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Expatriate Labor in the Arab Gulf States: The Citizens and Political Status

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In recent years, the effect of the expatriate on the social, economic, political and administrative scene in the Arab Gulf has come under increasing study. The role of the expatriate is directly related to the influx of oil wealth, which first attracted major numbers of foreign labor. Their arrival has been a somewhat mixed blessing, for in the process of development, the Gulf States also became exposed to a wide variety of different cultures.

- 1 . On the social level, the Gulf Area, previously an isolated, tribal society, virtually overnight became a pluralistic society with a huge population increase, making the natives a minority in their own country.
- 2 . On the economic side, this period recorded the passing from a simple market place economy to a sophisticated one capable of dealing with international adjustments. In the process of modernization, this area has developed, in some 20 years, a network of public services - highways, schools, hospitals, etc. - which have had great impact on social as well as economic change.
- 3 . In political terms, this, area has always had to struggle to survive amid harsh geographical realities, and inter-tribe rivalries. Tribal rivalries no longer pose a threat to stability, but other problems have arisen. The Arab Gulf States have had to learn to function internationally as states, to satisfy the need of their people as well as the expatriates, and to demonstrate their legitimacy.

At the administrative level, a need was felt to develop the bureaucratic apparatus of their institutions to serve the citizens as well as the imported labor force. This particular study will focus on the citizens perceptions of their economic status vis - a - vis the expatriates.

Theoretical Background

In general, studies of the Arab Gulf states so far have been mainly descriptive. The latest kind of study was the one done by Birks and Sinclair⁽²⁾, which concentrated on the Arab labor force from Morocco to Kuwait. This region, according to the authors, "is a region of acute contrasts;" where states range from the fortunate extreme of super rich with a small

population, to the opposite, the extremely poor with dense population. Birks and Sinclair believe that stability in the area depends upon solving this contrast⁽³⁾.

Having analysed the two contrasting types of states in the Arab middle East, the authors of **Arab Manpower** concluded that the relationship between the rich and poor countries would inevitably lead to instability in the area. "Not only are international relations between Arab states threatened by the widening gap in wealth between rich and poor but the stability of individual states is prejudiced. In the capital - rich states, the rapid pace of development militate in favor of increasing stress as continued economic growth raises social and political issues which mitigate against further expansion of economy... In the capital - poor states it is the lack of economic growth which is causing increasing dissatisfaction.⁽⁴⁾" The authors study evaluated economic development in both rich and poor states of the Arab World by analysis of their labor markets.

A study by Henry Azzam deals with the effects of the migrant workers on the Arab oil exporting countries. This study suggests that the oil producing countries, from a pan - Arab attitude, should depend on Arab manpower and thus avoid the friction of a non - Arab labor force. The study also suggests that the host countries should grant expatriates greater social, economic and even political benefits⁽⁵⁾.

A similar study by Nadir Firjani deals with the size of the labor force in the Arab Gulf States. The writer believes that the labor force faces tremendous problems, and that scholars need more information before they can solve them. In solving such problems, the countries concerned would insure the security of their regimes⁽⁶⁾.

The Stanford Research Institute discovered that expatriates in Kuwait, in general, prefer their situation in Kuwait to that of their own countries, difficulties notwithstanding. The study also showed that most expatriates felt their economic success was purchased at the price of social status and political freedom, even though the expatriates from the surrounding area had no political rights at home, either,

Subsequent research conducted by Tawfik Farah, Faisal and Maria Al - Salem also found that the majority of the expatriates in the State of Kuwait remain there by choice. It was found that the longer the expatriate stayed in Kuwait, the higher became his economic expectations; he compared himself to the Kuwaiti, not to his own countrymen.

Many expatriates feel alienated at all levels of interaction; social, political, economic, and even psychological. Despite this feeling, the study found that the expatriates still prefer situation in Kuwait to that of their own countries⁽⁸⁾.

In his doctoral dissertation, Walid Mubarak concluded that the instability of the labor force in the State of Kuwait could lead to "instability in the country"⁽⁹⁾ because of the total government dependence on foreign labor.

In his analysis, Almosa found that the demand for an Asian labor force in the Gulf is increasing. The author, however, thinks the preservation of the nation's culture is imperative, and to this end, suggests separating the citizens from the expatriates. The author prefers an Asian labor force to an Arab one for social and political reasons⁽¹⁰⁾.

Methodology

This article is part of an extensive research project dealing with the expatriate labor force in the Arab Gulf States. The views of the expatriates, the officials and the natives were taken into consideration in a wide questionnaire subject to computer analysis. Unlike other descriptive studies, this was an empirical research project analyzing 107 different questions. An SPSS computer program was utilized in order to obtain the correlation coefficient, regression, chi square and other statistical means. It should be noted that collecting data from the Gulf area is no easy task. The whole concept of questionnaires is alien to the area. First, they fear reprisal; secondly they are suspicious and hostile at what they feel is an intrusion on their privacy; and finally, if they do respond, they tend to anticipate the responses and put down what they think they should say.

The research goals of this project include the following:

- 1 - to determine the correlation between these findings and others;
- 2 - To examine the relationships between the dependent and independent variables;
- 3 - To find the effect of the samples' views, if any on the stability and continuity of the existing regimes?

Countries Under Consideration

The countries studied were: Kuwait, Bahrain, Qatar, the United Arab Emirates and the Kingdom of Saudi Arabia. These countries are characterized by a high standard of individual income in comparison to other Arab and Afro-Asian countries. The individual income, according to the **World Bank Report** (1978), was \$ 15, 790.00 in Kuwait \$, 15,050.00 in Qatae, \$ 15,020.00 in the Emirates \$, 6,590.00 in Saudi Arabia and finally \$ 2,680 in Bahrain⁽¹¹⁾. Although Bahrain's income is the lowest in the Arab Gulf, it is still higher than that of Iraq and Algeria, who are oil exporters.

Unlike the rest of the developing world, where one finds low income and overpopulation, the Arab Gulf has high in-

come and a labor shortage. Since these countries are engaged in development programs, they have to depend on expatriate labor. This study considers these factors, along with the social, economic and political evaluation of the citizens, the expatriates and the officials, as well as their relationship to the stability of these regions. This particular article, however, deals only with the citizens' political evaluation. It would be appropriate however, to shed some light on the political, economic and Social background of these countries.

Background

Politically speaking, the countries concerned are in the process of developing a political system. Political systems as known in the West are alien to the Gulf Countries. Historically the countries concerned have been engaged in continuous struggle among themselves, until recently, when a kind of cooperation appeared to secure their safety in the form of the Gulf Cooperation Council. It will not search, for instance, for a unitary type of system that would combine all states together. The political structure of these countries are dominated by tribal systems; one tribe rules while other tribes accept being ruled as long as they have no chance of ruling. Their plans for unity are mainly economic.

With this loose tribal system, the countries concerned suffer from legitimacy; crises in the area may originate, not from lack of legitimacy but the abundance of it. Every tribe thinks that it should rule. However, since the discovery of oil, the ruling families are not particularly threatened. The majority of the people are well off, so they are reasonably content and not prone to political activity. It is only when economic stress is felt that people become politically active. Thus, the Arab Gulf citizens are more concerned about economic well-being and perhaps social status than politics. The existing ruling families have been able to convince their subjects that their situation is an enviable one, with justification, when one compares the situation of their countries with that of their neighbors in Iraq and Syria.

After the discovery of oil, the countries concerned launched intensive development projects, which caused strains of another kind in the social fabric. The problem continues mainly because it is difficult to compromise between a traditional political system and a modern one.

Economically speaking, Arab Gulf Countries were deprived before the oil. Poverty was the norm for the small colonies which depended on the sea for food, pearls and trade. The ruling family at the time lived modestly on taxes.

With the advent of oil, life changed dramatically. Oil revenues go to the ruling family and filter down to the people. Instead of existing on taxes, the government's means of distributing wealth include secured fixed government income, free housing, free education and free health care. In fact, the citizen need not work; this has increased the dependency on

expatriate labor. Besides the royal family, other classes of societies also grew richer, especially the powerful merchant class. Governmental rules and regulations were designed to promote the greatest benefits for the citizens. By these rules, an expatriate is required to have a majority - holding Kuwaiti business partner. The partner, however, acquires 15% of the business for his name only; he does not have to work. Thus, the citizen's productivity can decrease while his consumption increases.

Sample

A total of 8581 citizens were interviewed; 3125 Kuwaitis, 1214 Bahrainis, 811 Qataris, 1157 Emiratis and 2274 Saudis. Table I shows the citizens' sample background as far as the independent variables are concerned.

Table 1
Citizens Sample (N - 8581)

Independent variable	Sample percentage	Independent variable	Sample percentage
Age		Nationality	
20 - 29	59	Kuwaiti	36
30 - 39	18	Bahraini	14
40 - 49	10.5	Qatari	8
50 - 59	7	Emirati	13
60 - 69	4	Saudi Arabian	26
70	1.5	Omani & Iraqi	2
Place of birth		Job	
Kuwait	34	Workers	7.4
Bahrain	14	Merchants	6.1
Qatar	9	Bureaucrats	68.0
Emirates	13	Professionals	17.1
Saudi Arabia	26	Others	1.4
Oman & Iraq	4		
Job Type		Sex	
Public	81.2	Males	69.8
Private	16.2	Females	30.2
Both	2.6		
Years of Work		Social Status	
Less than 5	48.8	Married	59.5
5 - 10	31.7	Single	36.8
10 - 15	11.6	Divorced	1.6
15 - 20	4.7	Widowed	2.1
20	3.2		
Education		Housing Status	
Read & Write	7.8	Living with family	59.3
Elementary	6.1		
Intermediate	20.8		
Secondary	43.8	Apartement	14.9
University	21.5	Villa	25.8
Other-			
Monthly Income in Kuwaiti Dinar*			
Less than 100	2.7		
100 - 199	19.5		
200 - 299	29.7		
300 - 399	25.2		

400 - 499 13.6
500 or more 9.3

The Arab Gulf states remain traditional societies. Despite their economic advancement, social relations are dictated by tradition. In these societies, individual loyalty goes to one's tribe. Marriage and social activities are restricted to this core, which is in effect an extended family. New ideas are suspect and strangers - by definition anyone who is not in the tribe - even more so. In such societies, expatriates find themselves adrift. Although the majority of the expatriates in the Gulf area are Moslems, and speak Arabic, they are still regarded as aliens by the natives, who do not attempt to integrate. Despite some loosening of the tribal system in recent years, as a result of economic advancement, and the beginning of smaller family units, the citizens' social habits have consistently excluded non - natives. The general feeling among the citizens is that the expatriates are, and should remain, foreigners.

Methodology

The citizens of the Gulf States were presented with a questionnaire designed to test their views on politics and administration. This paper seeks to determine the relation between the stability of the political system and the stability of the social and economic order of the Gulf as witnessed by the interaction of the expatriate and the citizen. A related concern is the possible effect of granting citizenship to the expatriates.

Questionnaire

This study asked the natives of the Gulf 10 questions seeking to identify their economic views vis - a - vis the expatriates. These were:

As a citizen,

- 1 - Do you feel that an increase in expatriates means a decrease in your income?
- 2 - Do you feel you could maintain your present economic status with fewer expatriate workers in the country?
- 3 - Do you support the idea of attracting highly educated Arabs abroad back to the Arab world? (a reverse brain drain)
- 4 - Would you support the recruiting of Arab from the U.S. and Western Europe only?
- 5 - Would you prefer to import Asian workers over Arab ones?
- 6 - Do you feel embarrassed by the financial discrepancy between you and the expatriates?
- 7 - Do you think that there is a difference in the application of labor laws between citizens and expatriates?
- 8 - Do you believe there is a difference in the productivity and efficiency of expatriates vs. citizens?

9 - Can you think of reasons for the citizens' low productivity?

10 - Can you suggest reasons for the low productivity of the expatriates?

These responses were tested against the independent variables of age, nationality, occupation, sex, marital status, education and income. The hypothesis is that the Gulf citizens believe they are doing the expatriates a kindness in giving them jobs; that the expatriates are in the Gulf to render a service; and that the citizens believe themselves quite capable of developing their country without any external assistance.

Age

The citizen sample was divided into 2 groups, junior (20 - 40 year old) and senior (40 - 70 year old). Both groups shared the idea that expatriates are a threat to their well-being; however, the junior group was more insistent (see Table II). The younger generation was not convinced of the necessity of foreign labor. In question 2 the natives revealed their belief that their economic status could be maintained even with a decrease in foreign labor. It would appear that the Gulf citizens do not associate their high standard of living and services with the presence of a huge, skilled expatriate labor force.

In response to the question of attracting emigrant Arab brain power to the Gulf, 50% of the junior group and 40% of the senior group were in favor. The fact that those hypothetical expatriates were Arabs did not appear to make them any more welcome among the sample as a whole. An equal antipathy surrounds the Asian professionals, although Asian domestics are much in demand. The general attitude of the citizens seems to be, we can do it alone.

Neither age group felt embarrassed by the discrepancy in income between native and expatriate, a guaranteed income is deemed their right. Both groups admitted that labor laws are in their favor compared to the expatriates. They also admitted, very candidly, that the expatriate is more productive than the citizen.

Table II

Citizen's Age (X2) Related to Economic Aspects (YS)

	Regression										
	X2	DF	X2S	CC	S	CCS	MR	SR	B	BETA	F
Y 1	18.342	10	.049	.055	8581	.055	.235	.055	.082	.065	3.897
Y 2	7.056	10	.676	.024	8581	.127	.242	.024	.072	.061	3.656
Y 3	15.494	10	.115	.024	8581	.123	.242	.024	.009	.008	.072
Y 4	24.052	10	.007	-.028	8581	.090	.243	-.028	-.015	-.013	.169
Y 5	15.602	10	.111	-.001	8581	.482	.243	-.001	-.006	-.004	.022
Y 6	20.929	10	.021	-.003	8581	.445	.243	-.003	.021	.016	.259
Y 7	11.138	10	.346	-.002	8581	.452	.244	-.002	.037	.033	1.076
Y 8	9.886	10	.450	.042	8581	.024	.247	.042	.060	.050	2.460
Y 9	25.803	20	.172	-.012	8581	.281	.247	-.012	.000	.000	.000
Y 10	38.117	20	.008	.042	8581	.024	.251	.042	.040	.042	1.948

Causes for the low productivity of the native are many. The younger generation attributed it to the lack of a merit system within the bureaucracy.

'Wasta' - connections - is the basis of appointment and advancement rather than merit or qualifications. The older generation suggested, however, that low productivity stemmed from the absence of accountability. There is no punishment for non-performance, indeed, legally, the citizen's job is guaranteed, whether he performs or not. There is thus no incentive to work and no one assumes responsibility. Those of both age groups who felt that the productivity of the expatriates was also low, ascribed it to their feeling of alienation.

Nationality

The variable of nationality revealed some interesting differences on the question of economic opportunity. Some 44.2% of the Kuwaitis agreed that the greater the number of expatriates, the fewer economic opportunities for Kuwaitis. Among the other Gulf States 59.5% of the Bahrainis agreed concerning their own country, as did 45.5% of the Qatari's, 40% of the Emiratis, and 28% of the Saudis. Only in Bahrain, then, are expatriates seen as an economic threat by more than half the population. In Saudi, by contrast, they have a negligible effect. Correlation coefficient results as well as chi square and F test shown in Table III reveal that the increasing number of expatriates is not perceived as an economic threat to the citizens. This finding is corroborated by the citizens' general belief that their standard of living could be maintained with fewer foreigners.

Table III

Citizen's Nationality (X3) Related to Economic Aspects (YS)

	X2	DF	X2S	CC	S	CCS	MR	SR	B	BETA	F
Y 1	98.626	12	.000	.083	8581	.001	.295	.083	-.024	-.014	.200
Y 2	14.339	12	.279	.083	8581	.001	.297	.083	.042	.026	.718
Y 3	42.045	12	.000	.035	8581	.047	.301	.035	.063	.039	1.676
Y 4	50.038	12	.000	.030	8581	.076	.302	.030	-.112	-.067	4.930
Y 5	44.143	12	.000	.038	8581	.036	.305	.038	.089	.046	2.393
Y 6	145.918	12	.000	.095	8581	.001	.306	.095	.008	.004	.023
Y 7	44.512	12	.000	.067	8581	.001	.310	.067	.025	.016	.282
Y 8	50.222	12	.000	.030	8581	.080	.310	.030	-.030	-.018	.350
Y 9	43.285	24	.009	-.013	8581	.260	.313	-.013	-.059	-.045	2.456
Y 10	26.575	24	.324	-.014	8581	.253	.316	-.014	-.044	-.033	1.328

The various Gulf nations also hold different opinions on the advisability of inviting emigre Arab brain power in the West, back to the Arab Gulf. Among the Kuwaitis, 53.6% felt this should be encouraged, as opposed to 62.6% Bahrainis, 36.4% of the Qataris, 41.7% of the Emiratis and 58.8% of the Saudis. The somewhat surprising lack of enthusiasm for

the emigre Arab's help in development suggests that Arab nationalism, if it exists, is very weak indeed. Tribalism breeds isolation and suspicion of others, even if they are fellow Arabs.

Asian expatriates are even more isolated than the Arab ones. Asians are considered more "alien" to the culture. A general feeling among the respondents was that the area is saturated with foreigners⁽¹²⁾.

Concerning salary discrepancies between citizens and expatriates, 57.7% of the Kuwaitis did not feel that they were unfair. Among the Saudis, 44.1% felt the situation was acceptable, as did 25.3% of the Bahrainis, 33.3% of the Emiratis, and 36.4% of the Qataris. When asked specifically if they agreed that expatriates and natives should receive equal pay for equal work, 32.9% of the Kuwaitis responded positively, as did 32.4% of the Saudis. Agreement among the Bahrainis was significantly higher, at 53.7% followed by the Emiratis, 41.7% the Qataris were least emphatic, at 24.2%. A large proportion of the sample declined to indicate an opinion - among the Qataris, 40% professed no opinion on this delicate question. It would appear that the Bahrainis are the most sensitive to the expatriates' situation and the most inclined to an equitable salary scale, followed by the Emiratis. The Kuwaitis, closely followed by the Saudis, are the most protective of their privileged status. They feel that they have the right to higher salaries by virtue of their citizenship.

The Kuwaitis, Qataris and Saudis admit that the citizens are less productive than the expatriates, whereas the Bahrainis and Emiratis disagree. This reflects their greater sensitivity to the expatriates and their awareness of discrepancies in salary and work. The general consensus was that the native is less productive than non - native because the former rely on 'wasta' rather than merit. A drop in the productivity of the non - native comes about from alienation.

Occupation and Economic Status

As a whole, 44% of the sample (specifically the bureaucrat, merchant and worker categories) state that an increase in expatriates does not mean a decrease in income for them. The professionals, however, were more emphatic; 55% of them felt that an influx of expatriates represented an economic threat to them. Table IV shows the inverse relationship between occupation and economic status. F test of 1.210 indicates the different viewpoints of the sample. The sample also agreed that importing foreign labor constituted a threat in the ratios of 52.1% of the worker, 56.6% of the merchants, 54.9% of the professionals and 52.6% of the bureaucrats. Thus, more than half of the respondents were opposed to inviting Arab experts living in the West for economic reasons. Questioned about the importation of Asian labor, the sample was less opposed; 46.9% of the workers, 42.3% of the merchants, but 58.9% of the bureaucrats, and 63% of the professionals. The professional class in each case disagrees with the other socio - economic strata. The professionals, by

a majority, oppose importing Asian labor (63%) and by a greater ratio than they oppose Arab experts living in the West (54.9%). Not more than 25% of the various strata agree on the issue. In general, the respondents perceive the Asians as less of a threat to their culture than other expatriates.

Table IV
Citizen's Job (X4) Related to Economic Aspects (YS)

	Regression										
	X2	DF	X2S	CC	S	CCS	MR	SR	B	BETA	F
Y 1	58.757	8	.000	-.071	8581	.001	.215	-.071	-.045	-.036	1.210
Y 2	28.106	8	.000	-.043	8581	.002	.215	-.043	-.002	-.001	.004
Y 3	13.363	8	.100	.066	8581	.001	.223	-.086	-.073	-.063	3.979
Y 4	20.887	8	.007	-.038	8581	.036	.223	-.038	.007	.006	.043
Y 5	37.257	8	.000	-.006	8581	.381	.226	-.006	.046	.036	1.348
Y 6	44.426	8	.000	-.057	8581	.004	.226	-.057	-.009	-.007	.053
Y 7	27.935	8	.000	.043	8581	.021	.226	-.043	.020	-.018	.334
Y 8	30.842	8	.000	.046	8681	.015	.238	.046	.090	.077	5.748
Y 9	29.930	16	.018	.049	8581	.010	.240	.049	.029	.031	1.069
Y 10	24.225	16	.084	.026	8581	.094	.241	.026	-.011	.012	.163

The various socio - economic levels do not feel ashamed of the disparity in pay between the citizen and the expatriate, nor do they believe that there is a difference in productivity between them and the expatriates.

Gender and Economic Status

The sample was approximately 1/3 females, 2/3 males. The majority of both sexes believed that the greater the number of expatriates, the fewer economic opportunities for the citizens, although the females agreed by a larger percentage; statistical analysis reveals acceptance of the null hypothesis that both groups object to the increase in foreigners. Both sexes further stated that they could maintain their economic status if their respective government regulated immigration.

There was little difference between the males and females in feelings toward expatriate Arab experts; almost half of the sample as a whole were receptive to the idea of inviting them back to the Arab world. Those opposed to the idea represented a slightly larger proportion of the total sample.

Females were more opposed to the continued influx of Asian labor than men, though the majority of both sexes were opposed to an increase in Asian expatriate man power, over non-Arab labor. Neither gender expressed discomfort with the fact that citizens earned more than expatriates for the same work, nor did they find the discrepancy in their legal status disturbing. Both sexes feel that productivity is low for citizens. Citizens are non-productive because of personal relations; expatriate non-productivity is due to feeling of alienation.

Table V
Citizen's Sex (X5) Related to Economic Aspects (Y5)

	X2	DF	X2S	CC	S	CCS	MR	SR	B	BETA	F
Y1	2.972	2	.231	-.016	8581	.216	.130	-.016	-.034	-.052	2.534
Y2	9.398	2	.009	-.031	8581	.071	.130	-.031	.000	.000	.000
Y3	.566	2	.753	.010	8581	.321	.146	.010	.045	.076	5.601
Y4	.701	2	.704	-.011	8581	.291	.146	-.011	.011	.019	.354
Y5	11.699	2	.220	.013	8581	.284	.147	.013	-.014	-.021	.481
Y6	12.458	2	.002	-.049	8581	.011	.165	-.049	.035	-.053	2.715
Y7	2.105	2	.348	-.025	8581	.120	.165	-.025	-.006	-.011	.118
Y8	2.411	2	.299	.005	8581	.394	.166	.005	.014	.023	.515
Y9	13.422	4	.009	.038	8581	.038	.166	.038	.000	.001	.004
Y10	3.910	4	.418	.006	8581	.389	.174	.006	.026	.054	3.135

Marital Status

In terms of the expatriates perceived threat to the standard of living in the Gulf, marital status made a significant difference in outlook. Only 24.7% of the married perceived such a threat as opposed to 48.3% of the single, 47.2% of the divorced and 32.6% of the widows. Results are given in Table VI which reveals that the widowed are the most sympathetic to the plight of the expatriates, perhaps because their position in society is also marginal. Of the total sample, 60% believe that they could maintain their standard of living with fewer expatriates. In some ways, this appears to be wishful thinking because labor statistics reveal that the expatriates greatly outnumber Kuwaitis in all service occupations, as well as others.

On the question of inviting expatriate Arab manpower to the Gulf, 52% of the entire sample gave a positive response - a majority, but slight. The majority of the sample also indicated that they felt the expatriates were a threat to the culture of the area. The various groups in slightly differing majorities agreed that citizens do receive preferential treatment in labor conditions, but felt no qualms about this privileged status vis-a-vis the expatriates. All categories of marital status admitted that the expatriates were more productive than the citizens.

Educational Level

Table VII indicates an inverse relationship between the economic views of those with less education compared to those with more. The less educated do not object to an influx of expatriates; those with more education, feel that the expatriates threaten the citizens' economic opportunities. The F value of .934 in Table VII rejects the hypothesis that both educational levels would share the same opinion. A slight majority of both educational levels favors inviting expatriate Arab experts living in the west to work in the Arab world, but not a permanent basis. Interestingly, the less educated were

more in favor of inviting Arab experts living abroad to their countries than were the more educated.

Table VI
Citizen's Marital Status (X8) Related to Economic Aspects (Y5)

	X2	DF	X2S	CC	S	CCS	MR	SR	B	BETA	F
Y1	11.287	6	.079	.011	8581	.293	.167	-.011	-.037	-.039	1.416
Y2	14.352	6	.025	.023	8581	.133	.169	.023	.032	.037	1.289
Y3	20.603	6	.002	.003	8581	.082	.189	.033	.011	.013	.189
Y4	15.209	6	.018	.025	8581	.119	.171	.025	.029	.032	1.048
Y7	4.447	6	.616	-.046	8581	.015	.202	-.046	-.104	-.108	11.727
Y6	15.166	8	.019	-.001	8581	.469	.204	-.001	-.027	-.027	.750
Y7	11.482	6	.074	-.027	8581	.103	.206	-.027	-.019	-.023	.518
Y6	12.073	6	.060	-.043	8581	.022	.216	-.043	-.065	-.073	5.240
Y9	18.948	12	.089	.072	8581	.001	.232	.072	.061	.069	8.446
Y10	25.925	12	.011	-.016	8581	.197	.232	.018	-.012	-.018	.343

Table VII
Citizen's Education (X9) Related to Economic Aspects (Y5)

	X2	DF	X2S	CC	S	CCS	MR	SR	B	BETA	F
Y1	23.478	8	.002	-.035	8581	.050	.298	-.035	-.133	-.078	5.934
Y2	18.153	8	.020	.022	8581	.144	.301	.022	.070	.043	1.959
Y3	8.350	8	.004	-.043	8581	.022	.304	-.043	-.040	-.031	1.069
Y4	40.129	8	.000	-.068	8581	.001	.311	-.068	-.052	-.031	1.088
Y5	26.047	6	.000	-.020	8581	.170	.311	-.020	-.012	-.006	.053
Y6	29.721	8	.000	-.009	8581	.324	.313	-.009	.082	.045	2.217
Y7	21.616	8	.005	-.055	8581	.005	.320	-.055	-.091	-.058	3.602
Y8	15.378	8	.052	.002	8581	.461	.322	.022	.054	.032	1.157
Y9	19.983	16	.221	.090	8581	.001	.339	.090	.124	.096	11.110
Y10	23.852	16	.092	.033	8581	.061	.344	.033	.065	.050	2.956

The more educated object also to Asian expatriate labor (58.6%), while the less educated object by a minority of 47%. Actually their objections are academic; there is little social intercourse between expatriates and citizens.

Among the less educated, there is a 47% perception that the expatriate has a less favored position. The more educated are more aware of the discrepancy - 56% admitted that the expatriate was less privileged. Both groups, by a majority, agreed that the expatriate is more productive than the native. The reasons are many; some of the fault of low productivity lies in cultural reasons. Manual labor is despised; then, wasta - connections - is more important than merit. On the other hand, labor laws themselves provide no incentive; a Kuwaiti cannot be fired and productivity is not related to salary. Finally, there is no accountability. No one wishes to take decisions for fear of making mistakes. Low productivity among the expatriates, when it does exist, is related to a sense of alienation.

Income

Income also differentiated responses. Lower income respondents (below 300 KD per month, which is not "low" per se, but used here as a base of measure) do not believe that the influx of expatriates affects the sources of income for the natives. Higher income groups (over 300 KD p.m.) feel otherwise. Thus, higher income groups perceive foreigners

as a threat to their high incomes. This should be considered in the light of the labor profile in Kuwait; when Kuwait embarked on its ambitious development programs, almost all the expertise was hired from abroad. Kuwait also began an intensive education and training program for all Kuwaitis,

which has finally begun yielding results. In the interim, professional posts were held largely by non-Kuwaitis. In Kuwait University, for example, the number of Kuwaiti Ph Ds has increased by some 2000% in the last ten years.

In response to the suggestion that expatriate Arab brainpower should be invited to help develop the country, 60% of the lower income group approved, but only 40% of the higher income group agreed. In terms of Asian manpower, the

positions were reversed; the higher income groups were more favorable to Asian expatriate labor than were the lower income groups. This may be explained by commercial instincts; Asian labor is generally cheaper than other ethnic groups.

Neither income group felt uncomfortable about the discrepancy in wages between citizens and expatriates, (See Table VIII) and both groups agreed that the citizens low productivity is related to tribal customs. When expatriates are not productive it is due to alienation.

Conclusion

The results of this study suggest that the citizens are not aware of the major role the expatriates play in maintaining their standard of living; the citizens feel they can manage without them. The citizens show little desire for increased immigration of any nationality, nor do they want the expatriates to stay permanently. The citizens admit that the expatriates are more productive and that they, the citizens, have more advantages, but they believe that the expatriate came to the country of his own choice. There were interesting differences between the various countries of the Gulf; Bahrain, relatively the poorest, feared immigration the most, while Qataris showed the least empathy for expatriates' financial inequities. The educated are more opposed to immigration than the less educated group, as are the upper socio-economic status members and the divorced / single. It appears that the number of expatriates literally and figuratively overwhelms the citizens of the Gulf; they are minorities in their own countries and have developed a defensive reaction to expatriates.

Table VIII
Citizen's Monthly Income (X8) Related to Economic Aspects (YS)

Regression

	X2	DF	X2S	CC	S	CCS	MR	SR	B	BETA	F
Y 1	10.623	10	.387	-.033	8581	.062	159	-.033	-.019	-.008	.068
Y 2	17.130	10	.071	-.021	8581	.164	160	-.021	.014	.007	.045
Y 3	22.204	10	.014	-.092	8581	.001	169	-.092	-.116	-.056	3.041
Y 4	9.598	10	.476	-.023	8581	.138	170	-.023	.053	.025	.609
Y 5	18.539	10	.046	-.039	8581	.033	170	-.039	-.011	-.005	.025
Y 6	36.128	10	.000	-.042	8581	.023	171	-.042	-.060	-.026	.645
Y 7	17.073	10	.072	-.036	8581	.045	171	-.036	-.030	-.015	.222
Y 8	12.576	10	.0248	.045	8581	.018	189	.045	.176	.083	6.553
Y 9	30.480	20	.062	.006	8581	.377	192	.006	.045	.027	.787
Y 10	39.167	20	.006	.052	8581	.008	194	.052	.046	.027	.786

NOTES

- 1 . The countries this study is concerned with are. The state of Kuwait, Qatar, Bahrain, the United Arab Emirates, and the Kingdom of Saudi Arabia. The Sultanate of Oman and the Republic of Iraq are excluded mainly because it was impossible to obtain the necessary information. Needless to say, obtaining information from Saudi Arabia was extremely difficult. However, thanks to the students of the Political Science Methodology Class 401, we were able to collect the information secretly.
- 2 . J.S. Birks and C.A. Sinclair, **Arab Manpower; The Crises of Development**, (New York. St. Martin's Press, 1980).
- 3 . Ibid. p. 1.
- 4 . Ibid.
- 5 . Henry Azzam, "Nataig Wa Ihtimalat Intigal Al-Aydi Al-Amila Fi Al-Aktar Al-Mustawrida Wa Al-Aktar Al-Musadra" (Results and Possibilities of Man Power Transformation in the Exported and Imported States) in **Al-Mustakbal Al-Arabi**, No. 23 (Beirut. 1981) p. 35.
- 6 . Nadir Firjani, "AlAmala Al-Wafida ila Al-Khalig" (Expatriate Labor in the Gulf States) in **Al-Mustakbal Al-Arabi**, No. 23 (Beirut: 1981) p. 64.
- 7 . Social and Economic Impacts of the Kuwait Government Compensation Increase of 1971-1972 and Recommended National Compensation Problems (Report and Project No. 2340), California. Stanford Research Institute, May, 1974), pp. v. 28.
- 8 . Tawfik Farah, Faisal and Maria Al-Salem, "Alienation and Expatriate Labor in Kuwait", (MIT. Migration and Labor Study Group. Boston, 1979).
- 9 . Walid Moubarak, Kuwait's Quest for Security (Dissertation. Bloomington, Indiana University, 1979), p. 144.
- 10 . Abdul Rasuf Al-Mosa, "No Arab Immigration to Kuwait with Special Reference to Asian Immigrants", **Journal of Social Sciences**, Vol. 8, No. 4 (January. 1981), p. 144.
- 11 . Yosef Al-Zinkawi commented in **Al-Anbaa** Newspaper of Kuwait on June 29, 1981 on the issue as: The Criminal acts that occur in Kuwait (as well as the Gulf area as a whole) are, in essence, the price of development. Development brought all kinds of people with different backgrounds, cultures and religions. All opposites and contradictions existed in the Gulf which in turn would lead to social disturbances.

Mr. Al-Zinkawi added that one could understand the individual criminal acts, such as theft, drugs, car accidents, rape or murder, which might be considered the price of development. However, how can one explain a bomb explosion which kills 5 people? This kind of act cannot be considered as the price for development...

It is true that we (Kuwaitis) live in the Arab world in which every state of it has its own ideology and type of system that goes from the extreme right to the extreme left. Since Kuwait had opened her doors to different laborers from these contradicting societies, one has to expect violence in the Gulf. The writer concludes that it would be the responsibility of the governments in the Gulf to handle the problem of the expatriates carefully.

THE LEGAL STATUS OF THE ARAB GULF*

By: Dr. S. H. AMIN**

The Gulf's "Semi - Enclosed" Status

The legal status of the Arabian Gulf was previously recognised as the same as that of the open seas. Within Continental Shelf Proclamations of 1948 Saudi Arabia and the Gulf States specified that these proclamations were not to be interpreted as affecting the freedom of fishing, shipping and overflight in the high seas of the Gulf. This clarification was made because the continental shelf area in legal terms extends beyond the limits of the territorial sea of a coastal state. This "open sea" status was disputed in the First United Nations Conference on the Law of the Sea (1958) by Iran, as well as some other States, who pointed out that the status of the oceans and open seas should be distinguished from that of the enclosed or semi - enclosed seas.

The concept of "enclosed or semi - enclosed seas" is now recognised and defined by Article 122 of the Law of the Sea Convention of 1981. The Arabian Gulf falls within this definition of the term "enclosed or semienclosed sea". However, the Gulf States themselves are divided with respect to the legal status of the Gulf. On the one hand, Iran strategically placed at the entrance of the Gulf, advocates a special semiclosed status for the Gulf and even claims that the Gulf should be considered "closed or inland sea" or analogous to one. On the other hand, other Gulf States favour the traditional open - sea status of the Gulf which guarantees that the waters beyond the territorial sea are part of the high seas. This view supports an unrestricted right of navigation for the international community within the Gulf. The difference of opinion is clearly seen in different draft articles submitted by Iran and Iraq to UNCLOS III as regards the provisions on enclosed or semi - enclosed seas.

Iraq occupying a narrow sector on the northern edge of the Gulf has access to open seas only through the Strait of Hormuz, between Iran and Oman. The maritime policy of Iraq is influenced by her limited access to the Gulf waters. Iraq, more than any other Gulf State, advocates the regime of "transit passage" in order to guarantee free navigation

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through the Strait of Hormuz. During the Iran - Iraq war of 1980, Iran closed the Strait to the Iraqi vessels and Iraq had to stop all shipments out of the Gulf. Iraq, who exports some 2.8 million barrels of oil a day, was unsuccessful in exporting any of its oil through Mediterranean outlets. Iraq then suspended her oil export contracts because of **force majeure**. To export its oil by pipelines to the Mediterranean, Iraq had to depend on the good will of its neighbours. Jordan gave the Iraqis use of the Port of Aqaba, on the Red Sea, as a substitute for the Iraqi port of Basra.

Apart from these strategic considerations, Iraq's maritime policy is affected by economic interests. Iraq's fisheries would be the worst affected by a territorial appropriation of the Gulf. At present Iraq's total catch is 26,000 tons compared with Iran's 20,000 tons. It is on these lines that draft Article 5 of Iraq defines the term 'semi - enclosed sea which constitutes part of the high sea' as 'an inland sea, surrounded by more than one State, and connected with other parts of the high seas by a narrow outlet'. Freedom of navigation, according to the Iraqi draft articles 4 and 6, should be maintained in semi - enclosed seas which constitute part of the high seas even where the establishment of a 12 - mile territorial sea has the effect of enclosing areas previously considered as part of the high sea. These provisions have direct effect in the Strait of Hormuz.

Since both Iran and Oman have a 12 - mile territorial sea, the entire waters of the Strait of Hormuz (except a narrow opening) are claimed as territorial seas by Iran and Oman. Almost all the oil produced in the Gulf region is exported in tankers which have to traverse the Strait of Hormuz. Richard Young points out that if the three islands of Abu Musa, Greater and Lesser Tunbs are recognised as Iran's territory, the Iranian territorial sea will embrace most of the normal shipping routes up and down the Gulf. He also suggests that strict controls on traffic by Iran and Oman within their "territorial sea Strait of Hormuz" present a serious hazard to navigation. This possibility was highlighted during the early stages of the Iran - Iraq war in September 1980. Iran designated its 12 - mile territorial sea within the Strait as the "war zone" The Iranians emphasise the exclusive responsibility of States bordering the enclosed and semi - enclosed seas, as indicated in the previously mentioned Iran's draft article to UNCLOS III. Of course, if the convention is ratified the

Strait of Hormuz will be under the regime of international straits and subject to the right of (transit passage), and not territorial sea.

The question is whether a revolutionary regime such as Iran's will submit to these provisions. In April 1980, threatened by military action from both the United States and Iraq, Iran considered the option of closing the Strait to international shipping, regardless of the legal position of such an action. Later, in September 1980, Iran actually suspended any passage through her 12 - mile territorial sea limit in the northern section of the Strait. However, on October 1, 1980, Mohammad - Ali Rajai, the Iranian prime Minister, issued a statement indicating that Iran was committed to guaranteeing the freedom of passage of all non - hostile ships through the Strait. The statement specifically acknowledged international law and customs concerning freedom of passage through international straits. It is clear that this statement was merely made to deny reports suggesting Iran's intention to close the Strait. Despite this, on October 9, 1980 president Bani - Sadr of Iran, in an interview published in *Le Monde*, stated that Iran would not hesitate to close the Strait if other countries entered the war against Iran. Furthermore, on October 15, 1980, the Commander of Iran's Navy publically announced that Iran was prepared to mine the Strait in case any of the Arab States entered the war against Iran. Although none of the Gulf States made any comment, the United States declared that if the Iranian threats were carried out, the American Air Force helicopters would take immediate action to remove the mines. However, the Anglo - American naval presence in the Arabian Sea forced the Gulf's lanes to stay open to international shipping.

Iran's present position is not clear with regard to the legal regime of the Gulf. Under the Shah, Iran favoured a national appropriation of the Gulf by the coastal States. Mass'ud Ansari, the Iranian representative at the United Nations Sea - Bed Committee, defined "marginal seas" as true microcosms, necessitating different regimes and thus justifying certain unilateral appropriation of marginal seas. He stated that the intrusion into these types of seas by fishing fleets from distant fishing states would create an abnormal situation which would seriously disturb the economy of the coastal region. Similarly, the late Iranian Minister of Foreign Affairs, A A Khal' atbary, introducing a bill on an Exclusive Fishing Zone to the Majlis (October 29, 1973), stated that failure to adopt provisions on this issue had resulted in abuse of the situation by the industrialised states.

In addition to the reasons mentioned above, one must not overlook the significant strategic interests sought by Iran under the Shah in advocating the national apportionment of the entire waters of the Gulf among the littoral States. This policy was consistently followed by Iran since the British withdrawal from the Gulf in 1971. One of the main objectives of the Conference of Gulf Foreign Ministers on Gulf Security (Muscat, November 1976) concerned the territorial division of the entire waters of the Gulf among the littoral States. The Gulf's security was highlighted during the 1979 - 80 Soviet - American rivalry in the Arabian Sea. Iran and Kuwait main-

tains that the Gulf's security had to be guaranteed exclusively by the littoral States, thus preventing the region from becoming an area for conflict between the Major powers.

The territorial apportionment of the Gulf has basically been justified on economic grounds. All of Iran's oil is shipped out through the Gulf. Iran also receives well over half her imports via the same route. Equally, all other Gulf States are heavily dependent on the Gulf for their development and prosperity. These economic interests added to geographical, geological, strategic and historical reasons all call for the establishment of a special regime constituting an exception to the general rule of the freedom of the high seas.

THE LEGAL DIVISION OF MARINE AREAS OF THE GULF

Moving from land seawards, the Gulf is legally dually divided into internal waters, territorial sea, contiguous zones, and exclusive fishing economic zones. These legal divisions of the maritime areas are studied in detail in the following sections.

Internal waters in the Gulf Area

Internal waters in the Gulf consist of those on the landward side of the baselines used for measuring the width of the territorial sea. The waters of regional ports, harbours, rivers and canals are also parts of the internal waters, plus the waters between islands not farther apart than the limits of the territorial sea.

The 1949 Decree of Saudi Arabia included the following waters as the "inland waters" of the Kingdom:

- a . bays along the coasts of Saudi Arabia.
- b . the waters above and landward from any shoal not more than twelve miles from the sand: the Arabian mainland or its islands.
- c . the waters between the mainland of the Kingdom and a Saudi Arabian island not more than twelve miles from the mainland, and.
- d . the waters between Saudi Arabian islands not farther apart than twelve miles.

Also article 6 of the Iranian law of April 12 1959 on territorial sea proclaimed the waters between the Iranian islands not farther apart than twelve miles as internal waters.

Article 4 of the Geneva Convention of the Territorial Sea and the contiguous zone (1958) allows the method of the "straight baseline" to be employed in measuring the territorial sea.

Article 5 provides that the waters on the landward side of the baseline form part of the internal waters. These provisions are also confirmed in Article 7 of the Informal Composite Negotiating Text prepared by the third United Nations conference on the law of the sea.

The implication of the straight baseline method is of great significance as far as the shelf - locked states of the Gulf are concerned. That is to say, the drawing of baselines does not make much difference in cases of coastal States bordering the open seas, which will have an economic zone of 200 miles. But the application of the "straight baseline" "rather

than low - water mark baseline" affects greatly the delimitation of the marine areas of the enclosed or semi - enclosed seas between adjacent or opposite States. An example of such a case is the Saudi Arabian Decree of February 16, 1958. Article 2 of this decree states that the waters between the coasts of the Kingdom and the shoals and islands extending out to 12 miles are internal waters.

Another crucial issue, with respect to internal waters, was the disagreement between Iran and Iraq concerning the borders of the Shatt - al - Arab. The position of the Shatt - al - Arab is the most important frontier dispute between Iran and Iraq and affects, both politically and legally, all marine issues of concern between the two States. The position of the Shatt - al - Arab is also important to Kuwait because of her interest in the implementation of the Shatt - al - Arab water scheme.

The boundaries of the Shatt - al - Arab which flow directly into the Gulf are extremely important because of their effect on the delimitation of the territorial sea. The water border between Iran and Iraq in the Shatt - al - Arab was defined according to the median line principle by the Algiers Treaty of 13 June 1975. Accordingly the border line was to follow the median line of the main channel. Protocol III of the Treaty indicated the specific points of the water boundary line between the territorial waters of each State. The median line principle, in effect, moved the Iraqi border from the Iranian side of the Shatt - al - Arab to the middle of the waterway, beginning from the point where territorial border line is projected at the Shatt - al - Arab, through the Gulf. The Algiers Treaty and its protocols were duly ratified by both States and there were no disputes between Iran and Iraq over the boundaries for five years. However, this Treaty was abrogated by Iraq in September 1980 when the Gulf war began.

The question of internal waters of the archipelagic State of Bahrain require some consideration. Article 50 of the ICNT/REV 1 provides that the archipelagic states may draw closing lines for the delimitation of internal waters. However, Article 8 of the Text expressly states that waters on the landward side of the baseline of the territorial sea of archipelagic States do not form part of the internal waters of the State. The internal waters of Bahrain, therefore, are confined to rivers, bays, and ports.

TERRITORIAL SEA IN THE GULF

Coastal States have the right to exercise sovereignty over their territorial sea subject to the rights of innocent passage and the jurisdiction of flag States. The width of the territorial sea, which by definition extends beyond internal waters, is one of the most controversial issues in international law. States claim territorial seas ranging from 3 to 200 miles. However, in the semienclosed Gulf none of the littoral States claim any territorial sea beyond 12 miles.

The Council of the League of Arab States, in its 31st Session (Cairo - March 1959) within a Report on the Resolution of the First United Nations Conference on the Law of the Sea recommended to its members a movement towards a 12 mile territorial sea. In the area of the Gulf, Saudi Arabia and Iraq has already extended the breadth of their territorial sea

to 12 miles. Other Arab States in this area did not then take an interest in the recommendation apparently because of the British protectorate influence. The aim behind the Arab League recommendation was to achieve a 12 mile territorial sea in the Strait of Tiran and the Gulf of Aqaba as a security measure during the Arab - Israeli conflict. Later, significant economic interests caused the extension to 12 miles of the traditional 3 mile limit of the territorial sea by more Arab States in the Arabian Gulf: Kuwait in 1967, Sharjah in 1970 and Oman in 1972 all extended their territorial seas to 12 miles. So apart Iraq, Saudi Arabia, Kuwait, Sharjah and Oman, other Arab States in the Gulf has territorial seas of 3 to 6 miles until 1972. At present, however, 12 miles may be regarded as the general Gulf standard.

In 1960 Iraq, and Saudi Arabia, were among the "eighteen power" developing States at the Second United Nations Conference on the Law of the Sea which proposed to fix the breadth of the territorial sea at twelve miles. This proposal was rejected by 39 votes, to 36, with 14 abstentions. Iraq and Saudi Arabia voted against the joint proposal of Canada and the United States of a six plus six formula while Iran abstained. The legal controversy over the breadth, of the territorial sea has arisen because of the conflict of interests between different States. The nature of the national interests involved is obvious in the event of any extension by the coastal States of the Gulf of their territorial sea. The early oil concessions in the region such as Arcy (Iran 1901), IPC (Iraq 1925), and AIOC (Iran 1933) made no reference to territorial waters, and only from 1933 onwards were territorial waters included in oil concessions. From the mid 1930 onwards when technological advances made the exploitation of the mineral resources of the submarine areas a reality, the coastal States in the Gulf extended their territorial sea.

Iran in 1934 and Saudi Arabia in 1949 were the first among the Gulf States to extend their territorial seas to six miles. Saudi Arabia and Iraq in 1958, Iran in 1959, Kuwait in 1967, Sharjah in 1970, and Oman in 1972 extended their territorial seas to 12 miles.

As a result of Oman's extension of its territorial sea, the strait of Hormuz is now contained within the territorial waters of Iran and Oman. It is, therefore of great significance to investigate the legal status of the Strait of Hormuz. The contemporary rules of international law provide that the extension of the territorial sea limits does not change the legal status of international straits. Hence, the Strait of Hormuz should be subject to the regime of transit passage as incorporated in the latest proposed Law of the Sea Treaty (ICNT/REV1).

EXCLUSIVE ECONOMIC ZONE (EEZ)

Article 7 of the Iranian Act of 12 April 1959, which extended Iran's territorial sea to 12 miles, specified that fishing and other rights of Iran beyond the limits of its territorial sea should remain unaffected. However, despite the traditional fishing activities of the coastal communities in the high seas adjacent to territorial waters, Iran did not specifically claim any fixed exclusive fishing zone until 1973. On similar lines,

the 1949 proclamations issued by the Gulf States asserting their continental shelf rights, specified that these did not affect the traditional rights of fishing and pearling in the superjacent waters above the continental shelves.

It was generally submitted that the fishing activities in the Gulf were governed by customs and usages of immemorial standing. However, the nature and the scope of these traditional rights and customs are not precisely defined. The 1949 proclamations, not unlike the Saudi Arabian proclamation of 1958, effectively conceded that fishing rights were accorded equally to all the various peoples of the Gulf and only to them. Foreign nationals had no fishing rights in the area. Intrusion by outsiders except possibly kinsfolk of the coastal people of the Gulf, has always been resented and was discouraged by the British prior to their 1971 withdrawal from the Gulf. However the British protection of pearling has been based on British political and naval predominance in the Gulf and beyond, rather than on any legal authority.

A survey team under the auspices of the United Nations food and Agriculture Organization (FAO), has been set up to look at the non - oil reserves available in the Arabian Gulf and the Indian Ocean. Iran, Iraq, Kuwait, Bahrain, Oman, the UAE, and Qatar all cooperate in the above - mentioned survey, the centre of which is based in Doha (Qatar).

Oman was the first state in the Gulf region to claim an exclusive fishing zone. Article 5 of the Omani Decree of July 17 1972 states that Oman exercises sovereign rights over the exclusive fishing zone of the Sultanate for the purposes of exploring, developing, and exploiting its living resources, including but not confined to fish. Article 6 provides that the exclusive fishing zone of Oman extends 38 miles seaward, measured from the outer limits of the territorial sea of the Sultanate. This was altered when Sultan Qabus issued a decree on June 16 1977 which extended Oman's exclusive fishing zone to 200 miles. It is assumed, however, that the provisions of Article 7 of the 1972 Decree on overlapping jurisdiction remain in force. Accordingly, where the coast of another State is opposite or adjacent to the coast of Oman, the outer limit of Oman's exclusive fishing zone may not extend beyond the median line every point of which is equidistant from the nearest points on the baselines of the territorial sea.

Soon after Oman's claim of an exclusive fishing zone in 1972, Pakistan put forward a similar claim to an exclusive fishing zone of 50 miles from the coastline (March 20, 1973). At the same time, in Summer 1973, Iran's Council of Ministers decided to extend Iran's exclusive fishing zone within both the Arabian Gulf and the Sea of Oman. This decision was manifested a few months later in the (Proclamation of October 30, 1973 Concerning the Outer Limit of the Exclusive Fishing Zone of Iran in the Arabian Gulf and the Sea of Oman), which was delivered by Mr A A Howayda the late Prime Minister. The Iranian Proclamation, similar in outline to the Declaration of Pakistan, justified the claim to an exclusive fishing zone on historical, economic and legal grounds.

It stated that:

Whereas the coastal communities of Iran have throughout history been engaged in fishing activities in the seas adjacent to the Iranian coast; and whereas under Article 7 of the Law of 12 April 1959 on the territorial Sea of Iran, fishing and other rights of Iran beyond the limits of its territorial sea have been reaffirmed; and whereas the natural resources of the seas adjacent to the Iranian coast are of vital importance to the economic and social progress of Iran; Now, therefore, in order to safeguard the fishing rights and interests of Iran in the seas adjacent to its coast and the coasts of its islands, it is hereby declared ...

Article One of the proclamation fixed the outer limit of Iran's exclusive fishing zone at the outer limit of Iran's continental shelf in the Gulf, and at 50 miles from the base - points of the territorial sea in the Sea of Oman. Article One (a) provided that where the shelf boundaries of Iran with the neighbouring States had been demarcated, the outer limit of Iran's fishing zone would be the superjacent waters of the same boundaries as specified in mutual agreements. The principle of median line was adopted, in Article One (b), for the delimitation of Exclusive Fishing Zone boundaries with those States whose shelf boundaries were not yet determined. As already mentioned above, the 50 mile limit claimed by Iran with respect to the Sea of Oman (in Article Two) was at that time identical to that claimed by Oman and Pakistan, Iran's two neighbours in the Sea of Oman. Article Two provided that where Iran's exclusive fishing zone overlapped those of other States, the boundary line should be a median line.

The proclamation was submitted to Majlis, Iran's lower house of parliament, by Dr AA Khalatbary, then Iran's Minister of Foreign Affairs, October 29, 1973. Introducing the bill to the Majlis, he said that failure to adopt provisions by the developing States on exclusive fishing zones had resulted in abuse of the situation by fishing zones had resulted in abuse of the situation by the developed, industrialized States. However, Article Five of the 1973 Proclamation specifically guaranteed freedom of navigation through the marine areas of the Iranian exclusive fishing zone.

Iran's Council of Ministers issued a second Pronouncement on May 22, 1977, which further extended Iran's exclusive fishing zone. This extension was, however, confined to the Iranian fishing zone in the Sea of Oman. The Pronouncement, referring to the previous Proclamation of October 30, 1973, stated that the outer limit of Iran's exclusive fishing zone extended up to the limits of a median line every point of which was equidistant to the base - points of the territorial waters of Iran on one side and of Oman on the other. It was not confirmed whether Oman had recognised Iran's exclusive sovereignty over certain small rocks and reefs hitherto considered as "terra nullius". Nor was it clarified whether some "insignificant" Iranian islands in the Sea of Oman were claimed as base - points for Iran's exclusive fishing zone. It is, however, understood that, with Oman now claiming an exclusive fishing zone of 200 miles, Iran and Oman are acting in collaboration to prevent foreign vessels from

fishing in their overall undefined exclusive fishing zones. After Oman and Iran, other Gulf States put forward similar claims with respect to fishing. In May 1974, Saudi Arabia issued a Royal Pronouncement which fixed the Kingdom's exclusive fishing zone in the Gulf (as well as in the Red Sea). This Pronouncement contained no fixed limit up to which Saudi Arabia's exclusive fishing zone extended. However, it stated that for the purpose of determining the boundaries of the fishing zones between Saudi Arabia and adjacent or opposite States the median line would be used as the method of delimitation.

A month later Qatar's Ministry of Foreign Affairs issued a Pronouncement on June 2, 1974 which fixed Qatar's EEZ. The Pronouncement stated that the outer limit of Qatar's EEZ would be delimited by mutual agreement, Qatar's EEZ would extend up to the outer limits of Qatar's continental shelf or to a median line. Article Two of the Pronouncement claimed exclusive rights for the State of Qatar to control, search, explore, exploit, fish and construct installations within the waters of the Gulf adjacent to Qatar's territorial sea up to the limits of Qatar's continental shelf.

The Continental Shelf:

The marine and sub - marine areas within the Islamic legal system fall within the definition of "anfal" or public assets which belongs to God, the Prophet, and the Muslim community. The position of the marine and sub - marine resources, therefore, may be considered as "no man's land", capable of appropriation on behalf of the Muslim communities. However, on the advice of the United Kingdom, all Protected Gulf States issued in 1949 separate Proclamations asserting exclusive rights over the continental shelf adjacent to their coasts. The operative clauses of all these British - sponsored Proclamations were virtually identical. Each State declared the respective adjacent continental shelf to be subject to its exclusive sovereignty. These claims could be interpreted as greater than mere exclusive jurisdiction over the seabed resources such as purported by the Truman Proclamation of 1945. The Gulf States Proclamations stated that there was nothing in them that might be interpreted affecting dominion over the islands or the status of the seabed and sub - soil underlying any territorial waters.

The British and American policies on maritime issues were reflected in tendencies to assert continental shelf rights and to disclaim any effect on the waters above the area annexed. It is of significance to consider what criteria were taken into account when the early claims over the continental shelf arose.

As early as 1942, the United Kingdom and Venezuela divided the submarine areas beneath the high seas of the Gulf of Paria between themselves. In 1945 President Truman of the United States asserted the unilateral extension of the United States' jurisdiction and control over the continental

shelf adjacent to its coasts on three basic grounds. The most important reason was that the "continental shelf may be regarded as an extension of the mainland of the coastal nation, and thus naturally appurtenant to it". This geographical phenomenon was supported by the fact that the continental shelf resources "frequently from a seaward extension of apud or deposit lying within the territory" of the coastal States. The second reason was that "the effectiveness of measures to utilise or conserve these resources would be contingent upon co - operation and protection from the shore". Finally, referring to security reasons, the proclamation stated that "self - protection compels a coastal nation to close watch over activities off its shores".

The Saudi Arabian Royal Pronouncement of May 28, 1949, dealing with the subsoil and seabed of areas of the Gulf outside of territorial waters was basically justified on a concept of contiguity, which was not precisely defined. Also the Proclamations of the rulers of Bahrain, Qatar, Kuwait, Abu Dhabi, Dubai, Sharjah, Ajman, Umm al - Qaiwain, and Ras al - Khaimah were all based upon the same concept of contiguity without further explanation.

Claims over contiguous territories have a long history in the practice of States. However, it is doubtful in international law if territorial acquisition is justified solely on the basis of contiguity. It is argued that contiguity is an aspect of possession, not the basis of title independent of possession. Whatever the validity of the doctrine of contiguity as regards onshore acquisition may be, its enforcement is definitive concerning claims to extend continental shelf regions and fishing ruling in the North Sea Continental Shelf Cases (1969).

The formulation of the pronouncement of Saudi Arabia, was similar to the Truman Proclamation. It was justified on the ground of self - protection and because the exercise of jurisdiction over the shelf resources was (reasonable and just). It also went on to affirm that the effectiveness of measures to utilize these resources would be contingent upon co - operation and protection from the shore. Saudi Arabia, Kuwait, and Qatar have also specifically referred to international practice on this issue within their proclamations dealing with the subsoil and sea - bed of areas of the Persian Gulf outside territorial waters.

Saudi Arabia and all nine Arab Emirates avoided the use of the term "continental shelf". This was apparently the result of arguments over the existence or non - existence of a continental shelf in the Gulf. Iran and Oman were the only two Gulf States which specifically referred to the term "continental shelf" in their shelf proclamations.

The Iranian draft legislation of 1949, which was finally passed as the Law of June 19, 1955, was designed to conform to the concept of the "continental shelf". While other coastal States of the Persian Gulf avoided the use of the term "continental shelf" in their 1949 Proclamations, Iran asserted its rights to the submarine areas of the high seas of the Arabian Gulf and the Gulf of Oman with particular reference to the English and French terms of "continental shelf" and "plateau continental". It is suggested that the reference

to the "continental shelf" in the Iranian Law of 1955 might have been relevant to Iran's previous claim over the Bahrain Islands. This means that the legal doctrine of the continental shelf, which justifies the right of coastal States on the basis of natural prolongation, would have been deemed to assert Iran's claim over submarine areas adjacent to Bahrain.

The Omani Decree of July 17, 1972 was, however, more in line with the legal definition of the continental shelf. Article 4 of the Decree specifically defined the Sultanate's continental shelf as the sea - bed and natural resources upon and beneath the sea - bed adjacent to the coast of Oman to a depth of 200 metres or to such greater depth as may admit of the exploitation of the natural resources. Oman is the only

Gulf State which has adopted a certain objective criterion such as 200 isobath, plus dynamic criterion of exploitability test, as to the limits of its continental shelf. Oman, though not a party to the GCCS has obviously stuck to the criteria provided by Article 1 of the Convention. This is very important especially because Oman's continental shelf in the Gulf of Oman and the Arabian Sea is sometimes deeper than 200 metres.

CONCLUSION

The Gulf is a "Semi - enclosed" Sea as this term is defined in the law of the Sea Convention 1981.