the Sudan, Iraq, Syria, Lebanon, Southern Yemen, Libya, Tunisia,

Morocco, Algeria and other Arab states have all experienced the same circumstances and endured the same phases. Today, no one can question their quality as independent sovereign states, claim re-establishment of any alien sovereignty thereon, or claim annexation of their territory. This logic is categorically rejected and is contrary to the *esprit de l'époque* and to the principles of public and contemporary international law.

If it is admitted that Kuwait has long enjoyed a distinguished entity, it might be proper to trace the developments of such entity at the level of international relations. One may trace certain historical landmarks of special significance for their legal bearing. First of all, there is the 1899 Protectorate Agreement between Kuwait and Britain. Secondly, there is the 1913 Agreement between Britain and Turkey, which dealt with Kuwait's legal status and defined Kuwait's boundaries. Thirdly and lastly, there is Kuwait's independence in 1961. In each of these stages, Kuwait's international status had specific features and characteristics.

The 1899 Protectorate Agreement from the point of View of International Law:

Without indulging in a controversy over whether or not this agreement was appropriate or necessary, and without dealing with the repercussions resulting therefrom at various levels, the fact derived from the conclusion of this agreement and subsequent ones is that Kuwait was a distinguished entity on its own merits and that it was not part of the Ottoman Vilayets. Concerning the legal value of the Protectorate Agreement at the level of International Law, opinion is known to be divergent in International Jurisprudence. Some say it is a valid international agreement. Others claim that the agreement is categorically null and void for lack of equivalence between its parties and because of the coercion exercised by the protecting state against the entity under its protection. Without favouring either view, the only thing that concerns us is to emphasize that such agreements — irrespective of views about their legal merits — can be held to prove Kuwait's identity as a distinguished entity, even if the Ottoman State attempted, persistently and by all possible means and methods, to place Kuwait under its cloak, whether formally or nominally.

The 1913 Agreement between Britain and Turkey:

The prominent status accorded to Kuwait in the articles of this agreement reflects Kuwait's significant position for both parties. The contracting parties acknowledged that Kuwait constituted a Province, enjoying autonomy within the

framework of the Ottoman Empire. The agreement provided that the Shaikh of Kuwait may fly the Ottoman flag, with the right to add the word "Kuwait" to one of its corners. Kuwait's boundaries were defined in the agreement⁽¹⁾ in the following manner:

«The boundary line begins at the coast near the mouth of Khor al-Zubair in the North-West. It passes exactly south of Um Qasr, Safwan and Jabal Sanam. These localities and wells are, thus, left to the Vilayet of Basra. On reaching al-Batin, the line follows the range up to the South-West, leaving the wells of al-Safa, al-Hira, al-Hiba, al-Warbah and Anta until it reaches the sea near Jabal Manifa. This line is marked in green on the map appended to this agreement».

It is worth mentioning that the 1913 agreement divides the territory of Kuwait into two sectors: the first is the sector of Kuwait City, in which the Shaikh of Kuwait exercises administrative autonomy. As regards the second sector, all tribes residing therein submit to the Shaikh of Kuwait, who continues to collect tithes as in the past and to discharge administrative duties in his capacity as "Ottoman qā'im-maqām", with no intervention on behalf of the Ottoman State. The latter shall neither station any military garrisons in this sector nor undertake any military action without prior agreement with the British Government.

On the other hand, in this agreement, Turkey acknowledged the validity of all prior agreements, concluded between the Shaikh of Kuwait and Britain, and pledged to respect them.

Legal Merits of the 1913 Agreement:

The 1913 Agreement has never entered into effect, because it was never finally signed or duly ratified. Thus, it remains to be devoid of any binding international legal merit. Nevertheless, it reveals and substantiates the following important facts:

(1) The Ottoman State recognizes the distinguished entity of the State of Kuwait, despite the suzerainty claimed thereon. This is demonstrated in Turkey's acquiescence that this entity is eligible to enter into agreements with Britain and is entitled to place Kuwait's name on the Turkish flag which, as mentioned earlier, was regarded as the Islamic flag.

(2) Definition of the boundaries of Kuwait by the agreement is demonstrative of the extent of territories possessed and administered by the Shaikh of Kuwait, constituting the territories of Kuwait's distinguished entity.

(1) See the historical chapter.

(3) Recognition of the administrative independence of the Province of Kuwait by the Ottoman State and admission thereby that rulership shall be successive within the family of al-Sabah, clearly means that the Ottoman State viewed Kuwait as one of the Vilayets over which it exercised suzerainty as was the case with Egypt. It did not view Kuwait as being part of the Vilayet of Basra, otherwise, it would have subjected it to the same status as the Vilayet of Basra, which was under direct Ottoman rule.

(4) This Agreement was drawn and negotiated between the Ottoman State, which claimed suzerainty over Kuwait, and Britain, the State in control of the Protectorate and having actual influence and domination over Kuwait. Although Kuwait was not party to the agreement, the Shaikh of Kuwait was kept *au courant* with its contents, through the British Political Resident in Kuwait. This Agreement, undoubtedly serves as a new proof, that Kuwait had its own distinguished territorial identity.

The Post-World War I Phase Up to Kuwait's Independence:

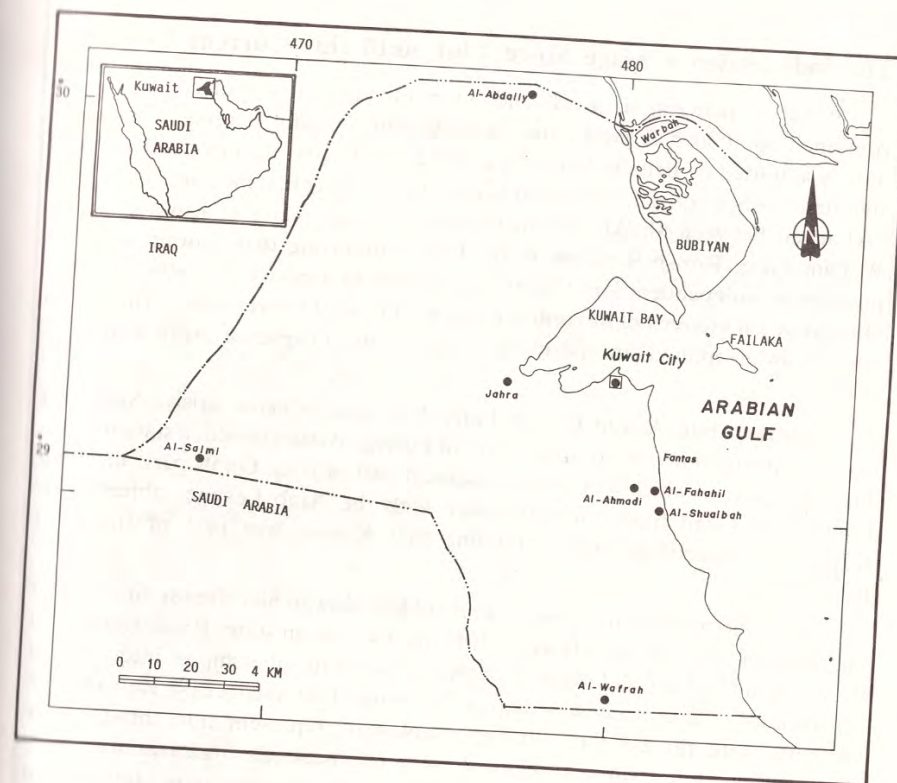
Following World War I, Turkey — under the provisions of the Treaty of Sèvres — renounced all rights in any territory located outside Europe, whose status had not been settled by the Peace Treaty. In 1923, the British Government recognized the boundaries, established between Kuwait and the Kingdom of Iraq, which consisted of the Vilayets of Basra, Baghdad and Mosul. The British High Commissioner for Iraq, acting on behalf of the British Government, officially recognized Kuwait's claimed boundaries, as defined in the 1913 Agreement. In 1932, Iraq concurred to these boundaries in messages exchanged between Iraqi Prime Minister Nuri al-Sa'id and the Ruler of Kuwait, via the British Political Agent in Kuwait. Boundaries were defined as follows: "from the intersection of Wadi al-Ouja with al-Batin to the northern direction of al-Batin, up to a point located exactly south of Safwan. From there the line passes south of Safwan wells, Jabal Sanam and Um Qasr and crosses to Iraq up to the intersection of Khor Zubair with Khour Abdullah routes, where Warbah, Bubiyan, Maskan, Faylaka, Kubbar, Qarn and Umm al-Maradim Islands are to be left to Kuwait".

Ever since, no other agreement has been concluded between Kuwait and Iraq, concerning the point located south of Safwan.

Without indulging into details and events witnessed by Kuwait, the established fact is that the problems in the interval dealt more with boundaries rather than with Kuwait's existence and statehood. Propaganda campaigns during the days of King Ghazi of Iraq or during the days of Rashid 'Ali al-Kilany's Government, which propagated the annexation of Kuwait to Iraq, were occasionally prompted by a desire to undermine the authority of the Shaikh of

Kuwait exercised over his people, to present the Shaikh as being pro-British and to appeal to the nationalist feelings of the people of Kuwait, particularly the young, in order to respond favourably to the call for union with Iraq. These campaigns, however, dwindled without leaving any trace, nor were they taken seriously at the international level. But the Iraqi Government persistently continued to raise the border issue with Kuwait. All problems raised during this interval were confined to the boundaries between the two countries. Following World War II, negotiations were conducted between Iraq and Britain, in order to re-consider the British-Iraqi agreement concluded in 1930. However the new negotiations came to no avail. In 1950, an attempt to demarcate the boundaries between the two countries was made, but the Iraqi Ministry of Defence objected to any demarcation until Kuwait cedes Warbah and Bubiyan Islands to Iraq. The Iraqis demanded that these two Islands be ceded to Iraq, in order that the latter may have full control over the projected port of Um Qasr.

At the beginning of 1955, the Production Manager of Kuwait Oil Company (KOC) expressed great concern over the non-demarcation of the boundaries between Iraq and Kuwait. A KOC team working inside Kuwaiti territories was fired at. KOC stopped any further field work a few miles away from the boundaries, in order to avoid any complications or provocations, especially that Rumailah oilfield of Iraq Petroleum Company was rapidly developing, where the last well, drilled in the oilfield, was only four miles north of the boundaries. When strong indications of oil deposits were discovered on the Kuwaiti side of the boundaries, the desire to settle the border issue between both countries acquired more momentum. In May 1955, Iraq proposed — in the words of Prime Minister Nuri al-Sa'id — that boundary changes be effected, so that the oilfield in Um Qasr could be developed. The Government of Iraq expressed its desire to shift its boundary line for a distance of 4 kilometres in a desert area. It demanded that the Island of Warbah, Khor Abdullah waters and surrounding waters be ceded to Iraq. The Iraqi foreign minister at that time expressed his Government's readiness to relinquish to the State of Kuwait the right to prospect and exploit oil in the ceded territories and surrounding waters. In the event Kuwait agreed to cede these territories to Iraq, the Iraqi government would agree to the demarcation of boundaries. This proposal was indeed tantamount to a renunciation by Iraq of any claim to the annexation of Kuwait. Kuwait was to have access to fresh water from Shatt al-Arab and was permitted to build the relevant facilities and pipelines in the territories of Iraq, in order to draw water to Kuwait.



(Map 4)

Current Political Boundaries of the State of Kuwait

(Source: National Atlas of Kuwait, First Edition, 1988).

This clearly shows that, in the stage following Iraq's emergence after World War I and its subsequent independence in 1930, the Iraqi-Kuwaiti conflict was primarily not over the very existence of Kuwait as an entity, independent of the State of Iraq, but rather over boundaries with this entity, contrary to any present or past Iraqi claims.

The independence Stage Since 1961 until this Current Crisis:

A set of national, regional and international factors and considerations combined to render Kuwait's independence an absolute necessity. This was quietly admitted by Britain. On the morn of June 19, 1961 an announcement was simultaneously made in London and Kuwait to the effect that messages have been exchanged between Shaikh Abdullah Salim al-Sabah, Emir of Kuwait and Sir William Luce, British Resident in the Gulf, purporting that Kuwait has been proclaimed independent and that the agreement of January 23, 1899 had been abrogated, on grounds of its contradiction with Kuwait's sovereignty. Three days later, Kuwait applied for the membership of the League of Arab States.

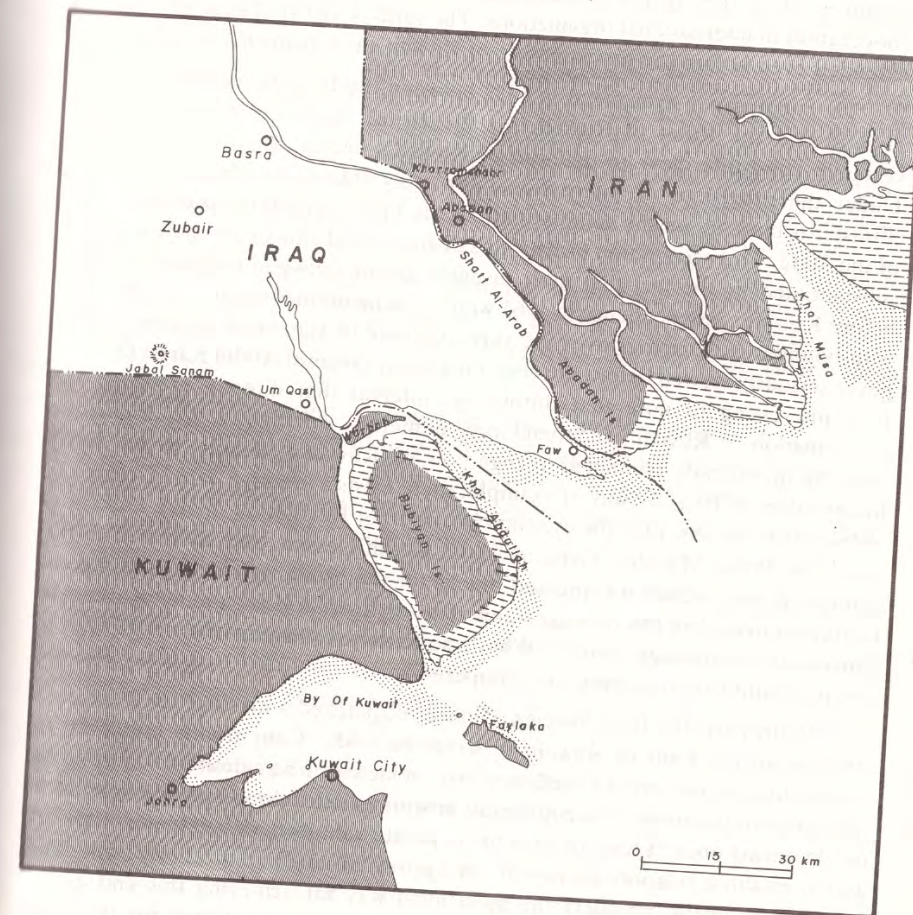
General Abdul Karim Qassim hurried to forge a major crisis. Acting on Qassim's instructions, the Iraqi Ministry of Foreign Affairs issued, a statement on June 26, 1961, in which it considered Kuwait part of Iraq. On its part, the Iraqi Embassy in Cairo filed a memorandum with the Arab League, objecting to Kuwait's independence and reiterating that Kuwait was part of the Iraqi Republic⁽¹⁾.

When the pages of this conflict were folded, Kuwait had already emerged on the arena of international life as a full-fledged sovereign state. It was recognized by states in the East and West alike and acquired membership of international organizations. Iraq itself was among the states that recognized Kuwait as a sovereign state, through the exchange of diplomatic representation, through their joint endeavor in various regional and international organizations, both technically-specialized and political, and through the numerous international agreements that were concluded by both states and innumerable state visits that were exchanged.

SECOND:

IRAQ'S RECOGNITION OF THE STATE OF KUWAIT

Iraq's recognition of Kuwait, as a distinguished entity at the international



(Map 5)

Political Boundaries at the mouth of the Arabian Gulf

Source: (World map 1:500,000 sheets 444A, 444O, 445B, 445C., Published by: The War Office and Air Ministry, London, 1962).

(1) For a detailed account of the 1961-1963 crisis see the historical section.

level, was not confined to its recognition following the crisis forged by General Abdul Karim Qassim in 1961 or to the admission that Kuwait was a sovereign state and to dealing with Kuwait through exchange of diplomatic and consular relations, or to the signing of numerous international agreements and to the cooperation in international organizations. The truth is that Iraq's recognition was extended even before the proclamation of Kuwait's independence in June 1961.

The memoranda exchanged in 1932 between the Iraqi Prime Minister Nuri al-Sa'id and the Ruler of Kuwait, via the British Resident in Kuwait, most certainly constitute clear recognition of Kuwait's distinguished entity by Iraq. Under the provisions of international law, any statement made by a Prime Minister is binding, on the assumption that the Prime Minister expresses the will of the State. This recognition of Kuwait's distinguished entity on behalf of Iraq is substantiated by the fact that most disputes arising between the two countries before Kuwait's independence in 1961 were — as mentioned earlier — concerned with boundaries. Disputes over the very existence or statehood of Kuwait were never seriously viewed before the crisis created by General Abdul Karim Qassim. It is interesting to note that during the interval that directly preceded the proclamation of Kuwait's independence, numerous correspondence originating from Iraqi officials contained recognition of Kuwait's identity as an entity independent of Iraq. By way of example, there exists a message dated October 5, 1958, a few months after the eruption of the Iraqi Revolution in July 1958. It is signed by Prime Minister, General Abdul Karim Qassim, and addressed to the Emir of Kuwait. Qassim expressed thanks for the brotherly emotions and good feelings reflected in the messages and visits of Kuwaiti delegations to Iraq. He concluded the message saying: "What Iraq harbours towards its sister Kuwait is the promotion of fraternity and cooperation".

On his part, the Iraqi Foreign Minister dispatched a message on December 29, 1958 to the Emir of Kuwait, in which he said: "I am greatly honoured to convey to your esteemed Excellency that, in view of Iraq's desire to consolidate the bonds of friendship and collaboration with its sister Arab States, particularly neighbouring ones, it feels obliged to cooperate with its dear neighbour, Kuwait, and to establish relations therewith, on a purely mutual and brotherly basis. The Iraqi Government considers the most ideal way for achieving this end at the present is by opening a consulate or commercial representation for the Iraqi Republic in Kuwait, in order to observe the interests of the Iraqis on the one hand, and to act as liaison between both brotherly countries on the other..."

If the wording of the message is self-explanatory as a conclusive recognition of Kuwait by Iraq, the reader should also bear in mind that the Minister of Foreign Affairs is considered the most important figure in the Government, who expresses the will of the State at the level of international relations. Any pronouncements made by him are binding and irrevocable. This view has been

held by the International Court of Justice in a dispute between Norway and Denmark, regarding sovereignty over Eastern Greenland Islands. The Court ruled that Norway was bound by the verbal statement, made by its Foreign Minister Ohlen, in which he admitted that Denmark had sovereignty over these islands.

If we cannot keep track of the countless documents, emanating from Iraq and confirming its recognition of Kuwait before and after independence, we pause here to examine two letters dispatched by Iraq's Deputy Premier and Minister of Foreign Affairs, Tarek Aziz to Mr. Shazli Glebi, former Secretary-General of the Arab League in July 1990. They were what triggered the current crisis. Both letters were addressed within the context of the Iraqi plans to invade and occupy the territory of Kuwait. One should note that the Iraqi Minister of Foreign Affairs talked several times about the State of Kuwait, the Government of Kuwait and Kuwaiti officials. How then can Iraq dare today to claim that Kuwait is part of it, or that it does not recognize Kuwait as an independent sovereign state?

The core of the dispute between Iraq and Kuwait was under no circumstances over the very existence of Kuwait, as an independent entity and a sovereign state. It was rather a dispute over boundaries or parts thereof. We shall pause to consider a paragraph in Tarek Aziz's first letter to the Secretary-General of the Arab League in July 1990, wherein he said:

"It is well-known that ever since the era of colonialism and territorial divisions forced on the Arab nation, there has been a pending issue between Iraq and Kuwait, concerning the delineation of boundaries... Contacts made during the 1960's and the 1970's until the outbreak of the war between Iraq and Iran have not been successful in reaching a solution between both parties..."

Nothing is more decisively binding on Iraq's behalf than the very words written by its Minister of Foreign Affairs, purporting that the dispute between the two States was over parts of their common boundaries. It is by no means a dispute over the existence of the State of Kuwait as an independent sovereign state. If the Iraqi Minister of Foreign Affairs in his foregoing letter to the former Secretary-General of the Arab League referred to the issue of Arab unity among all Arab countries, does this give Iraq the right to impose Arab unity by sword? What about the right to self-determination enjoyed by the people of Kuwait?

THIRD:

KUWAITI PEOPLE'S RIGHT TO SELFDETERMINATION

The principle of the right to self-determination means that people possess the highest authority in determining their own destiny, without any foreign intervention. This right has internal aspects, dealing with the choice of the appropriate form of government. At the international level, it involves two dimensions: a passive one, which means that such right is neither exchangeable nor alienable without the people's own will, i.e. the people's right to independence. The second dimension is a positive one, which consists of the people's right to separate themselves from the State to which they belong, either for merging or constituting a union with another state, or for forming an independent state.

The principle of self-determination, as a basic right, was called for by philosophers and intellectuals long ago. It was one of the principles propagated by the French Revolution, although it remained a hypothetical political dogma, beyond the scope of public international law up to World War I.

The principle of the right to self-determination remained, for a host of factors, outside the scope of traditional international law. Undoubtedly, the colonial policies pursued by European states were paramount among these factors. From the outset of the era of colonial expansion, European states refused to deal with such territories and their inhabitants on equal basis. They regarded them at a lower level than that enjoyed by Christian peoples and states in Europe. They attempted to conceal their expansionist ambitions behind ideal aims.

Traditional international law was primarily concerned with the problem that emerged from the colonial expansion of European states, consisting in the distribution of discovered or colonizable territories among those states. Its function was confined to regulating the process of acquiring sovereignty over colonies and asserting such sovereignty in favour of colonial powers. At that time, efforts deployed by Governments, and theories advocated by jurisprudence, were all directed towards developing principles and legal systems that were conducive to this purpose. Hence, the right of people to self-determination continued to remain outside the scope of traditional international law.

Although the principle of people's right to self-determination was one of US President Woodrow Wilson's Fourteen Points, declared primarily for the post-World War I world and although Article 22 of the covenant of the League of Nations referred to the colonies and territories «inhabited by people not yet able to stand by themselves under the strenuous conditions of our contemporary world», the Covenant made no provision for the principle of the people's right to self-determination. It merely established a system of mandates for managing the

regions detached from the defeated powers in World War I. Thus, the legal merit of the principle of people's right to self-determination, and the extent to which it could be regarded as a positive principle of international law during the interval between the two World Wars, continued to be shrouded with suspicion and controversy. The prevalent opinion was to regard it as a political principle, whereas some segments of jurisprudence regarded it as an exceptional legal principle, applicable on a most limited scale.

In the United Nations:

The principle of the right to self-determination has acquired great importance since the beginning of World War II and made its way to the Atlantic Charter, declared by US President Franklin D. Roosevelt and British Prime Minister Winston Churchill on August 14, 1941. They declared therein that they were seeking no territorial expansion and that they respect the right of people to choose the governmental system they prefer. This right was also stipulated in all subsequent declarations, particularly the UN Declaration of January 1, 1942 and the Moscow Declaration of 1943. It was unanimously accepted in the Dumbarton Oaks Conference in 1944 and in the Yalta Conference in February 1945. All this paved the way before the principle to occupy a prominent place in the Charter of the United Nations.

With the signing and ratification of the Charter of the United Nations in 1945, the right to self-determination — according to the prevalent opinion in jurisprudence — became one of the positive principles of international law, not merely a political principle. In Article 1 of the United Nations Charter, the principle of the right to self-determination was stipulated. After enumerating the purposes of the UN, the Article provided: "2-To develop friendly relations among nations, based upon respect for the principle of equal rights and self-determination of people, and to adopt other appropriate measures to strengthen universal peace". Likewise, Article 55 stipulated: "With a view to create conditions of stability and well-being, necessary for peaceful and friendly relations among nations, based upon respect for the principle of equal rights and self-determination of people..."

The Concept of the People Who Enjoy the right of Self-determination:

A question arose as to what is meant by the people who have the right to self-determination. Some were of the opinion that the word "nations" occurring at the beginning of Article 1 Paragraph 2 of the UN Charter means States, and

that this particular paragraph does not confer the right to self-determination upon national groups, who exist within territories of member-states. As for the word "peoples", it may have one of two meanings:

(a) The Charter might have meant the major groups, who constitute a people of a state, and who are distinguished from other groups by having common links, such as unity of race, religion, language, customs, etc. Perhaps the Charter wanted to confer upon them the right to self-determination, without explicitly defining the meaning of peoples, or the authority which has competence to specify and define the groups falling under this classification.

(b) The Charter might have meant to refer to all individuals of both sexes, who constitute a people of a state, living on its territory and bound by links of allegiance. In the latter concept, the word "peoples", occurring in Article 1, means the citizens of a state, irrespective of any national links. This interpretation reconciles what is meant by the word "nations" at the beginning of the paragraph and what is meant by the word "peoples". It aims at providing equal rights among sovereign states, who are entitled to enjoy absolute freedom in organizing their internal life.

Controversy recurred while drafting international conventions on human rights over what is meant by the "people", who have the right to self-determination. The problem was resolved by omitting the word "nation" from draft agreements. No reference is made in these agreements to the people's right to self-determination. In Article 1 of the 1966 Two International Covenants on Human Rights, it was stated: "... with reference to the right of people to self-determination".

It may be said today that, under contemporary international law, the concept of "people", who have the right to self-determination, means those individuals living in a territorial conglomeration, bound by a set of common links, whether history, language, traditions or common customs and aspiring to a single destiny and future, as mentioned before.

Animated by this well-defined concept of who possesses the right to self-determination, the UN confronted the remnants of colonial regimes and liquidation of colonies. The General Assembly in particular reiterated its confirmation of the right to self-determination. It underscored the positive legal character of this right on various occasions. This was prominent in its declaration on granting peoples and territories their independence, according to Resolution 1514 of December 14, 1960, which stipulated, *inter alia*, that:

(1) Subjugation of peoples to foreign domination, control or exploitation constitutes denial of basic rights, contradicts the UN Charter and jeopardizes the issue of world peace and cooperation.

(2) All peoples have the right to determine their own destiny. Pursuant to this right, they are free to determine their own political system and to endeavor, under the umbrella of this freedom, to realize their economic, social and cultural development...".

On innumerable occasions, the General Assembly was keen on confirming the principle of people's right to self-determination. One of the most important occasions was its declaration of the international law principles, concerning friendly relations and cooperation among States, pursuant to the UN Charter. This was in Resolution 2625 of November 4, 1970.

(1) Likewise, Article 1 of the International Covenant on Economic, Social and Cultural Rights and Article 1 of the International Covenant on Civil and Political Rights signed in 1966 and entering into force in 1976, contain the same text "that all peoples have the right to self-determination. According to this right, they shall freely determine their political entity and freely pursue their economic, social and cultural development".

(2) For the advancement of their respective aims, all peoples shall be free to dispose of their wealth and natural resources without prejudice to any obligation arising from international economic cooperation. Under no circumstances shall a people be deprived of its own means of subsistence.

(3) All States, party to the present Covenant including those responsible for managing territories, which do not govern themselves or which are under trusteeship, are to work towards realizing the right to self-determination and to respect this right, in conformity with the provisions of the UN Charter.

It may be stated without any exaggeration that the principle of the right to self-determination is today a fundamental principle, upon which the contemporary international organization is founded.

The Iraqi aggression against the State of Kuwait is, undoubtedly, a flagrant violation and infringement upon the right of the Kuwaiti people to self-determination. The Kuwaiti people opted to be independent and established their State in 1961, choosing a system of government at their free discretion. We may even say, without any exaggeration, that the people of Kuwait have determined their own destiny at both the international and internal levels, following the attack against their State, when they rallied around their legitimate Government and clung to their independent sovereign State of free Kuwait and to their legitimate Government. The Kuwaiti Popular Conference held in the city of Jiddah, Saudi Arabia, between 24 and 26 Rabi I, 1411 A.H., corresponding to October 13-15, 1990 A.D., was a spectacular occasion, on which representatives of the Kuwaiti people declared their condemnation of the Iraqi aggression against the State of Kuwait and their adherence to their legitimate Government. In the Conference's concluding statement, the following was heralded:

We, sons and representatives of the people of Kuwait, including all official and popular sectors, categories, organizations and national institutions.

Resolved the following:

(1) We declare, before the whole world, our categorical opposition to the occupation of our homeland, Kuwait by the Iraqi Government's regime. Such an act constitutes a criminal assault against the independent sovereign State of Kuwait, which is member of the Arab League, the United Nations and other international organizations. This attack constitutes a flagrant violation of all international covenants and laws, particularly the Charter of the Arab League and the UN Charter.

(2) We declare, before the whole world, that the claims and allegations, advanced by the Iraqi Government's regime to justify the crime of invading and occupying the independent State of Kuwait, are false and futile. We stress our categorical rejection of these claims and allegations, which are contrary to facts and reality and which are refuted by history....

(4) We declare, before the whole world, that we adhere to the system of government, chosen from the beginning by our people and accepted by successive generations. We stress that the entire people of Kuwait, men and women, elders and youngsters, as well as children, are all standing in one line behind our legitimate leadership, represented in our Emir Shaikh Jabir al-Ahmad al-Sabah and his Crown Prince Shaikh Saad al-Abdullah al-Salem al-Sabah, may Allah protect them...".

Thus, the people of Kuwait, who enjoyed before the Iraqi aggression against their territory and homeland a true democratic life, in which divergent pro-and-con-views were freely expressed, now stood in a single concerted tune, saying No to aggression and Yes to Kuwait's unity, sovereignty, independence and legitimate Government.

FOURTH: KUWAITI PEOPLE'S RIGHT TO THEIR NATURAL WEALTH:

If people have the right to determine their own destiny, as mentioned in the foregoing, this right is not confined to the political aspects, which pertain to independence at the international level and to freedom to choose the form and regime of government at the internal level. It also means that people have the right to determine their own economic conditions. The State's regulation of the economic conditions of its people within its territory is an exercise of its sovereignty, as expounded by the Economic Commission of the League of Nations, in a report dating back to 1937. Reference to the economic dimension of

the people's right to self-determination was made in Resolution 653, adopted by the UN General Assembly on January 12, 1952, as a fundamental element in self-determination.

Ever since the adoption of the two Covenants on Human Rights in 1966 — in which the first article of both established the right to economic self-determination, as mentioned earlier, and the 25th article of the First provided that "nothing in the present Covenant may be so interpreted as to mean hindrance of the inherent right of all peoples to enjoy their wealth and natural resources and to benefit therefrom fully and freely — it became an established belief that the right of every people to exploit their economic wealth is indisputable in the full exercise of their right to self-determination. It is noteworthy that numerous resolutions in this regard have been adopted by the UN, including, for example, Resolution 626, adopted by the UN General Assembly on December 18, 1952, regarding peoples' sovereignty over the resources of their natural wealth. In this resolution, the UN established the right of every people to freely exploit their natural wealth. It recommended international cooperation in the exercise of this right and in refraining from any direct or indirect act, aimed at hindering peoples from exercising their sovereignty over sources of their natural wealth. In its Resolution 1314, adopted on December 12, 1958, the General Assembly stated that the right to self-determination includes permanent sovereignty over sources of natural wealth. A set of major principles was adopted by the UN General Assembly in Resolution 1803, dated December 1961 including, *inter alia* that the exercise by peoples and nations of their permanent sovereignty over sources of their economic wealth should comply with their national interests and should be conducive to a better life for these states. Freedom of states in exercising their sovereignty, in order to provide peoples and nations with the benefits of their wealth resources, must be respected, on the basis of equality between states in sovereignty. Violation of the rights of peoples and nations to their sovereignty over their natural wealth is contrary to the spirit and principles of the UN and runs contrary to the development of international cooperation and maintenance of peace.

To sum up, the sovereignty of every people over the sources of their natural wealth is, by nature, complementary to their right to self-determination. Political independence, both internationally and internally, and economic freedom are two indivisible and interrelated elements. Any infringement upon the right of any people to their natural wealth is an encroachment on the State's sovereignty. This principle was upheld in many international charters and agreements, of which we mention the African Charter of Human and Peoples' Rights. Constitutions of many states were very keen on asserting the right of every people to their natural wealth.

Undoubtedly, the claims propounded by Iraq in the course of its campaign against Kuwait, to the effect that Arab wealth must be re-distributed constitute infringement upon the right of the people of Kuwait in exercising sovereignty over their natural wealth, as stressed by contemporary international law. It is worthwhile mentioning in this regard that Kuwait is foremost among the States which realized the responsibility inherent in the wealth endowed by Allah. It has been allocating part of its wealth as contributions towards the development of its sister Arab and Islamic states and African states. The Kuwait Development Fund has played an undeniable role in this respect, whether in the form of aids or as concessional loans.

FIFTH: THE ATTITUDE OF THE INTERNATIONAL COMMUNITY IN CONFRONTING THE IRAQI AGGRESSION AGAINST THE STATE OF KUWAIT:

In the foregoing, we have reviewed Kuwait's international status and how it joined the international community, as an independent state, enjoying full sovereignty, upon the proclamation of its independence. Thus, it acquired the membership of international and regional organizations and received recognition, extended by the States of the world, including the Republic of Iraq. With the latter, it exchanged diplomatic representation, concluded international agreements and exchanged official visits at the highest level. Furthermore, we have indicated that the independence of the State of Kuwait was a valid exercise of the people of Kuwait's right to self-determination under public international law. We also indicated that this right to self-determination has its economic dimension, which means that the people of Kuwait, alone, have sovereignty over the sources of their natural wealth, with no intervention by any foreign state in this regard... All the foregoing invalidates and refutes any Iraqi claim to historical rights, justifying the annexation of Kuwait to its territory, or any allegations to the effect that such annexation was, indeed, aimed at a fair distribution of Arab wealth. This may explain the categorical and decisive stance, adopted by the international community in confronting the Iraqi aggression from the very beginning. This stance has been embodied in a large number of resolutions adopted by the Security Council and other international and regional organizations. This decisive stance was a logical outcome of all the foregoing considerations and of the fact that the Iraqi aggression constituted a breach of international legitimacy. Over and above, it constituted an infringement upon the rights and sovereignty of the people of Kuwait, apart from its deplorable economic and political effects.

(1) The Iraqi Aggression against Kuwait is an Attack against International Legitimacy:

The aggression against the State of Kuwait constitutes an illegitimate attack against the international public order and, by all standards, constitutes an illegal act from a purely international legal point of view. International law categorically prohibits the use, or even the mere threat to use, force in international relations. Article 2 Paragraph 4 of the Charter of the United Nations provides that "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations".

It is admitted that the principle of prohibiting the threat or use of force in international relations is a universal and comprehensive prohibition, that cannot be disregarded under any circumstances, save in instances of legitimate self-defence and collective security measures, adopted by the Security Council itself, pursuant to Chapter VII of the UN Charter. Apart from these two instances, no excuse may be given to justify aggression.

The principle of threat or use of force has been confirmed in numerous resolutions, adopted by the UN General Assembly. One example is the resolution known as "Declaration of International Law Principles Pertaining to Friendly Relations between States under the UN Charter". This resolution, adopted under No. 2625 on October 24, 1970, reaffirmed that any violation of the principle prohibiting use, contained in Article 2 Paragraph 4 of the Charter, constitutes violation of the international law and the provisions of the Charter. The same resolution stressed that States are committed to refrain from any propaganda promoting wars of aggression, threat or use of power, in order to encroach upon the international boundaries of any State, or as a means of settling international disputes. This includes regional disputes and border issues between States. Another example is Resolution 2734, adopted by the General Assembly on December 16, 1970, known as the Declaration of the "Reinforcement of International Security", which called upon all States to show respect to the purposes and principles of the UN in their international relations, including the principle of refraining from resorting to threat or use of force, as well as settling international disputes by peaceful means.

In defining "aggression", the UN General Assembly stated in Resolution 3314, adopted on December 18, 1974, that aggression means "use of armed force by a State or use of any other means, incompatible with the UN Charter, against the sovereignty, integrity or political independence of another State..." According to this definition, any embarkment on the use of force by a State is a proof of committing an aggressive act, incompatible with the UN Charter. The same definition also purports that if the armed forces of a given State invade the

territory of another State or occupy a part thereof by force and, also, if the armed forces of a State shell targets in another State, whethere by bombs or any other means, this is considered an aggressive act.

The said resolution stressed that no justification, whether of a political, economic, military or any other nature, may be relied upon in exonerating the act of aggression. Any aggressive war gives rise to international liability, in that it constitutes a crime against humanity. Any acquisition or seizure of a territory, resulting from an aggression, constitutes an illegal act.

It was held, much earlier, in the Nuremberg trials held after World War II, by virtue of an agreement between the Allied Powers in 1945, that crimes against peace, such as planning, preparing and waging an aggressive war are regarded as international crimes, giving rise to individual liability against those who took the war decision and those who executed it.

By the same token, the Iraqi aggression against Kuwait is, by all standards, a violation of the provisions of international law and an infringement upon the principles of the UN Charter. It also constitutes a crime against peace.

Likewise, this aggression constitutes a breach of the Arab League Charter and the Charter of the Islamic Conference Organization. On the one hand, Article 5 of the Arab League Charter obliges Member States of the League to refrain from having recourse to force for settling any disputes that may arise among them. These States are to resort to peaceful means, mainly arbitration and mediation. On the other hand, Article 2 of the Islamic Conference Organization provides for a similar stipulation, obliging Member States to refrain from the threat or use of force against the unity, territorial integrity or political independence of any member state.

(2) Adverse Effects of the Iraqi Aggression against Kuwait:

The Iraqi aggression is not only regarded as a violation of international law and charters and an infringement upon the territorial rights of the State of Kuwait, but also as involving an act characterized by arrogance and foolishness at the political level. It had an adverse and destructive impact on the Arab's lofty interests, apart from its adverse impact on the whole world.

At the Arab national level, this irresponsible aggression has inflicted harm upon national interests, that cannot be easily redressed. On the one hand, the aggression weakened the Arab argument in face of Israeli arguments. Arabs have long contended — and rightly so — that acquisition of territory by force is inadmissible. While Arabs were demanding Israeli withdrawal from the occupied territories of Palestine, on the basis of international legitimacy, the whole world

was stunned to see an Arab state invading another state on the grounds of preposterous historical claims. Such claims are very much the same as those advanced by Zionism in Palestine and rejected by the Arabs. It is no exaggeration to say that the Iraqi aggression against Kuwait has put the Arabs in a true political quandary in the face of Israel.

On the other hand, this aggression has also realized inconceivable gains for Israel. This situation has mobilized formidable military forces on nearby Arab territories to face the fierce Arab force of Iraq, in a manner that drains Arab efforts. Israel was represented as peaceful state, in a sea of troubles that threatens its entity. In fact, Israel took advantage of the world's distraction with the Gulf to intensify the wave of Jewish immigration at an unprecedented pace.

On a third hand, the Iraqi aggression against Kuwait was seriously harmful to the Palestine cause. The Palestinian people had gained world-wide sympathy, since the outbreak of the Palestinian uprising movement (Intifādah) and the Palestine Liberation Organization (PLO) had made vital diplomatic strides at world levels. However, the PLO's support to the Iraqi invasion of Kuwait made them lose their credibility before the world. Moreover, the Iraqi aggression resulted in depriving thousands of Palestinians of their jobs in Kuwait, and simultaneously depriving their families in occupied territories of the same. The PLO itself lost an important resource, that used to enable it to withstand Israeli occupation.

With the attention of the world diverted to the developments in Kuwait, away from the occupied territories of Palestine, Israel was able to raise a din in these occupied territories. It sped up its expansion of settlements for newly arriving immigrants, with the aim of changing the demographic structure of the population in these territories.

On a fourth hand, this aggression caused a recession in Arab economy and exhausted Arab resources in defence and armament. Military expenditure is expected to exceed the present volume in the future by manifolds. In addition, the aggression has squandered Arab oil and wealth, with the net result of weakening Arab nationalism in general.

Furthermore, this aggression has sown the seeds of distrust and suspicion between Iraq and neighbouring Arab States to the detriment of Arab nationalism.

From another angle and at a world-wide level, the Iraqi aggression constitutes a violation of the New World Order, in which our present world survives, ever since the establishment of the UN in 1945. The Arab region, which is rated — as a whole — among developing countries, will not escape the adverse economic effects of the aggression.

Thus, the only outcome of the Iraqi aggression against Kuwait was to bring about harmful effects on the Arab Nation and on its fatal issues and economies, apart from the other adverse effects befalling the whole world.

(3) International Efforts Aimed at Deterring Iraqi Aggression against Kuwait:

The brutal Iraqi aggression against the independent State of Kuwait was condemned by all the international community, in decisive and conclusive terms. The Security Council was quick to adopt a number of resolutions, all of which condemned the aggression and enforced international sanctions, in order to secure elimination of the aggression, re-establishment of international peace and security within the region and maintenance of international legitimacy. All this is by virtue of the authorities, enjoyed by the Security Council, according to Chapter VII of the UN Charter, in cases of threat, breach of peace and aggression.

The Council's resolutions intensified gradually. They began with a simple condemnation and affirmation of the illegitimacy of the Iraqi aggression against Kuwait. Then they took a step further, demanding withdrawal of the aggressive forces. Finally, they authorized the use of force and all other appropriate measures, in order to deter this aggression and restore legitimacy. It is well-known that the Council's resolutions, adopted in this regard, by operation of Chapter VII of the Charter, were not mere recommendations. They were compelling resolutions, binding to all member states of the international community.

In its first Resolution 660, immediately adopted after the aggression, on August 2, 1990, the Council condemned the Iraqi invasion of Kuwait and demanded that "Iraq withdraw immediately and unconditionally all its forces to the positions in which they were on August 1, 1990". The Council supported "all efforts exerted in this regard, especially those of the League of Arab States". Iraq and Kuwait were called upon by the Council "to begin immediately intensive negotiations for the resolution of their disputes". This was in operation — as mentioned in the Resolution itself — of Articles 30 and 40 of the Charter, which entitled the Council to take provisional measures to face the situation. Article 39 provides that "the Security Council shall determine the existence of any threat to peace, breach of peace, or act of aggression. It shall make recommendations, or decide what measures to be taken in accordance with Articles 41 and 42, in order to maintain or restore international peace and security". Article 40 provides that "In order to prevent aggravation of the situation, the Security Council may — before making the recommendations or deciding upon the measures provided for

in Article 39 — call upon the parties concerned to adopt such provisional measures that deem necessary or desirable. Such provisional measures shall not breach the rights, claims or positions of the parties concerned. The Security Council shall duly take account of any non-compliance with such provisional measures".

In view of Iraq's failure to comply with the above resolution, Resolution 661 was adopted by the Council on August 6, 1990, in which it declared on behalf of the international community its determination to "terminate the invasion and occupation of Kuwait by Iraq and to restore the sovereignty, independence and territorial integrity of Kuwait". It affirmed therein "the inherent right of individual or collective self-defence, in response to the armed attack by Iraq against Kuwait, according to Article 51 of the Charter". Consequently, the Council decided to enforce the sanction of international economic boycott against Iraq, in order to force it to withdraw from Kuwait, without any bloodshed. It decided that all States should prohibit the following:

- (a) the import of all commodities and products originating in Iraq or Kuwait, exported after the date of the present resolution;
- (b) any activities by their nationals or in their territories, which would promote or could promote the export or trans-shipment of any commodities or products from Iraq or Kuwait, and any transactions by their nationals or by their flag vessels or within their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom, after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for such activities or transactions;
- (c) the sale or supply by their nationals or from their territories or by their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories, but not including supplies intended strictly for medical purposes and foodstuff under humanitarian circumstances, to any person or body in Iraq or Kuwait or to any person or body for business carried in, or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or could promote sale or supply of such commodities or products. (Paragraph 3).

The Council added that it "decides that all States shall not provide the Government of Iraq or any commercial, industrial or public utility project in Iraq or Kuwait, with any funds or any other financial or economic resources, and shall prevent their nationals and any persons within their territories from taking out funds or resources from their territories or otherwise providing that Government or any such project with any funds or resources and from remitting any other funds to persons or bodies within Iraq or Kuwait, except payments exclusively for

strict medical or humanitarian purposes and foodstuffs under humanitarian circumstances". (Paragraph 4).

Out of keenness to ensure a strict economic boycott, the Council's Resolution 661 itself "called upon all states, including non-member states of the United Nations to act strictly in accordance with the provisions of this resolution, regardless of any contract concluded or licence granted before the date of the present resolutions". In the same resolution, the Council established a special committee consisting of all the members of the Council to follow up the implementation of the above Resolution 661, in accordance with article 38 of the provisional statute of the Council.

Iraq subsequently declared its categorically-invalid decision of annexing Kuwait to Iraq on August 8, 1990. The Security Council declared that the international community rejects Iraq's arrogance and insistence on going that far in breaking the law. In an unprecedented phrasing, the Council adopted Resolution 662, which not only denounced this Iraqi measure, but went so far as to call upon the entire international community with all its States and various international organizations not to recognize that illegitimate annexation. It might be appropriate here to record the text of this resolution, because of its significance in upholding Kuwait's independence and legitimate Government. The text of the said resolution runs as follows:

The Security Council,

Recalling its Resolutions 660 (1990) and 661 (1990)

Demanding, once again, that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located in August 1990,

Determined to bring the occupation of Kuwait by Iraq to an end and to restore the sovereignty, independence and territorial integrity of Kuwait,

Determined also to restore the authority of the legitimate Government of Kuwait.

1. Decided that the annexation of Kuwait by Iraq under any form and whatever pretext has no legal validity, and is considered null and void;

2. Calls upon all States, international organizations and specialized agencies not to recognize that annexation, and to refrain from any action or transaction that might be interpreted as an indirect recognition of the annexation;

3. Further demands that Iraq rescind its actions purporting to annexing Kuwait;

4. Decides to keep this item on its agenda and to continue its efforts to put an early end to the occupation".

In affirming the illegitimacy of all measures and actions adopted by the Iraqi authorities ever since the attack against Kuwait, the Security Council adopted Resolution 664 of August 19, 1990, in which it condemned the unjustifiable detention of civilian hostages — who are nationals of many states that are not party to the dispute — regardless of the international law. The Council demanded that Iraq permit these nationals to depart from the territory of Iraq or Kuwait, as the case may be, and that the security or health of these hostages is not to be jeopardized. This resolution reaffirmed the invalidity of Iraq's decision to annex Kuwait.

Economic sanctions against Iraq took a gradual course of intensity, in view of the fact that the aggressor continued to assail Kuwait. On August 25, 1990 the Security Council adopted a further resolution numbered 665, which contained tightened control over vessels that might be engaged in inward and outward shipping to Iraqi ports, in order to ensure the effectiveness of Resolution 661. By its resolution, the Security Council "called upon those Member States cooperating with the Government of Kuwait, which are deploying maritime forces in the area, to use such measures commensurable with the specific circumstances, as may be necessary under the authority of the Security Council, to halt all inward and outward maritime shipping, in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions related to such shipping stipulated in Resolution 661 (1990)".

In all persistence, the Security Council continued to follow up the implementation of its previous resolutions for deterring Iraq's manifest aggression. In its Resolution 666 of December 13, 1990, it insisted upon the implementation of its earlier resolutions, including the resolutions enforcing the economic embargo and demanding the protection of the rights of civilians under occupation, in accordance with the Fourth Geneva Convention.

Nevertheless, Iraq persisted in violating international law, particularly the provisions dealing with diplomatic and consular immunities, enjoyed by foreign diplomatic missions in Kuwait, according to the Vienna Conventions for Diplomatic Relations concluded on April 18, 1961 and for Consular Relations concluded on April 24, 1963. Iraq's violation took the form of a decision, ordering diplomatic and consular missions in Kuwait to close down. Otherwise, members of their staff would be treated as ordinary individuals. In the face of such Iraqi invalid action, the Council demanded that Iraq comply immediately and fully with its Resolutions 660, 662 and 664 of 1990, with the Vienna Conventions for Diplomatic and Consular Relations and with the provisions of international law. Iraq was to protect the safety and premises of diplomatic and consular personnel

in both Kuwait and Iraq and, further, to refrain from any action hindering diplomatic and consular missions in the performance of their functions, including access to their nationals and protection of their person and interests.

In order to tighten the economic embargo against Iraq under Resolution 661, the Council adopted Resolution 669 of December 24, 1990 so as to allow the committee established under Resolution 661 to examine requests for assistance, submitted by States harmed by such embargo, according to the provisions of Article 50 of the Charter, which provides: "if prohibitive or oppressive measures are adopted by the Security Council against a State, any other State, whether Member of the UN or not, which encounters special economic problems, entailed by those measures, is entitled to consult with the Security Council with regard to a solution for those problems".

Along the same lines, the Security Council adopted Resolution 670, to ensure thereby strict and full application of the measures contained in Resolution 661 regarding the economic sanctions against Iraq. The Council called upon all States of the world to extend the economic embargo against Iraq so as to include supplies shipped by air, in addition to supplies shipped by sea or by any other route.

Again, by its Resolution 674 of October 29, 1990, the Council re-affirmed the violation of the Iraqi aggression to the provisions of international law and the Council's obligation to protect the rights of civilian aliens, detained thereby and the necessity to provide them with care and security, as well as food and medical supplies, in compliance with the Fourth Geneva Convention. It affirmed that Iraq is committed to the Vienna Conventions for Diplomatic and Consular Relations, concerning premises and offices of foreign diplomatic missions in Kuwait and in Iraq, and that Iraq must comply with all previous Resolutions of the Council.

Chaotic measures were adopted by Iraq to forcibly change the demographic structure of Kuwait in an unprecedented manner. On December 28, 1990, the Security Council adopted its Resolution 677, which provided that "the Council condemns attempts by Iraq to alter the demographic composition of the population and destroy the civil records maintained by the legitimate Government of Kuwait. It requests the Secretary-General to establish, in cooperation with the legitimate Government of Kuwait, an Order of Rules and Regulations governing access to and use of the said copy of the population register".

Thus, the international community, as represented by the Security Council, lay in wait for all Iraqi measures incompatible with international legitimacy.

But, in the face of Iraq's persistence to challenge international will and insistence on perpetuating the aggression against the State of Kuwait and the legitimacy of its Government, the Security Council adopted its drastic Resolution

678 of November 28, 1990, by which the Council, in operation of its powers vested therein under Chapter VII of the Charter, authorized the use of force to deter the Iraqi aggression and force its withdrawal from Kuwaiti territories. The text of the Resolution (after a Preamble) ran as follows:

"The Security Council,

- (1) **Demands** that Iraq comply fully with Resolution 660 (1990) and all subsequent relevant Resolutions, and decides, while maintaining all its decisions, to allow Iraq one final opportunity, as a pause of goodwill, to do so;
- (2) **Authorizes** Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in Paragraph I above, the foregoing Resolutions, to use all necessary means to uphold and implement Resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area;
- (3) **Requests** all States to provide appropriate support for the actions undertaken in pursuance to Paragraph 2 of the present resolution;...

Thus, the International Security Council went to the extreme in its resolutions with the aim of deterring Iraqi aggression, in an unprecedented manner. The international community in general and the Security Council in particular became convinced of Iraq's stubbornness and non-compliance with the rules of international legitimacy. This was despite the gradation of the Council's resolutions, out of keenness to restore legitimacy without bloodshed. This could have been achieved, had it not been for Iraq's uncompromising attitude and continued assault.

At the Arab level, the Arab League Council immediately held an extraordinary session on August 2, 1990, in which the Iraqi brutal aggression against Kuwait was condemned. A drastic resolution was adopted by the Council, which provided for the following:

- (1) Condemnation of the Iraqi aggression against the State of Kuwait, rejection of any entailed effects and non-recognition of its consequence;
- (2) Deploation of the bloodshed and destruction of establishments;
- (3) Demanding that Iraq withdraw immediately and unconditionally its armed forces to their locations before Muharram 10, 1411 A.H., corresponding to August 1, 1990 A.D.;
- (4) Submitting the matter to their Majesty, Excellency and Highness, the Heads of Arab States, to consider holding an emergency summit meeting for

discussing the aggression, and to find ways for reaching a permanent and mutually-acceptable negotiable solution, inspired by the Arab nation's heritage and by the spirit of fraternity and solidarity, under the guidance of the existing Arab legal system.

- (5) Affirming the Council's staunch insistence upon the sovereignty and territorial integrity of the member states and renewing its keenness on preserving the principles, enshrined in the Arab League Pact, to the effect that force shall not be used in settling any disputes that may rise among member states, that respect shall be accorded to their existing internal systems and that no action shall be initiated with the aim of altering them;
- (6) The Council's categorical rejection of any foreign intervention or attempt of intervention in Arab affairs;
- (7) Mandating the Secretary-General to follow up the implementation of this Resolution and notify the Council of any developments; and
- (8) Considering the Council's Extraordinary Session to be continuously held.

In view of the aggravation of the situation and Iraq's non-compliance with the foregoing resolution, and in view of Iraq's expansion of its aggression in the direction of Saudi boundaries and other neighbouring Arab states, President Mohamed Husni Mubarak of Egypt held an Arab Extraordinary Summit in Cairo. All Arab states responded to Egypt's invitation. On the 19th of Muharram 1411 A.H. corresponding to August 10, 1990 A.D. the Summit adopted a historical resolution, whose text is as follows:

«The Extraordinary Arab Summit, convening on the 19th of Muharram 1411 A.H. corresponding to August 10, 1990 A.D.».

Having seen the statement issued by the 19th Conference of the Ministers of Foreign Affairs of Islamic States and released in Cairo on the 14th of August 1990.

Animated by the UN Charter, particularly Article 2 Paragraph 4 and Articles 25 and 51,

Aware of the grave historical responsibility dictated by the difficult circumstances arising from the Iraqi overrunning of Kuwait and its serious repercussions on the Arab Nation, Arab security and the sublime interests of the Arab Nation,

Resolved the following:

- (1) Endorsement of the resolution adopted by the Arab League Council on August 3, 1990 and the statement released by the Islamic Conference Organization on August 4, 1990.

- (2) Confirming compliance with the Security Council's Resolutions 660 of August 2, 1990, 661 of August 6, 1990 and 662 of August 9, 1990, they being an expression of international legitimacy;

- (3) Condemning the Iraqi aggression against the sister State of Kuwait, and the non-recongnition of Iraq's decision to annex Kuwait thereto or of any other result entailed by the Iraqi aggression against Kuwaiti territories, and demanding an immediate withdrawal of the Iraqi forces to their locations before August 1, 1990;

- (4) Emphasising Kuwait's sovereignty, independence and regional safety, as a Member State in the Arab League and the United Nations, and insisting on restoring the legitimate Government of Kuwait, which existed prior to the Iraqi invasion, and endorsing all steps adopted in order to liberate Kuwaiti territories and achieve its sovereignty;

- (5) Deploing the Iraqi threats to the Arab states of the Gulf, renouncing the concentration of Iraqi forces on the borders of Saudi Arabia and asserting full Arab solidarity with Saudi Arabia and with the Arab states of the Gulf in exercising their legitimate right of defence, pursuant to Article 2 of the Treaty of Common Defence and Economic Cooperation between States of the Arab League, and to Security Council Resolution 661 of August 6, 1990, provided that all these measures cease immediately after the complete withdrawal of Iraqi forces from Kuwait and the restoration of the legitimate authority to Kuwait;

- (6) Responding to the requests of Saudi Arabia and other Arab states of the Gulf to despach Arab forces to support their armed forces in defending their lands and territorial integrity against any foreign aggression;

- (7) The Emergency Arab Summit mandates the Secretary-General of the Arab League to follow up the implementation of this Resolution and to submit a report within fifteen days thereon to the League's Council for taking whatever measures that he deems necessary in this regard".

The Emergency Conference of Arab Ministers of Foreign Affairs, convened between August 30 and 31, 1990, endorsed the above principles and reiterated its demand that Iraq withdraw from Kuwait and restore legitimacy to its territory, Government and people.

On its part, the Islamic Conference Organization had condemned this aggression and demanded full and unconditional withdrawal of Iraqi forces from Kuwait, as set forth in a statement issues by the 19th Conference of Islamic Ministers of Foreign Affairs, released in Cairo on the fourth of August 1990.

Thus, the whole world, with all its international and regional organizations and States, with their different political orientations, adopted one unified steadfast position — perhaps the first of its kind — in the face of the Iraqi

treacherous aggression against Kuwait. The Security Council adopted many successive resolutions providing for the enforcement of progressive sanctions against Iraq, to the extent of authorizing use of armed forces against this state, in order to compel it to submit to international legitimacy and withdraw from Kuwait.

The League of Arab States, in turn, did not remain idle in the face of Iraq's continued aggression and Iraq's orders to its troops to proceed to the borders of Saudi Arabia and other Gulf States. The Arab Summit, in its above quoted resolution, endorsed the measures taken by Saudi Arabia and other states of the Gulf, in order to ensure their territorial security, in accordance with Article 2 of the Treaty of Common Defence and Economic Co-operation and Article 51 of the UN Charter. According to Article 2 of the Treaty of Common Defence and Economic Co-operation, the Arab League Council may take such measures, as it deems necessary, for repelling any aggression befalling a member. Article 51 of the UN Charter provides: "Nothing in the present Charter shall impair the inherent right of individual or collective defence, if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures to maintain international peace and security..."

(4) International Condemnation of Iraqi Violations of Human Rights and International Humanitarian Law in Kuwait:

If the international community was quick at condemning the Iraqi aggression against Kuwait, as expounded in the foregoing, Iraqi violations of human rights in Kuwait and Iraqi authorities' disregard of the rules of international humanitarian law were subject to denunciation and condemnation by world public opinion. From the early hours of the Iraqi invasion of Kuwait and the incoming reports about Iraqi inhuman practices against the peaceful people of Kuwait, wide coverage by world media, whether read, heard or viewed, was given to such practices.

Space here does not permit any detailed account of these practices and violations, which require volumes of black books supplementing the bloody record of those who planned, ordered and carried out the Iraqi aggression against the State of Kuwait. It is a record of shame and disgrace that blemishes Iraq in historical accounts.

Human Rights International Law:

Since ancient ages, controversy over human basic rights never ceased. Philosophers and historians were preoccupied with this question, which became the object of long struggle in pages of history, written not in ink but in blood of

victims, shed in defence of man's right to enjoy a free and decent life, free of oppression and injustice.

Heavenly religions and great philosophical doctrines were unanimous in stressing the essence of human rights and in recognizing man's freedom, dignity and respect. Moreover, all individuals are entitled to equal rights. Islamic Law (Shari'ah) in particular, has had a leading role in this field, since the recognition of basic human rights and the preaching of equality between men were paramount elements in the holy Shari'ah. When the world was suffering under the yoke of evil and endless injustice, the call of Islam shone from the land of Arabia, it being the religion of right and freedom. In a tumultuous cry, Allah's Messenger, blessed is his soul, called for the worship of Allah, the one and only God, who has no partner in sovereignty. Prophet Muhammad (PBBUH) conveyed the genuine Message of the Lord of the Worlds, thus dissipating the long-endured darkness and becoming the hope that guides humanity to righteousness and the deeply-rooted creed, which realizes for man happiness and true humanity, and for the society equality, solidarity and progress.

If space does not permit a comprehensive and detailed review of the attitude of Islamic Law towards the cause of human rights, it suffices to mention that the Shari'ah and Fiqh (Islamic Jurisprudence) have been forerunners in laying the foundations of human rights in times of peace and in times of war alike. Man's lofty position in the universe was proclaimed by the Shari'ah in the divine words:

*«We have honoured the sons
Of Adam; provided them
With transport on land and sea,
Given them for sustenance things
Good and pure; and conferred
On them special favours,
Above a great part
Of Our Creation»*

Surat al-Isra', Verse 7, The Holy Qur'an.

*«Behold! thy Lord said
To the angels: "I am about
To create Man, from sounding clay
From mud moulded into shape;
«When I have fashioned him
(In due proportion) and breathed
Into him of My spirit,
Fall ye down in obeisance
Unto him".*

28

29

*So the angels prostrated themselves,
All of them together:* 30
*Not so Iblis: he refused to be
Among those who prostrated themselves.* 31

Surat al-Hijr, verses 28-31, The Holy Qur'an.

The West has known some documents, which emphasized basic human rights, and which resembled lighthouses amidst the stark darkness that shrouded these rights throughout the Middle Ages. These documents include the "Magna Charta", which was issued in 1225 to record the rights of the people of England vis-à-vis the king, the American Declaration of Independence in 1776 and the **Declaration des Droits de l'Homme et du Citoyen**, issued following the French Revolution.

Nevertheless, the relation between the individual and the State to which he belongs remained completely beyond the framework of public international law until recently. It fell within the absolute jurisdiction of the State, whose sovereignty over the individual was unlimited (save in exceptional cases relative to treaties regulating conditions of minorities and concluded on historical occasions after World War I). This state of affairs remained until the appearance of a trend, which aimed at ensuring a minimum degree of protection for man as a human being, through observance of international law rules, similar to the protection established in some national pacts and in the majority of constitutions of states in the world.

The UN Charter referred to the need for protecting human rights. Then came the Universal Declaration of Human Rights, which was adopted by the UN General Assembly on December 10, 1948, and which constituted a major step in this regard. With the adoption by the UN Assembly of three international documents on human rights on December 16, 1966 namely: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and with the entrance into force of these documents in 1967, the persistent international endeavor in the field of human rights was crowned and human rights international law was established on sound foundations. The ideal principles set forth in the Universal Declaration of Human Rights were incorporated in positive international law, through the codification and elaboration of these principles in these new international documents. Upon their signing and ratification by States, they acquired international legal validity.

If it may be said that these two international covenants are based on the Universal Declaration of Human Rights and contain elaboration and elucidation of the principles embodied therein, yet they have introduced some new principles of which no reference was made in the Universal Declaration of Human Rights,

such as the people's right to determine their own destiny and to enjoy their natural wealth.

On the other hand, it is worth mentioning that regional organizations have expressed great interest in the protection of human rights — much more than the protection guaranteed within the framework of international law. It suffices here to cite the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed by Member-States of the European Council on November 4, 1950, which entered into force in 1953. Many complementary Protocols were appended thereto. We may also cite the African Pact on Human and People's Right and the Islamic Pact on Human Rights, apart from the documents and resolutions adopted by the Helsinki Conference on European Security and Co-operation.

As a matter of fact, principles of human rights have found their way to the realm of positive international law, through a large number of international instruments and agreements, that were signed and ratified by numerous states.

International Humanitarian Law:

It should be noted, from another aspect, that international protection of human rights is not confined to times of peace, but also extends to times of forcible struggles in wars and armed conflicts in general. In this field, great attention was accorded to human rights, so much so that the term "international humanitarian law" is now being used in describing the rules regulating protection of victims of armed conflicts.

From the onset, the law of war was based on an attempt to maintain some kind of equilibrium between humanitarian considerations and considerations of military requirements. During the process of successive attempts to codify war practices and customs, the humanitarian principles achieved marked gradual progress. It suffices here to say that the noble humanitarian drives have underlied the phraseology of a large number of rules, contained in the law of war, particularly the Geneva series of conventions starting with 1864.

In general, the 1949 Geneva Conventions on the Protection of Victims of Armed Hostilities have reflected the great evolution of human rights international law. Also, the Fourth Geneva Convention on the Protection of Civilians in Times of Armed Conflicts is an important step forward. However, the post-World War II experience and the horrors and atrocities witnessed by the world in a torrential flood of international armed hostilities and other hostilities, that lack the international character, have clearly shown many loop-holes in the existing law of armed conquests. It became obvious that the rules contained in this law

were inadequate, as safeguards to human rights. This has been evidenced in many instances of armed conquests and of subjugation to military occupation.

The International Conference on Human Rights held in Teheran in 1968 was a turning point for a series of efforts, exerted by the UN General Assembly and its Secretary-General and the International Red Cross Committee, with the aim of bridging the gap between the international legal system of human rights and the existing law of armed conquests. These efforts depended, in general, upon the fact that the basic human documents, which aimed at ensuring respect for human rights, do not segregate between times of peace and times of war. Study of the respect for human rights in times of armed conflicts acquired in itself a humanitarian character, independent of any political considerations. The interest shown in studying this subject was aimed at realizing the largest degree of protection for the lives and safety of those involved in and directly affected by war operations. The Diplomatic Conference of Geneva for promoting and developing the international humanitarian law, applicable to armed disputes (Geneva 1974-1977), succeeded in adopting two supplementary protocols to the 1949 Geneva Conventions. Their adoption constituted an extremely important impetus towards emphasizing respect for and guarantee of basic human rights in times of armed conflicts. It may be said that the international humanitarian law is now regarded as an extension of human rights international law. If under some exceptional circumstances arising from armed conflicts — whether international or local — human rights international law ceases to apply, the international humanitarian law enters immediately into force.

Iraqi Practices against the Kuwaiti People:

It is next to impossible to enumerate all Iraqi practices against the people of Kuwait, which breach the most elementary principles of human rights international law and international humanitarian law, and which represent a grave transgression of these principles. The Iraqi Republic denied the people of Kuwait their most vital human right, which is considered as the "father" of all human rights. This is the right to self-determination, including its economic dimension, i.e. the right of the people of Kuwait to enjoy their natural wealth. Iraq's invasion of Kuwait, the occupation of its territory and the declaration of a merger with the State of Kuwait is a confiscation of the right to self-determination and a flagrant violation of human rights international law, as enshrined in international documents and agreements. As mentioned earlier, this right has become a universally-accepted principle of public international law.

Furthermore, Iraqi authorities seized Kuwaiti public and private assets in an unprecedented fashion in armed struggles. Property and movables of every kind were seized and moved to Iraq. Numerous public buildings and establishments

were destroyed. Even schools, institutes and public hospitals did not escape the ravages of this aggression.

In dealing with civilians, Iraqi authorities went to such extremes as to revive the memories of World War II and Israeli practices against the Palestinian people. Large numbers of Kuwaiti individuals were killed. Public property and money were looted. Numerous cases of rape and molestation of women were recorded. Peaceful Kuwaiti women, old people and children did not escape the havoc of Iraqi aggression. Matters did not stop at that; Iraqi authorities deliberately attempted to obliterate the characteristic identity of Kuwait, through forcing Kuwaitis to leave their homeland and bringing in other people from outside Kuwait to settle in. These aliens were provided with Kuwaiti identity cards and were granted the Kuwaiti nationality — an act constituting a premediated plan to alter the demographic structure of the State of Kuwait, in violation of Article 49 of the Fourth Geneva Convention. According to Article 85 of the First Protocol appended to the Geneva Conventions signed in 1977, this act constitutes a gross violation of international humanitarian law.

The conduct of Iraqi authorities towards the armed Kuwaiti popular resistance of Iraqi aggression and occupation of the Kuwaiti territory was contrary to international humanitarian law. These authorities refused to recognize the right of the Kuwaiti people, under international humanitarian law, to carry arms in order to militarily resist the Iraqi occupation of their territories. This right is upheld in the 1949 Geneva Conventions and in the First Protocol appended thereto. Iraqi practices against Kuwaiti resistance were characterized by violence and ruthlessness. Members of the resistance were treated as criminals and outlaws, although Iraq was committed to treat them as prisoners of war, once they fell into its hands. This conduct on behalf of the Iraqi authorities is a grave breach of the provisions of the Geneva Conventions and the provisions of the First Protocol appended thereto, according to Article 85 of the latter Protocol. To qualify a violation as constituting a grave breach of international humanitarian law only means that it is held as a war crime.

Iraqi authorities perpetually breached the human rights international law and international humanitarian law. It went as far as preventing the International Red Cross Committee from delegating representatives to the occupied territory of the State of Kuwait, in order to perform its humanitarian task. This deprived the Kuwaiti people of a safeguard, enshrined in international humanitarian law, in such painful situations.

International Condemnation of Iraqi Practices:

Iraqi practices and the flagrant violations of human rights international law and international humanitarian law induced the overwhelming majority of states to promptly condemn these inhuman practices and to call upon the Iraqi authorities to respect the rights of Kuwaitis. Likewise, regional and international organizations were quick at condemning these practices and violations, and demanded Iraqi authorities to comply with the provisions of human rights international law and international humanitarian law. They held the Iraqi authorities internationally responsible for such violations and liable for the payment of adequate reparations to the State of Kuwait and indemnities to Kuwaiti and other civilians harmed by these practices.

At the conclusion of its extraordinary session held in Cairo between August 30 and 31, 1990, the Arab Council of Ministers of Foreign Affairs adopted a resolution on the status of civilians, resulting from the Iraqi occupation of Kuwaiti territories, in the following text:

“The Arab League Council, convening in Cairo in an extraordinary session on Safar 9 and 10, 1411 A.H., corresponding to August 30 and 31, 1990 A.D.

Recalling Resolution No. 195, adopted by the Extraordinary Arab Summit Conference, in which it condemned the Iraqi aggression against the State of Kuwait and rejected any effects resulting therefrom.

Confirming its Resolution No. 5036 dated August 3, 1990, which condemned the Iraqi aggression against Kuwait, rejected any effects resulting therefrom, declared non-recognition of its consequences and denounced bloodshed and the destruction of establishments,

Citing the Security Council's Resolutions 660, 661, 662, 664 and 665 of 1990, in connection with the present crisis,

Insisting on the need to respect civilians in the Kuwaiti territories under Iraqi occupation, and to safeguard their lives and property and, also, to protect public and private establishments and property, in accordance with the provisions of Islamic Law, which was a forerunner in establishing such protection and, also, according to the Fourth Geneva Convention of 1949 on the Protection of Civilians in Time of War, to the Universal Declaration of Human Rights and to international instruments and conventions on the protection of human rights,

Resolved:

- (1) Denunciation of the acts of the Iraqi authorities in contravening the provisions of international humanitarian law on the treatment of civilians in Kuwaiti territories, who are suffering under the Iraqi military occupation;
- (2) Demanding that the Iraqi authorities provide the maximum degree of protection to all civilians in areas under Iraqi occupation;

- (3) Obliging the Iraqi authorities to provide adequate protection to all public and private establishments and movable and immovable property in the State of Kuwait, and regarding any measure contrary to such respect, null and void;
- (4) Demanding that the Iraqi authorities refrain from any impairment of the demographic composition of Kuwaiti territories, and regarding such act as constituting a grave violation of the provisions of international humanitarian law;
- (5) Holding the Iraqi Republic liable for the harm resulting from the invasion of Kuwait and the practices of Iraqi troops therein, and upholding the legitimate right of the affected Kuwaitis and other nationals of different states in receiving fair indemnities for the harm and loss sustained thereby”.

The Security Council was decisive in condemning Iraqi practices, which constitute infringement on human rights international law and international humanitarian law, in a number of resolutions, adopted on the Gulf crisis. In its Resolution 662, it condemned the Iraqi declaration of annexing Kuwait, as being null and void. In Resolution 664, the Council condemned Iraq's detention of civilian hostages, who are nationals of a number of other states. In Resolution 666, it demanded protection of civilians in the territory of Kuwait under Iraqi occupation, in accordance with the Fourth Geneva Convention. Again in its Resolution 670, the Council condemned the treatment of Kuwaiti nationals, by Iraqi forces, including measures forcing them to leave their own country, and the ill-treatment of persons and property in Kuwait, which is a violation of international law. Resolution 674 was devoted by the Security Council to enumerate the gross Iraqi violations of human rights and international humanitarian law. It reaffirmed, *inter alia*, that the Geneva Convention applied to Kuwait and that Iraq was obliged to fulfil its commitments, as a State party to this Convention. It mentioned, in particular, Iraq's international liability for the grave breaches of the Fourth Geneva Convention, and the liability of persons committing or ordered to commit such grave breaches. It invited various states to gather relevant information, regarding their claims and those of their nationals and corporations. Iraq was to compensate them for the harm sustained, as a result of the Iraqi aggression.

Of particular significance is Security Council Resolution 677 of November 28, 1990, the text of which runs as follows:

«The Security Council,

...**Reiterating its concern** for the suffering caused to individuals in Kuwait as a result of the invasion and occupation of Kuwait by Iraq,

Gravely concerned at the ongoing attempt by Iraq to alter the demographic composition of the population of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait,

Acting under Chapter VII of the Charter of the United Nations,

- 1 - **Condemns** the attempts by Iraq to alter the demographic composition of the population of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait;
- 2 - **Mandates** the Secretary-General to take custody of a copy of the population register of Kuwait, the authenticity of which has been certified by the legitimate Government of Kuwait and which covers the registration of the population up to 1 August 1990.
- 3 - **Requests** the Secretary-General to establish, in co-operation with the legitimate Government of Kuwait, an Order of Rules and Regulations governing access to and use of the said copy of the population register”.

The foregoing recounts how the international community expressed its condemnation and indignation of Iraqi practices against the people of Kuwait. This steadfast stance was in full conformity with the international condemnation of the Iraqi aggression against Kuwait on the second day of August 1990 — a condemnation unanimously expressed by the international community in an unprecedented manner. This was a natural outcome of the serious nature of this aggression, which violated the most elementary principles of international law and all international covenants and pledges.

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CHAPTER FOUR

ECONOMIC EFFECTS OF KUWAIT'S INVASION

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This section is devoted to an analysis of the economic targets and consequences of the Iraqi decision to invade Kuwait. We shall endeavor, in the light of the political economy approach, to discern the cause-and-effect relations between the beginnings of this invasion and its repercussions. This study acquires obvious significance in view of the controversy between the true aims and the erroneous claims behind the decision to invade Kuwait. The importance of this study is further substantiated by the fact that the actual and prospective consequences of the Iraqi invasion seem absolutely contrary to the declared and publicized aims sought from embarking on it. This section's topic will focus on analysing the aims entertained by Iraq alone in the crisis of invasion and to discern the consequences of the crisis on Iraq itself, before any other party.

(1) Claims Pertaining to Boundaries, Security and Finance:

Charges were levelled by Iraq against Kuwait, accusing it of having laid hands on Iraqi oil drawn from the oilfield of Rumailah on their common borders, and of having refused to give Iraq access to a naval outlet on the Gulf, necessitated by economic and strategic considerations. This was when Kuwait refused to rent or sell Warbah and Bubiyan Islands to Iraq. In addition, Kuwait demanded that Iraq repay the debts owed to Kuwait, represented in interest-free loans, extended during the Iraq-Iran war.

Kuwait, as alleged by Iraq, had "stolen...oil from the Iraqi oilfield of Rumailah worth US\$ 2400 million. On its part, Kuwait confirmed that it had extracted "oil from the Kuwaiti oilfield of al-Ratqah in legitimate exploitation of its national wealth". (See the memorandum by Iraqi Foreign Minister Tarek Aziz to the Secretary-General of the Arab League dated July 15, 1990 and, also, the responding memorandum by the Government of Kuwait dated July 18, 1990).

It should be put on record that Kuwait did extend economic and non-economic support to Iraq during its war with Iran. This was acknowledged by the Iraqi regime itself before any other party.

Debts owed to Kuwait by Iraq are estimated to be US\$ 15 billion. Until Iraq embarked on its invasion, Kuwait never claimed repayment of these debts. Also Iraq made no reference in any of its public pronouncements to such a claim. In addition to these debts, US\$ 30 billion were due from Iraq to other Arabian Gulf states.

To start with, we emphasize that the Iraqi regime's invasion of Kuwait cannot be explained merely in terms of realizing Iraqi desire to secure its "boundary, security or financial" claims, as expounded in Iraqi public pronouncements before the invasion, and as listed in the set of accusations. Even if we suppose the "credibility" of these charges and the "legitimacy" of these claims, they could have been ironed out through a settlement, "acceptable" to Iraq. Undoubtedly, Iraq possessed further means of pressure and bargaining than were at the disposal of Kuwait. Without expounding on the "defence" advanced by Kuwait to refute these accusations and charges, or the defence advanced before the aggression, in which Kuwait challenged the credibility and legitimacy of Iraq's claims and allegations, we stress that international and Arab legitimacy were the proper and acceptable framework for concluding a treaty on the final demarcation of boundaries between the two countries, and on regulating the exploitation of oilfields on their common boundaries.

It is vital in this connection to emphasize two matters:

First: the undeniable responsibility of the Iraqi regime for waging the Iraq-Iran war, upon rejecting an agreement, which seemed unjust to Iraq. The agreement in question was concluded by the same Iraqi regime in 1975, under which Iraq alienated "Arab rights". However, throughout the years of its war with Iran, it was stressing these same rights. In the wake of the crisis erupted by Iraq's invasion of Kuwait, Iraq went back on its previous position and declared adherence to the same agreement it had renounced. Thus it proved once more that its claim was void of any credibility. Such conduct further proved that the immense Iraqi and Arab sacrifices made towards the protection of right and security were to no avail. At any rate, the invasion of Kuwait proves that ambitions of regional hegemony were entertained, not only by Iran, but also by the Iraqi regime. It also shows that regional sources of the threat to Arab national security were not confined to states in the territorial neighbourhood of the Arabs, but these sources included as well Arab centres of power that sought hegemony.

Secondly: With its crime of invading Kuwait, Iraq has waived the legitimacy of its claim for the forgiveness of Kuwaiti and other due debts. This invasion and the ensuing immense losses for Kuwait, as well as other Gulf and non-Gulf Arab countries, burdens Iraq with the obligation to settle the invoices of such losses. This might double its debts. As a matter of fact, it becomes imperative for Arab Gulf States, that are economically vulnerable, to bargain for economic support in return for security support, under the principle of mutual interests, in order to withstand the Iraqi aggression. In calculating Iraqi losses, we may add here the loss of its bet on an Iranian alliance with the Iraqi regime, in return for the latter's

acquiescence to all Iranian claims. At any rate, Arab national security considerations conform with the trend of conducting peaceful and cooperative relations with Iran and other states territorially-contiguous to the Arab Nation. If this target is achieved, the Iraqi rationale of blackmailing Arab states for securing more economic support would collapse, because Iraq, not only ignored Arab national security priorities, but also disregarded such security, by invading Kuwait and threatening the Gulf.

Iraqi "boundary" ambitions are much further than the location of Rumailah oilfield. Iraq's "territorial" ambitions are much more than simply obtaining access to the Gulf. Iraq's "financial" aims are much more than a mere forgiveness of debts. If we read once again the list of Iraqi charges, with the aim of discerning Iraq's objectives from the invasion of Kuwait, we pinpoint two basic aims, namely:

First: the attempt to annex Kuwait became a more pressing aim, with the discovery and exportation of oil. Hence the desire to control Kuwait with all its oil and wealth became more urging. It suffices to mention that Kuwait's actual oil reserves exceed 97 billion barrels, which accounts for almost 10% of the world reserve. In addition, overseas investments by Kuwait generate proceeds, which are almost equal to its proceeds from oil exports. (BP Statistical Review of World Energy, 1990).

As regards Kuwait's overseas investments, we may note the following facts:

First: The relative weakness of the absorptive capacity within the Kuwaiti economy, coupled with a momentous increase in proceeds of oil exports, during years of oil boom, have led to a huge Kuwaiti petro-dollar surplus. According to the cumulative surplus indicator in the balance of trade of foreign assets, Kuwait's cumulative financial surplus between 1974 and 1982 was US\$ 80.6 billion or 23.8% of the surplus in OPEC member countries. **Kuwait has been pioneer in the field of rationalizing surplus utilization. More than two decades before the first "oil shock" in 1973-1974, the "Kuwaiti Investment Bureau" was established in London, with the aim of rationalizing management of overseas investment of surplus generated from oil exports.** In 1982, proceeds from these investments accounted for 78.6% of the proceeds from oil and gas exports. In 1982, foreign assets owned by Kuwait were estimated to be US\$ 87 billion, of which US\$ 64 billion were State-owned. Kuwait was also pioneer in opening new overseas fields of investment, such as taking the lead in purchasing Japanese securities, and investing directly in oil-related activities in the United States, in order to diversify sources of income. Later, other States followed suit.

It should be noted that the production ceiling, adopted by Kuwait in 1972, never exceeded 40% of its oil production capacity. Kuwait considered the fact that overseas investments — as substitute to oil proceeds — must exceed the proceeds of its stock oil. In 1976 a decision was adopted for the establishment of a Fund for Future Generations. By law, it was fed by 10% of the annual oil proceeds. The Fund's assets and interest are not to be touched before the year 2001.

With the addition of the balance of trade surplus between 1983 and 1988, Kuwait's surplus amounts to some US\$ 95.2 billion (calculated from: The Unified Arab Economic Report, 1990, Statistical Supplements, Supplement 5/6, p. 364).

If we add to the surplus about US\$ 10 billion, for the year 1989 up to the day of invasion (August 2, 1990), the accumulated surplus would nearly amount to US\$ 105 billion.

In our opinion, the Iraqi decision to invade Kuwait was, in terms of time, a matter of calculating its ability to act and to counter the world and regional reaction. In terms of target, the aim sought from the aggression ranged between usurpation of the State of Kuwait and subjugation of Kuwaiti will. The pretext used in camouflaging Iraqi ambitions, to transfer Kuwait into a governorate within the boundaries of Iraq, consisted in claims to restore Iraqi historic rights and to abolish artificial colonial boundary lines. If the annexation of Kuwait was the maximum aim sought by Iraq, then expansion at the expense of Kuwaiti territory was the minimum aim. In our opinion, the decision of an armed seizure of Kuwait does not express a loss of patience on behalf of Iraqi leadership, due to Kuwait's alleged evasiveness in settling the disputes between the two countries. To us, this decision expresses Iraq's failure to continue pursuing the stoic attitude, assumed by the Iraqi regime.

In short, the overrunning of Kuwait was a mere step on the road to achieving the ambitions of the Iraqi regime in territorial hegemony. As an overture, it sought the subjugation of the 'weak rings in Iraq's Lebensraum'. Within this context, we can understand Iraq's decision to wage war against Iran, taking advantage of its weakness after the downfall of the Shah's regime. By the same token, we can understand Iraq's decision to invade Kuwait, taking advantage of its ostensible military vulnerability, due to its adherence to peace. In both instances, the obvious aim was to secure Iraqi hegemony over the Gulf Area.

Second: Iraq was seeking to escape the economic dilemma, endured before the invasion of Kuwait. In essence, this was the harvest reaped from its war with Iran. To start with, we may cite Iraq's own estimate of its war expenditure. It amounts to some US\$ 300 billion, of which almost US\$ 100 billion covered purchased military armament. According to the estimates made by the Japanese Institute of Middle East Economies, Iraq's expenditure in its war with Iran amounted to about US\$ 288 billion, besides US\$ 8.2 billion for operation of

facilities. Thus, apart from its adverse effects on the economy of Iraq and other similar developing and petroleum economies during the 1980's, this war has led to a drop in the volume of oil exports from Iraq, from 2.3 million b/d (barrels per day) in 1979 to a minimum of barely 750,000 b/d in 1983. Revenues from oil exports declined from US\$ 26 billion in 1980 to a minimum of barely US\$ 8.4 billion in 1983. Iraqi imports fell from US\$ 21.5 billion in 1982 to a minimum of US\$ 7.1 billion in 1987.

The Iraqi balance of trade surplus, which amounted to US\$ 1.3 billion in 1980, turned into a deficit of some US\$ 15 billion in 1988. In view of this and other factors, Iraqi economy was experiencing negative growth in its GDP, estimated to be 9% per annum between 1978 and 1986. It was experiencing deterioration in both export proceeds and the value of imports, which exceeded 11% per annum during the 1980's. In the early 1980's, Iraq was in possession of a cash reserve of about US\$ 35 billion. In the late 1980's, it became an indebted country, overburdened with heavy foreign debts, estimated to be US\$ 80 billion.

Thus, for Iraq to bargain with withdrawal from Kuwait, in the event of failure to annex it, and to blackmail through threatening to wage an overall war, in the event of failure to proceed with its expansion, seemed a means of exacting financial tributes from Kuwait, Saudi Arabia and other countries, for the benefit of "Iraqi oppressive power". If Iraq received tens of billions of dollars from Kuwait and other countries, just to guard the security of Arabian Gulf states against an indirect threat by Iran, then a direct threat to that security by Iraq, which not only jeopardizes their regimes, but also jeopardizes the very roots of their existence, seemed according to Iraqi calculations, a policy that would compel them to pay even more.

(2) Oil Prices and Exceeding Production Quotas:

Before the invasion, Iraq accused Kuwait of having exceeded the oil production quotas, fixed by the Organization of Petroleum Exporting Countries (OPEC). Iraq accused Kuwait of having pursued a policy of dumping oil on the markets, causing oil prices to fall, and thus inflicting heavy financial losses on Iraq and other Arab oil-exporting countries; in this, Kuwait collaborated with the United Arab Emirates (UAE), in collusion with imperialism.

For a more thorough understanding of the true developments on the oil market before the invasion of Kuwait, we note the following:

First: In the 1970's, oil prices witnessed a spectacular leap, which seemed a precursor for the termination of the era of cheap energy, at the expense of Arab wealth. However, these price leaps were due to liberating the law of supply and demand in oil markets from all restrictions. They were a result of restoring the

right of Arab sovereignty over the exploitation of Arab wealth. This was realized through certain measures, including the liquidation of Arab oil exploitation concessions, usurped by Western oil monopolies, restoring the right of oil price-fixing and doubling export proceeds, in favour of exporting countries. The political prelude to this oil coup consisted in the comprehensive mobilization of military, political, moral and economic elements of Arab power in the October 1973 war, for the sake of protecting Arab rights and interests. The most important feature of this oil coup was reflected in the rise of nominal crude oil prices from US\$ 2.7 per barrel to US\$ 11.2 per barrel, between 1973 and 1974. With the impetus generated by the first ring in this oil coup and with the combined bargaining ability, within the framework of OPEC Organization, the coup's second ring emerged. The greatest achievement here was the leap in crude oil nominal prices from US\$ 18.6 per barrel to US\$ 30.5 per barrel between 1979 and 1980. However, we must not overestimate this second leap in nominal prices. When prices are adjusted on the basis of the index of industrial export prices (1974 US\$ = 100), the actual crude oil prices would, then, have risen from US\$ 15.5 to 17.2 per barrel only, between 1979 and 1980.

It is vital here to emphasize a fact which is overlooked amidst the fuss over the protection and multiplication of Arab oil wealth. This fact is Arab Gulf states' prime interest in their oil wealth, before any other party. These states are, first and foremost, concerned with the realization of this target. Their economic profit from achieving fair oil prices seems obvious. More obvious still is their decisive role in achieving such prices. All this is ascertained from merely reading these countries' indicators of their respective shares in oil revenues, reserves, production and exports.

Second: In the 1980's, oil prices witnessed a sharp decline, which seemed a precursor that the era of cheap energy at the expense of Arab wealth had returned. But the decline was an outcome of interaction between complex elements, which ultimately turned Arab oil from an element of force into an element of weakness amidst the struggle of international wills. As a matter of fact, crude oil nominal prices declined from US\$ 26.5 per barrel to US\$ 13.7 per barrel, between 1985 and 1986. But actual oil prices in both years deteriorated to US\$ 6.7 per barrel, as against US\$ 15.6 per barrel. Industrialized states managed to reduce total costs of their oil imports to less than 1% of their total national income, during the latter half of the 1980's, as against a rate of 2% — 3% between early 1970's and early 1980's.

More important still, is that capitalist industrial states — through collective and individual endeavor — have succeeded in correcting what seemed to be a historical anomaly, i.e. the disproportion between possession of financial ability and lack of industrial capacity among Arab oil-exporting countries on the world market. Industrial states, backed by the elements of overall power at their

disposal, particularly the techno-industrial power, succeeded in turning the oil market into a domain, in which the bargaining power tended to favour consumers and importers at the expense of producers and exporters. Furthermore, oil revenues were recycled in their own favour.

Iraq did not act within the framework of safeguarding Arab national interests and mobilizing the Arab nation's resources in general, and oil resources in particular, for the purpose of realizing an overall Arab development, in which oil states would play an effective role, through sharing in assuming burdens of national development, for the benefit of all Arabs without exception. Nor did it endeavor to rectify the disequilibrium between the Arab nation and the industrialized states, or try to complete the industrialization of Arabs within the framework of integration, based on equal interdependence; nor did it work seriously, in collaboration with sister oil states, for rectifying oil prices and safeguarding Arab wealth. Rather than all this, Iraq called bluntly, on one occasion, for the distribution of Arab wealth between those who have and those who have not. On another occasion, after the eruption of the crisis with Kuwait, Iraq embarked on destroying oil wells and all established industries, an act which could be detrimental to Arab economy! **What seems paradoxically ridiculous is that Iraq, after criticising Kuwait and the UAE for having exceeded the production quotas fixed by OPEC, which resulted in a worldwide drop of oil prices, offered Iraqi oil, free of charge, to needy Third World states, after the economic embargo was enforced thereagainst!**

Third: In the Jiddah meeting of July 10, 1990, which was attended by Arabian Gulf oil-exporting states, Kuwait agreed to cut back its oil production. In that meeting a quota of 1.5 million barrels per day was approved for Kuwait and the UAE. In the subsequent OPEC meeting of July 26, 1990, Kuwait and the UAE declared their adherence to the above-mentioned quotas, which were endorsed in the new agreement for the production quotas of OPEC members.

If it was claimed that Kuwait and the UAE have exceeded their production quotas, fixed by OPEC, it is a well-known and established fact that several other member states of OPEC have exceeded their fixed oil production quotas. For two or more years, Iraq itself exceeded its OPEC-fixed quota, until, finally, OPEC concurred to Iraq's repeated requests for parity with Iran. Furthermore, Iraq abandoned its stiff attitude in demanding higher prices for OPEC oil. During the years of the Iraq-Iran war, it adopted a moderate stance, and conceded to lower oil prices.

There is no doubt that the Iraqi charge of "collusion" with imperialism ignores the economic motives and interests, which explain why production quotas were not respected, even though this was at the expense of lower prices. Here we encounter objective justifications, such as the desire of exporting countries, which

face economic difficulties, to ensure receipt of a certain level of export proceeds, when oil prices drop on international oil markets. Perhaps more important still is to safeguard the interest of exporting states with large oil reserves in reducing prices. This could be for the sake of eliminating new competitors from the oil-producing market, or for obstructing the development of substitute energy sources in industrialized states, which are the principal oil consumers and importers. We may either accept such justifications, or put forward counter justifications. However, we must admit that oil-exporting states have conflicting interests. Such conflicts can only be overcome through a dialogue with OPEC or the Organization of Arab Petroleum Exporting Countries (OAPEC), i.e. within the framework acceptable to these states in order to build the necessary equilibrium of interests among themselves and between all Arab states and oil-importing and consuming states.

Although Kuwait had already begun to cut back its oil production and exports, the most important thing here is that the intervening days between Kuwait's declaration of its commitment to the fixed quota and Iraq's invasion were, definitely, insufficient to prove that it had dishonoured its commitment and had consequently harmed Iraq or any other party. If it is argued that this commitment is attributable to the escalating Iraqi threats, then this argument works against the invasion rather than for it. It only goes to prove that Iraq was capable of achieving its aims, without needing to commit the crime of invasion. Through its aggression, the Iraqi regime has indeed provided Kuwait with strong justifications, inducing OPEC to grant it an increase of its official quota, in order to compensate for the heavy losses inflicted by the Iraqi aggression.

(3) Distribution of Wealth and Developmental Assistance:

In justifying its invasion of Kuwait and its threats to other Arabian Gulf states, Iraq had advanced numerous allegations, all of which centered around the argument that Iraq was aiming at re-distributing Arab wealth on a fair basis, eliminating any discrepancy in wealth distribution. These allegations were repeated by many of those who denounced the invasion of Kuwait. They received some favourable popular response, because of the confusion between right and wrong within such allegations. To start with, two matters have to be emphasized:

First: The oil wealth owned by Arab Gulf states is not subject to any distribution among Arab states. Never and nowhere before did countries and people share their wealth. What actually happens is either an exchange of bounties or a usurpation of wealth by force. No state in our contemporary world offers its wealth, free of charge. It merely extends assistance, invests funds or exchanges goods, with the aim of exchanging benefits and privileges. Arab Gulf

states might accept to share their oil wealth with other states, if the latter accept to share their industrial, agricultural, water and other forms of wealth, for communal benefit and ownership. The economic regimes, which emerged after the primitive practice of communal ownership, did not establish their foundations on such a principle. Even capitalism and socialism knew no re-distribution of wealth. Both ideologies were based on respecting property rights, whether private or collective. However, they knew different mechanisms for the re-distribution of the income generated from the exploitation of natural wealth and from the utilization of productive assets.

Second: The history of the world never knew the practice of "re-distributing incomes" or "sharing loots" on a fair basis by an invading power. In an invasion, the lion's share goes to the leader, while mere fragments are received by the illudioned, deprived and those aspiring to share the spoils. In the long run, when the despot ceases to deceive people by slogans, loss becomes the fate of those who suddenly discover that they have been chasing a mirage of justice, when they imagined that a "just dictator" can administer justice. As a matter of fact, a colonizationist or despot may even usurp the fragments he had given to those looking forward to real justice. If justice is a banner, flown high above the system of human values in contemporary economic regimes, and if it was the basis of re-established capitalism, and if it continues to represent the aim sought by re-established socialism, then its realization, both in form and content, is a matter to be determined by each country and people.

But a thorough examination of the argument, regarding the distribution of wealth and income in the Arab nation, reveals a number of facts:

First: The oil epoch has witnessed an increasing gap in income between oil and non-oil countries of the Arab nation. For example, in the late 1980's the average per capita of GDP in the United Arab Emirates was almost 43 times its equivalent in the Sudan. In the early 1980's, expenditure on social services in Saudi Arabia amounted to about 2.3 times its equivalent in eleven Arab states. No doubt, this gap between wealth and poverty is momentous. But we also notice that **the "injustice" of income distribution appears when comparing income levels between "progressive" oil countries and poor non-oil countries.** For example, the average GDP per capita in Iraq was 16 times its equivalent in Somalia. In the late 1980's, the corresponding per capita in Libya was about 12 times its equivalent in Southern Yemen. In both cases, the gap widens when we take into consideration the indicators in years of oil boom (Unified Arab Economic Report, 1990).

Second: Gulf oil states, particularly Saudi Arabia and Kuwait, have extended unprecedented development assistance to other non-oil Arab states. By way of example, Saudi Arabia and Kuwait alone have contributed almost 50% of the total Arab official development assistance (ODA). Recipient Arab states received

more than 50% of the same total. The significance of these rates becomes obvious, when we note that between 1970 and 1984, Arab ODA accounted for more than 13% of the total world ODAs. The ratio between Arab assistance and GDP, in Arab states extending it, increased from 1.5% in the period between 1970 and 1974 to 6.4% in the period between 1975 and 1979, then to 6.7% in the period between 1980 and 1984. These are manifold the rate of 0.7%, called for by developed states and international organizations and manifold the actual rates, extended by industrialized and socialist states during the same period. Rates of Arab development assistance continued to be much higher, even in years of recession after the oil boom, during the latter half of the 1980's, despite the retraction of its absolute and relative values, with the deterioration of oil prices and revenues. We observe here that Saudi Arabia and Kuwait have contributed almost 89.3% of Arab ODAs through Arab and international multilateral institutions. In the case of Arab institutions, the rate rose to 91.8% between 1984 and 1988.

Third: Iraq's participation in Arab ODAs was limited in size and shortlived. For example, the Iraqi Fund only began its actual activities in 1976, whereas the Kuwaiti Fund, which began operating since 1962, was pioneer among Arab institutions in financing development. The Iraqi Fund was the shortestlived among these institutions, as its financing activities ceased in 1983. Its contributions did not exceed 6.0% of the cumulative total of financing operations of Arab development institutions between 1962 and 1989. By comparison, contributions by the Kuwaiti Fund accounted for 20.5% and those by the Saudi Fund for 19.8% of the said total. Kuwaiti and Saudi contributions to multilateral Arab Funds, especially the Islamic Bank were the largest, accounting for 25% of the same total. Through the end of 1989, Arab states received 56% of the cumulative total of the Bank's financing operations. In addition, Saudi Arabia alone covered 60% of OPEC Fund loans, of which outright grants represented 50%.

Fourth: Loans extended by the Iraqi Fund were most partial, in that they focused on a limited number of recipients among Arab states. During the life of the Iraqi Fund's activities, between 1976 and 1983, Jordan and Northern Yemen received almost two thirds of the loans, extended to Arab states. These two countries were favoured with 61.7% of the total of such loans. If we add Morocco and Mauritania, the rate increases to more than 90% of the said total. The remaining balance was shared between Somalia, Tunisia, Djibouti and Southern Yemen, bringing the number of recipients to only 8 Arab states. By comparison, loans extended by the Kuwaiti Fund to Arab states, between 1962 and 1989, were distributed among 16 states. The largest recipients of loans were Jordan and Tunisia, which accounted for 29% of the total. Adding Egypt and the Sudan, the share of the four first countries amount to 50.6% of the total loans, extended by the Kuwaiti Fund. Seven other Arab states received loans, raging in value

between US\$ 105 and 165 million. **Like the Kuwaiti Fund, the Saudi Fund extended more balanced loans than in the case of the Iraqi Fund, considering the number of recipient countries and size of loans extended.**

In brief, Arab ODAs, most of which was extended by Arab Gulf states, particularly Kuwait and Saudi Arabia, were an important and unprecedented channel for re-distributing income among poor and rich Arab states, if not the only channel in this respect.

(4) Gulf Development Assistance to Arab States:

As related in the foregoing, Arab Gulf states, particularly Kuwait and Saudi Arabia, have contributed enormous development assistance to Arab and other developing states. In order to demonstrate the significance of this assistance, we shall first explain its advantages, in comparison with other ODA programmes. Then, we shall describe the evolution, activities and organization of this assistance, together with the trends of distribution among countries and sectors. In conducting this analysis, we shall focus, on the one hand, on the years of oil boom, before the deterioration of oil revenues and on the other, on the status of Kuwaiti development assistance, with a view to drawing a comparison between Saddam's "fallacy" of exporting oil, free of charge, to developing states and Kuwait's "seriousness" in extending development assistance to these states.

We observe first that Arabian Gulf oil states have extended development assistance of no parallel or substitute among ODAs. This assistance represented the most significant development in the field of co-operation, not only among Arab states themselves, but also between the group of Arab and non-Arab developing states. This assistance was an important tool in alleviating problems of foreign payments, in financing development programmes and in checking the growing disproportionate dependence of developing countries on loans and assistance from industrialized countries.

Furthermore, the ODA provided by Arab Gulf states was — in terms of volumes and conditions — an important source of concessional finance, available to poor Arab and non-Arab recipient countries. This assistance is much more advantageous, whether in comparison with the concessional financing extended by capitalist industrialized states, or that extended by socialist states, at that time.

Second: Institutions extending Gulf development assistance are so diversified, as to cover all forms of development and economic assistance and to reach the various categories of recipient states. Arabian Gulf oil countries have exerted maximum effort in establishing investment financing funds, banks and institutions and in providing credit and balancing payments. Thus, Arab development and financing institutions, in the establishment and operation of which those countries

were forerunners, diversified their activities, in order to extend their assistance at a world-wide level (such as the Islamic Development Bank), at a continental level (such as the African Development Bank), at a regional level (such as the Arab Fund for Economic and Social Development), at a country level (such as Gulf Development Corporation in Egypt), etc. Funds were also set up at various levels: at a country level (the Kuwaiti Fund for Economic Development, the Saudi Fund for Development, etc.), at a continental level (the Arab-African Bank), at the regional level (the Arab Fund for Economic and Social Development) at a world-wide level (OPEC Fund). To the foregoing one may add participation by Arab Gulf countries in the establishment of institutions for financing investment (the Arab Petroleum Investment Corporation), funds for supporting payments (the Arab Monetary Fund), and guarantee and credit institutions (the Arab Corporation for Investment Guarantee). To this we may also add the contributions extended by these countries to world financing and assistance organizations, such as the United Nations agencies (United Nations Development Programme, World Food Programme, Technical Assistance, etc.), the International Monetary Fund (Compensatory Financing Facility), the World Bank group, etc.

Third: The volume of Gulf development assistance was greatly significant, whether in its absolute value, or as to Arab Gulf State's GDP, or as to its relative weight in the total world development assistance. For example, the total ODAs of these Gulf countries accounted for about US\$ 73.2 billion, between 1970 and 1984 and for more than 13% of the total world development assistance, during the same period. Arab Gulf ODAs were four times greater than those of the group of socialist states. Saudi Arabia came second after the United States in contributions towards world development assistance. The absolute value of its assistance in 1980 reached a peak of US\$ 9.4 billion and represented 4.6% of GDP in Arab Gulf States (Members of the Gulf Cooperation Council). In 1975, Arab development assistance, originating primarily from these states, accounted for 4.9% of the GDP of Arab state assistance donors and 9.5% of their oil revenue. Despite the sharp regression in oil prices and revenue in 1986, the assistance accounted for 9.2% of these countries' oil revenue and 3.6% of their GDP.

Fourth: Kuwait, Saudi Arabia and the United Arab Emirates have contributed the major part of Arab development assistance to Arab and non-Arab developing states. Between 1970 and 1988, the above three Arab states extended development assistance of about US\$ 78 billion, representing 90% of the total Arab development assistance. Of this total, Saudi Arabia contributed US\$ 55.6 billion or 64.3%, while Kuwait contributed US\$ 13.5 billion or 15.6% of the total. In 1986, when oil prices and revenue fell to their lowest level, Saudi Arabia's development assistance accounted for 5.2% of Saudi GDP. In the case of Kuwait, it accounted for 3%. Between 1984 and 1988, Kuwaiti development

assistance accounted for more than 3% of Kuwait's GDP in the first three years and did not fall below the required international rate of 0.7% of the GDP, except in 1988. Throughout the period extending from 1970 to 1988, particularly in the latter period itself, **Iraq contributed only about 3.5% of the total Arab development assistance. During the first half of the 1980's, Iraqi development assistance fell to less than 0.7%, declining in 1984 to 0.1%. Thereafter, the rate of assistance turned passive, with Iraq turning into a recipient of development assistance.**

Fifth: Saudi Arabia and Kuwait have contributed to international and multilateral assistance institutions with the largest proportion among Arab donors. Between 1984 and 1988, the years of oil recession, both countries contributed about 90% of the above-mentioned Arab contributions. In the case of Saudi Arabia, it extended US\$ 1773 million, whereas Kuwait extended US\$ 649 million, at the respective rates of 65.5% and 23.8%. Arab multilateral institutions received US\$ 1518 million from the foregoing Arab contributions, or about 56% of the total assistance received by all multilateral institutions. By comparison, Iraqi contribution was less than US\$ 7 million, or 0.3% of the total contributions.

Sixth: The Kuwaiti Fund for Economic Development was the first Arab assistance fund to be established. Until 1973, it was the only donor of the sum total of Arab development assistance. The rest of Arab Funds were established and went into operation in the wake of the oil price leap, as of 1974. By the end of 1989, the Kuwaiti Development Fund had extended about US\$ 5954 million, in terms of development assistance, accounting for approximately 20.5% of the total financing operations of all Arab development institutions, whether country institutions or multilateral. The Saudi Fund came second, having contributed through the same date 19.8% of the above total or some US\$ 5741 million.

Here, we note that Jordan, Tunisia, the Sudan, Morocco, Mauritania and Northern and Southern Yemen have received together about US\$ 2143 million from the Kuwaiti Development Assistance Fund or about 72% of its total loans.

Seventh: Arab state donors of assistance, particularly Arab Gulf states, contributed technical assistance and outright grants to recipient Arab states, which amounted to US\$ 142.8 million, between 1981 and 1988, representing 40.6% of the total technical assistance and grants received by the said Arab states during the same period.

(5) Iraqi Economic Harvest of the Gulf Crisis:

The Iraqi lip service, following the invasion of Kuwait, was reiterating a true argument in a wrong context. On its face value, the call for the utilization of Arab oil revenue in accordance with progress, security and integration requirements in the Arab nation is a sound and true argument. But the wrong context, which exposes the absurdity of the call is exemplified, first and foremost, in Iraq's own conduct of squandering its own oil revenues in such fashions and in such utilization purposes as to produce exactly the contrary of the declared purposes. These revenues were wasted in a war with Iran, which could have been avoided, or whose losses could have been minimized, had the Iraqi regime accepted, earlier, the Iranian terms of peace, to which it later acquiesced. It is known to everybody that the Iraqi move was not intended for the rehabilitation or re-construction of war-devastated establishments, or for financing the huge investment required to face development challenges, foreign threats to security or integration requirements. The fact is that Iraq was contemplating the opening of a new channel for a further squandering of Iraqi oil revenues and for a further drastic destruction of Iraqi economic potential, through embarking on the invasion of Kuwait.

There is no doubt that the crimes of invading Kuwait and the threats to other Arab Gulf countries exemplify the utmost irresponsibility of the Iraqi regime, whether at country or national level, from the point of view of squandering oil revenues, threatening oil wealth and weakening the economic potential of Iraq itself, before any other party. It suffices here to mention the costs of maintaining Iraqi military mobilization and the heavy economic losses, entailed by the international embargo enforced against Iraq, apart from the economic catastrophe resulting from the exposure of Iraqi economic and non-economic potentials to the dangers of a comprehensive war.

In endeavoring to depict the harvest reaped by Iraqi economy from the Gulf crisis, we may highlight three sets of indicators. First, indicators relative to the squandering of Iraqi oil revenues before the crisis, contrary to Iraqi claims that Arab oil revenues are to be utilized in the interest of progress, security and integration in the Arab Nation. Second, indicators relative to Iraq's participation in consecrating the state of economic backwardness, security vulnerability and lack of integration in the Arab nation, which expose the extent of blunders committed by Iraq in its invasion of Kuwait. Third, indicators relative to Iraq's actual and potential losses, with all their disastrous effects on weakening the economic capacity, aggravating security vulnerability and increasing hindrances to integration in the Arab nation.

We observe first: that the major part of Iraqi oil and non-oil revenues has been squandered on defraying the gigantic costs, borne by Iraq's economy during the Iraq-Iran war. If most Arab Gulf and non-Gulf states had backed Iraq during

this war, in defence of Arab national security, this does not absolve the Iraqi regime's responsibility in waging a futile war. This is because, **on the one hand**, relations of Arab regional neighbourhood must necessarily be pursued on the basis of cooperation, peace and balanced interests. **On the other hand**, the socio-economic development, which responds to the people's ambitions in every Arab country, is the only insurmountable barrier in the face of any external attempts at "exporting a revolution". Perhaps this is the most important lesson, which ought to be derived from the capitalist and industrialized states. Through steady economic progress and respect to human rights, such states have been able to establish the requirements for stability. **On a third hand**, the Iraqi treacherous assault on Kuwait has exposed the Iraqi regime, now that its true aims, which were concealed during the years of its war with Iran, have become public knowledge. The aims contemplated by Iraq consisted in hegemony over the Arabs and the region, disregard of human rights in Iraq and Arab countries and control of the wealth and destiny of Arab countries, under "Nazi-like" ideological, nationalist and extremist slogans.

Indicators of Iraq's dissipation of oil revenues, on account of the war with Iran, are multiple. For example, military equipment, purchased in foreign currency and used in the war, according to Iraq's own estimate, amounted to US\$ 102 billion. Iraqi losses due to the suspension and reduction of Iraqi oil exports, warranted by war circumstances, were estimated at US\$ 106 billion. Costs involved in the reconstruction and rehabilitation of devastated establishments and projects during the war were estimated at US\$ 63 billion, apart from the human losses, which can neither be compensated nor estimated in terms of money. To this are added losses of growth slowdown, debt encumbrance and so on.

Second: Iraq's economy in the oil epoch continued to be recessed, vulnerable and dependent. Participation by Iraqi oil revenues in the realization of the aims of progress, security and integration of the Arab nation was poor. There is no doubt that Iraq's economic capacity experienced considerable development in the oil epoch up to the year of the war with Iran. But this did not produce any real progress in Iraqi economy, as evidenced by the fact that manufacturing industry's share in Iraq's GDP did not exceed 11.6% in 1988 against 7.8% in 1978, considering that oil revenues in both years were equal. Despite the relative growth in Iraq's manufacturing industry in the oil epoch, any in-depth analysis warns against overestimating Iraq's industrial accomplishments. For example, in this same indicator, Saudi Arabia has realized a more significant progress. Its manufacturing industry's share in Saudi GDP doubled from 4.5% to 9.0%, during the same two years. The Iraqi manufacturing industry could have registered higher growth, but this was hindered by the decline in the country's total investment, from 22.9% of Iraq's GDP in 1980 to 15.9% of its GDP in 1988. By comparison with South Korea — a newly industrialized country — we notice that

manufacturing industry's share in its GDP was 32.0%. In Japan — an advanced industrialized country — it was 29.0%. In the mid-1980's, the production volume of Iraq's iron and steel did not exceed 13.6% of its consumption. The corresponding value of industrial capital goods did not exceed 22.0%. Imports of manufactured goods exceeded 81%, almost half of them consisted of machinery and equipment, whereas oil accounted for a share of 99.3% in Iraqi exports. Furthermore, the ratio of Iraqi scientists to each one million of the population was one half of the corresponding ration in Egypt. Iraqi expenditure on scientific research was less than the corresponding expenditure in Israel, despite the enormous gap in this domain.

In short, the Iraqi economy continued to deteriorate and oil revenues did not participate in pushing it ahead, in order to keep abreast with the industrial and scientific revolution, considering Iraq's oil and non-oil capacities.

On the other hand, the vulnerability of the Iraqi economy is obvious in the light of Iraq's disproportionate dependence on the outside world industrially and technologically, in the light of the above-mentioned almost complete dependence on inflows in one direction, i.e. the direction of Iraq. These inflows include material, technological know-how and inputs for industrial expansion, apart from inputs required for maintaining the current production itself. We may add here that the commercial vulnerability of the Iraqi economy appears, as well, in the high geographical concentration of its foreign trade. In 1986, 63.5% of Iraq's total imports came from advanced industrialized states. Iraq relied in 51.5% of its exports — mainly oil — on these states. In the 1980's, Iraq's foreign trade declined to its lowest level, due to Iraq's continued exposure — including the sum total of its economic activity — to fluctuations in oil prices and revenues. **From a financial point of view**, Iraq's foreign debts, estimated at the end of the 1980's to run into US\$ 80 billion, renders Iraq the most heavily-indebted country in the Arab nation. Its debts represented almost 58.7% of the debts of all other Arab countries in 1989. **Concerning foodstuff**, Iraqi imports of cereals multiplied more than 5 times between 1974 and 1988, while agricultural imports into Iraq increased by about 37% between 1987 and 1988, against an increase of barely 0.5% in Saudi Arabia during the corresponding period, despite the fact that the area of cultivated land in Iraq is 4.6 times the corresponding area in Saudi Arabia. Iraq relied on imported cereals for meeting 87% of its consumption in 1987.

From a third aspect, Iraq's participation in the development of Arab-Arab economic relations and in laying the foundations of Arab economic integration was limited. For example, Iraqi financial assistance to Arab states was limited and short-lived, as evidenced in the activities of the Iraqi Fund between 1976 and 1983. Iraq's economic and commercial structure was by no means capable of providing a basis for the desired growth in Iraqi-Arab trade. By way of example, we mention that **the loans extended by the Iraqi Fund to Arab states did not exceed**

6.0% of the total loans extended to Arab states by Arab Funds through 1989. As regards Iraqi trade with other Arab countries, this, in turn, was meagre and did not exceed 6.3% of exports and 6.5% of imports in 1986. In addition, assaults against Egyptian expatriate labourers in Iraq immediately after the war with Iran ended, and the restrictions imposed on remittances by Egyptian expatriates to their families, undermined the credibility of Iraqi pretensions about its serious and feasible policy of opening Iraqi doors before the influx of Arab labour.

As a matter of fact, in concealing its preparations for the invasion of Kuwait and its threats to Arab Gulf states behind the facade of the Arab Cooperation Council and, particularly, in neutralizing Egypt or attempting to win it over to the side of Iraqi selfish ambitions, Iraq unveiled the fictitious nature of the so-called Iraqi trend towards developing a basis for Arab territorial and national integration. Within this context, we can understand how the Iraqi leadership manoeuvred, before the outbreak of the Iraq-Iran war, to isolate Egypt from the Arab nation so that Iraq would be the sole leader of the Arabs. Proceeding with its manoeuvres, Iraq subsequently turned to Egypt and championed the endeavors of its return to the Arab family, only for the purpose of a further Iraqi interest. In this and in all other instances, the Iraqi regime was piling up heaps of obstacles in the face of Arab economic integration and was blowing up the foundations of Arab unity, under extremist nationalist Arab slogans.

Third: Iraq has sustained heavy economic losses due to the international economic embargo. It is threatened by a drastic economic catastrophe, as a result of the sweeping war, waged for liberating Kuwait. When the Iraqi regime embarked on the reckless adventure of invading Kuwait and on the desperate terrorism that has led to a comprehensive war, it buried alive Iraq's economic and non-economic potential, and dealt a fatal blow to the aims of progress, security and integration of the Arab nation. It suffices to cite the destruction that befell Iraqi manufacturing industry which, though limited in technology, managed in 1988 to supply some 15.6% of Arab manufacturing output. This is apart from the destruction of Iraqi military capacity, which, by comparison with Israel, possessed at the end of the 1980's 1.4 times the number of its tanks, 5.2 times the number of its guns, about 85% of the number of its fighters, bombers and intercepting aircraft and 76% of the number of its naval units. To this could be added the expected destruction of the Iraqi industrial military base for the manufacture and delivery of mass-destruction weapons. Rather than employing these weapons to put pressure on Israel, with the aim of recovering the rights of the Palestinian people, they were used as a tool for killing Arabs and for Iraq's own suicide.

Under Security Council Resolutions, Iraq is committed to compensate Kuwait and other states, which were directly affected by Iraq's overrunning of

Kuwait. This involves commitments running into tens of billions of dollars, apart from Iraq's commitment to repay its debts to Arab Gulf states, estimated at forty billion dollars, especially that Iraq has forfeited any nationalist or moral basis for seeking forgiveness of these loans and especially that Iraq, not only embarked on threatening Arab national security, but also attempted to dissolve the very entity of Kuwait.

Iraq has not reaped and, indeed, will not reap any benefit from the oil of Kuwait, which fell under its control. Moreover, it did not reap the fruits of its pressure to raise oil prices. Iraq's losses from its oil export embargo through the end of 1989 is estimated — at the pre-invasion price — to exceed US\$ 8 billion. To this we may add the value of its losses in military weaponry, industrial establishments and economic capacities due to the war, which may exceed hundreds of billions of dollars. As regards human losses in Iraq, the horrors committed and the havoc spread by Saddam Hussein's vain glory on those who were unfortunate to be born in the era of the so-called "Knight of the Arabs" are beyond description.

In short, the Iraqi regime reaps from the invasion of Kuwait economic losses that are far beyond the contemplated gains of a war that could have been avoided. Rather than being one of the pivotal centres of regional power, Iraq is being midged, its entity may be shredded and its capacities are being dismantled in the same manner as Nazi Germany, but without possessing the German ability to rebuild its economy. Iraq's oil revenues will continue to be mortgaged for the purpose of repaying its debts and paying the costs of reconstruction and rehabilitation, for tens of years to come. Such is the net outcome of the Iraqi regime's determination to destroy Iraq.

ANNEX

ECONOMIC STATISTICAL TABLES

TABLE (1) NET FLOWS OF ARAB DEVELOPMENT ASSISTANCE DURING 1970-1988
(In US\$ '000,000)

	Cumulative 1970/79	Cumulative 1980/85	Annual Assistance				Cumulative 1970/88	Percentage of Assistance to GDR					Total % 1988
			1986	1987	1988			1981	1984	1985	1986	1987	
Group of Arab States	39566	36389	4778	3479	2338		86550	2.4	1.5	1.3	1.8	1.3	0.6
GCC States	35741	33925	4614	3439	2218		79937	3.3	2.6	2.5	3.6	2.6	1.8
United Arab Emirates	5780	2839	104	19	4		8746	2.6	0.3	0.5	0.6	0.1	*
Saudi Arabia	22528	24133	3776	3100	2098		55635	3.4	3.0	3.1	5.2	4.2	2.8
Qatar	1355	701	19	4	8		2087	3.5	0.2	0.2	0.4	0.1	0.2
Kuwait	6078	6252	715	316	108		13469	3.6	3.8	3.2	3.0	1.3	0.5
Other Arab States	3825	2464	164	40	40		6613	0.5	*	0.1	0.1	*	*
Algeria	522	406	114	21	10		1073	0.1	0.1	0.1	0.2	**	*
Iraq	2030	1064	(16)	(22)	(19)		3037	0.6	0.1	0.1	..	(0.1)	(0.2)
Libya	1273	994	66	41	129		2503	0.9	0.1	0.2	0.3	0.2	*

* To indicate that the percentage is less than 0.1%

() Values between brackets indicate that repayment of the principal loan and interest was larger than the disbursement of assistance allocated for the year.
.. Not indicated

Source: Organization for Economic Cooperation and Development (OECD): Report on Cooperation for Development 1989 and 1990, p. 258 and data from Saudi Arabia's Ministry of Finance and National Economy.

TABLE NO. (3) CUMULATIVE TOTAL OF TECHNICAL AID AND GRANTS (COMMITMENTS) EXTENDED BY ARAB DEVELOPMENT INSTITUTIONS DURING (1978-1989).
(Commitments in US\$ 00,000)

Recipient Organizations	Arab Development Institutions-Donors of Technical Aid						Total Commitments
	Islamic ⁽¹⁾ Bank	OPEC Fund	Kuwait Fund	Arab ⁽²⁾ Fund	Saudi Fund	Arab ⁽³⁾ Bank	
Total technical aid and grants	145954	98467	41867	79650	8570	21866	396374
Group of Arab States	57548	12612	6690	76923	5570	-	159343
Recipient Arab States	57248	12537	6690	57388	5570	-	139433
Joint Arab and Arab Organizations	300	75	-	19535	-	-	19910
Group of African States	53088	31939	9497	-	3000	21866	119390
Recipient African States	41848	18299	9497	-	3000	3156	75800
Joint African and African Organizations	11240	13640	-	-	-	18710	43590
Group of Asian States	29763	6206	4510	-	-	-	40479
Group of Latin American Countries	1060	1685	-	-	-	-	2745
Group of Other Countries	3000	-	-	-	-	-	3000
Group of International Organizations*	1495	46325	21170	2727	-	-	71417

(1) Funding operations by Islamic Bank are confined to Islamic States and other Islamic Groupings in non-Muslim States.

(2) Under the Agreement establishing the Arab Fund, only Arab States benefit from its loans and aids.

(3) Under the Agreement of the Arab Economic Development for Africa, only African non-Arab States benefit from its loans and aids.

* UN Organizations and bodies and other non-Arab regional organizations.
Source: Arab Fund, Quarterly Statistical Reports of the Secretariat of Coordination between Arab Development Institutions for the period 1978-1989.

Summary of Funding Operations. Issued in March 1986.
Source: Secretariat of Coordination between Arab Development Institutions of Finance and National Economy.
Arab Fund alone began in 1961 and data from Saudi Arabia's Ministry of Finance and National Economy.
Kuwaiti Fund alone began in 1961 and data from Saudi Arabia's Ministry of Finance and National Economy.
The Kuwaiti Fund alone began in 1961 and data from Saudi Arabia's Ministry of Finance and National Economy.

Years	Arab Development Institutions						Total Annual Loans
	Islamic Bank	Abu Dhabi Fund	OPEC Fund	Saudi Fund	Iraqi Fund	Arab Fund	
1961	69.7	85.9	94.3	12.0	-	1.925	7.020
1962	69.7	85.9	94.3	12.0	-	1.925	7.020
1963	69.7	85.9	94.3	12.0	-	1.925	7.020
1964	69.7	85.9	94.3	12.0	-	1.925	7.020
1965	69.7	85.9	94.3	12.0	-	1.925	7.020
1966	69.7	85.9	94.3	12.0	-	1.925	7.020
1967	69.7	85.9	94.3	12.0	-	1.925	7.020
1968	69.7	85.9	94.3	12.0	-	1.925	7.020
1969	69.7	85.9	94.3	12.0	-	1.925	7.020
1970	69.7	85.9	94.3	12.0	-	1.925	7.020
1971	69.7	85.9	94.3	12.0	-	1.925	7.020
1972	69.7	85.9	94.3	12.0	-	1.925	7.020
1973	69.7	85.9	94.3	12.0	-	1.925	7.020
1974	69.7	85.9	94.3	12.0	-	1.925	7.020
1975	69.7	85.9	94.3	12.0	-	1.925	7.020
1976	69.7	85.9	94.3	12.0	-	1.925	7.020
1977	69.7	85.9	94.3	12.0	-	1.925	7.020
1978	69.7	85.9	94.3	12.0	-	1.925	7.020
1979	69.7	85.9	94.3	12.0	-	1.925	7.020
1980	69.7	85.9	94.3	12.0	-	1.925	7.020
1981	69.7	85.9	94.3	12.0	-	1.925	7.020
1982	69.7	85.9	94.3	12.0	-	1.925	7.020
1983	69.7	85.9	94.3	12.0	-	1.925	7.020
1984	69.7	85.9	94.3	12.0	-	1.925	7.020
1985	69.7	85.9	94.3	12.0	-	1.925	7.020
1986	69.7	85.9	94.3	12.0	-	1.925	7.020
1987	69.7	85.9	94.3	12.0	-	1.925	7.020
1988	69.7	85.9	94.3	12.0	-	1.925	7.020
1989	69.7	85.9	94.3	12.0	-	1.925	7.020
Total	7286.7	1198.6	2375.5	5741.5	733.1	7.9983	26062.8

TABLE NO. (5) STRUCTURAL DISTRIBUTION OF CONTRIBUTIONS BY ARAB DONOR STATES⁽¹⁾ IN CUMULATIVE DISBURSEMENTS BY AID RECIPIENT INSTITUTIONS (1984-1988).
(In percentage)

Aid Donor States	Aid Beneficiaries and Recipients			
	UN Agencies	Arab Organizations	International Organizations	Cumulative
Total Assistance	100.0	100.0	100.0	100.0
United Arab Emirates	1.4	1.1	1.9	1.3
Algeria	2.4	1.7	12.0	5.1
Saudi Arabia	76.4	72.0	47.7	65.7
Iraq	1.9	4.2	0.2	0.3
Qatar	4.5	1.1	2.3	1.1
Kuwait	8.2	19.8	35.9	23.8
Libya	5.2		2.0	2.9

(1) The standard indices of the Arab Fund were constructed on the basis of OECD Statistics. Indices from other unidentified sources were not included, they being marginal, constituting in total only 2.8 percent of the cumulative assistance for the period 1984-1988.

Source: Organization for Economic Cooperation and Development (OECD): Report on Cooperation Development, several reports 1986-1990.

The standard indices of the Arab Fund were constructed on the basis of OECD Statistics. Indices of other unidentified sources were not included, they being marginal, constituting in total only 2.8 percent of the cumulative assistance for the period 1984-1988.

Source: Organization for Economic Cooperation and Development (OECD): Report on Cooperation for Development, several reports 1986-1990.

Aid Doner States	Aid Recipient Institutions*			
	UN Agencies	Arab Organizations	International Organizations	Cumulative
Total Assistance	196.8	1518.3	914.6	2706.3
United Arab Emirates	2.7	16.7	17.2	36.5
Algeria	4.7	26.4	110.3	138.4
Saudi Arabia	150.4	1093.9	436.2	1773.6
Iraq	3.8	1.7	2.1	7.6
Qatar	8.8	16.2	2.6	28.2
Kuwait	16.2	299.8	328.3	649.1
Libya.	12.2	63.6	17.9	78.9

(000,000 US\$ in)

TABLE NO. (4) CUMULATIVE DISBURSEMENTS OF ARAB DEVELOPMENT ASSISTANCE⁽¹⁾ TO ARAB AND INTERNATIONAL MULTILATERAL INSTITUTIONS (1984-1988).

TABLE NO. (7) RESPECTIVE SHARES OF ARAB RECIPIENT STATES FROM THE CUMULATIVE TOTAL OF FUNDING OPERATIONS BY ARAB DEVELOPMENT INSTITUTIONS AS ON 31/12/1989.

(In US\$ '000,000)

Recipient Arab Countries	Islamic Bank	Abu Dhabi Fund	OPEC Fund	Saudi Fund	Iraqi Fund	Arab Fund	Kuwaiti Fund	Shares of State in
Total Arab States	4078.58	955.32	382.21	2361.05	1098.99	3866.70	2994.95	54.7
Jordan	545.16	37.43	23.65	263.72	325.60	297.90	438.08	6.7
United Arab Emirates	30.13	8.16	8.16	-	-	-	-	0.2
Bahrain	24.16	55.70	-	42.55	-	57.53	105.36	1.0
Tunisia	343.18	154.36	17.00	252.31	25.00	316.93	436.79	5.7
Algeria	1006.13	-	-	134.78	-	263.60	58.06	5.0
Djibouti	3.33	5.03	6.00	41.22	26.50	39.28	53.19	0.6
Sudan	180.98	35.68	82.30	248.94	-	378.06	332.06	4.3
Syria	130.01	27.35	12.00	223.65	-	293.80	162.24	2.9
Somalia	89.94	-	39.21	100.67	34.33	137.15	107.32	1.8
Iraq	322.92	-	-	40.05	-	163.68	17.90	1.9
Oman	95.52	231.66	-	63.92	-	95.34	165.19	2.3
Palestine	-	-	-	-	-	9.84	-	0.1
Lebanon	9.75	17.37	-	-	-	38.39	35.98	0.4
Egypt	107.78	-	-	-	-	-	-	0.4
Morocco	58.02	142.48	23.20	212.26	-	496.26	308.99	4.3
Mauritania	593.02	65.31	31.40	217.68	190.70	427.08	291.56	6.3
N. Yemen	66.94	42.02	49.40	183.29	129.20	230.19	163.01	3.1
S. Yemen	227.77	47.12	52.65	172.34	352.66	326.33	172.26	4.7
	248.29	65.65	45.40	63.63	15.00	295.24	146.96	3.0

Source: Secretariat of Coordination between Arab Development Institutions - Arab Fund, Summary of Funding operations by Development Institutions for 1989, Issue of March 1990.

Source: Organization for Economic Cooperation and Development (OECD), Statistics of geographic distribution of net international financial flows, different pages.
Source: UN Arab Fund, net financial flows to Arab States from all sources, March 1985. Indices constructed on the basis of OECD Statistics, Financial Statistics Reports, Geographic distribution of net flows, 1978-1984 reports, different pages.

* Part of Official Development Assistance (ODA) (Flows).
X Less than US\$ 100,000.
- Means information not available.

	1981-1984				1984-1988				1981-1988			
	DAC Group	Arab States	Multi-Lateral	Total	DAC Group	Arab States	Multi-Lateral	Total	DAC Group	Arab States	Multi-Lateral	Total
Total	5819	8616	2842	17277	9566	5592	2538	17696	15385	14208	5380	34973
Jordan	82	2690	72	2844	353	1563	60	1976	435	4253	132	4820
Bahrain	-	-	-	-	5	197	4	206	5	197	4	206
Tunisia	224	11	88	323	448	8	144	600	672	19	232	923
Algeria	280	52	50	382	330	70	73	473	610	122	123	855
Djibouti	161	42	39	242	245	41	37	323	406	83	76	565
Sudan	620	314	1080	2014	1772	780	724	3276	2392	1094	1804	5290
Syria	63	3944	88	4095	68	1785	114	1967	131	5729	202	6064
Somalia	440	177	471	1088	1067	6	423	1496	1507	183	894	2584
Iraq	24	X	11	35	38	19	16	73	62	19	27	109
Oman	-	-	-	-	34	9	80	123	34	9	80	123
Lebanon	208	459	123	790	237	47	98	382	445	506	221	1172
Egypt	2736	12	369	31117	3540	175	235	4050	6276	187	704	7167
Morocco	468	122	147	373	626	737	159	1158	1094	495	306	1895
Mauritania	231	55	119	405	354	54	115	523	585	109	234	928
N. Yemen	262	657	90	1009	401	393	76	870	663	1050	166	1879
S. Yemen	20	81	95	196	48	72	80	200	68	153	175	396

TABLE no. (8) CUMULATIVE TOTAL* OF DISBURSEMENTS BY ARAB STATES FROM THE CONCESSIONAL OFFICIAL DEVELOPMENT ASSISTANCE PROVIDED BY MULTILATERAL SOURCES DURING THE PERIOD 1981-1988.

(In US\$ '000,000)

Borrowing Arab States	Arab Development Institutions	African Development Bank	World Bank	International Development Corporation	European Development Fund	United Nations Agencies	International Monetary Fund	International Agricultural Development	Funds of Unspecified Organizations	Cumulative Total ⁽¹⁾ for Multilateral Organizations
Total	710.1	162.0	68.8	1711.5	1522.8	2988.1	1.3	222.3	241.8	7628.7
Jordan	25.4	-	-	3.7	39.0	124.4	-	15.3	9.6	217.4
Bahrain	(2.3)	-	-	-	-	2.7	-	-	0.7	1.1
Tunisia	32.8	-	-	(5.7)	-	154.4	-	23.2	9.9	363.8
Algeria	130.0	-	-	-	149.2	102.6	-	0.6	0.3	151.6
Djibouti	34.5	-	-	21.8	53.1	57.6	-	1.4	16.2	163.6
Sudan	126.1	14.7	-	564.1	17.4	584.2	-	40.4	54.5	1813.7
Syria	59.6	33.8	6.3	3.5	410.7	168.3	-	10.7	8.3	285.2
Somalia	79.7	52.9	-	217.4	28.5	707.5	-	22.9	25.6	1270.3
Iraq	18.9	-	-	2.7	164.3	21.3	-	-	1.7	44.6
Oman	0.9	-	-	-	-	8.2	-	-	0.6	9.7
Lebanon	0.7	-	-	-	44.6	172.9	-	-	2.7	220.9
Egypt	(56.1)	37.1	44.6	565.0	369.5	302.8	0.8	27.1	32.4	1323.2
Morocco	65.1	2.3	17.9	1.3	146.0	174.8	0.5	20.3	15.5	443.7
Mauritania	102.5	21.2	-	-	98.5	105.2	-	9.4	15.4	352.2
N. Yemen	97.7	-	-	206.9	19.9	143.9	-	31.5	31.5	531.4
S. Yemen	111.6	-	-	130.9	0.1	157.3	-	19.5	16.9	436.3

* Arab Fund indices of the cumulative net disbursements by Arab States from the multilateral sources that extended concessional assistance during the period 1981-88 were constructed on the basis of OECD statistics on the geographical distribution of international assistance from all sources. Reports 1985-1990.

() Indicates that net disbursements are not positive, i.e. that disbursements by States concerned are below repayments of loan instalments and accruing interest for the period 1981-88.

(1) Includes unclassified assistance from unspecified multilateral institutions and organizations.

Source: Arab Fund for Economic and Social Development.

CONCLUSION

CONCLUSION

The chapters of this study categorically show that Kuwait — as a territory, people and State — is a historical reality, profoundly rooted in the very depths of time, a fact undeniable by any allegation or claim. The territory of Kuwait, at the tip of the Arabian Gulf, is the “threshold” of the Arabian Peninsula and is an integral part thereof. Its characteristic features are different from the Sawad (black soil) of southern Iraq with its lakes and flooded flatlands. Its territory — which has an undulated surface and which is bordered by Wadi al-Batin in the West — constitutes, with the sedimented layers covering it, a trench of an extinct valley which, in the past was flooded with water, but had no link with Tigris and the Eurphrates.

Ever since the beginning of the eighteenth century, groups of al-‘Utūb tribe, an offshoot of ‘Anaza in the North of Nejd, have settled in this spot of land. Al-Sabah family enjoyed leadership among these tribes, which constitute the roots of the Kuwaiti society and which lived perpetually in this territory, without any obvious interruption since approximately the mid-18th century up to date.

Both State and people represent an integrated social and political tissue. They ingeniously adapted and interacted with their territory for more than two and a half centuries, in the course of which the bonds of the political society became deeply rooted and people clung tightly together, so as to maximize the benefits reaped from the territory’s endowments. The struggle of ancient Kuwaitis to adapt to their environment and to head for the Gulf waters, in order to engage in trade and establish balanced relations with all powers in the neighbourhood, is a historical fact, attributable solely to Kuwait. Throughout this period, Kuwait continued to be a clear-cut distinguished political, social and economic entity, possessing all the prerequisites of national sovereignty. Linkage with the “universal” Ottoman State, as represented in the Sublime Porte, was meant for spiritual reasons and did not curtail the characteristics of national sovereignty. This situation is almost similar to that of Egypt, after Muhammed Ali wrested away independence from the Ottomans, but with only one significant difference, namely that the successive Emirs of Kuwait were never appointed by Ottoman Firmans (decrees)!

Chapter Two of this study elaborated on Kuwait’s distinguished status, through adopting a methodology of objective analysis and investigation, based on historical accounts, so as to trace Kuwaiti-Ottoman relations and Kuwaiti-British relations, until the proclamation of Kuwait’s independence and its admission to

the Arab League and the United Nations system, and until Kuwait assumed its international status, as an active and effective member of the international community.

The legal study, contained in Chapter Three of this academic work, substantiated Kuwait's legal status, in the light of historical facts which, significantly, coincided with the conclusions reached from the point of view of international law.

The Fourth Chapter in this study dealt with one aspect of the economic consequences of Iraq's invasion of Kuwait. These consequences constituted a virtual catastrophe, not only befalling development accomplishments in Iraq and in assaulted Kuwait, but also impairing Arab national development in many years to come. Furthermore, they will almost relegate the role of oil, in bringing about an overall development in Arab countries, apart from those other economic effects, which have hindered and will continue to hinder the flow of labour and capital among Arab countries.

This study further indicates that the "argument of historic rights", advanced by the Iraqi regime, has neither a logical nor a rational basis. For example, did it not occur to proponents of this argument that the Iraqi claims for historic rights in Kuwait, which lies South of Iraq, may be an open invitation to Turkey to claim historic rights in Northern Iraq? Why didn't Iraq claim rights in Shatt al-Arab and in Abadan, both of which were voluntarily ceded by Iraq to Iran?

This study, undertaken by a selected panel of university professors and authorities on history, law, economy and politics, helps us draw a set of indicators. The first indicator pertains to the distortion of facts, following the overrunning of Kuwait by Iraq, as reflected by the fluctuation of Iraqi claims. Iraq began with claiming that it was supporting a fake military coup, allegedly taking place in Kuwait! Then, it declared that Iraq would withdraw, as soon as things settled down! Subsequently, it proclaimed a union between Kuwait and Iraq! Then, Kuwait was merged as an Iraqi governorate! Iraq, then claimed linkage between Kuwait's occupation and the liberation of Palestine; On and on went the chain of Iraqi claims.

The second indicator pertains to the unprecedented disregard of any rules of international law by the Iraqi regime and the obstinate insistence of the rulers in Baghdad to challenge the will of the international community. They paid no heed to the consequences of such challenge, and had no consideration whatsoever for the catastrophic outcome of their insistence not to withdraw from Kuwait, especially that all means and modes of convincing the Iraqi ruler to come to reason were exhausted. Intensive and successive attempts to convince Iraq to withdraw from Kuwait, undertaken by leading Arab and international statesmen and by a number of Arab and foreign countries, came to no avail. Continuous

appeals by member-states of the Islamic Conference Organization, the Non-aligned Movement, the European Community and other international governmental and non-governmental organizations were addressed to Iraq with delude. It persisted on its refusal to withdraw and its insistence to challenge and delude.

As for the third indicator, it pertains to the fact that by overrunning Kuwait, Iraq has committed the first flagrant violation of the principle of "stability and finality of boundaries", within our Arab region. Numerous are the border issues that have exploded between two sister Arab countries and caused, *inter alia*, tension in their mutual relations. But in none of these instances was any change forced upon political boundaries.

For the first time in contemporary Arab history, an Arab state ventures to abolish its boundaries with a neighbour, swallowing and usurping this neighbour in a manner unheard of in the modern history of the Arab system. This could have far reaching effects on its own future security and stability.

The fourth indicator pertains to the substance contained in the "Iraqi public pronouncements during the crisis" which aimed bluntly at exploding three political issues. The first issue is Iraq's cladding in the cloak of Islam. This is inconsistent with the past history of the Iraqi regime, with its secular orientations, whether due to its reliance on a socialist political party, or because of its eight years of bitter war with the Islamic Revolution in Iran. It thus seems paradoxical that the Iraqi regime, which was raising slogans of Arab nationalism to counter Islam, is now raising slogans of Islam to counter pan-Arabism!

The second issue is Iraq's abrupt declaration on August 12, 1990 that it has become responsible for the liberation of Palestine, at a time in which the Palestinian issue has suffered deep and far reaching harm at the hands of Iraq. For many years to come, this harm will have adverse effects on the course of the Palestinian issue, especially that the only party which is now reaping the highest dividends from the crimes of the Iraqi regime is Israel.

The third issue that the Iraqi regime seeks to raise is that of distributing the wealth of the Arab nation. Iraq is, thus, proclaiming itself protector of the poor in the Arab world. This is a lost case. Iraqi arguments in this regard are refuted by the fact that Iraq itself is among the rich oil countries. Its revenues from oil exceed those of Kuwait and the Gulf Cooperation Council States combined (excluding Saudi Arabia). Nevertheless, Iraq did not extend the least contribution to less-developed Arab countries, nor did it attempt to relieve the poor and victims of famine and drought in Arab and African states. The economic study undertaken in this book shows how greatly Kuwait alone was contributing in the form of aid and economic assistance to Arab countries, that have low rates of growth, or which are suffering from natural catastrophes.

This roundup of the pages of this book revives our hope of tackling the numerous issues evoked herein in a deeper and more elaborate manner, supported by documents and irrefutable arguments. Thus, we would be furthering the aims of academic studies in a continuous pursuit in search of the truth.

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The chapters of this study categorically show that Kuwait - as a territory, people and State - is a historical reality, profoundly rooted in the very depths of time, a fact undeniable by any allegation or claim. Both State and people represent an integrated social and political tissue. They ingeniously adapted and interacted with their territory for more than two and a half centuries, in the course of which the bonds of the political society became deeply rooted and people clung tightly together, so as to maximize the benefits reaped from the territory's endowments.

This study has elaborated on showing Kuwait's distinguished status, through adopting a methodology of objective analysis and investigation, based on historical accounts. Likewise, the legal study contained in this academic work has substantiated Kuwait's legal status in the light of historical facts which, significantly, coincided with the conclusions reached from the point of view of international law.

The tragic crisis that erupted as a result of the overrunning of Kuwait by Iraq, and which was accompanied by an unparalleled distortion of facts and unprecedented miscalculations, has motivated a group of scholars to embark on the preparation of this work.

The authors exerted serious effort to overcome the difficult task of reconciling the credibility of academic work with the simplicity characterizing information material, i.e. reaching the readers' minds and touching their hearts simultaneously.

Though limited in size, this book has dealt thoroughly with all the political aspects of the crisis, as well as its historical roots, legal nature and economic consequences. Thus, it should be an indispensable reference for anyone ardently seeking the truth.