

***The impact of Boundaries on the Foreign policy of  
the Kingdom of Saudi Arabia***

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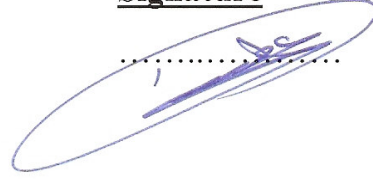
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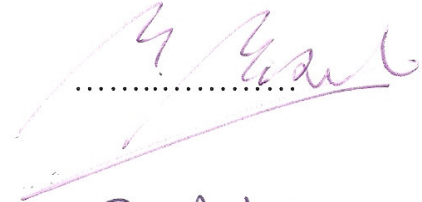
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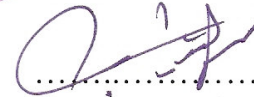
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## *Dedication*

*I dedicate this work to my loving family for all their support in helping me attain one of my life's greatest achievements*

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***Special thanks to my Supervisor Dr. Omar H. Hadrami for his guidance and support, and the Examination Committee for their time and effort.***

***Many thanks to all my Doctors, who paved the way during my years of studying.***

***Eisa Abdulrhman Almalki***

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**THE IMPACT OF BOUNDARIES ON THE FOREIGN POLICY OF  
THE KINGDOM OF SAUDI ARABIA**

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**ABSTRACT**

Saudi Arabia has common Borders with all Gulf States that evoked many Disputes about it, specially after the presence of oil, as the borders problem has been and still one of the most important problems that impacts the Gulf-Gulf's relations,.

From this point this study came to analyze the Saudi diplomacy in dealing with the borders disputes as one of the most important problems that confronts the Arab Gulf Region.

Saudi Arabia made the political efforts to resolve all borders, disputes between the Arab Gulf States and the Kingdom of Saudi Arabia because of its awareness about the effect of the borders problem regarding all the Arab Gulf States within the challenges and the threats the Gulf Region is facing at the regional and the international level.

The study reached a set of results that explains the Saudi role to reach resolutions for the borders disputes in the states of the Gulf cooperation Council, as the Saudi diplomacy contributed in reaching a border treaty with the republic of Yeman. And the state of Kuwait to resolve the borders problem and directly interfered to resolve



the borders problems between the Gulf States as with the Breemi Problem, and with other problems.

The Study recommending the need to increase cooperation between the Gulf States and within the frame of the Gulf Cooperation Council to resolve the borders disputes, and for the Saudi Arabia to continue its efforts in this regard to resolve the borders deputes in order to deepen the cooperation between the Gulf States.

## Chapter One

### 1. Introduction:

The Arab Gulf region and the neighboring countries constitute the most important pivotal axis to the regional and foreign policy of the Kingdom of Saudi Arabia. This is due to various reasons. Some of these are anchored in familial, tribal or historical reasons. The geographical proximity, the similarity of the political, economic, and social systems play a very important role in impacting on this orientation. The interests of the major powers in this area caused the kingdom to pay great attention to the area as being its strategic depth. The relations between the Kingdom with the Arab Gulf states were always marked by closeness to the point of being ideal.

The relations of the kingdom with Kuwait, for example, were for, nearly 64 years, truly fraternal and intimate politically, economically, militarily as well as the solution of the boundaries between the two states. The citizens of the Arab Gulf countries, especially from Bahrain, Kuwait and Qatar, flock to work in the kingdom without any discrimination. Upon the direct orders of the Custodian of the Two Holy Mosques, King Abdullah Ibn Abdul Azeez, migrants are allowed to work in the eastern parts of the Kingdom. This is particularly so regarding the people of Bahrain, after the depression of the pearls industry. They numbered around 30.000 persons (A large number considering the total number of the people of Bahrain) who went to work there when the oil was discovered in the Kingdom.

Despite the legacy of the borders disputes that resulted from the British colonial era, the founder of the Kingdom, the late King Abdul Azeez Al-Saud, was keen on building friendly relations with the Arab Gulf states due to the common bonds that tie all of them

together, that go back to the first and second eras of the Saudi State... from 1744-1818, and 1840-1891.

The late King Faisal stressed the question of the solution of the borders disputes with the neighbouring countries as being at the top of the agenda of the Saudi foreign policy ... even if this meant some sacrifices. Accordingly, he focused on this subject and urged its solution in a peaceful and brotherly manner. He also emphasized the importance of coordinating the foreign security and oil policies among the Arab Gulf states.

In its approach to the neighbouring countries, the Saudi foreign policy, adopted the following principles (including the one relating to the borders dispute):

The peaceful settlement of all borders issues, especially between the Kingdom of Saudi Arabia and the rest of the states of the Gulf Cooperation Council.

The settlement of the borders disputes progressed towards the better, since its start with the late King Abdul Azeez and was maintained by his son, the late King Faisal. This tradition was maintained by the late King Fahd who Said “ one of the Saudi political priorities in the Arabian peninsula is to find a rapid solution for all the borders disputes and conflicts”. Thus the boundaries were marked between Saudi Arabia and the state of Kuwait, and the dispute between Qatar and Bahrain over the island of Hawar was resolved.

### **1.2 The problems of the study:-**

The borders problems is a global phenomenon. The Arab Gulf is not an exception to this. The question arose at the onset of the twentieth century, and increased noticeably after the second world war, when new political entities came into existence in various parts of the world. The Arabian peninsula was not an exception. Its situation was aggravated by the British colonial rule which planted the seeds of borders disputes to cause its states to confront each other. This is what the British Political Resident in

Bahrain, Percy Cooks, did in 1906 between the late King Abdul Azeez Al-Saud and Shargah, Muscat and Ajman. In 1955, an exchange of territories took place between Saudi Arabia and Jordan that resulted in Amman giving up a large desert tract, in return for receiving a small coastal area near the port of Aqaba.

In 1971, the neutral zone between Saudi Arabia and Kuwait was divided administratively, and both states continued to share equally in the proceeds of the oil revenues of the zone.

In 1981, Saudi Arabia and Iraq reached an agreement in principle regarding the neutral zone among the two states, which was turned, in 1983, into a final agreement.

Saudi Arabia and Yemen reached an agreement to delimit the boundaries among them in the Taif agreement. This put an end to a short war that broke out between them regarding the boundaries.

In 2000, the borders between them were finally drawn. The Saudi borders with the United Arab Emirates is still unresolved, and is subject to an agreement in principle that was signed in 1974 and 2001. The Saudi borders with Qatar are drawn, while those with Oman are not.

The overall aim of this study is to answer the following question: “what is the Saudi perception of the borders in the foreign policy of the Kingdom”?

### **1.3 The importance of the study:**

The importance of this study stems from contributing to raising awareness about Arab policies in this respect, and the formulation of thoughtful approach regarding Arab borders in general.

#### **1.4 The methodology of the study:**

The study will attempt to base its methodology on the system's theory: the system as the basic analyzing unit. The system, in this context, is an absolute term. It is a set of elements that are linked together operationally in an organized manner, including the reaction and the neutral dependence ... so that the political system becomes a state of continuity among these elements. As for the foreign policy of each state, this means the perception of the explanation of the behaviour... which means dealing with foreign affairs. Thus the foreign policy of a country is a system on the move that accelerates the reaction among its parts to a degree of mutual dependency, thus accomplishing the basic task of making foreign policy decisions, and executing them in order to achieve the designated goals. The foreign policy system moves within a combined environmental framework, including the internal and the external environments, that represents the total conditions surrounding the system.

#### **1.5 The objectives of the study:**

This study strives to achieve the following objectives:

- 1- Analyzing the Saudi Arabian policies towards the Arab Gulf region at the present.
- 2- Identification of the most important borders problems between the Kingdom of Saudi Arabia and its neighbouring countries.
- 3- Analyzing the Saudi perspective regarding the borders problems, and the Saudi approach to these issues with the neighbouring countries.
- 4- Highlighting the impact of the borders problems on the relations with the neighbouring countries.

### **1.6 The hypothesis of the study:**

The hypothesis of the study stems from the following basic assumption. The borders issues play a significant role among states and in their inter-state relations. In addition, the borders issues impact on the distribution of power within the state.

#### **The first sub-hypothesis:**

The international and regional environment affecting the nature of the borders conflicts and the political relations between Saudi Arabia and the neighbouring countries.

#### **The second sub-hypothesis:**

The orientation of the Saudi Arabian foreign policy in finding political solutions for the borders problems with the neighbouring countries.

### **Literature review:**

#### **1- The estimate, the Yemeni- Saudi treaty, June 30,2000:-**

The study tackled the Yemeni- Saudi border treaty since the disputes between the two countries regarding their borders were very grave and were threatening to explode, without arriving at a solid treaty to defuse the potential clashes.

The borders agreement between Yemen and Saudi Arabia that was signed in Jeddah on 30 June, 2000 – which coincided with the visit of the Yemeni President- delimited the maritime borders between the two countries from the Red Sea to the intersection of the common borders with Oman, specifying border points that are to be identified and marked by an international company using the global positioning technology. What is to be noted is that the Yemeni – Saudi border dispute was not exclusively about borders, but one that could be invoked when relations between the two countries deteriorated.

What prevented the signing of the final treaty was the Yemeni insistence that the treaty should restore the economic privileges that were withdrawn from the Yemeni

citizens in Saudi Arabia during the second Gulf war... as well as the restoration of the long-suspended Saudi financial aid to Yemen.

The study adds another factor to the disputes between the two countries... the fact that Saudi Arabia has long suspected that Yemen still harbours irredenta sentiments towards what the Yemeni nationalists call the “lost provinces” of Jizan and Najran which were annexed by Saudi Arabia in 1934. The delimitation of the final and permanent borders between both countries along the reef line, any lingering Yemeni claims to any territory north of this line came to end ... which was also a Saudi goal. The study concluded that some perspective may be gained by noting that the Yemeni – Saudi quarrel was more than a border dispute. Though the treaty delimited the borders and was met with equal enthusiasm by Yemeni and Saudi officials, yet some Yemenis felt that Yemen has settled without getting the economic assurance it had long demanded.

**2- The British – Yemeni society, Schofield, Reichard, 31 March 1999:  
negotiating the Saudi – Yemeni international boundary:**

The study tackled the Saudi – Yemeni boundary question within its regional context, with a handful of historically – loaded territorial disputes that remain as a potential threat to the regional stability.

The study addresses also the recent developments in the Saudi- Yemeni relations affecting the boundary negotiations. The study pointed out that the President of Yemen was frustrated at the slow pace of the proceedings of the negotiations, and that the borders joint committee did not achieve the hoped-for progress, and that the Saudi representative in the committee has summarily dismissed Yemen’s first formally articulated claim to a territory in the border areas east of Jabal Al-Thar, and the view of

the Yemeni President that the territorial dispute will probably be settled by a political decision at the highest level.

**3- A 1999 study by Al-Naem, Mshari Abdul Rahman, Under the title “the Saudi political borders: the search for stability”:-**

The study Aimed at analyzing the extent of the borders disputes at the stability of the relations between Saudi Arabia and its neighbouring countries. The study concluded that there exists an increasing Saudi interest to solve the borders problems due to their direct negative impact on the Saudi relations with the neighbouring countries.

The study is distinguished by its tackling of the borders disputes through a historical perspective ... not a political or methodological perspective. It tried to analyze the Saudi Arabian political attitudes towards the borders issue, and their impact on the Arab and regional regime ... and the cooperation in finding political solutions to the borders issues in order to avoid any threats to the Arab Gulf region’s security, given the instability that the region is facing.



## Chapter Two

### The problem of borders in international policy

As soon as the national state came into existence, as a political and legal entity, and a major actor in the realm of the international relations, the question of borders received great attention, and became one of the subjects that preoccupied the international law jurists. This was before this question began to constitute a basic preoccupation for these states in order to ascertain their national and regional sovereignty. The preservation of these borders has caused many states to sacrifice a lot of resources and human energies that were wasted throughout history. They have constituted a priority in their national security, no matter the form it took. And, before spotlighting the problems of the borders in the gulf and the Arabian Peninsula, a theoretical foundation for the concept of borders – especially the land and naval ones – and the methods of their settlement must be made. This is due to the fact that these problems still cast a shadow on the relations among the states of the region. More than this, they have constituted instruments and inroads that the external powers have invested to serve their strategic options. Accordingly, this chapter will be divided into two discourses:

The first part : Identification of the political dimensions of the problem of the political borders among states.

The second part: the methodology of settling the border disputes.

## **2.A :Identification of the political dimensions of the problem of the political borders among states**

To illustrate the concept of the international borders, we will first elaborate on its meaning in language, then define it according to the interpretations of the customary law.

### **Language – Wise:-**

The meaning of the word (border) in the Arabic language is the singular of the word (borders) meaning partition or separatory between two neighbouring things to distinguish one from the other.<sup>(1)</sup> Al-Moheet dictionary defines (border) as the divider between two things, and the end of a thing is its border that distinguishes one thing from the other. It is said that a person is bordering another person if his land is beside his land<sup>(2)</sup>

The linguistic meaning of the word (border) conforms somewhat to the word (border) unto the scholars of political geography. In the French language, it is expressed in words like limites, les frontieres delimitations. In the English language, the expression is boundaries or frontiers.<sup>(3)</sup> What is to be noted is that the first must be used to indicate lines, whereas the second is used to indicate an area of land or a district on which no frontier line has been placed to separate the regions of the states that share it.<sup>(4)</sup> the Anglo- Saxon jurisprudence differentiates between the word (boundaries) which means the international borderlines-indicating the extent to which the area of the state extends,

(1) Lisan Al-Arab, Fourth Section, P.155.

(2) Al-Qamoos Al-Muhit, First Section, pp.286-287.

(3) J.R.V. Prescott: (1978) "Geography of frontiers and boundaries" Croom Helm, London, P.P.33-53

(4) Faisal Abdul Rahman Ali Taha, , (1999); "International law and, Boundaries Disputes" Second Edition, Dar Al-Ameen for Publication and Distribution, Cairo, Al Geza.

and the word frontiers, which means the hallow indicating a region or an area of land that is left as a divider between two provinces<sup>(1)</sup>

### **The Interpreters Of The Law:-**

The interpreters of the international law touched on the idea of the international borders within the context of their discussion of the pillars of the state and its basic elements.

Some of them defined them as the "line in which the borders of a state comes in contact with another neighbouring it".<sup>(2)</sup> Others defined them as " determining the limit of the region which the state occupies and ascertains legally its authority over it".<sup>(3)</sup>

Third interpreters are of the opinion that "the border of a state is" the line that specifies the extent (range) in which the state can exercise its sovereignty". The fourth interpreters define them as being "an imaginary line that separates two pieces of land, one from the other".<sup>(4)</sup> The fifth interpreters define them as " a line that surrounds the state and separates its regions from the provinces of the neighbouring state.... within which the sovereignty of the state starts and outside it, its sovereignty comes to an end".

(5)

Without going into the minute details of the various definitions of the international borders, we can define them as being "the lines that determine the range in which the state can exercise its sovereignty in it, and which (the lines) separate the sovereignty of

(1) Mohammad Tala'at Al-Ghnaimi, (1973); "Al-Ghnaimi in Law of Peace", Al-Ma'aref Foundation, Alexandria p. 103.

(2) Jaber Ibraheim Al-Rawi, 1970, "Internationa Boundaries and the Problem of Iraqi- Irani Boundaries, PHD Thesis, Unpublished, Faculty of Law , Cairo University p ١٥.

(3) Adami Vittoio, (1927); "National Frontier in Relation to International Law, 1919 (Translated by T.T. Beren, (Lonkon, Oxford University Pressk). AIsdair Drysdale and Gerlad H. Black, the Middle East and North Africa, Oxford University Press, New York Oxford, 1985, P. 76.

(4) Cukwurah A.O, (1967): "The settlement of boundary disputes in international law", U.S.A., spec, K p.9.

(5) Saleh Mohammad Bader Al-Dein, (1991); "Arbitration in International Boundaries Disputes", Applied Study on the Issue of Taba between Egypt and Israel, Cairo, Dar Al-Fekr, Alarabi, p.22.

this state from the sovereignties of the states neighbouring it". It is useful to note here that borders are not merely lines drawn on maps, but must be drawn on the ground after being affirmed on maps. They constitute separating boundaries among states so that each state exercises its sovereignty within its borders only .... since the end of a sovereignty of a state means the beginning of the sovereignty of another state".<sup>(1)</sup>

This definition makes it clear that international borders, from a legal concept point of view, are tied to the idea of the sovereignty of the state over its region, or the so-called "regional sovereignty". This idea is reflected in the field of the application of the laws of the state, where its regional range is limited to the borders of this state. Accordingly, the law jurists advanced the theory of the regionalism of laws. The connection of the legal concept of the international borders with the idea of sovereignty leads to the fact that the sovereignty of the state-the owner of the region-begins with its international borders, and where the sovereignties of the other states end there .... And beyond them, her sovereignty ends and the sovereignty of others begins.<sup>(13)</sup> The borders serve an important function in determining the boundary of the region that the state occupies and extends its sovereignty over it. <sup>(2)</sup>As a result, some interpreters of the international law went so far to state that "if the existence of a state without a region cannot be imagined, then the existence of an undetermined region-without clearly marked landmarks-cannot be imagined" <sup>(3)</sup> borders are described as being "international"- like being "international borders" that separate the sovereignties of two neighbouring states-or "political" – like

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(1) Ibid, p.35.

(2) Jaber Ibraheim Al-Rawi, op. cit p.60

(3) Prescott G.R.V., (1967): Geography of frontiers and boundaries", op.cit. P.P. 33-35.

political borders which are a political idea made by the authority. The first description appears to be more truthful in stating their nature and their ties to the state <sup>(1)</sup>.

Within this context, the concept of the international borders must be determined according to the standards that were proposed by the various schools of legal jurisprudence, or the specialists in political geography. And if borders in the Arabic language dictionaries are defined as the separating boundary between two things, and the limit of the thing or the separatory among two things so as not to be confused with each other<sup>(2)</sup> ... the borders-in the view of the legal jurists- have several definitions that reflect, simultaneously, not only the schools of thought that they belong to, but also the philosophy of the state that they hold its nationality, and the ideas and the concepts that have prevailed during certain periods of times. Some have based themselves-in determining borders-on the existence of the population and the need to provide for them. Professor (Lyde)-in his book " the models of the political borders in Europe-headed in this direction when he defined borders as to look like the farthest limit of the area in which people live, and from which they can get their necessary needs of food. <sup>(3)</sup>

Another determination is based on the standard of sovereignty as the determining factor of the concept of borders, especially that which was advanced by professor (Bogges) who focused – in his definition – on the concept of sovereignty, with all its connotations in the legal jurisprudence. He has stressed that (the border of the state is the line that distinguishes the boundaries of the region in which the state exercises the rights of sovereignty).<sup>(4)</sup>

(1) Abdul-Azeez Mohammad Sarhan, (1959); "Principles of General International Law", Dar Al-Nahda Al-Arabia, Cairo p. 240.

(2) Luwis Ma'alom, (1972); "Al-Monjed in the Dictionary of Language, Arts and Science", Edition. P.155.

(3) Lyde L. W, (1951), Types of Political Frontiers in Europe, The Royal Geographical Society, London, vol, XIV,, P.125.

(4) Boggs (1966): International Boundaries, A.M.S press, New York, P.5 . S,W,

It is also incumbent to state some definitions of a number of specialists to show the extent of the differences among the various propositions. In his definition of borders, "Andrassy" emphasizes the legal point of view when he stated that (they are the determination of the absolute jurisdiction of the state and the determination of its region).<sup>(1)</sup>

Professor (Adami) defined borders-in his book " the national boundary " – by saying (... from the point of the international law, the border of the state is the line that determines the boundaries of the region over which the state can exercise its right of sovereignty ).<sup>(2)</sup> Professor (Prescott), in his book " the geography of borders and boundaries" stated that the (borders determine the region which the state occupies and imposes its sovereignty over it in a legal manner).<sup>(3)</sup>

Accordingly, these and other definitions reflect not only the differences among the views of the specialists who viewed these manifestations through different outlooks according to the philosophy of each one, but also constitute a reflection of the ideas and the economic life that were prevailing in the ancient and middle ages, when there was no place for the idea of sovereignty. This is in addition to the non-maturity of the relations and ties among states that were in their primary state of formation, which affirms that the borders among these states were " border areas " and not lines of borders.<sup>(4)</sup>

Undoubtedly, and as have been stated before, many writers used different terms to pinpoint the concept of the international borders. Sometimes, they referred to them as boundaries, as was the case of (Prescott) who called them (settlement boundaries) which

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(1) Ibid, pp 156.

(2) Ibid.

(3) J.R.V. Prescott: Geography of Frontiers and Boundaries, , op. cit , p34.

(4) Mohammad Azhar Al-Sammak, (1983); "Modern Geo-Politics", Dar Al-Kutob for press, Al-Mousel. P95.

may denote a strategic concept that represent an area for the defense of the state from the aggression of the empires. At other times, they were called borders which mean the end of the region of a state, and the beginning of the region of another state, without the existence of an exact delineation that determines where the sovereignty of another state comes to an end. <sup>(1)</sup> Professor Mohammad Abdul Ghani Saudi ascribed this ambiguity in determining the separating boundary between regions to the non-clarity of the borders of many states, with the exception of few cases, due to the deficiency of its geographical knowledge, and the absence of detailed maps for it until a short time ago ... and the development of the states to what they are now. <sup>(2)</sup> And if it is easy to determine the land borders – according to what has been stated before – whether natural or artificial borders, the manner of determining the naval (maritime) borders must be clarified since it is still unsettled in our present times. Disputes still arise around them and many problems in this regard are still unsettled.

### **2-A-1: The Rise And Development Of International Borders : -**

The concept and functions of the international borders have evolved in our present times from that which prevailed during the ancient and middle ages. The legal rules that regulate the international community – including the rules that regulate the borders among states – are not the product of modern times. They have risen and developed with the evolution of the international community. Their contemporary concept differs from their concept in the ancient and middle ages. <sup>(3)</sup>

(1) Roger, E. Kasperson, Julian V. Uinghi, (1971), The Structure of Political Geography, Aidine Publishing Company, Chicago, p. 127.

(2) Mohammad Abdul- Ghani Saudi, (1971); "Geography and International Problems, Dar Al-Nahda, Beirut, P.108.

(3) Saleh Mohammad Bader Al-Dein, (1991); "Arbitration in International Boundaries Disputes", Applied Study on the Issue of Taba between Egypt and Israel, Cairo, Dar Al-Fekr, Alarabi, p.33.

### **In The Ancient Societies :-**

Since the borders have a modern concept as being lines that separate the sovereignties of two neighbouring states, their beginnings did not connote this concept. The ancient tribal societies used to ascribe to them a different concept. These societies knew " areas for the borders " or " regions ",<sup>(1)</sup> but did not know lines for borders. This is so, since the modern concept of the international borders is tied with the idea of the region of the state, as a constituent of the elements of its formation, and the place over which it exercises its sovereignty. This idea was unknown to those societies who used to connect the borders with the ideas of ownership and the exercise of authority. The ancient human groups were aware that their rights and powers have a regional circle which it must not overstep its boundaries. The neighbouring tribes knew the fixed boundaries for their own areas in which to exercise hunting and grazing, but did not put markers or signs indicating these borders. Each tribe knew the range of its area by signs of hills or rivers or rocks or trees or other natural phenomena. The aggression of one against the specific area of another used to cause dispute and fighting among these tribes.

After the settlement of the human communities in determined places in order to exploit the land for agriculture, and the appearance of individual ownership, conflicts began to erupt among them. Accordingly, a border area ( a neutral zone ) was left between each group and the other.<sup>(2)</sup> It was a wide strip of the region that is constituted of mountains or rivers or arid un-inhabitable desert that prevents frictions and disputes. Thus these had an important role in the protection and the defense of the tribe against the raids of the powerful tribes. The borders evolved later when some peoples erected

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(1) Ibid, p. 40-41.

(2) Saleh Mohammad Bader Al-Dein, op. cit p.43.



trenches and walls to protect them from the external attacks (like the Wall of China) which separated that which was Chinese from the others, and to repel the raids of the Moguls against Peking. It was a police barrier to check the passports of those coming in, or going out, of China, and a proper place to arrest the suspects and the criminals, and a formidable barrier against smuggling and the non-payment of taxes. The same is true of the famous Cairo Wall. <sup>(1)</sup> So also, the consideration of the Danube and Rhine rivers as being natural borders for the Roman empire.

The borders were also known to the Roman communities, who used to use memorial milestones to establish the borders which were determined in a huge religious ceremony.

The landmarks were coloured with blood resulting from the slaughter of a small camel. Peoples used to undertake the task of maintaining the security of the borders, and used to inflict religious punishments against those who do not respect them. Thus borders in the ancient communities were regional systems that were unilaterally prepared and regulated, and subject only to the internal public law. <sup>(2)</sup> The stronger neighbour had the authority to determine the borders of his area, and the weaker neighbour has no recourse but to submit and concede the fait accompli. It is to be noted that the idea of the borders was similar in the tribal societies of Europe, Asia and the other continents. <sup>(3)</sup>

### **2-A-2: In The Middle Ages:-**

Following the death of (Charlemagne) in the middle ages, the Roman empire fell. His heirs divided it according to the (Verdun) agreement in the year 843 A.D..

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(1) Ibid, p. 44,

(2) Jaber Ibraheim Al-Rawi, (1970), "Internationa Boundaries and the Problem of Iraqi- Irani Boundaries, PHD Thesis, Unpublished, Faculty of Law , Cairo University, p.63.

(3) Ibid. P. 68.

This agreement stipulated the division of the empire among the three sons of (Charlemagne) : "Luther" who got the following areas ( Italy, Aix Lachappelle and the Rhine river mouth ), "Charles" who got the Frank lands west of the "Luther" pass, and "Louis" who got the German lands that are situated to the east. <sup>(1)</sup> It is to be noted that these divisions of the Roman empire did not take into consideration the racial or linguistic factors or the natural borders like the rivers, mountains, forests or swamps. The latter ideas were prevailing in that period, and were used as borders among the various states. That operation was considered a division of the borders of a property. <sup>(2)</sup>

The idea of borders began to rise clearly as a result of the division of that empire into many units. Accordingly, it was necessary to set artificial borders among them in order to separate the sovereignty of each one from the other.

Thus it becomes clear that the determination of the borders in the middle ages was done through the use of the areas of the borders. To separate between the powers of the kings, or through using the natural phenomena as the best separating borders. This was basically due to the lack of progress in surveying and cartography, in addition to the absence of the international contemporary variables which impacted significantly on drawing the borders that separate the sovereignties of the various states <sup>(3)</sup>.

### **2-A-3: In Our Contemporary Age:-**

The state in its contemporary concept appeared in the modern times. There came to be a very close and inevitable tie between the state and the region. So it was natural to determine it so that the state can exercise its sovereignty over it, and to prevent friction and confrontation between the state and the other neighbouring states. Nonetheless,

(1) MARGAREM, P. (1963): "History of early medieval Europe", DENESLY, London, P. 443

(2) Saleh Mohammad Bader Al-Dein, p. 44-45.

(3) Peere, Seese, (1944): "International Boundaries", American Journal of International Law vol. 38, P. 534.

there still exist neutral zones among some states like the area between the kingdom of Saudi Arabia and the state of Kuwait which was called the "neutral zone" as a result of the 1922 Al-Aqeer agreement. In 1965 this zone was divided through an agreement, whereby its northern part was attached to the state of Kuwait, and the southern part to the Kingdom of Saudi Arabia .... with an agreement on joint exploitation of the natural resources of the area . What is to be noted is that the international community did not witness an international agreement or an international treaty to regulate the borders among states, until the seventeenth century, A.D. <sup>(1)</sup> with the emergence of the principle of nationalities, the borders of the regional units were re-shaped on the basis of the national unity that binds the peoples of several states that are joined by origin, language and common interests. Thereafter, came the economic and military blocs which led to the grouping of several states in one single unit ... which weakened the importance of the borders among these states and the loss of an important part of their value.

### **2-B-1: The Security Importance Of The International Borders:-**

The security importance of the international borders is multi-faceted. Primarily, the international borders guarantees the determination of the region of the state, which is considered one of its basic pillars and the main bastion of its sovereignty.

The state is but a group of people who permanently reside in a certain region and submit to a higher authority. For it to be established, three basic elements must be present: the people, the region and the governing authority. Each state is keen to congregate its people and distinguish it from the peoples of the other states by using a legal instrument : " the nationality bond ". This bond guarantees the determination of the pillar of the people. The state is also keen on delineating its region in an exact

(1) Saleh Mohammad Bader Al-Dein, , op. cit p. 45.

manner through the determination of the material range in which it exercises its activity and sovereignty. This is done through the simultaneous use of a material and legal instrument, viz " the international borders".<sup>(1)</sup> on the other side, the international borders perform an important role in realizing the external and internal security of the state, since the security of the state starts in reality from its borders<sup>(2)</sup>. This is especially so, given the rapid movement of persons and things among the states in the present times, and the interlocking interests and special relations among the states. This imposes on the security personnel a heavy responsibility to secure the borders of the state, since securing its borders is considered a vital factor in realizing its domestic stability and security. The security importance of the international borders is the more so in the Arab homeland due to several aspects, the most important of which are :-

- 1- The nature and wide expanse of its geographical borders ascribes a special importance to them. The Arab homeland includes wide land area, and is located in the middle of three continents: Asia, Africa and Europe. The distance between the farthest two points from the east to the west is around 7000 kilometres .... from the land protrusion of the Sultanate of Oman in the east until the Atlantic shore in the west. In addition, the distance between the farthest two points in the north to the south is around 4000 kilometres .... from the Mediterranean coast in the north until the borders of Somalia in the south. The African group among the Arab homeland constitutes 70% of it, while the area of the Arab states in Asia constitutes 30%. The borders of the Arab homeland varies between natural borders (mountainous, desert and seas of

(1) Mohammad Al-Sayyed Arafah, October (2002) ;"The Security Importance for International Boundaries", Periodical of Police Intelligence, General Administration for Al-Sharqah Police, Center of Police Researches, Vol (11), Edition(4). P11-37.

(2) Salah Al-Deen Mahmoud (1988); "Towards Finding Aviation Police to secure Civil Planes" working paper Introduced to the Second Arab Conference, Tunisia, 11.Shawal. 1408.H. (24-26 May 1988), P. 45.

sands and agricultural lands and forests and rivers and seas and oceans) and artificial borders.

The international borders between the Arab states and their neighbours caused many international conflicts and wars which left their mark in the contemporary times. <sup>(1)</sup>

These borders can also cause disputes among the neighbouring Arab states or between them and other states ... especially regarding the exploitation of the subterranean natural riches on the borders like oil, since it is difficult to establish the borders between two neighbouring states that go beyond the earth crust to reach its depths.

The trans – states crimes that are perpetrated by individuals and organized groups- like the crimes of international terrorism, trans-borders and transcontinental organized crimes like smuggling drugs, arms, goods, gold, cattle, cars, spare parts, ....- and border infiltration<sup>(2)</sup> has spreaded noticeably in our times which prompted the neighbouring states to head towards joint international cooperation to combat and eliminate these (crimes). The fruits of this cooperation was crystallized in the conclusion of several international and bilateral agreements for security cooperation and collective agreements to combat terrorism and render criminals ... like the Arab anti-terrorism agreement that was signed by the Arab states, members of the league of the Arab states, on 22 April 1998. <sup>(3)</sup> The periodic biannual convening of the Arab council of the responsables in charge of the security of borders, airports and seaports in the Arab states (since its first meeting on 9 December 1986) to discuss the subjects relating to the

(1) For example the dispute evoked between Egypt and Sudan since May (1955) regarding Halaeb and Shalateen region , and the Iraqi-Kuwaiti borders disputes, and between Algire and Morocco.

(2) Abdul-Jawad Al-Sayyadi, (Shawal.1408), (24-26 May 1988);"Fighting Land and maritime Cross Bordering, Working Paper Introduced to the Second Arab Conference for the Security officials of Airports and Harbors, Tunisia, 9:11.

(3) Mohammad Al-Sayyed Arafah, October( 2002) ;"The Security Importance for International Boundaries", Periodical of Police Intelligence, General Administration for Al-Sharqah Police, Center of Police Researches, Vol (11), Edition(4) p.253-336.

security of the borders, airports and seaports of these states, attests to their keenness to cooperate effectively in this field. This conference recommended the stern control over the borders to prevent infiltration attempts, and the use of the most advanced technological equipments in the measures of control, and the necessity of the exchange of experiences and information relevant to the security of the borders and the holding of meetings for this purpose and to address the security borders problems, especially among the neighbouring states. <sup>(1)</sup> In addition, the conference of the Arab commanders of police and security has paid special attention to the security of the international borders among the Arab states for their role in realizing the external and internal security of these states.

### **2-B-2: The Functions (Tasks) Of The International Borders:-**

The international borders have many functions, the most important of which is its basic function in determining the region of the state I.E. delineation of the geographical area over which the state exercise its sovereignty and the application of its laws over the events, persons and funds that exist on this region. <sup>(2)</sup> It also has another function which is to control the movement of commodities, goods and products through the land and naval and airports in which the passage of persons and the transit of things are prevented from going out or entering the region of the state except after the payment of the customs duties that are stipulated in its laws. This is in order to generate material return to the treasury of the state, or to prevent competition or the policy of dumping that maybe practiced by the other states and the multi-national corporations in order to harm the national industries and control the national markets in the state and monopolize the operations of buying and selling. But this function of the international

(1) See the first conference recommendations of the airports and borders security officials in the Arab countries, held in 9/9/1986.

(2) Ali Ibrahim, (1997); "Beneral Theory of International Boundaries, with Special Study for the Problem of Boundaries between Iraq-Kuwait and if Demarcation according to the decree of Security Council No. 687 in 1993, Dar Al-Nahda Alarbia, Cairo, p32-34.

borders is being overtaken by the World Trade Organization that seek to melt down the international borders and facilitate the flow of goods, products and services through the international borders, and the administrative impediments that obstruct its flow. Nonetheless, the international borders still maintain an important function in apprehending the smuggling operations that take place from, and to, the state, as well as the prevention of the spread of diseases and epidemics, through the procedures of quarantine that are taken at the borders.

### **2-B-3 :- The Geo-politics Of The Land and the Naval Borders:-**

Professor Ali Sadeq Abo Haif affirms that the region (territory) of each state has borders that separate it from the regions of the other states surrounding it. It is very important to delineate these borders, where the sovereignty of the state-the proprietor of that region- begins there and the sovereignty of others ends. Beyond that, its sovereignty ends and the sovereignty of others starts. <sup>(1)</sup> In the light of this definition, borders can be natural or artificial.

#### **The Natural Classification of Borders:-**

These are the borders that nature forms: like a mountain range, river, lake or sea. The existence of a natural separatory between the regions of two states provides several advantages to settle any difference among these political units. It settles the normal disputes that usually arise regarding the demarcation of borders, and allows, at the same time, the defense of the region against any external attack. <sup>(2)</sup> Among the examples that were provided by nature to determine the natural borders are the following:-

- Rivers : like the St.lawrence river between the United States of America and Canada, the Rhine river between Switzerland and Austria.

(1) Ali Sadeq Abu Haif, (1966);"Beneral International Law, Dar Al-Ma'aref in Alexandria, Edition, 8, p.365.

(2) Ibid.

- Lakes: like Tchad lake that separates Tchad, Nigeria and Niger.

Mountains: like the Alps mountains that separate Switzerland from Italy, the Andes mountains between Argentine and Chile, the pyrenees mountains between France and Spain ... where the line that extends between the highest summits of these mountains is considered as the border between the regions<sup>(1)</sup>.

In reality, the borders that separate the states go along the natural phenomena of the surface of the earth. Thus the political border acquires from the natural phenomena inaccessibility and ability to discharge its task. Accordingly, professor Salah Eddeen Al-Shami emphasizes that the real value of each natural phenomenon in supporting the political border depends on two things:

- 1- these natural phenomena may contain within their characteristics the points of weakness that render them incapable of affirming the separation among the political units. This means that, the factor that gives the border strength, and affirms its role in separation, maybe a way towards connectedness.

The changes among the cultural levels in the international societies, and the increase in the size of the relations among the political units, and the development of the communications and the continuing population increase in the world.<sup>(2)</sup> And if the natural borders appear to be near stable in determining and recognizing borders, the situation becomes somewhat different regarding the riverine (fluvial) border. It is not a fixed border, since it is liable to change, with the change of the course of the river and its sediments. But if the river changed its course completely, and headed towards new course that lies in its entirety within the region of one of the two states, then it becomes

(1) Arwa hashem Abdul-Hussein,(1996); "The Problems of Arabs Boundaries in the Arabian Gulf Area, Un-Published Master Thesis, Baghdad University, Faculty of Political Science, p. 40.

(2) Salah Alddein Ali Al-Shami, (1970);"Studies in Geo-Politics, Al-Ma'aref Foundation, Alexandria, Mohammad Al-Sayyed Ghalap, 1972;"Geo-politics, Egyptian Anglo Library, Cairo, p. 100.



the property of that state alone. The border separating them remains the one that has been already determined by the current in the old course. Nonetheless, there is nothing to prevent states from agreeing on rules contrary to the afore-mentioned, and determine the separating border among them on other basis<sup>(1)</sup>. An example of this lies in the agreement of France and Spain, in the 1659 (Pyrenees) treaty, in which Spain kept the (Arran) valley in which the (Gawoon) river springs from, though the whole river runs in the region of France<sup>(2)</sup>. According to this classification that adopts the natural phenomena, the natural school or theory came into existence which is based on the fact that the concept of borders must conform with the natural laws or the natural phenomena. And for the state to develop, it must take its natural place and domain. Based on this concept, many states demand the amendment of their borders, and the restoration of the area that was severed from them as a result of external circumstances beyond the reach of their national wills. This theory found fertile ground in some states, which led to the emergence of a new school of thought in Germany relating to the determination of the concept of borders. It is the nationalistic school which stresses that the cultural and linguistic characteristics must constitute the borders of the state.<sup>(3)</sup>

#### **2-B-4: The Artificial Borders:-**

These are the borders that the states resort to in determining or drawing them, as a result of the absence of a natural border that separates them, or as a result of a desire to amend this border. They can be consolidated by forcibly claiming the undisputed areas, or separating through a treaty or a special agreement. Artificial borders are marked by external visible marks like poles, numbered stones or small towers, etc .... This method

(1) S.W. Boggs, *International Boundaries: A study & Boundary Functions and Problems*, Columbia University Press, New York, 1940, P.36.

(2) Ali Sadeq Abu Haif, OP. cit, p366.

(3) Sabah Mahmoud, (2000); "Geo-Politica of International Boundaries, Faculty of Arts, Al-Mostenseria University, Baghdad, p. 22.

was used in the unsurveyed areas. France and Britain resorted to it in an agreement that they have concluded in 1890 to determine the area of the influence of each in the Niger basin and Tchad lake. It was also followed in 1908 to determine the separating line between the Congo and the Cameroon. <sup>(1)</sup>.

Artificial borders are assumed, or resorted to drawing them on the maps, when there are no natural phenomena that distinguish the place at which the sovereignty of the state ends, or because the areas to be divided are of strategic or economic value which makes the states bordering them compete to get them.

The artificial borders can be either astronomical following the longitudes or the latitudes lines, like the Egyptian-Libyan borders, <sup>(2)</sup> or they maybe engineering borders based on drawing engineering lines that connect two known points. They can also be straight lines-as the demarcation of the borders between Yemen and the Sultanate of Oman, or curved ones which have many examples among the Arab or African states. <sup>(3)</sup> Before delving into determining the theoretical framework of the concept of the international borders-whether the afore-mentioned land ones, or the maritime ones according to the sovereignty of the territorial waters-we have to spotlight the concepts of the political region and the geographical region <sup>(4)</sup>.

Many specialists in political geography stress \*that "the political region is but an artificial regional unit. It is the result of the efforts that people exert to create a political

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(1) Ali Sadeq Abu Haif, OP. cit, p367.

(2) Mohammad Fateh Aqeel, (1975); "The Problems of Political Boundaries, Objective Applied Study", First Part, University Culture Institution, Alexandria, p. 157.

(3) Abdu Mo'ty Ahmat Imran, (1987); "International Political Boundaries, Diplomat Magazine, Al-Riyadh, Edition8, p138.

(4) Ellen Churchill Semple, Influences of Geographic Environments, New York, Henry Holts, 1911m P. 205

\* Through the relation between the geopolitical and the state's power emerged a new tendency of some of the geo-politicians who concentrated their interest specially on the (State's Power) and some of them were committed with their own national interests, while others used this relation more widely and in a comprehensive way. From here emerged two different tendencies in applying the geo-political the geostrategy and Geopolitics, with its narrow concert, and geopolitics with its wide concept.

unit that may differ completely from the geographical region<sup>(1)</sup>. We can determine the facets of the differences between the political region, or the state, and the geographical region, or the natural environment, as follows: -

- A- The geographical region is a natural human unit that comprises wide area of the surface of the earth-like the tropical region and the Mediterranean region and the seasonal region, whereas the political region is an artificial territory of limited area.
- B- The geographical region is not absolutely determined, whereas the political region is determined by clearly marked borders.
- C- The geographical region is constant and permanent due to the constancy of the elements of nature. The state, or the political region, is liable to continuous change .... whether in Area, borders, internal circumstances or external relations .... due to the fact that it is the result of human foundation, and that the human being is himself a changing factor.
- D- The political region is characterized by the availability of the statistical data that is gathered on the basis of the state or the political unit, whereas the

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- Geopolitics identified as a science that searches in the relation between the political events and the land, this mean that it connect policy with land , and it depends on geographic basis, specially the political geography. Geopolitics paves the road for the political action, and gives the needs bases for the political life, and its should be the state's geographic conscientious. Against this emerged another tendency rejected the first one, aiming at expanding the geopolitical circle according to the wider concept and the wider arena of the general geographic science. The mean emerged the need for another term that corresponds with the great importance of the geography regarding the national and international relations as a whole. This means the location relation with the foreign trade and military coalitions, and mix and the topography relation with foreign trade. From here emerged the geostrategic concept that means the military, economic and political planning that concerned with the natural environment from using it in analyzing or understanding the political and economic problems with the international feature, or geostrategy searches about the strategic center of the state or to the political unity at land for analyzing its elements or its tenth geographic factors location, size, from, sea connection, borders, relation with the ocean, topography, climate, recourses and inhabitants.

(1) Richard. Hartshorne, (23 December 1933), "Geographic and Political Boundaries in Upper Silesia", Annals of the Association of American Geographers, PP. 195-228.

geographical region is devoid of such data due to the absence of a responsible system to collect the similar information relating to the geographical region.

The geographical region is as old as nature, whereas the political region is a relatively recent phenomenon that came after the rise of the political groupings. <sup>(1)</sup>

### **2- B-5: The Maritime (Naval) Borders and the Territorial Waters:-**

The jurists of the international law emphasize that the territorial sea is that part which neighbours the region of each state, which leads to the extension of its sovereignty over it. The submission of the neighbouring waters of the region of the state to its sovereignty is an ancient idea that arose in the middle ages and took roots in the sixteenth century. It is based on the fact that each maritime state has vital interests in its coasts, which it must protect against the dangers that it faces from the sea. Accordingly, many theories evolved that emphasize the importance of the naval coasts of the state<sup>(2)</sup>. Among these theories was the geo-politics theory in which (Mahan) noted the importance of the development of the naval location of the state. He stressed that the most important vital factor in the strength of any nation is not the factor relating to the area of the state, but is the factor relating to the nature of the coasts and the characteristics of the territorial waters regarding their suitability to establish seaports. <sup>(3)</sup>

Accordingly, the territorial waters are the waters that neighbour the coast of the state and their ownership belongs to the neighbouring state as lands as if it constitutes part of its lands that it uses for multiple purposes like protection, security, defense of the state, exercise of customs supervision, regulation of fishing, investment of mineral resources, quarantine, etc ..... but the consolidation of the idea of the territorial sea or the

(1) Ammen Mahmoud Abdullah, "The Origins of Geo-Politics, Cairo, p. 605.

(2) Ali Sadeq Abu Haif, OP. cit. p421.

(3) Abdlu-Razzaq Abbas, (1976): "Geo-Politics and Geo-Political Conceptions, Asa'ad Pres, Baghdad, p.105.

territorial waters did not lead to the consolidation of the legal rules pertaining to it. This is due to the different points of view regarding the rules and the continuous development in the means of attack and defense. These two considerations were the cause of the failure of the efforts that were exerted in (The Hague) in 1930 to enact a special international codification of the territorial sea or the territorial waters. They still represent an impediment in the face of setting a consolidated system for these waters in which all the relevant regulations are included, and which is acceptable to all states. It is true that the Conference of the Seas that was held in (Geneva) in 1958 has adopted an agreement relating to the Carribean Sea, but this agreement has neglected the controversial questions that were the subject of disagreements among the states and left them and, sufficed themselves with writing down the established rules that there were no disagreements surrounding them. Furthermore, many states which adopted it did not ratify it. The most important topic of discussion in the question of the territorial waters is, first, the determination of the nature of the sovereignty of each state over its territorial sea, and second, the designation of the borders of this sea and its range.

The width of the territorial waters was only 3 miles before the year 1920. After that, Italy objected to this and demanded that it be extended to 12 nautical miles (the nautical mile equals 6076,115 foot) but many states did not agree to this proposal. This problem was raised again during the fifties of the twentieth century due to the fishing of the British ships near the coasts of a number of states that neighbour Britain, like Iceland. These states proposed that their maritime territorial borders be extended to 12 miles. After the failure of the 1958 Geneva Conference to solve the problem, it went back to convene a second time in 1960 in the same place to consider the same demands<sup>(1)</sup>.

(1) Dr. Muhammad Bin Omar Al-Madani, (2002); "International law for seas and its applications in the Kingdom of Saudi Arabia, Third Edition, First part, p. 122-128.

It reached the following resolutions:-

- 1- Should the coasts of the state be straight, then the width of the territorial waters will be determined at 12 nautical miles beginning with the base line: the line of low waters or the line of the islands at the coast.
- 2- Should the coast have many gulfs and bends, the entrance of the gulf will be considered as the base line, which, at times, is called the closure line. And if the opening of the gulf be straight and its length exceeds 24 miles, then the waters of the gulf area are included within the territorial waters of the state. But, if the length of the opening is less than 24 miles, then the a closure line will be considered a diameter for half a circle that is drawn from its middle in a manner that encircle the bend or the curvature of the gulf. Should the area of the half circle be larger then the area of the water the bend (fold) of the coast, then this area enters within the territorial waters that start at the coast. But if the area of the gulf region is more than the area of the half circle, then it is considered as internal waters, and the base line is calculated from its internal coast.

And if there exists near the coast a number of islands, the border line is drawn beyond these islands so as to become within the territorial waters. As for the islands that are relatively distant from the coast, and whose ownership belongs to the states neighbouring them, they own territorial waters of their own. Thus it possesses, theoretically, base lines along the length of its coasts.<sup>(1)</sup> Some jurists of the international law advanced ideas regarding the definition of the territorial sea. The French jurist, (Gilbert Gidel) defined it as being (the strip of water that is locked between the internal

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(1) Ali Sadeq Abu Haif, OP. cit, p422-425.

waters, on one side, and the high sea, on the other).<sup>(1)</sup> The English (O.Owenheim) affirmed the question as being (the locked waters in a specific area-called the maritime or border belt-that surround the state. This contains part of the water that includes some gulfs and straits).<sup>(2)</sup>

## **2-C-1: The methods of the settlement of the border differences**

### **The Standard of Drawing The Borders:-**

Before proceeding to the manner in which the problem of the borders is settled-whether within its legal, political or military (force) framework-a reference must be made to the standards that were considered as bases to draw the political borders. These can be summarized in four standards<sup>(3)</sup>:-

- 1- the strategic standard which was considered among the most important standards that prevailed in the period prior to the first world war.
- 2- The population and cultural standard, especially in the period between the two wars, or that which were called the "ethnographic borders", in which two elements inter-lock and plays a large role in determining the borders.
- 3- There is also the economic standard which has aroused in our times various problems in determining the borders, especially in the Arabian Peninsula and the Gulf, in which oil is considered the most important and dangerous factor in these problems that the area suffers from.

(1) Hassan Nada Hussein, (1980); "The Strategic Importance and the Legal System for the Maritime Route in the Arabian Gulf, Baghdad, Dar Al-Rasheid. P111.

(2) Ibid.

(3) Dr. Nazem Abdul-Wahed Al-Jasour,( 2001);"The Problem of Boundaries in the Arabs Homeland, Dar Majdalawi for Publication, Amman. P 236.

There is also the power standard which prevailed over the geo-political arena and the strategic importance, particularly the thesis of the German scholar (Ratzel) who said that the best borders are those that have military importance.<sup>(1)</sup>

There is also those who advanced the standard of religion as the basis for the determination of the borders so as to separate the different religious groups from each other. This standard was applied in 1947 in determining the borders of the state of Pakistan from India, and led to the division of the Indian Sub-continent.<sup>(2)</sup>

4- Undoubtedly, and irrespective of the standards or considerations that has become a point of reference in determining the borders and the affirmation of drawing them on the ground and the map, these borders have functions that are evident in the following:

- Defending the state and providing security for its community.
- Protecting the national economy, and following an economic policy that is in conformity with the philosophy of the state and its development plans.
- Regulate the movement of the individuals in a manner that observes the laws in operation and the statistical determination of its population, and the development of its human resources in the manner that fits its political and economic policy.
- Regulate the international exchange through a transportation network controlled by the state, and in a manner that facilitates the process of collective movement among the various areas.

(1) Izz Al-Dein Farid, "The Political Geography of the world, Egyptian Library, Cairo, p. 236.

(2) Mohammad Abdullah Mohammad, 1978;"Political Boundaries as one of the Basis of the State, Diplomat Magazine, Al Riyadh, 9th Edition , p. 133.



Finally, there is the legal function of the borders through which the belonging of the individual, and his acquisition of nationality is determined, with the attendant rights and obligations upon him towards the country to which he belongs.<sup>(1)</sup> In the light of these considerations or the standards in which borders are drawn, and the functions they provide to the state and the society, the reasons for the breakout of, and the aggregation of the problems of the borders, and their transformation into serious crises are due to a number of reasons-which will be sufficiently clarified in our study of the problem of the borders in the Gulf area and the Arabian Peninsula-among which are the following.

**First :** legal causes that result from the non-recognition of the legality of the treaties and agreements that were concluded in an unfavourable circumstances for the process of drawing the borders between two states or more, or as a result of a disagreement concerning the interpretation of the official documents that were agreed upon, and the denial of this side or that of what has been signed by unauthorized political parties, and the principle of succession that results from the merger of two states or more, or the cessation of a state from a group of states.<sup>(2)</sup> Examples of this kind are rife in the Arab Gulf area, as will be shown by this study.

**Second:** the historical reasons that were among the prominent causes in the aggravation of the problem of the borders, especially that which took place between Germany and France, and what is happening presently in the Arab Gulf area. These causes do not recognize the acquired right of prescription (progression, lapse of time) no matter the time.<sup>(3)</sup>

(1) Mohammad Mahmoud Ibraheim Al-Deib, (1978); "Geo-Politics, Basis and Applications, Egyptian Library, Cairo, Mohammad Mursi Al-Hariri, 1990;"Studies in Geo-Politics, Dar Al-Ma'ariph, Alexandria, p. 355-356.

(2) International Court of Justice, (1993-1994), Year Book, No. 43, P. 184

(3) J.B. Kelly, (1980): Arabia, The Gulf and the West, London, P. 189

**Third:** the ethnic reasons in which a state seeks to recover an area or annex it, not because it constitutes a part of its state, but because its people or inhabitants belong to the same race that constitutes its people. This is particularly so in Africa which suffered tremendously from these problems, since its borders were determined as a result of the imperialist interests during the nineteenth century, and did not take into its consideration the ethnic and religious formations, especially in the area of the great lakes in Africa.

### **2-C-2: The Economic Reasons:-**

The strategic economic resources has constituted one of the greatest factors leading to the eruption of the border conflicts-not only in the Arab Gulf area where the imperialist powers and their oil companies played the pole in planning and drawing the borders-but also in Latin America. <sup>(1)</sup>

the strategic reasons that result from the belief of this state or that that its possession or control of this area will render it safe from any military danger, or controlling the naval passageways that renders this state in control of all the routes through which the hostile states can penetrate the national security of that state. Examples of this abound, especially the Saudi-Qatari conflict over the (Khofos post) as will be noted in the coming pages.

### **2-C-3: The political reasons:-**

Despite the afore-mentioned reasons, the reality lies in the fact that the different kinds of the problem of the borders are due to political reasons, which result from the ideological differences, or more accurately, the differences in the philosophy of the political systems, and the interlocking of their regional and international relations, in addition to the competition of the great powers that have transferred all their struggles

(1) Sawsan Hasan, (1982); "The Boundary Conflicts in Latin America" International Politics Magazine, Edition 67, p. 55.

to areas far from their borders and transformed these to areas of competition and conflict in the service of their vital interests. In addition, most of the crises that the political systems suffer from in governance are translated into external problems to distract from the problems of the interior.<sup>(1)</sup>The colonial states played a role in raising the problem of the borders between the mandates and the protectorates that resulted from the war that led to the drawing of borders to these colonies that became intractable problems after the independence.

#### **2-C-4: The Geographical Reasons:**

The location of the state plays an important role in determining the directions of her foreign policy, and future objectives, and its relations with the neighbouring states, especially the land-locked states or those confined in a narrow space in a manner that is not commensurate with its human capabilities and economic abilities.<sup>(2)</sup>

#### **2-C-5: The Methods of settling Borders Differences :-**

There is no international or regional organization that did not stipulate in the preamble of its charter-and its detailed provisions- the need to spread cooperation among the member states, the preservation of security and peace, the settlement of differences through peaceful means, and the non-intervention in the internal affairs. Within this context, the Charter of the United Nations stated (all the members of the organization will settle their international disputes in peaceful means in a way that does not endanger international peace, security and justice). Article 33 of the Charter enumerated these means, when it stated that the parties to the dispute (must at first seek its solution through negotiations, investigation, arbitration, judicial settlement or resort

(1) Salah Alaqad, (1993);"The Historical Framework for the Arab Boundaries Problems, International Politics magazine, Edition 111, p.174.

(2) Sawsan Hasan, Op. cit. p55.

to the regional agencies and organizations or other peaceful means which they may chose).<sup>(1)</sup> On other subjects, the Charter stipulated the referral of the dispute to international bodies in order to recommend what it sees in this respect. In addition, the international agreements that were concluded stipulated many procedures and provisions, especially the 1907 the Hague agreement regarding mediation, amicable services, investigation and arbitration. The basic statute of the International Court of Justice has detailed all that relating to the judicial path, in addition to the established norms in the area of the international relations. As for the League of the Arab States, article 5 of its charter stipulated the settlement of any difference that may rise between two or more states through peaceful means, and the non-resort to force to settle disputes.<sup>(2)</sup> The Organization of the African Unity has emphasized in the preamble of its charter the necessity of fostering understanding among the Arabs of the continent, and called for "bolstering brotherhood and solidarity within a larger sphere that transcends all the national and regional differences, and the preservation of the sovereignty and safety of the states of the Continent". Article 3 of the charter stipulated the non-interference in the internal affairs of the member states and the respect of the sovereignty of all states and the integrity of their territories and the inalienable right in the independence of their entities. It strongly affirmed the sanctity of the borders and the non-encroachment upon them due to the high sensitivity of the situations of the Continent, especially regarding the drawing of the borders among its states that was made by the colonialist states<sup>(3)</sup>.

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(1) Ali Sadeq Abu Haif, OP. cit, p981.

(2) Jameel Matar, Ali Alddein Hilal, (1986); "The Arab Regional system" Study in the Arab Political Relations, The Arab Unity studies center, Edition 5, naseif Haqqi, 1993; "The Boodgrounds for the Attempts to Amend the Arab League Charter, The Arab Future Magazine, No.164, p. 118-119.

(3) Ali Sadeq Abu Haif, OP. cit, p1085.

And , if this reflects on all the conflicts that take place between two or more states outside the regional or international circle-where diplomatic or political means are pursued to settle them, especially through negotiations, mediation, referral of the dispute to the international and regional organizations, the problems of the borders-especially during the last years-are considered among the most complicated international problems, though the means of their settlement do not differ from the means of the settlement of the other international conflicts. <sup>(1)</sup>Accordingly, the settlement of the border disputes are confined to : -

First : political and diplomatic means.

Second : judicial means.

Third: force.

These come as follows:

**First : the settlement of the conflict through the political and the diplomatic means:-**

The first consideration in these means is the method of negotiations which means the exchange of opinion between two disputing states with the aim of reaching a settlement to the crisis that erupted regarding a certain matter, and through the appointment of two representatives who are charged with this task, depending on the importance of the dispute and the jurisdiction. Negotiations can be direct or indirect, and take place between the two states, or through a conference that brings them together. Events have proved that the settlement of the disputes through direct negotiation is the best method, especially if there exists a will to reach a durable solution to the conflict. Sometimes, dual mediations are resorted to in solving conflicts, where each one of the two disputing

(1) Al-Shafa'ai Mohammad Bsheir, (1971); "International Law in War and Peace, Al-Ma'aref Foundation, Alexandria, p389.

states chooses other states to handle the negotiations regarding the conflict. Direct negotiations do not require the presence of a third party.<sup>(1)</sup> There is no doubt that the settlement of border disputes through direct negotiations depends on the willingness of both sides to reach a durable settlement, and the equivalence of the disputing parties in their negotiating position and parity of strength and the economic and human capabilities.

Among the diplomatic and political means there exists the method of mediation-in-which a state that has relations with the parties to the conflict, or is affected by its continuation, or is asked to approximate the points of view of the disputing sides. This is called the neutral amicable activity that seeks to bridge the gap of the difference and propose suggestions and resume the negotiations that has stopped as a result of the stubbornness of one party<sup>(2)</sup> Mediation cannot be judged as being successful unless it gains the trust of the disputing parties, and the knowledge of the mediating state of the whereabouts of the conflict. Mediation can be either singular or collective<sup>(3)</sup>.

Among the other propositions in this respect is that of the good offices in which a third state, or an international or regional organization, works amicably in order to find a room for understanding between the disputing parties. The mission-which falls within the framework of the common interests and national belonging- is confined to approximating the points of view and mitigating the severity of the conflict.<sup>(4)</sup> The method of investigation falls within the framework of the diplomatic and political means. It is the optional-means in which an international committee is formed to

(1) Suhail al-Fatlawi, (1985); "International conflicts, Alqadesiah Press, Baghdad, p, 50.

(2) Jean Pierre Cot, 1972, International Conciliation, Europe Publication, London, P. 23.

(3) Mohammad Hafez Ghanim, (1963); "The Principles of General International Law, Edition 3, Al-Nahdah Press, Cairo.

(4) Mahmoud Sami, (1982), General International Law, The press of Composing and Translation Committee, Cairo.

undertake the task of checking and investigating. The assessment of the committee or its recommendations has no binding aspect on the two parties. <sup>(1)</sup> Conciliation is also proposed within this context. It is the committee that offers its findings to the two sides, either individually or collectively. It has no obligatory aspect. Apparently, there is a connection between investigation and documentation, since they have one goal in the end .... suggestion of proposals to settle the crisis, and the presentation of facts as they exist on the ground. There are also ample testimonies indicating that the conflicts of borders can be referred to the international or regional organizations (which are authorized according to the stipulations of their charters) to look into the conflict, and the sitting of the disputing parties at the negotiating table, and their acceptance of the decisions of these organizations. <sup>(2)</sup>

### **Second : the judicial means :-**

The first judicial means in solving border conflicts is the method of arbitration. The disputants resort to a person or a body to look into the conflict with their commitment to implement the decision that is issued regarding the conflict.

Many examples in this respect can be cited, especially the Eiretgrian-Yemeni dispute over the islands of (Haneesh), when the International Court of Justice affirmed the sovereignty of Yemen over them. This commitment differentiates between arbitration and mediation and investigation. Arbitration was stipulated in article 37 of the 1907 the Hague agreement which states: (the aim of international arbitration is the settlement of the conflicts among the states through judges of their choice on the basis of the respect of the law). <sup>(3)</sup> States can refer to arbitration any conflict among them, whether it was a

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(1) Ibid.

(2) Alan James, 1970, The United Nations Law and Frontier Disputes in International Regulation. London. Press. P. 18.

(3) Stephen M. Schwebel, 1987, International Arbitration, Crotius Publication Limited, London. P. 13.

difference regarding the interpretation of a treaty, or a purely material one like the disputes relating to the determination of the borders. The referral of the dispute to arbitration takes place with the agreement of the disputing states, through the special procedures that demand the submission of the dispute to special or permanent arbitration committees, according to the preference of the disputing sides<sup>(1)</sup>

The International Court of Justice has its own rules and procedures through which it renders its judgements which are obligatory and are not subject to appeal or reconsideration in case new facts appear later. There is also a European Court of Justice, and other regional courts that has the characteristic of international judiciary in viewing the cases referred to them regarding the conflicts of the parties of the regional system. There are also numerous attempts to establish an Arab court within the framework of the League of the Arab States whose mission is to settle the disputes in peaceful means according to the procedures stipulated in the public international law, and the inter-Arab treaties and agreements. These disputes have caused many border problems and conflicts and impeded the development of continuous solidarity and cooperation.

### **Third: the method of force :-**

It is one of the last methods to be resorted to, in order to settle the border disputes after the failure of all the friendly ways that were referred to in solving an existing conflict. A state may embark on an act of coercion to force the other state to accept the solution it imposes through force. This method does not enjoy legitimacy, and has become unacceptable in the international community. This is particularly so, since all international charters and agreements have stressed the necessity of solving conflicts through peaceful means. The means of coercion differ, ranging from the use of armed force, severing of diplomatic and commercial relations, peaceful siege, closure of the

(1) Ali Sadeq Abu Haif, OP. cit, p777-786.



borders till they reach the apex of military action. This is what happened in more than one conflict, whether between Iraq and Kuwait or Saudi Arabia and Qatar.<sup>(1)</sup> The same applies to the 1963 conflict between Morocco and Algeria which will be the subject of the last chapter of the book. There is also the military dimension in the Egyptian forces which was waged against Libya in 1977 as a result of the straining of the relations between the two countries. There are many examples of the breakout of the military conflicts as a result of armaments and the build-up of military forces .... which increased the dangers of these conflicts which were not possible to settle in peaceful means. This is particularly so, if we realize the power of the external influence of a foreign power that finds in the positions of some states and their hostile policy towards the other arab states a loophole to realize its objectives ... especially the disputed areas that have economic and strategic importance.

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(1) Mourad Ibraheim Al-Dusoqi, (1993); "The Military Dimension for the Arab-Arab conflicts, The International Politics, No.111, p. 196.

### **Part Three**

#### **The Problems of Arab Borders**

The problems of borders is considered one of the elements and variables that lead to instability, especially in the Middle East region. Following is an illustration of this.

#### **2-D-1-: The Making of the Arab Borders:-**

The majority of political borders are of nationalistic nature ... separating between two nationalities, with the exception of the borders of the colonies or those that were subject to colonialism. The Arab states were states under colonialism.

The determination of the line or its changing in this side or the other is subject to the difference and the development of the balances of power on its side. New borders come into existence, or changes take place in the borders as a result of agreements or treaties among the concerned states. Such borders maybe imposed on a state or a party or a nation. Yet this party has signed and agreed them as a result of the circumstances in which it passes through, as happened to Germany in the aftermath of the second world war.<sup>(1)</sup> What happened to the Arab homeland did not go beyond submission to the will of the colonizer. After the defeat of Turkey in the first world war, the Arab region was divided among the allied states, which were beforehand anxious to divide the possessions of the Ottoman Empire. This greed caused these states to fabricate reasons and justifications that ascribe legitimacy to possessing and annexation. They concluded agreements among them like the 1916 Sykes-Picot agreement. This agreement was followed by the Balfour Declaration that was issued on 2 November 1917 in order to separate Arab Asia from Arab Africa. The Lusanne agreement in 1924 forced turkey to concede (relinquish) most of the lands that were within its satellite outside the Turkish

(1) Salah Buhairy, (1987): "The Geography of the Arab Homeland, Amman, Central Press, p42.

border framework. As a result of these political developments, some states and provinces obtained deficient independence, like Najd, Hijaz, Sudan and Egypt. Others were placed under British mandate, while others were placed under protectorates, whether this protectorate was a British or a French one. Other areas remained subject to colonialism like Libya, Eriteria and southern Somalia which were subjected to the Italian colonialism. The Desert, Sebta and Mleelah in the Arab Maghreb area were subjected to the Spanish colonialism. Algeria, Mauritania and the French Somalia-Djibouti- were subjected to the French colonialism. Northern Somalia was subjected to the British colonialism.<sup>(1)</sup> As a result of these circumstances and variables, the mandatory powers converted the administrative borders of the Arab area into political borders to exist among the areas of the mandates, without any regard for the opinion or the point of view of the population. The manatory authorities have unilaterally determined these borders through treaties to distribute influence like the aforementioned Sykes-Picot agreement and the Balfour Declaration.

### **2-D-2: The Problems of the Arab Borders:-**

The observer of the nature of the Arab borders will find between the lines several problems that arise now and then, due to the distorted drawing of the Arab territorial borders that came as a result of the fact that the area was subject to colonialism. The Syrian borders with Turkey are political borders that do not conform to the topography of the (Toros) mountains and the Anatolian Plateau. They go along the Mosul-Aleppo railway where they turn to the south at their farthest west to leave the (iskandaron) area to Turkey after it being always a Syrian territory. This was the doing of colonial France. The same applies to the Somalian borders with Ethiopia (Abyssinia) which are a heavy colonial residue that Somalia inherited from the previous influences of Germany,

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(1) Ibid, p.51.

France, Italy and Britain in the African Horn. As a result, a quarter of the people of Somalia live outside the borders of its land. Ethiopia governs half a million of the Somali citizens in the provinces of Ogaden and the Basin. The same is true of the distorted borders between Egypt and Sudan. The Ababdeh of Sudan were separated from their main congregation in Egypt. The Bashariah of Egypt were separated from their congregation in Sudan. The same applies to the Jordanian-Syrian borders, which the English drew in 1923. They placed the Jordanian village of Jabir inside the Syrian borders. And if we turn towards the Arabian Peninsula, we find the same distorted map of the borders among the countries of the Peninsula. The same applies in the Arab Maghreb. We can highlight the problems that have resulted from this drawing of the borders as follows<sup>(1)</sup>:-

### **2-D-3: The Intricacy of the Saudi Borders: -**

Saudi Arabia has faced several problems with her neighbours. In the east, these were the following:-

#### **Saudi Arabia and Bahrain:-**

The core of the border dispute revolved around (Fishit Abo Saafah) which contains two islands: the large Labeenah island, and the small Labeenah island.

#### **Saudi Arabia and the Sultanate of Oman:-**

The core of the dispute of the borders between the countries revolved in the Empty Quartet desert.

#### **Saudi Arabia and the Emirates:-**

(1) Mouhamd Awad Al-Hazaymeh, (2004); "Internation Contemporary Issues, Amman, Published by the author, p. 66.

The core of the dispute between the two countries revolved around the (Buraimi Oasis). It is a wide territory whose area is 985 square kilometers and separates the Gulf from the Gulf of Oman.

#### **Saudi Arabia and Qatar:-**

The dispute between the two countries revolves around a site called (Al-khofoos) which is situated near the road leading to a small naval base that Saudi Arabia established recently in (khor Al-Eideed). It is a small gulf located in the south of Qatar and used to belong to the United Arab Emirates before Saudi Arabia relinquished it under the 1974 agreement.

There are also border disputes in the northern part of Saudi Arabia these are:-

#### **The Saudi –Kuwaiti dispute:-**

The dispute revolved around the neutral zone between the two states. The Saudi proposal was to form a four-members administrative council to supervise it but Kuwait rejected the proposal and demanded the partition of the neutral zone between the two states.<sup>(1)</sup>

#### **The Saudi-Iraqi dispute:-**

The borders between the two countries do not cause dispute due to the fact of their being distant from the population centres. But with the flow of oil in Saudi Arabia and Iraq, it was announced in 1975 in Riyadh, that Saudi Arabia and Iraq reached an agreement to divide the area equally between the two countries along a straight line as far as possible.

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(1) Ibid. p68.

- There is in the south a dispute between Saudi Arabia and Yemen that revolves around several important locations: Aseer, Najran Al-joof and Qarib and other border areas.

#### **The Qatar-Bahrain border dispute:-**

The dispute between the two countries centres on three major islands that are rich in water and oil. These are : Fashit Al-Dibel, Hawar and Jaradah, in addition to the Zeebarah area.

#### **The Iraqi-Kuwaiti dispute:-**

Their dispute revolves around the distortedly-drawn border line between them: whether in the Rumailah area or the Iraqi feeling of the feebleness of its coast on the Arab Gulf. Historically, the borders between the two countries were ambiguous and inviting trouble that led to the breakout of the second Gulf crisis.

#### **Yemni-Saudi-Omani border dispute:-**

This dispute involves three Arab states. Yemen rejected the 1990 agreement between Saudi Arabia and Oman regarding areas of the Empty Quartet that lie between the two countries. This rejection was due to the Yemeni argument that the area agreed upon between Saudi Arabia and Oman is a Yemeni area called the "great desert" and that there are no borders in this part between Saudi Arabia and Oman, and that Yemen reserves its right in this connection.

#### **The Egyptian-Sudanese dispute:-**

The dispute revolves around the Halaiyib area in which the first crisis there erupted in 1958.

### **The Syrian-Lebanese dispute:-**

There is no agreed and fixed border line between the two countries, which registered cases of military clashes around the borders in 1949.

### **A potential Syrian-Jordanian border dispute:-**

The drawing of the Syrian-Jordanian borders as they are now, in which the Jabir area was included in the Syrian lands, harbours potential dispute that may erupt among the two sides if oil is discovered in the area. In such case, the facing state may claim it, since this region belongs, historically and geographically, to her region.

### **The Maghreb border disputes:-**

In the most western part of the Arab world, there exist border disputes among Arab states. These Are:

#### **A border dispute between Tunisia and Algeria:-**

The point of difference between them is point 233 which Algeria received from the French administration following independence. It is an place with an area of 17 square kilometers.

#### **A border dispute between Libya and Tunisia :-**

The core of the border dispute between the two countries used to revolve around the continental shelf in the territorial waters and the continental wharf in the Mediterranean Sea.

#### **Border dispute between Algeria and Morocco:-**

This dispute is the most sever one in the Arab Maghreb. It reached the point of armed engagement in 1963 when the two sides differed regarding the Tandouf area, which was under Algeria upon her independence.

#### **2-D-4: border dispute between Morocco and Mauritania:-**

The dispute revolves around the annexation of Moroccan territories by France to Mauritania which was known then as (Shanqeet), before the French colonialism changed this name to its current name in 1899. The annexation of the Moroccan territories to her came within the framework of the self-government that France used to grant to western Africa. And in the east a war broke out between Iraq and Iran that lasted eight years (1980-1988). Turkey mobilized her forces along the Syrian borders under the pretext that Syria messes with the security of Turkey as a result of support to the Kurdish Workers Party under the leadership of Abdullah Ojalan. During the tenth decade of the past century the border problem erupted between Somalia and Ethiopia, and it is still going on. And on the regional level, Arab states fear each other. Iraq mobilized his army in the face of Kuwait and invaded her in 1990. Syria mobilized her forces against Jordan in 1982, at the pretext that Jordan supports the Muslim brotherhood- the opposition party to the Syrian regime- in Syria. Jordan, in turn, met the mobilization with mobilization. This was preceded by a clash between Morocco and Algeria in 1963. In 1986, Bahrain began filling up (Fashit ad-dibil), but the Qatari government realized the seriousness of this measure, and sent its military aircrafts to destroy the installations that were erected by Bahrain. In 1977, the Egyptian-Libyan borders witnessed a border war. In 1972, the borders between the two parts of Yemen witnessed a military clash. The conflict between Egypt and Sudan regarding the area of (Halaiyib) is renewed now and then. The one who studies the reality of the Arab borders concludes that they are unsafe and insecure. This led the Arab states to:-

- 1- Resort to searching for a strategic ally from outside the region, mostly in the form of a major state. The United States of America tops the list in their choice.

No Arab state is without a strategic ally ... either the United States of America



or Britain or France or another European state, after the collapse of the Soviet Union. This kind of alliance is a masked type of colonialism.

- 2- Acceptance of hosting military experts and advisers. Those work, naturally, as eyes for their countries, and their advise does not contradict the interests of their states.
- 3- The spiraling invoice of armament which is at the expense of the development plans ... and leads to inundating the state with debt and its interests.
- 4- The call of the Arab states for help from the world military powers. The second Gulf crisis is the best evidence of this. This led to all the countries of the Arab homeland falling under the mercy of the Western military forces in aftermath of the second Gulf crisis. What aggravated the situation is the installation of the armies of colonialism in the eastern part of the Arab homeland (the states of the Gulf). We should not forget that there exists in its middle the state of the Zionist entity, and in its north the American bases in Turkey, Italy and the rest of the European states. The American bases are also established in the west and the south. Thus the Gulf becomes the prisoner of these bases and renders its borders open for every intervention, at any time, and in any place without any accountability.

### **Chapter Three**

#### **The Saudi policy towards the Gulf : The borders**

The objectives of the foreign policy of each state are determined in the light of its orientations and the resources available to it, as well as the internal circumstances and what is taking place on the international scene. And, despite the variation of the goals of the foreign policy between one state and another-even between one period or another-yet there are overall objectives that all states are keen to achieve, albeit in various degrees. Among these are:-

- (A) self-protection.
- (B) realization of the national security.
- (C ) the welfare of the state.
- (D) international status.
- (E) seeking strength.

The states seek to achieve the objectives of their foreign policy through various means like diplomacy, alliances, aids. War and armed force were, and still are, among the instruments of the external policy. The task of setting these policies and objectives- and the means of achieving them- is entrusted to a group of officials at the highest levels of the state. They are the decision-makers of the foreign policy. The researcher saw fit to include in this treatise this chapter to constitute a reference point in understanding the manner in which the Saudi state solved its borders issues. This solution came within the overall direction of the concepts of security and the inter-Gulf

relations. To make matters more clear, the pillars of the Saudi foreign policy in the Arab sphere, in general, and the Gulf, in particular, must be identified. The Saudi diplomacy must also be identified as a mechanism that was employed in solving all the Saudi neighboring borders differences.

### **3-A-1: The Pillars and the Constants of The Saudi Foreign Policy Towards the Arab Gulf Area:-**

The visions and ideas that touch on the orientations, priorities and constants of the Saudi foreign policy has converged to be united. This causes the researchers to be occupied with knowing the positions of this policy regarding the international issues, and consequently, knowing its pillars, constants and bases on which this policy depends as the launching pad in dealing with the outside.

The distinguishing features of the foreign policy of the Kingdom of Saudi Arabia- since its foundation in the year 1351 h (1932 A.D. ) are their clarity, constancy, moderation and serious dealing without giving up the constants that guarantee and support the achievement of the Saudi national interests on the global level.<sup>(1)</sup>

Political literature states that the style of the foreign policy of any state- in addition to its dependence of the given facts of geography, economy and technology- is based on the realities of the internal policy of this state and its nature and determinants. Accordingly, complementarity is attained among both to establish a strong state that is capable of adapting to the international and regional variables ... exercising an active external policy that does not live far from the fast-paced changes in the global environment.

(1) Baker, Alomary, (2000); "The Saudi Foreign Policy", The National Guard Magazine, No 214, p.18.

A comprehensive look at the totality of the foundations on which the Saudi society stands, may advance the Saudi cultural experience as a distinguished model that satisfies the needs of the state and the people in their march towards development and progress within the framework of clear bases that can be summarized in the following<sup>(1)</sup>:-

**First :-** Islam (acts of worship, dealings and laws) occupies the first place in the Saudi state and society. Thus all regulations, decisions and orientations emanate from the Islamic religion, where everything that contradicts it is discarded completely.

**Second:** the Saudi experiment is a human experiment of its own. It is not similar, and does not need necessarily to be similar-to any western or eastern models, because it emanates from principles with ideological, intellectual, cultural particularism, and the development of the Saudi society in a natural way.

**Third :** the consideration of the state and the society as a complimentary whole, cooperating together to build the homeland, without searching for exchange of roles or acting on the basis of the subordination of one to the other.

**Fourth :** concentration on the freedom of the individual, in the dealings between the state and the citizen, and the putting in place the real guarantees to protect and preserve this freedom, within the parameters of the laws and the regulations.

**Fifth :** concentration on development, both as a goal and a means, simultaneously, and its consideration as the responsibility of all within the leadership hierarchy. This is evident at all the official and semi-official levels in the Kingdom of Saudi Arabia.

**Sixth :** expanding the circle of the participation of the public opinion, and consequently, the decision-making, through the establishment of the Shura (consultation) Council, in a

(1) Publications of Ministry of Saudi Information (2000), Homeland and Citizen, A Riyadh, Saudi Arabia, p.31-32.

step that depended, in essence, on the teachings of Islam, and the facts of the cultural and intellectual developments that the world is witnessing in our present times. Upon these constants and foundations on which the Saudi society stands, the internal policy arose to support the pursuit of a strong foreign policy that is capable of facing the regional and the international challenges, and adapting in a manner that realizes the complementarity between the two sides of the equation of the internal and external national effort. Accordingly, the Saudi ministry of foreign affairs undertook the task of accomplishing the political affairs in a positive manner, and in close contact with the affairs of the internal national effort. In the search for the objectives, constants and foundations of the Saudi foreign policy, it is appropriate to refer to the fact that the Saudi state is a conservative state that is inclined to keep the international, regional and domestic situations in a state of calmness, away from tension. It sees no advantage (gain) in the change of the balance of powers that may affect its existence and undermine its national security. In addition to this, it is considered a state with an ideological inclination that works to spread Islam and defend it in the different parts of the world... but with non-extremist means. <sup>(1)</sup>

Accordingly, the Kingdom of Saudi Arabia has been singularly distinguished with some traits that has distinguished its foreign policy. Among the most of these features are the following:

**First : calmness (composure):-**

It is a policy that adopts the principle of calmness in communication, and in its external relations. It distances itself, as far as possible, from vociferation and clamor and the raising of tension. It does not state its goals publicly in search of informational

(1) Abullah, Alqaba'a, (1986), "The Saudi Foreign Policy", Alriyadh, Al-Farazdaq Commercial Press, p. 104.

sensationalism. It views this as a possible diversion of the foreign policy away from its objectives, and does not realize the national or the international interest.

**Second: self-discipline:-**

The Saudi foreign policy is based on self-discipline. It is not provoked by a hostile party, no matter the excess of the hostility that seeks to get her outside its circle of calm movement and rationality. In doing this, the hostile party would have achieved its objectives and impose on it (Saudi Arabia) what it wants. The Kingdom manages its political work in a manner suitable to its interests, free from the attempts of the others to draw her to marginal battles that do not agree with its strategy or tactics.

**Third: independence and constancy:-**

This has been attained because the Kingdom has not been exposed to internal or external pressures. Thus, it exercises its external political, economic and intellectual activities freely, and without being forced to submit to the factors of the international struggle or competition, which may necessitate changes in the objectives and methods of its policy.<sup>(1)</sup>

The constants of the Saudi foreign policy are well known and identified to the scholars and the researchers. It does not take great deal of effort to ascertain the broad outlines of these constants which have been dictated by the originality of history and the genius of the place, and consecrated by the status of the Kingdom in the religious and economic fields and its national responsibilities.<sup>(2)</sup>

Thus the basic vision of the Saudi foreign policy lies in looking to more joint Arab action. In order to achieve this, this policy-in envisaging the role of the kingdom in the

(1) Malek, Alkial, (1998); "Foreing Media: its role in achieving the goals of Foreign Policy with application on the Kingdom of Saudi Arabia, p. 78.

(2) Baker Alomary, Wahed Hashem, (1990); "The Saudi Foreign Policy Between theory and application, Alriyadh, Al-Sabah Library, p. 18.

middle of the international family-attaches great importance to the future dimension. With this futuristic view, and in order to confront the coming challenges, a foreign policy that is empty of content will not be taken seriously in its region, unless the foreign sides realize that it reflects a healthy and developed approach: economically, culturally, scientifically and technologically. <sup>(1)</sup>

### **3-A-2: Saudi policy in the Gulf**

The interest of the Kingdom of Saudi Arabia in the Arab gulf is not new or recent. It extends into long historical roots. Since the beginning of the formation of the state, king Abdul Azeez was keen on intensifying consultation and the approximation of the points of view regarding several issues that concern the interests of Saudi Arabia with its sisters-the Sheikhdoms of the Arab Gulf, in his attempt to stress the independence of the Arab Gulf decisions, and distancing them from the interference and impacts of the regional and international powers. The Saudi conception of the political action towards the Arab Gulf-since the time of king Abdul Azeez until now-has formed a strong pillar to the Saudi foreign policy, in general. This policy starts from its being within geography and history, and has adopted common denominators between Saudi Arabia and the states of the Gulf. This led to the emphasizing of the power of the Gulf Cooperation Council, <sup>(2)</sup> as one of the Arab subsidiary groupings. The Kingdom of Saudi Arabia has been active, since early times, in playing an effective role in crystallizing the orientations of many political outputs, through its serious interaction with all the events and developments that the area went through. It was dependent in this on the pillars of its foreign policy that is characterized by strength, constancy and effectiveness, which allowed this policy to be flexible and capable of absorbing all the variables that passed

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(1) Ibid, p.18.

(2) Omar Alhadrami, (2002); "The Economic Dimension in the Saudi Foreign Policy, Dar Alfateh for Publication and Distribution, Amman, Amman, First Edition, 2002, p. 72.

through the area. Based on the afore-mentioned, it becomes in order to survey the objectives of the Saudi foreign policy in the Gulf area. It is a policy that has helped Saudi Arabia, in reality, to adopt overall orientations that has widened the circle of her interaction and involvement with the Gulf family, despite the regional and the international competition in the area, especially after the British withdrawal in the year 1971. The kingdom of Saudi Arabia occupies approximately 80% of the area of the Arabian peninsula. It has borders with eight Arab states. It is also in contact with the east of the Arab Gulf and overlooks the Red Sea. This location has burdened it with huge political responsibilities. It seeks to protect its vast borders, and realize security and stability in the region. Since the Kingdom of Saudi Arabia suffers from the smallness of its population compared to its area, it needs to import the labour force and the individuals who are capable of defending it. It also has some religious minorities who are kept away from the political life. All of this leads to the weakening of the social fabric, and may pose a danger to the national identity.<sup>(1)</sup>

The Kingdom of Saudi Arabia enjoys a special religious status. As a political project, it was established on an alliance between the political movement of (Ibn Saud) with the religious call of (Mohammad Ibn Abdul Wahhab). (Ibn Saud) will extend protection to the call of Mohammad Ibn Abdul Wahhab, and commit to its principles and to it being the religious point of reference. Thus the King became the chieftain of the tribe, and the imam (religious leader) of the muslims and the head of the pyramid. All the wherewithals of the political decision were in his hand. The Kingdom of Saudi Arabia relies to a great deal on oil in its economy, which caused it to depend on the foreign expertise in its discovery, extraction, processing and marketing. The oil revenues gave the Kingdom of Saudi Arabia the leading place in influencing the politics of many

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(1) Ibid. 79-90.



states, through direct economic dealing or via economic assistance.<sup>(1)</sup> In its foreign policy, the Kingdom of Saudi Arabia seeks to protect the Saudi political system, preserve the independence and the domestic security, protect the economic interests, preserve the national identity, defend the Arab and Islamic causes, and realize the international security and peace. It seeks to achieve this through good neighbourliness, non-interference in the internal affairs of the other states, enhancement of relations with the states of the Gulf and the Arabian Peninsula, supporting the relations with the Arab and Islamic states in the service of the common interests of these states and the defense of its causes, following the policy of non-alignment, the establishment of relations of cooperation with the friendly states, playing an effective role within the framework of the regional and the international organizations. As for the Gulf circle, the Saudi foreign policy is based on the following foundations and principles:

- The security and stability of the Gulf area are the responsibility of the peoples and states of the area.
- The right of the states of the Cooperation Council to defend their security and preserve their independence through the means that they see fit, as guaranteed by the principles of the public international law ... in confronting internal or external challenges.
- Rejection of the interference in the internal affairs of these states, and the working together against any aggression on anyone of these states, and the consideration of any aggression as being directed against the rest.
- Enhancement of the cooperation between the Kingdom and the states of the Council, and the development of the relations in all the political,

(1) The website of Saudi Foreign Ministry, The Saudi Foreign Policy, from the following Link:  
<http://www.mofa.gov.sa/Detail.asp?InNewsItemId=24605>

economic, security, social, cultural fields, through deepening the ties that connect her with these states.

- Coordination, as far as possible, of foreign policies of the states of the Council towards the fateful regional and international issues. This cooperation was manifested in the crises that the area went through, especially the Iraqi-Iranian war and the Iraqi invasion of Kuwait.
- Vigilant serious work to end all differences (especially regarding the borders) among the states of the region, through the understanding that is based on the principles of brotherhood and good neighbourliness.
- The strong keenness regarding the importance of the economic coordination among the states of the Council through unification of the economic policies and the establishment of the appropriate complimentary formulations, with special emphasis on the coordination of the oil policies of the states of the Council in a manner that serve its interests, since oil is considered a strategic commodity to these states.

The Arab Gulf constitutes an axis of special interest for the Kingdom of Saudi Arabia. The source of this interest maybe due to the following three factors:-

- 1- The Kingdom of Saudi Arabia is a Gulf state. It is in her internal interest that this area does not suffer from any upheavals or disturbances that may undermine its security or the safety of its states.
- 2- The family ties among the ruling families in this area, and the historical connections among its governments dictate cohesion among its regimes and their solidarity in standing up to the external dangers.

The oil wealth that the Gulf states possess constitutes a tempting factor for many states, which dictated complete coordination at the highest level among these states to defend and guarantee its stability, and enable them benefit from their wealth and invest it for the purposes of development and securing strength. There is no doubt that the security factor, and the factors of political and economic stability in the Gulf area have great importance in fostering trust and guaranteeing the mutual and reciprocal interests, and the removal of apprehensions and tensions that impede these pivotal objectives. This is what is being stressed by the Kingdom of Saudi Arabia in the regional arena to attain complementarity, cooperation and integration among the Gulf states. <sup>(1)</sup>

The stability and security and the guarantee of the safety of the Gulf area do not serve Saudi interests only, but the whole world. Starting with this truth, Saudi Arabia worked towards increasing cooperation among the Gulf states to attain all that which serves the interest, security and prosperity of the states of the area, and the bolstering of the regional security and peace, through emphasizing a number of facts-some of which preceded the establishment of the Cooperation Council of the Arab Gulf states, and some came after that.

### **3-A-3: The Saudi objectives in the Gulf area before the establishment of the Gulf Cooperation Council:-**

- 1- Saudi Arabia stressed, in a strong manner, the rejection of any regional expansion at the expense of the states and the sheikhdoms of the Gulf, especially by the Iran of the (Shah) and the Iraq of the (Baath). This was done through emphasizing the necessity of preserving the regional situation without undermining it by the Iranian and the Iraqi powers. It rejected the Iranian demands in Bahrain and the Iranian

(1) Baker Alomary, Wahed Hashem, (1990); "The Saudi Foreign Policy Between theory and application, Alriyadh, Al-Sabah Library, p. 165.

occupation of the three islands of the Emirates. It also worked on aborting the attempts of the Iranian Islamic Republic (after the 1979 revolution) to export the revolution and the attempts to undermine the status quo in the Gulf area through the attempts to bring down some governing regimes and replace them with regimes loyal to it. In committing to the same principles, Saudi Arabia rejected the Iraqi intervention in Kuwait in the years 1961 and 1990.

- 2- The Saudi security is directly connected with the security of the Gulf states. Any infringement on this security means a direct threat to the Saudi security.
- 3- Saudi Arabia worked diligently to besiege the communist penetration in the Gulf area, through her confrontation to the attempts of spreading the socialist thought, and her rejection of any communist military presence in the area.
- 4- Saudi Arabia stressed the freedom of navigation in the Arab Gulf as a guarantee to the flow of the petroleum exports of the states of the region, and the protection of its commercial fleet.

Saudi Arabia rejected the foreign presence in the Arab Gulf area. This was represented in its refusal to enter into alliances or political axes under the elmbrella of a foreign power. It also rejected the principle of granting military bases to the major powers in the Gulf.<sup>(1)</sup>

- 5- Saudi Arabia was keen on enhancing its relations with the conservative Arab Gulf states, away from any Iranian or Iraqi intervention that may disrupt the harmonious Gulf cooperation. This led, in turn, to the rise of the Cooperation Council of the Arab Gulf states in 1981 as a fruitful Gulf cooperation formula.

(1) Abullah, Alqaba'a, (1986), "The Saudi Foreign Policy", Alriyadh, Al-Farazdaq Commercial Press, p104-105.

### **3-A-4: The Saudi Objectives in the Gulf Area Following the Formation of the Gulf Cooperation Council in 1981:-**

Saudi Arabia sought to develop cooperation between itself and the states of the Council and enhance its relations in the various fields : economic, cultural, social, political, security and defence. This was through deepening the relations that tie it with these states. Saudi Arabia has always emphasized that the maintenance of security and stability in the Gulf is the responsibility of the peoples and states of the area. It stresses that the Saudi-Arab Gulf states relations are purely national responsibility which the states must shoulder. Saudi Arabia believes that the security of the Gulf depends directly on the sovereignty of the Gulf Arab political systems. Accordingly, it rejects firmly the interference in its internal affairs or the affairs of any of the states of the Council or others. She stresses combating all attempts of internal or external subversion in the area<sup>(1)</sup> Saudi Arabia strongly supports the right of the Gulf states to defend its security and preserve its independence in the ways it sees fit and are guaranteed by the principles of the international law ... in confronting any internal or external challenges. Saudi Arabia rejects, in absolute terms, any foreign intervention in the region, irrespective of the sources or pretexts. This is due to its desire to keep the area and its states away from any international or regional struggles which could lead to giving justifications to the presence of foreign military bases in the states of the Gulf. Saudi Arabia believes that there is an organic connection between guaranteeing the security and the stability of the Gulf area, and the potential successes that may take place at the level of peace in the Middle East. This led it to work diligently, and at levels, to solve the Palestinian cause in a just manner that is based on the assurance of the just and

(1) Fuad Matar, (1994); "Cyclopedia of Gulf War: Diaries Documents and Facts", First Edition, Beirut, Arab Foundation for Studies and Publications, London, Fuad Matar Center for Media, Documenting, consultations and studies, p. 133-134.

legitimate rights of the Palestinian people. Saudi Arabia has called for the solution of the problems that may erupt in the Gulf area (including the two regional powers : Iran and Iraq) through peaceful means, avoidance of violence and the non-use of force. As a result, and since the onset of the Iraqi – Iranian war, Saudi Arabia tried to stop it, and find a diplomatic settlement for this conflict, in order to avoid the danger of its spreading to the rest of the states, and to avoid the area the calamities of this destructive war. <sup>(1)</sup> Saudi Arabia has shown great keenness on the necessity of creating a strong military coordination among the states of the Council in order to build an inherent Gulf force that can be depended on to realize the security and the protection of the area, and the preservation of its internal and external stability. This led to the formation of a Gulf military force (The Shield of the Peninsula). Saudi Arabia has condemned the terrorist acts that were suffered by some states of the Cooperation Council, which sought to undermine its security and stability. It affirmed its stand by these states and considered these threats as a direct threat to the security of Saudi Arabia ... and that the security of the states of the Council is an indivisible whole.

Among the most important issues that the Saudi diplomacy was able to overstep- after the Saudi decision-maker has absorbed the manner of preserving security and peace-were the issues of the borders which has direct and indirect impact on the building of the Saudi-Gulf relations.

### **3-A-5: The drawing (delineation) of the borders in the Arab Gulf:**

Since the dawn of its foundation in (1924, and during a 70-year time span-the Kingdom of Saudi Arabia faced many problems in arriving at agreements to draw the

(1) Richard Hirtshorne, (1936), "Suggestions on the Terminology of Political boundaries, Annals of The Association of American Geographers, Vol. 26, PP. 56-57 ..

borders with the Gulf states. The problems were either natural like the geopolitical composition of the Gulf, or political like the sensitivities of the tribal legacy, and the attempts of the British imperialism in stressing the differences among the Gulf states.

Historically, the continued conflicts among the sheikhdoms of the Gulf caused sensitivities that continued for a long time. The most important causes of the conflicts were the ethnic or personal revenges among the families and tribes that used to rule the sheikhdoms, and their waiting for opportunities to leap on each other.

But after the rise of the commercial and economic importance of the Gulf, with the beginning of the nineteenth century, the tribal vengeance began to disappear gradually, and were replaced by the problems of the borders .... that were drawn by the colonial states, especially Britain. <sup>(1)</sup> But the Saudi diplomacy has often blocked the British colonialism and reached-with some Gulf states- agreements to delineate the borders. This will be surveyed in the chapters of the second topic. When oil appeared in the area at the onset of the twentieth century and became the nerve of life, the problem of the borders among the Gulf states settled relatively, and began to threaten all the states, if they did not comply with the principles of good neighbourliness and the international norms and charters. There is no doubt that the drawing of the borders in modern times has become tied with sovereignty, defense, national security, development and construction, ... . these elements are the ones that guarantee the complementarity and harmony among the elements of the political unit. But that recognition did not carry the concept of regional sovereignty-in its modern meaning- in the contemporary international political relations. Each tribe used to have a traditional area in which it moves during the various seasons of the year. Borders were not clear or fixed. The

(1) Ja'afar Abdul-Salam, (1986); "The Principles of General International Law, Cairo, Dar Al-Nahdah Alarabia, p. 17-24.

situation of the tribes in the desert was like the situation of the states in high seas. Each state has its determined territorial waters through a unilateral declaration of hers. But when the European influence entered the area, it was noticed that the planning of the borders was done according to the interests of the foreign powers in the nineteenth and twentieth century so as to control the routes of communication ... in the light of the natural or historical standards or by agreement or the standard of the loyalty of the tribes. Britain-the major power with the greatest influence in the Gulf area at that time-did not allow the borders disputes to turn into clashes among the rulers. Britain preserved the rule of the status quo, so as to be free to pursue its interests in the first place. <sup>(1)</sup>

The basin of the Arab Gulf includes the Gulf watercourse and the islands scattered therein, and the states overlooking it in one way or another. Accordingly, the Arab Gulf basin includes the Kingdom of Saudi Arabia, Kuwait, Iran, Bahrain, Qatar, the state of the United Arab Emirates and the Sultanate of Oman. The naval arm-which is in reality the whole Arab gulf-of the Indian Ocean penetrates the land areas. This naval arm contains two major Gulfs: the Gulf of Oman as an external Gulf, and the Arab gulf, as an internal Gulf. They are connected by the Hormoz Strait. These two gulfs separate the Iranian coasts from the Arab coasts<sup>(2)</sup>.

The length of the Arab Gulf is around 615 miles. Its width-at its widest parts-is 210 miles, and in its narrowest, at Hormoz strait, 40 miles. Its total area is 92500 square miles, and the volume of its waters is 2000 square miles. The depth of the Gulf varies. The greatest depth of its water is 300 feet at Hormoz Strait. The depth at the delta of the

(1) Ammen Sa'ati, (1991-1411); "Iraqi Avidities in Kuwait since the Foundation of Kuwait Up to military Invasion, Jeddah, Ukath Foundation for Press and Publication, p. 76-77.

(2) Ali Sadeq Abu Heef, Op. cit, p.412.



Tigris and Euphrates is around 120 feet at a distance of 50 miles from the entrance till the rivers. The depth increases rapidly at the Iranian shore more than the Arab shore. This means that the axis of business in the Gulf lies nearer to the Iranian coast. The Gulf is characterized by its shallow depth. This explains the many islands it contains, which are formed as a result of the river sediments-like the group of the islands at the head of the Gulf. Others are formed by sediments like those scattered along the coastal states in the Emirates of Gulf between Dubai and Ras al-khaimah, where naval currents, waves and winds contributed to their formation, in addition to the coral reefs. There are also salt domes in the islands of the Hormoz Strait like : Larak, Hingam, and Large Tonb, Small Tonb and Abo Mousa Islands. The last three were occupied by force by Iran towards the end of the regime of the Shah. Several islands were formed as a result of the earth movements of the island of Bahrain. It is a zigzag-shaped long dome at its axis in a north-south direction that is parallel to the great bend that formed the island of Qatar. As for the cluster of the long islands that extend closely in parallel to the Iranian coast on the gulf, their summits-as mountain ranges-has dropped below the sea level due to the movements of the earth crust. The Strait of Hormoz is free of protrusions which facilitates the flow of the naval currents between the Gulf of Oman and the Arab Gulf. This is contrary to the protrusions of the Mandab Strait between the Gulf of Aden and the Red Sea. The salination rate is higher in the middle parts due to the warmth of the Gulf waters. This high salinity resulted in the existence of few marine creatures like fish that lives at the surface levels. The best kinds of fish lives in the deeps.

The Arab coast of the gulf is distinguished by the multitudes of inlets (bays), which are marine tongues (armlets) that penetrate the land for several miles. These inlets played a major role in the life of the inhabitants and the history of the area. Different habitation centres were established in their vicinities, and people took refuge in their

shallow waters against the sea waves and the tribal raids and the pirates. This natural protection contributed to the rise and prosperity of the Emirates of Dubai, Sharjah, Ajman, Omm El-Qaiween and Ras El-khaimah<sup>(1)</sup>.

These harsh geographical features in the Arab Gulf, in addition to the foreign interference and the inherited tribal sensitivities have resulted in the past in difficulties towards reaching a determination of the borders among the states of the Gulf. But with the increasing foreign covetousness regarding these states in recent times, conciliations began to take place at the beginnings of the sixties (of the past century). The establishment of the Gulf Cooperation Council on 25 May 1981, enhanced the orientation of the importance of the speedy arrival to the agreements of the drawing of the borders, through a series of just settlements.

### **3-A-6: The means of the drawing of the borders among the Gulf Arab states:-**

The Kingdom of Saudi Arabia and Oman completed the last chapters of the borders agreements among them in 1991. Since, as we have stated before, the borders between the Kingdom of Saudi Arabia and its neighbours in the Arab Gulf, are among the most complicated kind of natural borders, yet they nonetheless, came to an end through the principle of mutual concession that is based on the mutual interests that were reached through the successful political negotiations that were planned by the quiet Saudi diplomacy. As we shall see, the special distinguishing trait of the leaderships of the states of the Arab Gulf in modern times, gave the political negotiations the important role in reaching solutions that were not achieved by many states in other areas of the world. As an evidence to this, when the British negotiator was representing Oman and the states of the Trucial Coast (the United Arab Emirates), the negotiations did not arrive

(1) Fathiah Al-nabrawi, Mohammad Nasr, (1988); "Arab Gulf", Alexandria, Alma'aref Foundation, p.7.

at acceptable solutions and agreements, despite their continuation for almost half a century. But when the British colonialism receded from the Gulf area in 1961, and the Gulf people represented their countries, the negotiations went smoothly among the leaderships of the Gulf states in its sound natural channels till they reached their natural conclusions, and agreements that were acceptable to all the parties were attained. <sup>(1)</sup>

The customary approach in solving the problems of the borders among states usually passes through three channels: judiciary, arbitration courts or mediation. But the disputes among the states of the Arab Gulf were not decisively settled by the political means that were based on the relations of kinship, Arabism, understanding and the joint feeling in the importance of arriving at a friendly and peaceful solution. They were based beforehand on an Islamic background that considers that that all Muslims must adhere to the path of Allah, and cooperate on beneficence and piety, and that resorting to judicial litigation-as the Messenger-peace be upon him- Said, results in enmity and transgression. That is to say, the negotiations that preceded the arrival at the borders agreements among the states of the Gulf, were based on the unity of the objective and destiny. The Gulf states are targeted by many states and the major powers due to their holding in their soil the greatest petroleum wealth in the world ... which cause these states, in the modern times, to terminate their border disputes, and unite to face the looming danger threatening them.

In reality, the border disputes in the Arab Gulf began to reach final and decisive settlements in 1958 (1378 hijriah). Its opener was the border agreement between the Kingdom of Saudi Arabia and the state of Bahrain, then the renewal of the borders agreement between the Kingdom and Kuwait in (1385 hijriah) 1965 A.D.. After that in

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(1) Adulazeez Abdulghani Ibraheim, (1988); "Princes and Invaders: the story of Boundaries and Regional sovereignty in Gulf, London, Dar Alsaqi, p.75.

the year (1395 hijriah) 1975, the settlements of the borders between the Kingdom, on one side, and Abu Dhabi and Oman, on the other side, regarding (Al-Buraimi Oasis).<sup>(1)</sup>

There followed after that the comprehensive settlements of the borders between the Kingdom of Saudi Arabia and the whole states of the Gulf. The last was in the year (1410 hijriah) 1990 in Muscat between the Custodian of the Two Holy Shrines King Fahd Ibn Abdul Azeez and Sultan Qaboos Ibn Saeed, the Sultan of Oman. In view of the importance of the legal principles on which the borders agreements among the Arab states of the Gulf were based, it is noteworthy to survey the most important of these principles, that were later borrowed to constitute a method of solving the borders disputes in other parts of the world. Among these principles are the following:-

- 1- the system of the neutral zones which was applied, for the first time, between the Kingdom of Saudi Arabia and Kuwait, and between Saudi Arabia and Iraq under the 1922 agreement of Al-Aqeer. This was favourably accepted later when the settlement of the borders between Dubai and Abo Dhabi was concluded. This system was accurately crystallized in the amendment that was introduced to it in 1965 that avoided the problems of application that has faced its parties since 1922.
- 2- The principle of the median line which was applied by the states of the Gulf. It has preceded in this the 1958 Geneva agreements that has adopted it for the first time, but resulted in differences regarding the method of its application due to the spread of the islands in the Gulf and the difference of the standards of measurement. Since understanding was the goal of the Arab states of the Gulf in arriving at satisfactory ways to apply it in a manner that goes along with the

(1) Abdullah Alasha'al, (1978), The Issue of Boundaries in the Arabian Gulf, Cairo, Pyramids Foundation, p. 102.

special circumstances of the Gulf-a question that is allowed by the Geneva agreements. This understanding and flexibility was evident in the division of the waters and the islands between the Kingdom of Saudi Arabia and Iran, and between Iran and Qatar.

- 3- The principle of the distribution of the islands that fall among the disputing states ... according to their proximity of distance from this state or that. The distribution is done equally in most cases in order to avoid the division of the single island. This principle was applied, in a clear manner, between the Kingdom of Saudi Arabia and Iran.

Maintenance of the unity of the well and not dividing it, with the application of the principle of the joint exploitation, and overlooking the principle of the sovereignty or the belonging of the well, in return for a material return from it. This was applied in 1958 between the Kingdom of Saudi Arabia and Bahrain. As for Saudi Arabia and Iran in 1968, the two wells were unified on the Iranian and Saudi lines, and a one-kilometre separating area was established. The two sides undertook not to conduct excavations in an area of 500 metres.<sup>(1)</sup> As we shall see in the following chapters, the agreements comprise other common questions among the parties signatories to the agreements ... like the type and size of the installations used by each party, the persons authorized to enter and exit the borders of the other state, the points of supervision and inspection by each party, the departments of customs, passport, police ... even to the formation of a joint body to supervise the execution of the border agreements and settle the transitory differences. We shall read, in the following chapters, a lot of these principles and articles in the borders agreements that the Kingdom of Saudi Arabia has concluded with its sisters ... the states of the Gulf Cooperation Council, as well as Iran.

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(1) Ibid.p105.

As a result of the geographical location of the states of the Gulf- compared to the non-Gulf states- we have consecrated this chapter to the study of the international borders between the Kingdom of Saudi Arabia and the six states situated on the Gulf. These are: the United Arab Emirates, Oman, Bahrain, Qatar, Iran. The researcher has consecrated the third chapter to the study of the international borders between the Kingdom of Saudi Arabia and the non-Gulf states. These are : Iraq, Jordan and Yemen.<sup>(1)</sup>

This division is not related solely to the geographical nature of the states of the Gulf ... but has its social, historical, ethnic reasons that connect the ruling families in the states of the Gulf. Other contemporary economic reasons have been added to these in the form of the appearance of the oil that resulted in regional and international questions, that helped in the end in accelerating the arrival at agreements regarding the international borders.

The researcher will pursue in this chapter the dimensions of the interesting documented negotiations that took place among the Gulf states, and the hidden factors involved in these negotiations that were like a pendulum that nears the end, then suddenly gets far away, undermining the hoped - for settlements, and defacing the good nature of he Arabs of the Gulf.

### **3-A-7: The particularity of the relations among the states of the Gulf:-**

The question of the borders of the Kingdom of Saudi Arabia in the Arab Gulf area is tied to the nature of the systems in the Gulf states and the relations that bind these states and their similar Arab and religious traditions. But, with the passage of time, the borders issues in the Gulf area began to assume a special characteristic, that is based not only on

(1) John C. Wilkinson, (1991), Arabia's Frontiers, I.B. Tauris and Co. Ltd, London- New York, P. 27.

the social and traditional aspects, but also on the geographical, political, economic and demographic factors.

There is no doubt that the borders issues in the Gulf area has acquired a probable economic dimension after the appearance of the oil in huge quantities. Differences increased among the Gulf states as a result of the desire of all states to possess more lands that contain more black gold.

But the international dimension, which grows greater with the importance of the oil in the international markets, caused the external danger to constitute a basic factor in agreeing, then unifying. The rise of different forms of rapprochement, like the establishment of the state of the United Arab Emirates, and later, the establishment of the Gulf Cooperation Council, has accelerated the settlement of the problems of the borders among the states of the Gulf, out of fearing the external danger or the danger of the foreigner. Thus we noticed that during the last two decades, settlements were made, that these states did not make during seven past decades. In retrospect, we find that the princes of the states of the Arab Gulf did not assign any significance to the questions of the borders in the past. The concept of the territorial political sovereignty-in its contemporary meaning- was unknown to them. In addition, there was no established principle for the determination of sovereignty. Sometimes, it was determined on the basis of the declaration of loyalty to the chieftain of the tribe, and, at other times, upon denominational belonging, or on the basis of the possession of real estate (like the family of Albofalah which owned some orchards in the Buraimi Oasis), or upon payment of taxes or zakat (alms). The ruler has jurisdictions on any land resulting from his influence over the tribes that are settled in these lands.<sup>(1)</sup>

(1) Salem Mashkoo, (1993), Borders disputes in the Gulf, Benter for strategic studies, research and Documentations, Beirut, 1993, p.

These were the standards, in the past, concerning the ownership of the land, and the determination of the borders among the Gulf statelets. These standards differ from the standards stipulated in the contemporary international law, which are essentially based on the mutual interests among states and the concept of territorial sovereignty on the ground.

This means that the borders among the tribes were recognized. Each tribe had a traditional area in which it moves during the various seasons. But these border were not clear or fixed. The situation of the tribes in the desert was similar to the position of the states at high seas. Each state has its territorial waters that were unilaterally stated by her. Thus, the problems of the borders area are not new to the international community, but took a different norm in the modern times that is in variance to the preceding traditional norms. <sup>(1)</sup>

### **3-A-8: The first attempt to delineate the borders among the states of the Gulf:-**

The first modern attempt to determine the international borders among the states of the Arab Gulf, was the attempt that was made by the Ottoman Empire and the British Empire, through the so-called 29 July 1913 Treaty. As for the Kingdom of Saudi Arabia, item seven in this Treaty determined the borders of the Sultanate of Najd by a blue line. This line was monitored on one of the maps accompanying the treaty to form the eastern and northeastern borders of the Sultanate of Najd. The blue line starts from the coast of Gulf west of Qatar and the (Zahnoonah) island, extending southward of the Empty Quartet. Approximately, this line took its path through the middle of the (Jafoorah) desert. With the passage of time, this line became known as the blue line. But the Kingdom of Saudi Arabia objects to the blue line, since the aim of the treaty was to

(1) Kaled Al Azzi, 1972, The Arab Gulf in its past and future, Al, Jaheth prent, Bagdad, P. 104.



determine the emirates and the sheikhdoms that were under the influence of Britain, and those under the influence of the Ottoman Empire. Thus the blue line did not wish to determine the borders of the Kingdom of Saudi Arabia in the Arab Gulf. But, after the independence of the states of the Gulf from Britain, beginning in the sixties, this treaty acquired an important place in determining the borders among the Arab states of the Gulf.<sup>(1)</sup> Though the Ottoman Sublime Porte did not reach the stage of the ratification ... yet it is clear that he agreed to consider the blue line as the legitimate borders of the Ottoman possession in the east of the Arabian Peninsula. An evidence of this lies in the fact that the Sublime Porte has prepared, on 9 March 1914, a new agreement to the borders in which the borders of the Ottoman sovereignty in the southwestern Arabian Peninsula were drawn ... and includes, in its third article, a definite reference to the afore - mentioned blue line. The Ottoman government ratified this agreement on 5 June 1914. It stipulated that, starting form the south west, the borders of the lands take a 45° slope. This line of the empty quarter at a 20° degree parallel line, meets with the direct straight line in the direction of the south which starts at a point at the southern shore of the (al-eer) inlet, which separates the territory of the Najd region from the territory of Qatar ... in accordance with item eleven of the treaty concluded on 29 July 1913. The first of these two lines is marked with the violet colour, whereas the second is marked by the blue colour on the map<sup>(2)</sup>.

(1) Farouq Othman Abazah, *Eden and the British Policy in the Red Sea*, Cairo, p. 62-63.

(2) 90- G.B, Kelly, (1971), *Eastern Boundaries for the Arab Peninsula*, Translated by Khayri Hammad, Publications of Dar Al-Hayat Library, Beirut.

### **3-B-1: The classification of the Saudi borders disputes**

Researchers have approached <sup>(1)</sup>the Saudi land borders disputes with its neighbours through twelve dimensions, though there are disputes that emanate from different dimensions.

#### **The economic dimensions of the border dispute:-**

This classification is influenced by the economic calculations of the concerned parties (stakeholders) ... like the existence of oil deposits or water resources or agricultural or water resources or grazing areas. This type of dispute may rise at the early, or late, stages of the dispute. Based on this, the Saudi economic border disputes maybe classified as <sup>(2)</sup>:

#### **A- disputes that involve a clear economic dimension:-**

- 1- The Saudi\_ Kuwaiti dispute.
- 2- The Saudi-Abu Dhabi dispute.
- 3- The Saudi – Qatari dispute..
- 4- The Saudi- Jordanian dispute (Wadi El-Serhan).
- 5- The Saudi – Iraqi dispute.
- 6- The Saudi – Yemeni dispute (the Empty Quarter).

#### **B- disputes involving indirect economic dimension:-**

- 1- the Saudi – Yemeni dispute (south Aseer).
- 2- The Saudi – Omani dispute.

(1) Mushari Abdul-Raheim Alna'em, (1999); "The Saudi Political Boundaries: Seeding for the Settlement, Dar al Saqi, Beirut, First Edition, P.93.

(2) Abdul-Razzak S. Abu- Dawood and P.p Karan, 1990, International Boundaries of Saudi Arabia, Galaxy Publications, New Delhi, PP. 5-7, P. 93.

3- The Saudi – Jordanian dispute (Maan and Aqaba).

**1- The social dimension of the conflict :-**

The motives of this dispute revolve around population congregations (villages) of importance in the common border area. The existence of these joint boundaries may cause differences regarding the places of residence, and the division-or the avoidance of division – of families and the belonging of these clans and tribes. Accordingly, distinction is made between:-

A- boundaries with settlement areas:-

- 1- The Saudi – Yemeni boundaries (south Aseer).
- 2- The Saudi – Qatari boundaries.
- 3- The Saudi – Jordanian boundaries (wadi el-Serhan, Maan and Aqaba).
- 4- The Saudi- Abu Dhabi boundaries.
- 5- The Saudi – Omani boundaries.
- 6- The Saudi – Kuwaiti boundaries.
- 7- The Saudi – Iraqi boundaries.

**B- Boundaries without settlement areas, but with population congregations:-**

- 1- The Saudi – Yemeni boundaries ( the Empty Quarter).
- 2- Some Saudi- Kuwaiti boundaries ( the nearly desert ones)

**2- The tribal dimension of the dispute :-**

The components of this dispute result from the consequences of the settlements of the lands that affect the modes of migrations and tibal movements ... since the joint boundaries constitute a passageway for the tribes during their seasonal movements. The

drawing of the borders against political backgrounds – and consequently, the division of the sovereignties on the ground ( irrespective of the contents of the borders agreements that showed flexibility regarding the questions of migrations and the accustomed tribal movements) has hindered the movements of the tribes across the newly – formed borders, which, at times, divided some tribal homelands among the concerned parties. On the other side, the new divisions and delineations observed this question and accommodated-in one way or another-the land with the overall mode of the tribal movements ... which facilitated the tribal movements to a great extent .... and did not result in noteworthy disputes in these areas. <sup>(1)</sup>

What is to be noted is that even in the boundaries that did not witness some sort of a settlement, a kind of defacto borders has crystallized with the passage of time, as a result of the interests of the concerned parties and their economic, administrative and military capabilities. In this case, the impact that the de facto borders have does not differ from the impact of the official borders.

This dimension is divided into:-

**A- settlements and disputes that has affected deeply the mode of tribal migrations.**

- 1- The Saudi – Iraqi settlement.
- 2- The Saudi – Jordanian settlement (Awadi Al-serhan, Maan and Aqaba).
- 3- The Saudi – Kumaiti settlement.
- 4- The Saudi – Yemeni dispute( the Empty Quarter).

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(1) Richard Hartshorne, Op. cit, P. .

**B- settlements that did not much affect the mode of the tribal migrations:-**

- 1- The Saudi – Qatari settlement.
- 2- The Saudi – Abu Dhabi settlement.
- 3- The Saudi – Omani settlement.
- 4- The Saudi- Yemeni settlement (south Aseer).

**4- The strategic dimension of the dispute :-**

This classification goes toward the belief of one the disputants, or all of them, in the existence of a military or security importance to the disputed area. In this connection, we can differentiate between disputes of clear strategic dimensions, and those of feeble ones. <sup>(1)</sup>

**A- Disputes with manifest strategic dimension:-**

- 1- The Saudi – Kuwaiti dispute.
- 2- The Saudi – Iraqi dispute.
- 3- The Saudi – Qatari dispute.
- 4- The Saudi – Abu Dhabi dispute.
- 5- The Saudi – Jordanian dispute (Wadi el-Serhan, Maan and Aqaba).
- 6- The Saudi – Yemeni dispute (somth Aseer).

**B- Disputes with weak strategic dimension :-**

- 1- The Saudi – Omani dispute.

(1) S. B. Jones, Boundary-Making: (1945), A Hand book for Statesmen, Treaty Editors, and Boundary Commissioners International Peace, P. 5.

- 2- The Saudi – Yemeni dispute ( The Empty Quarter).

### **5- The Type of the Dispute:-**

The diplomatic character was the overwhelming one on several approaches to the Saudi border disputes with its neighbours. These were subjected to negotiations within the framework of the diplomatic understandings .... not forgetting the appearance of some unintended and limited military aspects. These remained within their minimum limits .... starting with tribal raids ... to some skirmishes among the military forces. Military operations preceded, or followed the process of the drawing of the borders. Thus it is possible to differentiate between disputes of diplomatic nature and disputes of military nature <sup>(1)</sup>.

#### **A- disputes of diplomatic nature :-**

- 1- The Saudi – Abu Dhabi dispute.
- 2- The Saudi – Qatari dispute.
- 3- The Saudi – Omani dispute.
- 4- The Saudi – Jordanian dispute (Maan and Aqaba ).
- 5- The Saudi – Yemeni dispute (Empty Quarter).

#### **B- disputes of military nature:-**

- 1- The Saudi – Kuwaiti dispute.
- 2- The Saudi – Iraqi nature.
- 3- The Saudi – Jordanian dispute (Wadi el-Serhan).
- 4- The Saudi – Yemeni dispute (south Aseer).

(1) It is noticed that the military fractions during the disputes were exclusions and did not change the general nature of the dispute.

It is to be noted that the armed frictions during the conflicts were the exception ... and did not change the general nature of the conflict.

#### **6- The time span of the conflict:-**

What is meant by this is the period of the time that the process of solving the dispute took. It was noted that most of these processes of the solution of most of the Saudi border disputes with its neighbours did not exceed ten years, <sup>(1)</sup>

though some took a longer period of time. Viewed through time frame, we see that there are two types of disputes:-

##### **A- short –term disputes:-**

- 1- the Saudi – Kuwaiti dispute.
- 2- The Saudi – Iraqi dispute.
- 3- The Saudi – Jordanian dispute (Wadi el-Serhan).
- 4- The Saudi – Yemeni dispute (south Aseer).

##### **B- long – term disputes:-**

- 1- The Saudi – Qatari dispute.
- 2- The Saudi – Abu Dhabi dispute.
- 3- The Saudi – Omani dispute.
- 4- The Saudi – Yemeni dispute ( the Empty Quarter).
- 5- The Saudi – Jordanian dispute (Maan and Aqaba).

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(1) This estimated calculation.

## **7- The external dimension in the path of the dispute:-**

Due to the British control of the Arab Gulf area – which are states that surround the Kingdom of Saudi Arabia – all border issues were characterized by the foreign dimension – that is Britain – in the form of initiatives or positions which the British government took during the breakout of the borders disputes- if not in all, then in most of them. Thus the classification will focus on the extent of the depth of this intervention – whether it was a direct, or an indirect, intervention. Direct intervention meant that Britain intervened actively in all or in some stages of the dispute, or that it had negotiated on behalf of one of the parties.

The indirect intervention meant remote directing from behind the scene: like the diplomatic support extended to one party, and the pressuring of the other party. <sup>(1)</sup>

Accordingly, the division will be as follows:-

### **A- Direct intervention:-**

- 1- The Saudi – Iraqi dispute.
- 2- The Saudi – Kuwaiti dispute.
- 3- The Saudi – Jordanian dispute (Wadi El-Serhan, Maan and Aqaba).
- 4- The Saudi – Abu Dhabi dispute.
- 5- The Saudi – Qatari dispute.
- 6- The Saudi – Omani dispute.
- 7- The Saudi – Yemeni dispute. (the Empty Quarter).

(1) Alasdair Drysdale and Gerald H. Blake,(1985); "The Middle East And North Africa", Oxford University press, New York, Oxford, PP.92-99.



**B- Indirect intervention :-**

The Saudi – Yemeni dispute (Asseer) .

**8- The dimension of the foreign intervention and the drawing of the borders:-**

Britain has intervened directly, or indirectly, in drawing the borders between Saudi Arabia and its Arab geographical neighbourhood. This intervention was evident, whether the drawing was final, or para- final, along the following:-

- 1- The Saudi –Iraqi line.
- 2- The Saudi – Jordan line (Wadi El-Serhan, Maan and Aqaba).
- 3- The Saudi – Kuwaiti line.

**A. Indirect, or sometimes not-apparent, intervention:-**

- 1- The Saudi – Yemeni line (south Aseer).
- 2- The Saudi – Abu Dhabi line.
- 3- The Saudi – Qatari line.
- 4- The Saudi – Omani line.

**9. After the signing on the borders on the ground, (that is their adoption officially):-**

Normally, the settlement of the borders passes through three stages : the preliminary demarcation in which the main lines are delineated on the map, then laying out (designation) in which the border line is assigned to known geographical locations, so that the new line is recognized, and, finally, confirmation when the border line is fixed on the ground in the form of signs, landmarks and prominent markings. <sup>(1)</sup>

(1) J.R.V. (1984), "Prescott, Political Geography", London, P. 63

It is possible to differentiate between:-

**A- Established border lines:-**

- 1- The Saudi- Omani border line.
- 2- The Saudi – Yemeni border line (south Aseer).
- 3- The Saudi – Qatari border line.

**B- Non – fixed border lines (this means the existence of clearly visible markings):-**

- 1- The Saudi – Iraqi border line.
- 2- The Saudi – Kuwaiti border line.
- 3- The Saudi – Jordanian border line (Wadi El-Serhan, Maan and Aqaba).
- 4- The Saudi-Abu Dahbi border line.

**10. Following the making of amendments on the settlements:-**

Some settlements went through some amendments upon the agreements concluded among the parties. Thus the fixing, or the non-fixing, of the borders took two forms:-

**A- Settlements that kept its original shape:-**

- 1- The Saudi – Yemeni settlement (south Aseer).
- 2- The Saudi – Abu Dhabi settlement.
- 3- The Saudi – Omani settlement.

**B- Settlements that went through some amendments later:-**

- 1- The Saudi – Kuwaiti settlement.
- 2- The Saudi – Iraqi settlement.

3- The Saudi – Jordanian settlement (Wadi El-Serhan, Maan and Aqaba).

4- The Saudi – Qatari settlement.

### **11. Was the dispute settled?:-**

Here the classification is based on the differentiation between the disputes in which the two parties has reached a settlement to all, or most, of the standing (suspended) Issues, and the disputes that are still standing, in one way or another. According to the Saudi point of view, all these issues were solved.

### **11. The nature of the standing issues:-**

In continuation of the eleventh point, there are some differences relating to the borders points that the Saudi state classifies as not being candidates to cause disagreement... or a dispute. So it is left due to its non-importance, or handled through direct bilateral contacts away from the glare of the information media. Thus we see that the Kingdom of Saudi Arabia never sought to solve its border issues with its Arab neighbourhood in any other way other than the direct contacts, whereas some states resorted to the International Court of Justice (Qatar and Bahrain), or have third parties intervening among them (Iraq and Kuwait) (Egypt and Sudan). In addition, the Saudi state demonstrated strong keenness on closing all her borders files, which affirmed the stability of the national Arab state therein. <sup>(1)</sup>

In addition to this, the geographical factor has helped in facilitating the arrival at solutions, since the border areas that required addressing were located in distant areas, away from the places of urban congregation. There is, in addition, an Arab cultural and political current calling for the down-sizing and over-stepping of the borders disputes,

(1) Richard Schofield, (1996); "Border Disputes in the Gulf: Past, Present, and Future", Paper Presented at the Annual Meeting of the Gulf 2000, Project Colombia University, held in Abu Dahbi, PP4-14.

and staying away from outbiddings that harm the Arab homeland within the context of the international motion to distribute the global and regional powers, and the requirements of the international legitimacy <sup>(1)</sup>

This was the Saudi understanding of the problem of the borders with its neighbourhood. And in order for this understanding to settle in the reader of this thesis, the researcher saw fit to cite examples of these borders intricacies, as cases study to all the border issues that arose between Saudi Arabia and its geographical neighborhood, and how did the Saudi state managed to solve these intricacies.

### **3-B-2: The Saudi – Iraqi border differences:-**

It is natural for an area like the Arab Gulf region, where imperialist interests lurk, and the existence of huge oil wealth whose reserves are estimated in the billions of tones-as if floating on a lake of oil-that political borders were, and still are, not only the subject of continuous conflict and differences, but also less determined than any other area in the world. This led to frictions that soon escalated into wars and internal problems. In addition, the treaties and the agreements in which the borders were drawn, were not out of the will of these states and their political systems. Rather, they were imposed, and are still being imposed, by foreign colonial powers according to their colonial interests ... deliberately ignoring the fact that the political borders constitute a basic pillar in the existence of the state and its regional and national sovereignty. <sup>(2)</sup>

(1) Mustafa Alfaqi, (1994); "Renewal of the National Thinking, Cairo, P. 56.

(2) Political borders defined as the lines drawn on the maps to show the lands in which the state practices its sovereignty and its right to benefit and invest, within the state's lands and its political position added the water services inside it, whether rivers, lakes or channels, and parts of the seas near its coasts, known as regional waters, atmosphere layers over the state, and at these lines the states sovereignty ends and another country's sovereignty begins.

Hadi Ahmad Mukhlef, (1993), Political Geography, Dar, Iqra, Yemen, p. 55.

### **3-B-3:- The Saudi – Iraqi dispute:-**

In reality, the Saudi – Iraqi dispute over the borders represents a simple dispute, and is less hot than the rest of the disputes that has preoccupied the Saudi foreign policy since its establishment and until the present time. This coolness is the result, firstly, of the fact that the border areas are arid deserts, and that oil explorations proved that they do not contain oil, and consequently, cannot cause competitions or foreign interventions. Secondly, the two states managed to settle these through peaceful means owing to the strength of the two political systems in Baghdad and Riyadh. This was so whether in the past or the present, despite the many raids that were conducted by (the Wahhabis) against Iraq, and the plundering of the Holy Thresholds in (Najaf) and (Karbala) during the late nineteenth century and the beginning of the twentieth. Yet they could not harass the Iraqi borders, when Iraq was composed of the Wilayet ( administrative district) of Mosul, Baghdad and Basrah, and subject to the Ottoman Caliphate. Some problems arose during the phase of the establishment of the kingdom of Saudi Arabia, but Britain, whose eyes were focused on Iraq, was able-through the authorization that allowed her to dispense with the political and administrative affairs of Iraq-to reach the (Mohammarah) agreement in may 1921. This was the first regularization of the Iraqi-Saudi borders, which annexed Jabal Al-Shams to Saudi Arabia. This was followed by an agreement in November 1925, which regulated the movement of the Bedouin tribes across the northern borders between Najd and Iraq, and the determination of the separating borders between anjd and the areas of the British mandate in Iraq and trans-Jordan. <sup>(1)</sup>And if the (Mohammarah) conference that was held in may 1921, under the auspices of the High Commissioner, Pierce Cooks, (who drew the borders of Saudi Arabia and Iraq with his red pencil) was considered by Saudi

(1) Abdullah Fuad Rabie'e, (1990);"the Issues of Politicals Boundaries for Saudi Arabia and Kuwait Bewtween the two world wars 1919-1939, Madboli Library, Cairo, P. 35.

Arabia as unjust to her, the conference, in return, contracted the borders of Kuwait from 45.000 square kilometers to around 28.000 square kilometers. These lands were annexed to the kingdom of (Ibn Saud) in Najd<sup>(1)</sup> This was the result of the 1922, first (Aqeer) agreement that was attended by three delegations : the Saudi delegation, and the Iraqi delegation that was represented by (Sabeeh Bey Nashaat), and a representative of Kuwait in the person of the High Commissioner Percy Cooks. The Iraqi delegation demanded that the borders of Iraq should extend to 12 miles from the city of (Riyadh) to include Al-Hafoof, Qateef, Hayil, Al-Madeenah and Yanbu. Ibn Saud demanded that his territories be extended in Najd north to comprise Aleppo and all the lands located east of the Euphrates – that extend from Basrah till the Arab gulf. Ibn Saud said that his representatives in Mohammarah acted against his instructions when they agreed on placing a fixed line for the borders between Iraq and Najd. So he was of the view that tribal borders be made through which tribes that belong for each party to the dispute be classified, and through which the rights of the tribes be guaranteed. The representative of Iraq insisted that he will not accept any delineation of the borders that gives him less than 200 miles to the south of the Euphrates River. <sup>(2)</sup>due to the divergence of the points of view, Percy Cooks decided to draw the borders by himself, irrespective of all considerations. He drew border lines, on a map for the Arabian peninsula, that extend from the Arab Gulf to (Jabal Onaizat ) near the borders of the trans- Jordan Emirate. Thus he gave Iraq a large area of the territories that (Najd) claims its ownership, and gave (Ibn Saud) land that deprived (Kuwait) of two thirds of its lands under the pretext that the authority of the (Sabah family) in the desert has become less than it used to be

(1) Shafer Alrwashdeh,(1991), "Arab Gulf Countries Council "(AGCC) Dar Al-Ebda'a, Amman, Jordan, P. 57.

(2) Salem Mashkour, op. cit, p. 107.

at the time of the 1913 Turkish – English agreement which kept Kuwait a sub-district attached to Basrah under the shadow of the Ottoman Wilayet.<sup>(1)</sup>

The (Aqeer) conference resulted in the designation of two areas to the south and west of Kuwait, that were declared as neutral zones. The first was called the Kuwaiti borders neutral zone with Saudi Arabia, while the other was called the neutral zone with Iraq. The (Aqeer) meetings approved two agreements to determine the borders between Najd and Kuwait that begins in the west from (Wadi Al-Oojah) in (Al-Batin) and (Al-Riqii) will be for Najd in the middle of the red circle as stated in the 1913 agreement. It ends unto the southern coast of the (Ras Al-Qalaa) of the lands of Kuwait.<sup>(2)</sup>

As for the Iraqi – Kuwaiti borders – which we will detail later – emphasis was made regarding that which was agreed in 1913 between England and the Ottoman Empire.

At the (Aqeer) conference, Ibn Saud was reminded of what has been agreed upon with Percy Cooks in the 1915 agreement. In item six of the agreement, Ibn Saud undertook – like his father before – not to intervene in the lands of the Sheikhs of Qatar, Oman and its coasts ... and all the Sheikhs who are under the protection of England and have treaties with her. In addition, the 1927 ( Jeddah) agreement has clearly and absolutely admitted the recognition by Britain of the independence of Ibn Saud, and stressed the respect, and the non- crossing, of the borders of Kuwait, Bahrain, and the lands of Qatar and the Trucial states.<sup>(3)</sup>

It appears that this restriction which Britain imposed on the Saudi external conduct came as a result of the raids which the Wahhabis conducted against Kuwait, especially

(1) Badr Aldein Abbas Al-Khososi, (1975), "Aljahra' Battle, That Al-Salasel, Kuwait, Mohammad Mutwalli", 1976, Arab Gulf Basin, Cairo, Egyptian Anglo Library.

(2) Badr Aldein Abbas Al-Khososi, Op. cit.

(3) Mohammad Hasan Ala'ydarous, (1976), "Political developments in United Arab Emirate" (UAE), Dar Alsalsel, Kuwait, p. 155.

when the family of (Sabah) assisted the family of (Rasheed) in consolidating their emirate against the family of (Saud) and the harassment of the Saudis of the roaming tribes in the Iraqi desert. This is in addition to the ambitions of the Saudis in the coasts of the Arab Gulf and the disputed oases, and the islands belonging to Kuwait, the Emirates and Oman, with the aim of spreading the Wahhabi school of thought. The issue assumed special importance upon the oil discoveries that caused borders disputes to escalate to the point of war among several parties, that were basically fed by the Anglo – American competition, and the concessions given to the petroleum companies. These companies, and for more than two decades, came to represent 60% of all the oil companies operating in the area <sup>(1)</sup>.

The Saudi – Kuwaiti differences were frameworked through the previous treaties and the British protection of Kuwait until its independence, despite the Saudi attempts to possess the Islands belonging to Kuwait. In addition, the concessions of prospecting and discovery of oil in the neutral zone were divided. The Saudi relations with Iraq went through several stages, especially before the official declaration of the independence of the two states. Several attempts were made with the aim of arriving at agreements and treaties to regulate the borders between the two states. But these faltered, and kept oscillating in their place, especially the 1928 (Jeddah) conference, and the 1931 treaty, and the April 1936 treaty. Later, circumstances became ripe, and relations were based on the treaty of non-aggression and friendship. The 1975 treaty that was concluded between Riyadh and Baghdad led to the division of the neutral zone equally. <sup>(2)</sup>The borders between both states were considered among the most stable among the states of the region.

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(1) Salem Mashkour, op. cit, p. 37.

(2) Abdullah Fuad Rabie'e, op. cit, P. 120.



### **3-B-4 : The Saudi – Kuwaiti borders disputes**

There were attempts to contain and limit the Saudi – Kuwaiti dispute. The Saudi directions were aimed at widening their borders through grabbing new territories from Kuwait, especially regarding the disputed islands. An agreement was reached in 1970 between Kuwait and Riyadh, but it was not an agreement to delineate the borders, in as much as being an administrative determination designating the extent of the administrative influence in the area for both states, and the granting of prospecting to the American companies. This was the first time in which agreement was made between the Saudis and the Kuwaitis themselves, since the settlement of the differences between Saudi Arabia and Kuwait were done through a British representative on behalf of Kuwait to determine that which is for Kuwait as well as her obligations. <sup>(1)</sup>

The 1913 treaty, which represents the legal foundation of the terms of reference for the determination of the borders of the Emirates and Sheikhdoms of the Arab Gulf, and which was not signed or ratified except by Britain, has determined Kuwait in the form of a circle, in which the city of Kuwait lies in its centre, and Khor Al-Zubair in the north, and Al-qreen in the south. But the Sheikh of Kuwait, Salem Al-Sabah, demanded that the borders of his Emirate be drawn by a straight line towards the east along Side the coast of the Arab Gulf until the oasis of Al-Balbool. <sup>(2)</sup>

Despite the afore – mentioned, when the borders were regularized through the agreements that were reached – especially between 1957 – 1958, and the 1965 agreement that regulated the borders in the neutral zone, and the special rights of exploiting the adjoining territorial sea, which the agreement determined it at six miles,

(1) G.B, Kelly, (1971), "Eastern Boundaries for the Arab Peninsula", Translated by Khayri Hammad, Publications of Dar Al-Hayat Library, Beirut,p. 28.

(2) Salem Mashkour, op. cit, p. 110..

and pointed to arbitration that the disputing parties must resort to in the event of any dispute in the future ... yet this agreement, and all that which was achieved later of the negotiated bilateral agreements did not result in any settlement or agreement regarding the islands of (Omm Al-Maradim and Caro ) which Kuwait considers within its territorial sovereignty, at the same time in which Riyadh demands the exercise of joint sovereignty over them with Kuwait. <sup>(1)</sup>It is the same offer that was made by Kuwait after its independence to Saudi Arabia <sup>(2)</sup> but was rejected at the time by Saudi Arabia which saw that through pressuring Kuwait – which was looking for international and Arab recognition, let aside the crisis that broke out with Iraq who demanded that Kuwait be not recognized since it constitutes a part of the Iraqi territory, and that the British colonialism has undermined all the agreements that have stipulated that Kuwait was a district of the Wilayet of Basrah, as stated in the 1913 agreement.

But the settlement of the Iraqi – Kuwaiti crisis at that time, caused Kuwait to be in a stronger position vis – a- vis the Saudi demands, who closed the file on their side ... but did not forsake the ambition of these islands returning to their sovereignty.

Some Saudi attempts took place to control the Island of (Karooon or Karo ) at the beginnings of the year 1977, when Kuwait kept silent. This opportunity was lost in the throng of the events that took place on 2 August 1990. <sup>(3)</sup> Within a period of less than two years, and after the military aggression on Iraq in 1990, the Saudi – Kuwaiti relations saw dark clouds that were represented in the boycott of Saudi Arabia for the Gulf football tournament which took place in Kuwait, and brought to mind – within the celebratory atmosphere – the battle of (Al-Jahraa) that represented the entry of the

(1) Mohammad Mustafa Shehateh, (1993): "The Saudi boundaries with Arab Gulf Countries, International Policy Magazine, Issue No. 111 , p.222.

(2) Mohammad Subhi,(1993), "The boundaries and economic elements", International Politics Magazine, Issue No. 111.p. 192.

(3) Salem Mashkour, op. cit, p. 112..

armies of (Al-Wahhabis) to (Al-Jahraa) and controlling it in the third decade of the past century. That conflict reflected its impact on the relations between the two countries. The Kuwaitis- in that celebration – proclaimed a historical emblem symbolizing confronting the Wahhabi call. That emblem consists of two knights and two swords with the word (Al-Jahraa) written beneath. The border disputes and conflicts find their roots in the multiple traditional tribal structures that are deeply entrenched in the Arab societal fabric ... reaching into its sociological – historical extensity. <sup>(1)</sup>

The Saudi – Kuwaiti border dispute was governed by the consideration of the oil inside the islands of (Karo and Omm Al-Maradim) which constituted the main challenge in the history of the Kuwaiti – Saudi relations. It is the only sole maritime dispute between Saudi Arabia and the states of the region, despite the lassitude that touched its relations with Qatar and Bahrain regarding the question of determining the territorial waters that were not based on the "historical right" which is the point of reference that Saudi Arabia adhered to in all her differences with the neighbouring states. On the contrary, she began to concentrate this time on the strategic considerations. <sup>(2)</sup>And, if the question of the land borders has been regulated by the (Aqeer) agreement-as was stated before - yet it did not refer to the islands of Karo and Omm Al-Maradim. Kuwait, in its claim of these islands, bases itself on the letters that were exchanged between her and Iraq in 1923 and 1932. The dispute remained suspended until the year 1977 when Saudi Arabia occupied them militarily. Kuwait did not make any movement, since it was in a disagreement with Teheran regarding the nature of the territorial impact of the island of (Filka) and its border dispute with Iraq,

(1) Abduljaleil Marhoun, (1997), "The Boundaries Conflicts in the Arab Peninsula", Beirut, Dar Al-Nahar for publication. p.68.

(2) Mohammad Jaber Al-Ansari and others, (1997), "The Arab Civil Conflicts: Internal and External Factors", Beirut, Centre for Arab Unity Studies.p. 26.

which caused her to freeze the border file with Saudi Arabia at that time.<sup>(1)</sup>But, she could not close it in a final manner because of the hard positions shown by Riyadh in this regard, especially since it did not forsake the principle of the "historical rights" in her claims. But the regional and the international circumstances did not permit her to go beyond diplomatic consultations, and raising it now and then in anticipation of the opportune circumstance. In a later development of the Saudi – Kuwaiti borders dispute, the question of drawing the naval borders was raised by Riyadh in a letter sent by the Saudi Crown Prince, Abdullah Ibn Abdul Azeez to the ruler of Kuwait dealing with the visit that Prince Abdullah will pay to Kuwait in the middle of June 2000. Despite the emphasis of the close sources of the two regimes that the question of settling the naval borders did not fail, and that it will be resumed in a second round of negotiations, yet all indications point to the existence of many obstacles surrounding the settlement of this question, especially since the determination of the borders of the continental shelf raises more than one intricacy, and if we take into consideration also Iran that tries to impose its point of view and demands the (Durrat) naval oil field that is located within the range of the continental shelf, north of the Arab Gulf, and is the subject of discussion among the three parties.<sup>(2)</sup>Kuwait fears the Saudi boats in the drawing of the naval borders, since this maybe at the expense of the land borders, which created a new phenomenon in dividing ... the phenomenon of the neutral zone, through which the oil revenue where divided among the two parties, when the neutral zone was but lands belonging to Kuwait according to the previous treaties that were concluded between Britain and the Ottoman Empire.<sup>(3)</sup>

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(1) Abduljaleil Marhoun, op. cit, p.26.

(2) Yousef Alawneh,( 2000): "Saudi-Kuwaiti Agreement on completing soon the discussions of maritime boundaries demarcation", Al-Ittihad UAE Newspaper, Issue No.9104,Thursday 8 , p. 19.

(3) Salem Mashkour, op. cit, p. 1٠٧..

### **3-B-5: The Saudi differences with the Emirates and Oman :-**

The eastern borders of the Kingdom of Saudi Arabia are, in reality, among the most complicated borders due to their interlocking nature ever since the birth of this Kingdom and the rest of the Emirates along the coast of the Arab Gulf , the problem of the borders is considered the most complicated issue that causes sensitivity, tension and conflict, and impeded the march of cooperation that these states followed since the beginning of the eighties until now. It became a political game in its alliances and conflicts, especially among the political regimes themselves. They unite according to whether the problem of the borders is cold or hot, especially as that which happened between Saudi Arabia and Qatar, and between the latter and Bahrain<sup>(1)</sup>.

The faltering of the steps was noted in the security and military march of the Gulf Cooperation Council, even in its meetings at the summit level or the level of the foreign ministers. These were confronted by the problem of the borders which did not know in its history radical solutions to these differences. They only knew mechanisms of keeping them quiet. Neither the wider and more comprehensive regional Arab arrangements, nor the narrower regional arrangements were capable of proposing fixed traditions and working mechanisms to solve these differences.<sup>(2)</sup>On the contrary, they always played a constant role in aggravating them and pushing them towards other dark paths, as happened on 2 August 1990 that saw the negative role that was played by the League of the Arab States. Even after the crisis, it was unable to gather the Arab ranks and heal the wounds that this crisis and its repercussions created, and which it still negatively affecting the march of the common Arab action.<sup>(3)</sup>The fierceness and

(1) J.B. Kelly, (1964): "K Eastern Arabian Frontiers", Frederick Praeger, London, P. 144-145.

(2) Mohammad Subhi, op cit., p. 192.

(3) Mohammad Alsa'eid Edreis, (2000): "The regional system for the Arab Gulf, Centre for Arab Unity Studies", Beirut, p. 218.

increasing gravity of these political and border differences, and their disappearance and appearance, are not in proportion to the regional and international agreements that has their effective role in nourishing these difference, but depend on the nature of the political and social setup of these setup towards the other states ... to the point that these differences has surfaced on their relations and became among the distinguishing phenomena of the relations among the states of the region. It is natural to say that the border differences are political differences in origion and appearances. The difference in needs and interests and their reaching the points of criss-crossing and collision, in addition to the insistence and stubbornness of each state on the righteouness of its demands, and not taking into consideration the international and regional wherewithals surrounding their external environment push them to adopt a perception or special view of ther own that inevitably collide – if it was lacking the realistic political logic – with the neighbouring party who is, in turn, is looking to aspirations which cannot cancel and swallow the other ... not forgetting the external factors that push in this direction or that, to cause collision and widen the angle of the difference in order to push events towards their drawn paths so as attain previously – planned goals.<sup>(1)</sup>

This was what happened between Saudi Arabia and the State of the Emirates and Oman, and what took place between Saudi Arabia and Qatar, and other states of the Arab Gulf, or between Saudi Arabia and Yemen. The borders problems has muddied the relations among the two states, especially that which erupted in the middle of July 1998 when Saudi Arabia occupied Yemeni islands – as Yemen claimed – as we shall note when we address the question of the Saudi- Yemeni differences.

(1) Ata Mohammad Zahra, 1997, The Arab Disputes ...Entries to Solution, Al-Mustaqbal Al-Arabi Journal, Beirut, Issue No. 255

### **3-B-6: The border disputes regarding the Buraimi Oasis:-**

In a clear reading of the history of the area, it becomes evident that the Bedouin system – which is based on the distribution of the tribes in their movements and settlement-is a phenomenon that has characterized the region. This has complicated and aggravated the question of the determination of the political borders. Every regime that came into existence – whether through its natural evolution, or being an artificial one, aspired to widen the borders of its regime to include the greatest number of tribes, collection of taxes and alms. These became later, evidence to be resorted to by several regimes in putting forward their borders demands in the disputed areas, especially in the (Buraimi) oasis. <sup>(1)</sup>

Thus it was difficult to reach agreement on the basis of immaterial considerations, and the arrival at drawing the borders on constant and permanent bases. This was, since these Emirates and Sheikhdoms did not have previous borders at which they stop, except the imaginary lines that were determined between the Ottoman State and Britain in the areas of the influence of the two empires in the Arabian Peninsula ... especially the 1913 agreement that was violated more than once. Most of these new states were not parties to it, since Britain used to negotiate on their behalf, according to her interests and strategy in the area. The huge stored oil energies has changed all balances and raised ill-feelings and conflicts and wars that caused the states and the peoples to pay heavy price, at the same time that it made them hostage to the foreign powers that controlled their growing wealth and revenues. These powers were concerned only with their privileges (concessions) and did not pay any attention to the question of the drawing of the borders and solving them in a permanent manner. This is due to the fact that the state of instability constitutes the vital atmosphere through which they move in

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(1) J.B. Kelly, op. cit, p. 32-22.

the region. Historical sources point to the fact that (Al-Buraimi) oasis – that lies at a strategic crossroad among Saudi Arabia, Abu Dhabi and Muscat – used to belong to the family of (Aal-Nahyan) and is situated in (Al-Jawa) plain in the northern side of the (Al-Zahirah) mountains. Its area is around 1985 square kilometers. <sup>(1)</sup>Several tribes used to reside there due to the water and sweet springs and palm orchards that numbered more than half a million of palm trees. The tribes that lived there came from the Arabian Peninsula in successive waves. The place of the tribe was called ( Al-Deerah-the homeland). It is the area that belongs to the tribe, or a group of tribes, that live together and impose its influence on its surroundings according to its strength. Yet, it was not a permanent settlement, since the tribe may leave it according to the economic and weather conditions, and return there every now and then. These were governed by a conventional law that does not allow any tribe to take over a homeland that belongs to another tribe except through partnership, or seeking protection. But this situation did not last long due to the multiplicity of the tribes and the harsh conditions of living and the conflicts that were deeply fed by the foreign powers. <sup>(2)</sup>

Political loyalty, in the exact meaning of the word, was unknown. The chieftain of the tribe constituted the centre of loyalty, in addition to the wells and the springs. This was subject to change as a result of the strength or weakness of the head of the tribe, especially in the personal competitions and the hard- fought wars. Al-Buraimi oasis was occupied in 1853 by the (Wahhabis) who constructed fortresses to protect themselves. But these were destroyed in 1869, when it was recovered by the tribes hostile to them, especially the tribes of (Bani Yass) and (Al-Manaseer) to whom (Aal- Nahyan) belongs. The fortresses that were built by the (Wahhabis) were situated in the part that was subject to the Sultanate of Oman, and not the one subject to Abu Dhabi.

(1) Mahmoud Bahjat Sinan, (1969): "Abu Dhabi and United Arab Emirate and the problem of Albraimi", Dar Al-Basri, Baghdad, p.185.

(2) Mahmoud Taha Abu Alalaa', (1972) : "The Geography of Arab Peninsula, First edition, Arab Foundation", Cairo, p.242.



The tribes that used to reside in the oasis, turned into nine villages: six of them belonging to Abu Dhabi, and three to Oman (the east Dafrah and Al-khatm areas). There are the tribes of (Al-Dawahir) and (Aal-Nahyan) who played a great role in emphasizing their political and social strength<sup>(1)</sup> and unification of the tribes under their command and resisting the Saudi demands in acquiring the oasis ... where the oil discoveries caused it to be an area of ceaseless dispute.<sup>(2)</sup> Despite all the attempts that this party or that has resorted to widen the borders of his area and impose his political influence, the first attempt to regulate the borders took place in the year 1913 between the British government and the Ottoman State in the Arabian Peninsula and the Arab gulf coast. The parties determined the borders of Najd and Kuwait, and those between the Emirate of Abu Dhabi and Qatar. The special 1915 agreement between Ibn Saud and the British government resulted in concessions by London to Ibn Saud that were at the expense of the states of the region. Ibn Saud adhered to its first article in all his border demands towards the neighboring states. It stated that the exalted English state recognizes that Najd, Ihsaa, Qateef, Jubail and their borders and the which lies beyond them and their ports at the shores of the Arab Gulf are the kingdoms of Ibn Saud and the kingdoms of his forefathers. Accordingly, through this means, it recognizes that the aforementioned Ibn Saud is the independent governor of the aforementioned kingdoms and an absolute head over its tribes.<sup>(3)</sup> The reading of this article recommends that Britain :-

- Has recognized in absolute terms the borders of the kingdoms of the forefathers of Al-saud as far as they were able to do so.

(1) Mahmoud Hsan Al-A'aidarous, op. cit, p.14.

(2) H.H. Bindagji (1981) :The Geography of Saudi Arabia, Dar Al- Kutubb, Cairo, P. 42.

(3) Mahmoud Hsan Al-A'aidarous.op. cit, p.22

- Non – determination of their borders with the emirates of the coast of the Arab Gulf.
- Considered him a prince of absolute behaviour in the area.

Al –Saud resorted to this article in their demands for new lands in the area of Hadramout in Yemen, and in Abu Dhabi and Qatar. Yet they were unable to obtain all that they have demanded except giving them a large area in the Empty Quarter that part of it belonged to the Sultanate of Oman and Qatar. The dispute over al-Buraimi oasis and the islands that are situated on the Arab Gulf continued for several years, especially after the first world war, and the entry of the United States of America as a major player in the affairs of the Middle East through its petroleum companies.<sup>(1)</sup>The necessity imposed the need to draw the borders in a clear manner, not for the sake of the interests of the states of the region, but to preserve the oil concessions that were granted to the British and American companies, and protect them from the attacks of the tribes, since the tribal spirit continued to be the dominating phenomenon over the Gulf societies, even after the appearance of the oil which caused major changes in the social composition.<sup>(2)</sup>Accordingly, and in order to guarantee the non-intervention of Al-Saud in the affairs of the Sheikhs and the Emirates of the Gulf coast, Hijaz and Najd and their dependencies signed-with the recognition of Ibn Saud- on the special status of Britain in Kuwait, Bahrain, Qatar and the Trucial Coast. But Al-saud did not give up on the strategic Buraimi oasis. Their dependence this time was not on historical documents, archaeological fortresses, alms and taxes which they used to obtain from the tribes that were under its control. They now depend on a new force that appeared on the scene of the colonialist competition ... that is the United States that began to settle down in the

(1) Hekmat Suliaman, (1979): "Iraq oil", Dar Alhoriah for press, Baghdad, p.80.

(2) Yousef Mohammad Obeidat, (1979): "The political institutions in Qatar", Beirut, p.28.

region, especially after the huge discoveries of the oil wells. She imposed herself as the power that cannot be ignored in any settlement or the distribution of quotas in the severe differences, especially over the areas of Jubail and Al-Buraimi, the territorial waters, al-Majan area, and Khor Al-Eideed, the subject of dispute with Qatar. <sup>(1)</sup>

The problem regarding the border of the Buraimi oasis re-surfaced in 1932, since the Aramco company (a group of American companies) played a great role in raising this problem after it got the right of concession of prospecting and exploiting oil form Saudi Arabia. Thus the problem of the borders moved from the realm of the local political systems to the oil companies, and those Behind them. The beginning of the year 1933 saw severe competition between the American and the British companies, when the American companies throw their weight behind entering the Buraimi oasis through the agreement that was concluded with Ibn Saud in may 1933, and extended its concession to the eastern borders of the Arabian Peninsula. The area of these concessions were not determined by the company, which also ignored all the lines that were drawn according the agreements of the years 1913 and 1915 and till – 1927, and the blue line that used to separate the Saudi borders form the Buraimi oasis which belonged to Abu Dhabi. Riyadh disavowed all the previous agreements <sup>(2)</sup>.

Other attempts were made to delineate the borders with the Trucial Emirates in 1934. In 1938, Saudi Arabia sent a special memorandum, in the hand of the Foreign Minister Prince Faisal (who became king later ) to the British colonial ministry and the British foreign office, which contained the Saudi green line that details its eastern borders, upon the consideration that they are private property for Al-saud, especially since the police posts of (Abri), (Braimi), (Dofar), and the middle of Qatar were police posts that were

(1) Abdullah Fouad Rabea'ae, op. cit, p64.

(2) Mahmoud Hsan Al-A'aiadrous, op. cit, p.215.

established by the grandfathers of the "king". But the breakout of the second world war froze the differences, which soon returned to their intensity after the war.<sup>(1)</sup> The variables that the second world war caused, especially the undermining of the proportionality of the international powers, and the retreat of Britain as a great power, and the rise of the bi-polarism, threw their weight in a clear way over the Arab Gulf area in ... in the form of the American power ... the defender of the free, western, capitalist and imperialist world. Aramo company grasped the signal of change in the British position in the Arab Gulf, and raised the problem of Al-Buraimi again. More than that, she got some promises from Ibn Saud to prospect for oil within the borders of the Abu Dhabi Emirate and Qatar and the continental islands. It was assisted by the American government after it anchored a military presence in the Dahrhan base, and sided with the Saudi point of view regarding the conflict over the oasis (which belongs to the emirate and Oman). Saudi Arabia, in its new demands, insisted that the border line with Abu Dhabi, starts at a point at Bandar Al-magheerah. As for its borders with Qatar, she demanded that the point of the borders at salwa coast along the 24° latitude line. According to this new demarcation, Qatar may lose large areas extending to the north of the borders that were previously agreed on, which extended across the base of the Qatari peninsula from the gulf of salwa to the northern coast of khor El-eideed.

According to these demands, Abu Dhabi will lose the oasis of (leedah) the original homeland of the ruling family in the emirate of Abu Dhabi. Britain rejected these Saudi claims and demanded the convening of a conference in 1953 to settle the standing differences regarding the borders between Qatar, Abu Dhabi and Oman.<sup>(2)</sup>

(1) A.S. Al-Sharief (1966): "The Geography of Saudi Arabia", Dar Al-Mareikh, Rigadh, P.13.

(2) Ibid, P164.

All the parties met under the shadow of the British high commissioner and sheikh shakhboot the ruler of Abu Dhabi, and sheikh Ali bin Abdullah, the ruler of Qatar.

The Saudi delegation was headed by prince faisal, at the time when the Saudi forces conducted a military occupation of the oasis, coinciding with the flow of the American prospecting companies, and in the continental islands Also. Though this conference did not reach a definite demarcation, except the agreement on an arbitration agreement which was rejected afterward by Saudi Arabia and decided to withdraw from the Oasis after a British military assault. It had arrived in the end on the division of the area for the operations of prospecting and extraction, and the determination of a neutral zone among the two states. The events that later unfolded in the Middle East led Saudi Arabia to put the file of the Buraimi oasis on the back burner of the problems of its borders with the neighbouring states, in anticipation of new circumstances. This is what took place with Qatar and Yemen, where Saudi Arabia, even after its independence, adhered to the theory of the "historical right", that has characterized its foreign conduct in its border disputes with its Gulf neighbours, in particular, who adopted the legitimacy of "the tribal tradition and the right of the tribe". They were also helped by the British protection that guaranteed the protection of the regimes and their domestic sovereignty against any external aggression. It could not agree to the clamis of the historical right since it did not have a history in the Emirates that it ruled. <sup>(1)</sup>

In the year 1938, the Saudi foreign minister sent a memorandum to the British government regarding the border dispute with Qatar, Oman and the Sheikhdom of the Trucial coast.

He has emphasized in this note that "the demands of his country are based on the historical succession. The adherence to this principle makes large parts of the territories

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(1) Ibid, P276.

of Hadramout, Dofar, Oman and Abu Dhabi, fall within the lands of His Majesty King Abdulazeez Ibn Saud. <sup>(1)</sup>But the principle of the historical right was unable to resist the other factors that played their influential role in determining the tracks of the border disputes, and their integration with the political events that swept the area.

Other factors came into existence like the oil factor, the navigation factor, the security factor and the tribal factor within its contemporary political framework. All of these factors-as Abdul Jaleel Marhoon states-has thrown their weight in the border dispute between the Saudis and Qatar, and between the latter and Bahrain, as we shall see in the coming pages. (Fasht Ed-dibil) is considered one of the largest gas fields in the world, where the American position sides with Bahrain. The oil-rich "Mesket" area turned into a source of conflict between Oman and the Emirates.

The list goes on to include areas, provinces and a continental shelf that were unknown even in ancient maps that were drawn to the area. But the petroleum discoveries that were made by the American and the British companies uncovered huge oil wealth stored in the lands of this region which were not absent, even for a single moment, from the Western political decision-maker.

### **3-B-7: The Saudi – Qatari disputes:-**

The Arab Gulf area is distinguished from other areas, in that it has a uniform tribal origin, one language and the absence of ethnographic borders that separate its communities, as is the case in Europe or Africa.

Yet the borders problems are the most dangerous and sensitive there. This was evident in the appearance of more than one border dispute in this area that led to war, military operations and occupation. This was for no reason except to serve the colonial

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(1) Ibid, P, 51.

interests, as represented in the oil companies, where the concessions, prospecting rights and oil discoveries caused an unnatural atmosphere, and the phenomena of hostile relations, personal feuds and political conspiracies ... even within the same political system, before it proceeded to all the regimes.

It unearthed the fact that the borders disputes were, really, struggles over oil, and not an Arab Gulf conflict, and the Arab Gulf side became the executing tool of the imperialist powers, and the policeman that guards their companies and concessions.<sup>(1)</sup>

That the Saudi-Qatari border differences came to a head in this direction of the problems of the borders that the Arab Gulf region has suffered from – and still do – because of the oil and the competition among the multinational oil companies, and like other problems that surfaced within the framework of the formation of the Saudi state. The first mention of these borders was raised in the year 1922 during the (Al-afeer) conference that delimited the borders of the kingdom of Ibn Saud on the eastern coast of the Arab Gulf. It was the dialogue that took place in the conference between Ibn Saud and the British High Commissioner in Iraq, Percy Cooks. The latter reminded Ibn Saud of the 1916 agreement that was signed between the ruler of Qatar, and Britain . It was the agreement of protection that was similar to all the agreements that Britain has concluded with the Sheikhs and Emirates of the Trucial Coast. In that conference, Percy Cooks drew the separating line to start from the end of the Gulf that is situated to the south of the Island of Bahrain, and extends eastward of (Atbak). This was not a final delineation, and Riyadh did not recognize it. This prompted the Ruler of Qatar to move in several directions in order to guarantee the borders of his Emirate. He asked for additional guarantees from Britain, and reminded her-through her High Commissioner and the British Resident- of the 1916 protection agreement in which article eleven

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(1) Ibid, P 215 .

stipulated the guarantee of the safety of Qatar from any external danger.<sup>(1)</sup> On the other side, the Ruler of Qatar took advantage of the declaration of the Saudi state and visited Riyadh and congratulated its leaders.

The visit provided an opportunity to clarify the existing differences, and caused some sources to emphasize that an agreement was reached between Sheikh Ali Abdullah and Ibn Saud that he will not grant any oil concessions in the interiors of his country, and that any concessions that he may grant must not go beyond the city of Doha and its surroundings. This was interpreted as being a Saudi threat to Qatar not to grant additional concessions to the British companies.<sup>(2)</sup>

This Qatari approach, which is considered as being the first of its kind between two Arab rulers to settle their border differences, has annoyed Britain, who considered it a departure from the stipulations of the protection agreement, and an unacceptable step, since it has weakened the British position in the face of the stubbornness of Ibn Saud, who has realized that the British policy did not aim except to :-

- Encircle the kingdom of Saudi Arabia from the east and southeast.
- Strengthen the British control over Kuwait.
- Creation of the Hashemite state in the north, especially in Trans-Jordan and Iraq. These considerations became part of the perception of the Saudi decision, where he demanded – in all border – related meetings and conferences – changing the blue line and the non-adherence to the 1913 English – Turkish Treaty, which Britain considers the sole legal foundation for the solution of the problem. In view of these complicated situations- especially after the entry of

(1) Mahmoud Taha Abu Alalaa', op. cit, p.19.

(2) Abdulaziz Mohammad Mansour, (1979): "Political development of Qatar", 1916-1949, Publications of That Al-Salasel, Kuwait, p.78.



the American companies in prospecting and exploration – the British point of view were advanced where it took into consideration the new international political situation.

Among these "was the advise of the British ambassador in Najd to his foreign ministry, in which he said "it is dangerous to determine the southern borders of Qatar in such a way to extend east of the blue line". He recommended the postponement of the whole question, without the need to undertake a definite position... and that Britain be satisfied in adhering to the blue line as the basis of negotiation. Andrew Ryan, the British ambassador in Najd, cabled his foreign ministry stating that it has not become desirable to say that the adherence to the line that passes through the Qatari peninsula is her political borders. This line is but a mere southern farthest line that show the borders of the concession that Qatar granted to the English – Persian Company, and borders for the protection. Accordingly, he saw that Britain must commit that Qatar extends to the so-called blue line. He advised adopting the middle solution in the face of the demands of Ibn Saud, who enjoys great American support, and that no neutral zone be designated to Qatar or Saudi Arabia, as took place with Kuwait, Saudi Arabia and Iraq. <sup>(1)</sup>

Colonel Fadley- in a memorandum he has prepared regarding the borders that were proposed by the British government – said that the situation of the borders will be clear and elegant when drawn on the map, but will be impossible when it is laid down on the ground for implementation. This is exactly what took place in the Arab Gulf region, specifically between Saudi Arabia and Qatar, and till the present times. <sup>(2)</sup>

And in order to stress the method of the fait accompli in the borders negotiations, Saudi Arabia resorted to the establishment of settlements for the tribes under its banner in

(1) Abdul-Razzak S. Abu-Dawood and P.P. Karan, "International Boundaries of Saudi Arabia", op. cit, p 32 .

(2) Ibid. P137.

(Skak) and (Anbak) alongside the borders of Qatar. But it was faced by the British warning and the assertion of the latter for the protection of the lands of Qatar. But the question did not become anymore between Britain and the kingdom of Al-Saud, there came a new player : the United States and its oil companies. Nonetheless, the instructions of the British government to its Political Resident in (Boshehr) stated the following:-

- Preservation of the blue line as the eastern borders for the kingdom of Saudi Arabia.
- The consideration of the nature of the petroleum concessions, and the taking into consideration the interests of Ibn Saud in the light of the prevailing circumstances.
- Limitation of the British protection over Qatar upon the issuance of a concession project of the English – Persian company.
- The consideration of the area east of the blue line as being under the British influence according to the protection agreement.
- Warning the British Embassy in (Ankara) not to negotiate with the American embassy regarding the problem of the borders with Qatar or the other Emirates.
- Granting protection to Qatar provided that the Sheikh of Qatar grants the oil concession in his country to the English-Persian company.
- Asking the Political Resident to notify the Sheikh of Qatar not to discuss or reach an agreement with Ibn Saud regarding the problem of the borders.<sup>(1)</sup>

(1) Abdulaziz Mohammad Mansour, op. cit, p.90-91.

A historical reading for this problem reveals that the problem of the borders became more sever and competitive as soon as signs appear involving new oil discoveries in the area, which caused the solution of these disputes to be tied to some external considerations beyond the will of the two states, especially since the oil companies have their own rules in which they deal with in the world oil market. Thus Britain did not resort in its negotiating policy over the borders to the point of collision with Ibn Saud so that he will not deny its companies some concession rights. Its concern was to stop the advancement of the American companies to acquire the oil of the region, which she was credited with discovering in the year 1903. the British government came to the conviction that amendment of the blue line is possible, especially as it noted the Saudi – Qatari rapproachment, and the call of Riyadh that the negotiations of the borders must be conducted between the rulers of the area without British interference, and the presentation of its plan to determine the eastern borders of the kingdom. This was called the violet line that extends from (Kawareer) in the direction of the northern side of (Hadramout) then bends westward, and extends across the Qatari peninsula. <sup>(1)</sup>The entry of Britain in negotiations with the kingdom of Saudi Arabia after it obtained its independence faced many difficulties. Riyadh depended on a great power, the United States, which began to take its side in all the issues of the differences of the borders. This rendered her in a strong position and caused her to present the problem of (Aqaba) on the table of the bilateral negotiations. It considered this small port a part of its territories. Saudi Arabia demanded also that any negotiations regarding its eastern borders must be attended by all the parties, and not the representative of Britain alone. It found that the participation of Qatar, Abu Dhabi, Sharjah, Dubai, Ras Al-khaimah,

(1) Kingdom Of Saudi Arabia, Treaty Collection: (1951-1975): "The Treaty of the Delimitation of Land and Maritime boundaries Between Saudi Arabia and Qatar", Jeddah Ministry of Foreign Affairs.

Muscat and Oman, Gilan, Hadramout, Dofar is necessary without the participation of Britain either as a party or as an intermediary.

This did not go well with the British government, which was well aware of the strong personality of Ibn Saud, and his influence on these Sheikdoms and Emirates which will make them obey his orders, and concede some of their still undiscovered oil-rich territories.

The supporting legal, historical evidence, and especially the documentary ones that the Americans were able to provide Ibn Saud with, has caused him many times to demand the whole of Qatar. During the Peace Conference in Paris, Britain distributed a booklet with maps that showed Qatar as belonging to king Abdul Azeez Al-Saud.<sup>(1)</sup>

This historical document was not recognized by Britain as constituting a legal foundation, or even a historical one to support the Saudi demands. Yet, it proposed a new suggestion through the green line where the eastern Saudi borders are located, beginning from the western coast of the (Salwa) oasis, and the important strategic post in (Al-salwa) palace, and the settlements of the Brothers in Skak and Anbak at the base of the peninsula of Qatar. It also extends southward until the beginning of Banyan in Abu Dhabi. But Riyadh answered this by stressing the necessity of drawing the borders on the basis of the tribal considerations relating to loyalty, tax payment and alms (Zakat).<sup>(2)</sup>

(1) Ali Al-Addein Hilal and Nevin Mosa'ad , (2000): "Arab Political Regimes: Issues of Continuation and Change", Centre for Arab Unity Studies, Beirut, First Edition, p. 87.

(2) Ibid.

### **3-B-8: The Saudi – Qatari conflict over the site of Al-Khfoos:-**

Among the results of the second world war was the retreat of the military, political and economic standing of Great Britain, which was exhausted by the war, and caused its colonies to become independent one after the other. Its position was weakened, especially in the Arab Gulf area. Despite its keeping of its protectorates and oil companies, yet it became a tail following the American policy. During these years that followed the war, the Saudi view was confirmed ... that the border differences cannot be solved except through bilateral negotiations over the disputed areas without external intervention.

This is so, since there are international parties that have vital interests in this area that has become an arena for competition between the East and the West. Accordingly, Saudi Arabia entered into several negotiations with the states of the east coast to settle their border disputes. Though these were not permanent settlements, yet they were quiet borders, except for some minor cases.

After its insistence on the extension of its borders to (Khour Al-Eideed), and the refusal of Britain of this demand more than once, Riyadh was able to convince the Emirates to concede this part to the Saudi sovereignty in the agreement of 1947. This was a small bay at the south of Qatar, that Saudi Arabia turned it into a small naval base, which aroused the protests of Qatar, which considered it an attempt to block Qatar and prevent her from any direct commercial contact in the overland route with the State of the Emirates. It will also cause her to be surrounded by the Saudi territories, and that the Qataris will have to pass through the Saudi passageways before reaching the Emirates.<sup>(1)</sup>

(1) Mohammad Mustafa Shehateh, op. cit, p. 224.

The incident of the (Khofoos) police post was the first of its kind among the member states of the Gulf Cooperation Council, in which the dispute over a border point reached an armed conflict. This came after more than a year of the breakout of the second Gulf war between Iraq and Kuwait.

It also came after a long period of the settlement of the border disputes and differences between Qatar and the kingdom of Saudi Arabia, when they reached in 1965 an agreement that proved its effectiveness during the past years in the stability of their borders, and raising no other problems. A considered reading of the Saudi perceptions, especially after the period of the sixties which saw the nationalistic tide, shows that it focused on the settlement of its political and border problems with its neighbours. She abandoned the tendency for borders expansion that was accompanied by the religious and political zeal that prevailed during the twenties or the thirties.

She used to express that border extensions through the banner of the new "religious message, as embodied in the Wahhabi school of thought (Madhab). This was the method of "annexation and expansion", which is the old Roman method. <sup>(1)</sup>This has characterized the bilateral negotiations and the agreements. It was evident in the 1958 agreement with Bahrain regarding the determination of the territorial waters, and the agreements with Oman, the Emirates, Qatar, Kuwait and Iraq. But that which took place in the year 1992, did not reveal only the ease with which it was possible to repudiate the treaties and agreements in the Arab Gulf area, but also the fragile political and security composition of the Gulf Cooperation Council which was unable to achieve any settlement to the border disputes among its members ... but left the door open for external parties to affirm their active presence in mediating and rallying the Gulf house.

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A. Al-Refaei and S.A. Yoniss, (1978): "The Creation of Saudi Arabia in Recent History", Al-Maktabah Al-Alamiah, Cairo, p. 17

(1) Khaldoun Nwaihed, (1994): "Establishment of Arab Boundaries, why and where?" Al-Mustaqbal Al-Arabi Journal, Issue No, p.28.

This was what happened in the (Khofoos) incident that broke out when a Saudi military force occupied the Qatari Khofoos post.

The statement that was issued by (Doha) revealed the killing of a number of soldiers, which prompted it to cease acting according to the 1965 agreement, which did not contain precise and definite demarcation of the borders, as was taking place in other areas. It left the situation fluid, and entrusted to the consideration of some committees, through agreements attached to it. The Qatari communiqué, which was issued by the council of ministers in an emergency session, accused Saudi Arabia, that she sought lately to draw 70% of its borders with Qatar in a unilateral way, in contravention of the provisions of the said agreement ... and that it did not respond to the demands of Qatar to hold direct negotiations to draw the borders of the two states in a final manner<sup>(1)</sup>. As for the Saudi position, which was contained in the official communiqué that was issued by the Royal Court on the first of October 1992, it stated that the (Khofoos) post was not subject to any military aggression, but there was exchange of fire. Riyadh, in its statement, rejected the Qatari statement, especially the ceasing of the 1965 agreement. Riyadh considered the agreement as binding on the two sides, and should not be undermined at all. And in order to calm the situations on the borders, king Fahd said, on the fifth of October, that Saudi Arabia will deal with the question of the borders with Qatar in a "wise visionary manner", but in accordance with the provisions of the 1965 agreement,<sup>(2)</sup> especially as relating to articles three and five of that agreement. Article three stated that one of the world surveying companies be tasked with surveying and determining, on the ground, the points of the borders between the state of Qatar and the kingdom of Saudi Arabia, and prepare a map of the land and naval borders between the

(1) J.B. Kelly, Eastern Arabian Frontiers, op.cit, p. 140.

(2) Gulf Newspaper, Al-Shareqa, (1992): "Diaries of Arab Unity", Al-Mustaqbal Al-Arabi Journal, Issue No.66 (December) 1992, p.

two states. This map, after being signed, will be the map of the official borders between Qatar and Saudi Arabia, and will be attached to the 1965 agreement as being Complimentary part to it.

Article five stipulated the formation of a joint technical committee to be charged with the preparation of the specification of the surveying process and the points of the borders between the two states, and the supervision of the implementation of the surveying operation. <sup>(1)</sup>In contradicting the Qatari accusation, Riyadh accused Doha that the Qatari forces have occupied 14 kilometres of the Saudi areas, at the time when Saudi Arabia was preoccupied with the repercussions of the second Gulf war. Qatar stressed that (Al-khoffos) is a Qatari area which has been recognized as such by Saudi Arabia according to the 1965 agreement. No mediation by any side will be accepted if the Saudi forces did not withdraw from the post, <sup>(2)</sup>and the return to the joint committee that was formed in the year 1974, and did not hold any session, because of its inability to settle a number of points that remained a subject of contention. Qatar employed a combination of channels and methods to pressure the kingdom of Saudi Arabia, who, from its point of view, said that the joint action committee was on the verge of determining the borders. What remained was only the agreement regarding the company that was to place the landmarks. But Qatar, according to the claims of Riyadh, misled the public opinion. Nonetheless, Doha intensified its efforts on several fronts:-

**First :** within the Gulf Cooperation Council, where it withdrew form the Shield of the Peninsula Force, which is considered the military and the security arm of the Gulf Cooperation Council, and was bolstered after the second Gulf war, and its weapons were developed. It boycotted the foreign ministers meetings of the Gulf Cooperation

(1) Mohammad Mustafa Shehateh, op. cit, p. 220.

(2) Ali Al-Addein Hilal and Neivin Mosa'ad ,op. cit, p. 87.



Council, and her announcement that it will not attend the summit that was to be held in December 1992, if the issue is not settled, and the Saudi forces withdrawn.

**Second:** The other effort was within the regional framework, when she resumed its diplomatic relations with Iraq, who expressed his support to Qatar in its border dispute with Saudi Arabia. She re-opened its embassy, and sent back its ambassador who met the Iraqi President Saddam Hussein and gave him a letter from the Prince of Qatar. She also waved the Iranian signal, and sent a special envoy to Teheran, which stated its support to the Qatari efforts. Qatar resorted to the internalization of the crisis and sent delegations to the Secretary-General of the United Nations, and sent letters to the Security Council. <sup>(1)</sup>

What was noticeable in this crisis is the American silence that did not take any position. The French mediation-through the visit of the former French foreign minister, Rolan Duma to Riyadh and Doha-emphasized the necessity of solving the crisis within the framework of the Gulf Cooperation Council, who proved its limitedness in settling the issues of disagreement among its members. But the Egyptian mediation, succeeded in the end in getting the Qatari and Saudi leadership together in a tripartite summit, under the chairmanship of the Egyptian President, Hosni Mubarak, who preceded this by undertaking shuttle trips between the capitals of the two states and the approximation of the points of view that led to the meeting of the Saudi Monarch Fahd and the Prince of the State of Qatar Sheikh Hamad Ibn Khaleefah Aal-Thani. In December 1992, the tripartite summit issued a declaration that contained the following:-

- In implementation of the border agreement that was signed between Saudi Arabia and Qatar on 12 April 1965, agreement was reached to

(1) Al-Mustaqbal Al-Arabi Journal, (1993): "Summery of Arab Unity", Issue No. 168, p. 192.

add a map signed by the two sides that shows the final and binding border line for the two sides.

- The formation of a joint Saudi-Qatari committee according to article five of the agreement that will be charged with the execution of all the items of the provisions of the 1965 agreement, and the placement of the borders markings according to the attached map, and seeking the assistance of a world surveying company.

The committee finishes its tasks within one year from the signing of the joint communiqué that was issued in Al-madeenah Al-monawwarah.<sup>(1)</sup>

This statement which was followed by a series of negotiations and concessions from Qatar, especially the withdrawal of its ambassador from Baghdad-was not implemented in practice except in the year 1996, when Saudi Arabia and Qatar returned to the agreement to draw the borders and resumed the work of the joint committees to select a world surveying company to survey the points of the borders between the two countries, and determine these on the ground. A French company was tasked with the preparation of the final maps to draw the borders between the two states. The company finished its work in 1999, upon which signing was made in Riyadh on the final maps of the land borders. The drawing of the borders took two and one half year, during which the joint committees were working to prepare the maps of the land borders from (Al-Obeid) to (Abu Samrah)

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(1) Mouhamad Shahata, op. cit, p. 226.

## Chapter four

### **The agreements of the delimitation of the Land and naval borders:-**

In discussing the good neighborliness relations, we have to refer to the location of the kingdom in respect of the states surrounding it. Like the states of the world, the kingdom is negatively and positively affected by the states that neighbour it, since the security and the stability of the states, and the realization of their internal and external functions are tied with the image of its relationships with the neighbouring states. It is the good fortune of the kingdom that it is surrounded by Arab states, that have historical, cultural and economic ties with her, and most of them are similar with her social, political and economic setup, which has deepened the bonds of brotherhood, good neighbourliness relations and joint action in all fields to realize strength-in its broadest since (influence, control, potential and readiness). It was assisted in this by its relative distance from the two super-powers and their military alliances. Its geographical distance from the spots of the international struggle and conflict has avoided her the consequences of the military confrontations during the cold war and until our present times. It is not Afghainstan regarding the Soviet Union, and not Cuba regarding the United States, and not Kashmir regarding India ... which assured her of calmness and stability that was reflected in the level of the performance of its internal and external functions, and consequently, on its foreign policy and geo-political importance. The good neighbourliness relations were not confined to the states surrounding the Kingdom, but extended to all the states that constitute the Arab and the Islamic worlds, due to its religious status that caused her to be the point of attraction for the Muslims the world over, in the form of their multitudes that head towards her every year to perform the rites of the pilgrimage to the Holy Mosque of Allah and visting the

resting place of His Messenger. Thus it hosts annually a universal conference in which various races, cultures, political orientations interact, which reflects on the joint cooperation in the various social, political economic and military aspects. In this, it was helped by its middle geographical location, and the adoption of the path (Shara) of Allah as the foundation of its governance, which increased her geo-strategic importance in the Arab and the Islamic worlds. This was crystallized in her being chosen as the headquarter of most conferences and Islamic organizations, that the kingdom supports morally and materially in order to disseminate the teachings of the Islamic religion among the peoples of the world, and the preservation of the achievements of the Islamic world, by confronting all the currents that seek to undermine it. <sup>(1)</sup>

**4-A-1: The reflections of the geo-strategic position on the foreign policy of the kingdom:-**

The afore – mentioned geographical facts are considered the realistic framework from which the foreign policy of the kingdom derives a measure of its motives and dimensions. The geographical location-especially that which relates to the place connection-contributes actively in determining the priorities of the foreign relations of the state. This is particularly so, if the state is located in a geographical area that is characterized by political crises and security tensions as a result of the struggle of the local and the international powers .. as is the case in the Middle East region, in general, and the Arab Gulf, in particular. This reflects on the foreign policy of the state and its regional alliances, especially if it contains important economic resources. Within this context, the kingdom is not an exception. Beside the geography and the geo-strategic location, it contains an area of 2.231.000 square kilometers, which represents 80% of the total area of the Arabian Peninsula. This huge expanse is characterized by

(1) Richard Schofield, ed. (1994): "Territorial Foundations of Gulf States", London, p.10.

geographical depth and strategic depth as embodied in its natural features, economic resources and ability to absorb populations. But these geographical factors remain dormant, unless they interact with the available cultural factors. Thus the kingdom of Saudi Arabia directed its oil revenues to implement its plans of development to overcome backwardness through the realization of a comprehensive renaissance so as to catch up with the advanced states. The path was not easy, but one of struggle against ignorance, backwardness, harshness of nature and international covetousness. The kingdom adopted a realistic policy that does not contradict its environmental and cultural reality, and does not contradict the policies of the other states<sup>(1)</sup> Accordingly, it went through a fast pace towards progress and the achievement of the welfare of its people, which increased the depth of her foreign relations. And, in order for the Kingdom to preserve and maintain these gains-that were acquired through the interaction of its geographical and cultural assets, in the shadow of the regional and the international dangers surrounding her-she has to follow a special foreign policy that depends on several dimensions, some of which are:-

- Giving importance to the Arab Gulf region, since it is considered part of the vital space (lebensraum) of the Kingdom. This was crystallized in applying a special foreign policy in the area that seeks to realize the stability of the existing Gulf systems, and standing against imposing regional changes by force, and working to settle differences-especially those relating to the political borders-through diplomatic means, and the affirmation of the concept that stresses that the security of the Gulf is a self collective responsibility of its existing states and political entities.

(1) Gene Lindsey, (2006): "Saudi Arabia: From Bedouin Beginnings to Modern Kingdom", Hippocrene Books, New York, p. 180 and after .

- Following a flexible foreign policy that is based on the principle of equilibrium (balance) among the states of the region, and the avoidance of raising the historical claims. The best evidence of this was the handling of the problem of Al-Buraimi, and the agreement to divide the neutral zones between the Kingdom and Iraq and Kuwait. The kingdom committed to this principle, even with Iran which continued in her efforts during the past period to impose its hegemony over the gulf area. This is evident in the position of the Kingdom regarding the occupation by Iran of the Islands of Abu Musa and the Tonbs, despite their strategic importance at the entrance of the gulf, and its (the kingdom) position regarding the Iranian – Iraqi war, in which the Kingdom avoided the direct confrontation with Iran, despite its declared hostile policy towards the Kingdom.

Paying attention to the developments that take place, now and then, in the area of the Red Sea, as a result of the Israeli existence on the Gulf of Aqaba, and the penetration of its influence to the western coasts of the Red Sea (Ethiopia and East Africa), and, also, the soviet penetration – before the policy of the opening – into some states of the Red Sea. As a result of the belief of the Kingdom that the Red Sea constitutes one of its most important outlets to the outside world-despite its entrances being under the control of other states – and, at the same time, constitutes one factor that threatens its geographical depth (due to the length of its coast there- 1500 kilometres), it followed a foreign policy there that guarantees the cooperation of the Arab states so as to secure its security and independence, and avoid, at the same time, any confrontation with the states that control

its entrances (Yemen, Israel, Egypt and Jordan), or these that have strategic interests there (the United States of America, the Soviet Union, Britain).<sup>(1)</sup>

#### **4-A-2: The land borders:**

The disputes over the international borders are considered among the most important reasons of the international conflicts. This is due to the connection of the borders with the land space on which the state exercises its basic jurisdictions. States view the borders disputes as disputes that encroach on their sovereignty and national unity. What aggravates these conflicts is that they breakout usually among neighbouring states, which renders their resort to military confrontation more probable, than the conflicts that erupt between geographically distant states.

In appreciation of the dangerous consequences that result from military confrontations among the disputing states over their international borders, the contemporary international law accorded this type of conflicts great importance. This importance is consistent with the approach that this law established in the aftermath of the second world war, which revolves around the importance of the avoidance of the states in their international relations of resorting to the threat of the use of force, or its actual use against the integrity of the territories and the political independence of any state, or in a manner that is incompatible with the goals of the United Nations (article 2/4 of the Charter of the United Nations). The outlawing of the Charter of the resort of the states to force in the international relations impelled the formulators of the Charter to point the ways that they can resort to to solve their international disputes among which, naturally, their borders disputes. This was stated in article 33 of the charter. The member states of the United Nations – in case there erupts among them a conflict that its continuation

(1) Askar H. Al – Enazy, (2005): "The Long Road from Taif to Jeddah: Resolution of a Saudi –Yemeni Boundary Dispute", The Emirates Center for Strategic Studies and Research, Abu Dahbi, P.1-6.

may threaten international peace and security – can seek its solution through negotiation or investigation or mediation or conciliation or arbitration of legal settlement or resort to the regional agencies and organizations, or other peaceful means that they may chose<sup>(1)</sup>.

As a result of the vast area which Allah – be praised – has favored the Kingdom of Saudi Arabia with – since it occupies around 80% of the area of the Arabian Peninsula – long borders, compared to the neighbouring states, the question of the borders occupied a lot of interest unto the leaders of the kingdom ... starting with its founder king Abdul Azeez Al- Saud (may Allah rest his soul) and ending with the Custodian of the Two Holy Shrines King Abdullah Ibn Abdul Azeez Al-Saud. And if the vast area affords the Kingdom great possibilities in the variety of its natural pesources, it burdens her with preserving its land, naval and air borders. And if the realization of this objective has caused many states to enter into military confrontations with their neighbouring states, the leaders of the Kingdom were able-with the grace of Allah- to avoid their country the entry in such confrontations. This is due to the adherence of those leaders to the goals of the Islamic religion which the kingdom follows as an approach that governs all aspects of life therein, and which establishes the relations of the kingdom, especially with her Arab and Islamic sisterly states, on the basis of peace and the work towards strengthening the bonds of brotherhood and friendship among their different peoples. In addition, and since its foundation, the Kingdom in her international relations has adhered to the respect of the international law, and the fulfillment of her international obligations in good faith. As for the practical side, the adherence of the Kingdom to these constants was evident in the conclusion of king Abdul Azeez Al-Saud (may Allah’s mercy be upon him) of several agreements that established the borders between his emerging state and the neighbouring Arab states. His legacy remained a beacon for

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(1) Alli Sadeq Abu Heef, op. cit, P.365.



his faithful sons, kings: Saud, Faisal, Khalid (may the mercy of Allah be upon them) and the Custodian of the Two Holy Shrines King Abdullah. In expressing the adherence of the kingdom to establish its relations with the various states on the basis of peace and the avoidance of war, the Custodian of the Two Holy Shrines, King Abdullah says “we do not want to enter with anyone in a problem, no matter what. We are fortunate that the policy of the kingdom of Saudi Arabia was established on solid unchangeable foundations. I do not recall that at any day, the kingdom of Saudi Arabia sought to create a problem for anyone, but was always trying to offer all that it can of assistance to the states friendly to the kingdom without any obligation. At the same time, we shall not allow anyone to interfere into our affairs. Based on the principle of good neighbourliness and the bolstering of the joint cooperation and relations, the kingdom of Saudi Arabia concluded several bilateral agreements relating to the determination of the international borders between the kingdom and its neighbors<sup>(1)</sup>.”

The wise policy of the government of the Custodian of the Two Holy Shrines was fruitful in this field in solving several border differences with its sisterly neighbouring Arab states through resorting to amicable means with frankness and transparency and the appreciation of each party to the interests and objectives of the other party. Upon the successful conclusion of these negotiations, they were formulated in an agreement texts that were binding on the concerned parties. The most recent successes of the kingdom of Saudi Arabia in this respect was her success on 10.3.1421 (Hijriah) (12 June 2006) in concluding the (Jeddah) agreement with the Yemeni Republic regarding the demarcation of their international borders, which dealt with – among other subjects – the designation of the naval borders. In another step, the kingdom, on 30 Rabie Al-Awwal 1421 (Hijriah) (20 July 2000) signed an agreement with the State of Kuwait

(1) Abdul-Razzak S. Abu-Dawood and p.p. Karan, International Boundaries of Saudi Arabia, op. cit, p. 3- 11.

regarding the submerged area adjacent to the divided area (which will be discussed later). What is to be noted in this respect is that this study in the law of the seas – by its nature – applies to the bilateral agreements that the kingdom of Saudi Arabia concluded with the states, without this study referring to the provisions of these agreements relating to the determination of the land borders – which goes outside the scope of this study. We state below the provisions of the bilateral agreements between the Kingdom and the neighbouring states regarding the demarcation of the naval borders between the two sides.

**First : The 1965 Agreement of the determination of the borders between the kingdom of Saudi Arabia and Jordan :-**

The 1965 Agreement between the kingdom of Saudi Arabia and Jordan was based on a kind of mutual concessions between the two sides. As a result, the coast of Jordan on the Gulf of Aqaba became eleven nautical miles, whereas it did not exceed three nautical miles before the said agreement. <sup>(1)</sup>As for the naval borders between the kingdom of Saudi Arabia and Jordan, which has not been determined yet, it is possible to say that the use of the median (middle) line, or the line of the equidistance in determining the separating line between the borders of the two states, is consistent with equity and fairness that were stipulated in the 1958 Saudi decree, regarding the states of the facing and neighbouring borders.

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(1) Refer to the Saudi-Jordanian agreement's rules to designate the borders between the two countries: The set of agreements and treaties (Foreign Ministry) part two, second edition p.p 93-98.

**Second : The 1965 Agreement of the designation of the borders between the kingdom of Saudi Arabia and the State of Qatar:-**

The 1965 agreement relating to the demarcation of the borders between the kingdom of Saudi Arabia and the State of Qatar, <sup>(1)</sup>stipulated the extension of the naval borders between the two sides, from a point on the coast of the (Dohat Salwa) to a point at Khor El-Eideed. Dohat Salwa is situated between the coast of Saudi Arabia on the Arab gulf, and the west coast of the state of Qatar. It is a narrow Gulf whose length is around 58 nautical miles, and its widest width around 21 nautical miles, in the area situated between (Al-Samameek) island, on the coast of the kingdom of Saudi Arabia, and (Raas Dokhan) on the Qatari coast. The narrowest width of (Dohat Salwa) is around 6 nautical miles. <sup>(2)</sup>The standard of the “median line” was stated in the determination of the naval borders between the Kingdom and Qatar. The first article of the said agreement stated that the Dohat Salwa shall be divided in half between the two countries according to the method of the equal distances from the two coasts. As for the winding, a straight line – as much as possible-is to be adopted.

As for the technical aspect of drawing the borders on the ground, the agreement pointed to the “formation of a two – member joint technical committee representing the two sides, who will be charged with preparing the specifications of the surveying process, and stating the lines of the borders between the two countries, according to the

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(1) Exchange of a ffired document regarding the borders' agreement between the Kingdom and Qatar date 2/7/1971, see agreement's rules, in the sets of agreements and treaties, op. cit, p.p 465-469 .

Also its noticed that, a common Saud-Qatari announcement was issued at Al-Madeena Al-Munawara at 22/6/1431.

Pointing to the settlement of the borders dispute between the two countries, according to 1965 agreement (Al-Riad newspaper, N 949, p.8.

(2) Faraj Al-Muwaled, Op.cit.,pp. 194-195.

agreement, and supervising the implementation of the survey process, and study its results”.

“A world surveying company is to be charged with undertaking the survey, and the determination of the points and lines of borders between the two countries on the ground, according to the agreement. In addition, prepare a map of the land and naval borders among the two countries, and the other relevant data. This map, after being signed by the two parties, will be the official borders map, and will be attached to the agreement as a complimentary part to it. <sup>(1)</sup>

**Third : The 1974 agreement of the demarcation of the borders between the kingdom of Saudi Arabia and the State of the United Arab Emirates:-**

The 1974 agreement between the kingdom of Saudi Arabia and the State of the United Arab Emirates is based on the determination of the naval borders between the two countries, through mutual concessions. It addressed three basic questions that relate to the determination of the sovereignty of each state on the islands belonging to them in the area of their common borders, and the determination of the guarantee of the access of the kingdom of Saudi Arabia to the sea through its common borders with the State of the Emirates, and the regulation of the exploitation of the oil fields that extend across the common borders of the two countries.

As for the determination of the sovereignty over the islands, article (5/1) of the agreement states that the State of the United Arab Emirates recognizes the sovereignty of the Kingdom of Saudi Arabia over the (Howaisat) island, and that the kingdom of Saudi Arabia recognizes the sovereignty of the state of the United Arab Emirates over the whole other islands facing its coast in the Arab Gulf. Though the island of

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(1) refer to the rules of articles 3 and 5, from the treaty .

(Howaisat) is the only island that belongs to the kingdom of Saudi Arabia in the area of its common borders with the State of the United Arab Emirates, the kingdom – in accordance with the provisions of article 5/2 of the agreement – enjoys the right of establishing any public installation on the islands of (Al-Qafai) and (Makasib)<sup>(1)</sup>. As for the access of the kingdom to the sea through its common borders with the State of the Emirates, article (5/3) of the agreement stipulates that the naval borders between the two countries be determined “on the basis of justice that assures to the territorial waters belonging to that part of the province of the kingdom of Saudi Arabia – neighbouring the province of the State of the United Arab Emirates, and the territorial waters of the island of (Howaisat)... a free and direct access to the sea. In realizing this, consideration must be given to the suitability of the deep navigation between the sea and the above – mentioned part of the kingdom of Saudi Arabia. Each of the two high contracting parties shall enjoy the joint sovereignty on the whole area that connects – according to the provision of this paragraph-the territorial waters of the kingdom of Saudi Arabia and the sea. It is to be noted that the concept of the joint sovereignty over that area does not include the ownership of natural wealth in the seabed and under the sea bed. This wealth remains unilaterally owned by the State of the United Arab Emirates, as an exception to the rights of the joint sovereignty.<sup>(2)</sup>As for the regulation of the exploitation of the oil fields that extend across the two countries, mutual concessions were made. Despite the fact that the (Sheebah) field lies within the territory of the kingdom of Saudi Arabia, and the (Zirarah) field lies in the State of the United Arab Emirates, article three of the afore-mentioned agreement states that all the hydrocarbons materials in the (Sheebah – Zirarah ) field are the property of the kingdom of Saudi Arabia. The State of

(1) H.H. Al- Haharna, The Arabian Gulf State, op. cit., p. 200.

(2) It was agreed upon that according to the mutual messages between his Majesty King fiasal and his Haience Sheikh Zayed Be Sultan al-Nahian in 21/8/1974.

the United Arab Emirates agrees, and commits not to conduct any prospecting, exploiting, investing or giving permission regarding the hydrocarbons in that part of the Sheebah – Zirarah field that lies north of the border line.” In addition,” the kingdom of Saudi Arabia, and any company or establishment that work with its permission, is allowed to conduct search and prospecting and exploitation of the hydrocarbons in that part of the Sheebah-Zirarah field north of the border line. At a later date, the two states agree the method in which the kingdom of Saudi Arabia will carry out these operations.

In order to exploit the fields that extend across the common borders of the two countries, in a sound technical and economic manner by one state, article four of the agreement stated that “the kingdom of Saudi Arabia and the State of the United Arab Emirates will abstain from conducting any exploitation or investment of the hydrocarbons – or giving permission to do so – in that part of its territory in which the hydrocarbon fields extend to, and which mainly lie in the territory of the other state”<sup>(1)</sup>

#### **Fourth : The treaty of the international borders between the kingdom of Saudi Arabia and the Yemeni Republic:-**

The kingdom of Saudi Arabia and the Yemeni Republic overlook the coast of the Red Sea, and a large number of Islands face the coasts of the two neighbouring states.<sup>(2)</sup> Though most of these islands are unfit for habitation, due to the smallness of their areas and the absence of the means of life therein, the viewpoints of both states were at variance regarding the sovereignty over these islands, due to the importance they represent to the coastal state strategically, economically or politically. From a strategic point of view, the islands that are situated in the south of the Red Sea are of

(1)The Treaty regarding determining the borders between Saudi Kingdom of Arabia and the state of United Arab Emarat was recorded in the General security of the United Nation with notification number 236/UN/Treaties, 17/7/1994 .

(2) Mohammad Al-Saket , (1989): "Arab League and the Islands of the Red Sea", Center for Arabic Studies, The Arab League Educational, Cultural and Scientific Organization, The Arab League, p, 711-739.

great military importance to the two concerned states (the kingdom of Saudi Arabia and the Yemeni Republic). The importance of these islands increases, when we realize the volume of the ties and political alliances that connect some of the non-Arab states in the area with some hostile states to the Arab nation, like Israel. On the other side, the closeness of these islands to the naval straits and maritime navigation lines in the area has doubled their importance. This situation allows the coastal states – that has sovereignty over the islands – to supervise and monitor the maritime navigation in this strategic area of the Red Sea. <sup>(1)</sup>From an economic point of view, the importance of these border islands to the kingdom of Saudi Arabia and the Yemeni Republic becomes clear in their great impact on the naval borders of the two states. This is due to article (121/2) of the agreement of the United Nations concerning the 1982 law of the sea which equated among the naval extensions of the continental provinces, and those granted to the islands. The determination of the territorial sea of the island, its adjoining area, its exclusive economic zone and continental shelf are done according to the method that is applied to the other land provinces. Thus, the coastal state (the kingdom of Saudi Arabia or the Yemeni Republic) to whom sovereignty over these islands is recognized, enjoys all the rights and the jurisdictions that are stipulated by the international law of the sea over its naval extensions ... whether fishing, navigation, or the use of the aerial space over the naval extensions, or exploiting the living or non-living wealth that exists at the sea bed or under the bed, or establishing installations over the bed, or building artificial islands, etc...<sup>(2)</sup>Politically, the relations between the neighbouring or the facing coastal states are impacted, negatively or positively, as a result of their agreement or disagreement regarding the determination of their naval

(1)Yusri Qandeil,1989, The strategic importance for the islands of the Red Sea, Center for Arabic Studies, Institute of Arab Research and Studies, Cairo, p39-40.

(2)C.L., Rozakis and C.A. Stephanou (eds.), (1983): "The New Law of the Sea", Athens and Amsterdam (North Holland), p. 31.

borders and what they contain of islands that are located in the naval surfaces between them.

Many conflicts or the threats of conflicts, erupted among the coastal states regarding the sovereignty over the border islands... exactly like that which took place between Turkey and Greece over the sovereignty on the Aegean Sea islands. Also, that which took place between Yemen and Eirteria over the islands of Haneesh. And if the kingdom of Saudi Arabia and the Yemeni Republic have –by the grace of Allah – avoided such disputes, this is due to the handling of the leaderships of the both countries of the question of determining their naval borders and the sovereignty over the border islands, with a large measure of wisdom, guided by that which connects their two peoples of brotherhood and amity, and in submission to the foundations and principles of the Islamic religion that are anchored in cooperation towards piety and good deeds.

The two sisterly countries, being aware of the great importance of the question of the delimitation of their naval borders, and the determination of their sovereignties over the islands that exist in the areas of the naval borders among them in the Red Sea, have headed – a long time ago – towards delimitation of their naval borders in friendly manners that are stressed by the rules of the international law<sup>(1)</sup>, and the provisions of the Islamic Sharia (law). And, if at times, the efforts of the two states oscillated too and fro, their adherence to the necessity of reaching an amicable solution to the delimitation of the naval borders, based on the principles of justice and fairness, has enabled them in the end realize this goal. Hence the efforts of both countries in this matter offer the various coastal states a model worthy of emulating in the field of solving their disputes regarding the delimitation of their naval borders in an amicable

(1) L. M., Alexander .(1993): "Persian Gulf Maritime Boundaries". Dorderch, Martinus, Nijhof Pub .p.61.



manner, we thought to dedicate the following part to following the stages of the delimitation of their naval borders.

#### **4-A-3: The stages of the delimitation of the naval borders between the kingdom of Saudi Arabia and the Yemeni Republic:-**

The delimitation of the naval borders between the kingdom of Saudi Arabia and the Yemeni Republic passed through several stages, the most important of which are found in the conclusion of both countries of the following agreements, which has involved this question in one way or another. The Taif treaty for the year 1353 (Hijriah) / 1934, the memorandum of understanding of Honourable Mekkah (1415 Hijriah – 1995) and finally the Jeddah treaty of the international borders (1421 Hijriah)2000).

##### **A- The Taif treaty (1353 Hijriah-1934) :-**

This treaty did not basically revolve around the delimitation of the naval borders between the kingdom of Saudi Arabia and the Yemeni Republic. But this does not mean – according to some – that the leaders of the two countries were unaware of the importance of the seas and their islands from the strategic, navigational and economic aspects<sup>(1)</sup>.

This position can be interpreted in the fact that this treaty was concluded to put a final end to the land war that broke out between the two countries regarding the sovereignty over their land borders, and to put in place a state of durable peace, friendship and Islamic brotherhood, through delimiting the land borders of both countries in a way that prevents the breakout of war among them in the future.

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(1)Hussein Al-Habashi, 2000: "Legal study to the issue of maritime boundaries among Yemen, Eretria and Saudi Arabia", working paper introduced to the symposium of (Consultation Council in Republic of Yemen regarding : Yemen and its neighbors- from boundary conflict to agreement and participation), p.9.

Nonetheless, this treaty was not devoid of the principles that touch on the subject of solving all the disputes and the differences between the two countries in the spirit of friendliness, amity and the non-resort to force. <sup>(1)</sup>It is possible that this stipulation – within other factors like the relations of brotherhood and good neighbourliness- has caused the two countries to adhere to the amicable means in solving their differences regarding the delimitation of the naval borders, and not resort at all to the military means.

On the other side, the Taif agreement focused on the point in which the naval borders between the two countries is delimited. It expressed this in the following text (the sea wharf exactly the head of the twisted Shami for the outlet of Radeef Garad) between Meedi and Al-Mowsam on the coast of the Red Sea.<sup>(2)</sup>This indicates that the delimitation of these borders was not far from the interest of the formulators of the 1934 Taif agreement. This may explain – as we shall see later – the keenness of the formulators of the subsequent agreements between the two countries on emphasizing their commitment to the Taif agreement as a general framework for the solution of all their border differences, including the delimitation of their naval borders.

The following of the Taif agreement by the two countries maybe the real reason for keeping their differences regarding the delimitation of their naval borders away from seeking a solution through military means. This is so despite the continuation of this dispute for more than sixty years, in which the relations between the two countries witnessed many periods of oscillation. But this period saw an important event that has impacted greatly on the delimitation of their naval borders, which was the signing of the

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(1) First and eight articles from a-Taef Treaty, 1993 .

(2) Fourth article from the previous treaty.

venerable Mekkah memorandum of understanding in the year 1415 (hijriah) 1995 A.D..

We shall refer to this in some detail.

**B- The Venerable Mekkah memorandum of understanding (1415 Hijriah) 1995 :-**

On 27 Ramadan 1415 (Hijriah), the 26 of February 1995, the kingdom of Saudi Arabia and the Yemeni Republic signed, in Venerable Mekkah, a memorandum of understanding that dealt, in its provisions, with the delimitation of their maritime borders.

The first article in the memorandum of understanding affirmed the keenness of the two contracting parties on the legitimacy and binding nature of the 1934 Taif agreement and its various annexes. This agreement was concerned with determining the point in which the maritime borders between the two states will be measured: that is, the point of the land borders (the sea wharf at Ras Al-Mowaj- the winding head for the outlet of Radeet Qarad) between Meedi and Al-Mowsam at the coast of the Red Sea.<sup>(1)</sup> Article four of the memorandum decided the formation of a joint committee to conduct the negotiations regarding the delimitation of the naval borders according to the international law, starting with the afore-mentioned point of the coastal borders. The memorandum of understanding included the formation of a joint committee among them to renew the signs from the point of the coastal boundaries to (Jabal Al-thaar), and for another committee to determine the necessary measures and steps that lead to the delimitation of the remainder of the borders starting with (Jabal Al-thaar) until the end of the borders of the two states. In addition, a high – ranking joint military commission was formed from the two sides to prevent any military movements, or otherwise, on the

(1) Second Article from the Mecca Al-Muccarramh understanding note for the Year 1955.

borders between both countries.<sup>(1)</sup> A joint ministerial committee was also formed to develop the economic, commercial and cultural relations between the two countries, and the enhancement of the areas of cooperation between them.<sup>(2)</sup> Another higher committee was formed to facilitate the tasks of the afore-mentioned committees, and the elimination of any impediments or difficulties that may stand in the way of their work.<sup>(3)</sup> Optimism prevailed at the signing of the memorandum of understanding in the anticipation of reaching final solutions regarding the delimitation of the land and maritime borders between the two sisterly countries, so as to close a door that may hinder the friendly relations between them in all areas. But times passed that has impacted negatively on the position of each party. The Yemeni side expressed its wish to refer this question to an international arbitration body or the International Court of Justice.<sup>(4)</sup> The Saudi side responded by expressing its readiness to refer the question of the border dispute with Yemen to international arbitration or the International Court of Justice. It expressed its preference to solve this dispute through direct negotiations with the sisterly Yemen, since it will not get a better result from arbitration than that which it will obtain from the friendly negotiations.<sup>(5)</sup> This maybe interpreted through the policy of the kingdom of Saudi Arabia which was firmly established by king Abdul Azeez (may Allah rest his soul) which is based on solving differences among brothers through direct negotiations, since this assures the respect for sovereignty of both states. The solutions that are reached through negotiations are not subject to the stern legal rules,

(1) Fifth Article from the understanding note .

(2) **Sixth Article from the** understanding note .

(3) Seventh Article from the understanding note .

(4) Department of Information Affairs, (Saudi Foreign Ministry) File in title Yemen and the Kingdom, News follow up, about what the news agencies issues regarding the press of conference held, and by the Yemenis President Interview with the Yemeni Foreign Minister regarding his interview with voice of America radio station in 21/9/1998.

(5) Al-Hayat, (1998), Newspaper, 19 August 1491 H issue No. 13063.

since the negotiating parties enjoy a great measure of the freedom of movement which renders them consistent with their private interests.

On the contrary, the solutions that are reached through resorting to arbitration or international courts, though based on the law and their verdicts are guaranteed by binding legal authority, may not take into consideration the special circumstances of the concerned parties, which may hinder the development of their friendly relations.<sup>(1)</sup> The option of the kingdom of Saudi Arabia found its practical application in the summer of 2000, when the treaty of the international borders was signed, that included a delimitation of the maritime borders between both countries. We shall now survey this in the following.

**4-B-1: The Jeddah treaty for the delimitation of the international borders for the year 1421 (Hijriah), 2000 A.D.:-**

On 10 Rabie Al-Awwal 1421 (Hijriah), the 12 June 2000, the two sisterly countries signed, in Jeddah, the treaty of the international borders in a final and comprehensive manner.

This was after this subject has been in oscillation in its place for more than sixty six years.

The signing of this treaty was the crowning achievement of the brotherly and friendly relations that connect the leaders of the brotherly states, and as a result of the visit of His Royal Highness, the Crown Prince, Deputy Prime Minister, Head of the National Guard, Prince Abdullah Ibn Abdul Azeez to the Yemeni Republic, and the visit that His Excellency President Ali Abdullah Saleh, to the kingdom of Saudi Arabia. As a result of these visits, and the serious and fruitful discussions among the leaderships

(1)Abdulaziz Mohammad Sarhan, (1980): The Principles of General International Law, Dar Al-Nahdah Alarabia, Cairo,p. 466-473.

of both countries, all pending matters were decisively resolved regarding the delimitation of the land and naval borders between the two countries. After achieving this, they were able ( with the grace of Allah) to put an end to all the pending questions relating to the borders, which were the object of dispute. ... which resulted in the signing of this treaty, which was received with admiration and appreciation at all Arab, Islamic and international levels. For the purposes of the activation of he provisions of this treaty, the maritime borders line between the kingdom of Saudi Arabia and the Yemeni republic starts – as is the case in the Taif agreement – from the point of the borders along the coast of the Red Sea (the sea wharf at Ras- Al Mowaaj Shami for the outlet of Qara) whose geographical coordinates are :

( 14.8<sup>o</sup>, 24<sup>o</sup>, 16<sup>o</sup> north, 19.7<sup>o</sup>, 46<sup>o</sup>, 42<sup>o</sup> east ) the borders line extends from this point in a straight line parallel to the latitude line to a point that has the geographical coordinates 14.8<sup>o</sup>, 24<sup>o</sup>, 16<sup>o</sup> north, 09<sup>o</sup>, 42<sup>o</sup> east). At this point, the borders line assumes a curve in the direction of the southwest till the point with the geographical coordinates (24<sup>o</sup>, 17<sup>o</sup>, 16<sup>o</sup> north, 47<sup>o</sup>, 41<sup>o</sup> east). At this point, the maritime borders extend between the geographical coordinates (24<sup>o</sup>, 17<sup>o</sup>, 16<sup>o</sup> north, 47<sup>o</sup>, 41<sup>o</sup> east) after this, the naval borders between the two countries extend in a straight line parallel to the westward latitude line until the end of the maritime borders between the two countries, as is stated in the map attached to the treaty<sup>(1)</sup>.

In reality, the treaty strikes a kind of balance of interests between the Saudi and the Yemeni sides. It affirmed the binding nature and legitimacy of the 1934 Taif agreement,

(1) D. Mohammad Ben Omar Al-Madani, (2001): "The Holly Hareamean Serrant, and the Peaceful settelemtn of the Border disputes seminar about the Saudi Arabia Foreign Policy I the era of King Abdullah, A Raid , p. 297.

and its annexes, and the borders reports attached to it... which is consistent with the wishes of both countries,<sup>(1)</sup>

on the principle of the "mutual concessions", regarding the islands between the two sides. Thus the leaderships of both countries offered the world a model worthy of following in the field of solving the maritime borders dispute in an amicable manner. There is no doubt that this treaty will impact positively on the deeply-rooted historical ties of friendship and kinship that connect the peoples of both countries.

The delimitation of the naval borders between the Yemeni Republic and Eritrea was made as a result of the arbitration commission in its first decision on 9 October 1998 relating to the first stage dealing with territorial sovereignty and the scope of the conflict. Also, the maritime borders has been delimited between the kingdom of Saudi Arabia and the Yemeni Republic. What remains is the tripartite point between the kingdom of Saudi Arabia, the Yemeni Republic and Eritrea, which will be determined – Allah willing – through the agreement of the three states.<sup>(2)</sup>

#### **4- B -2: The maritime borders of the kingdom of Saudi Arabia:-**

Westward, the kingdom of Saudi Arabia overlooks the Red Sea<sup>(3)</sup> which is considered one of the important international seas. It is around 1300 nautical miles in length, and its median width is 140 nautical miles. Most of its waters are deep. The coastline of the Kingdom overlooking the Red Sea is around 1100 nautical miles in length ... which

(1) Mohammad Saeid Abu Amod, (2000): "The Strategic Aspects of Yemeni – Saudi Treatment for boundary demarcation, Okad newspaper, Issue No. 123240 .

(2) Eritrea-yemen Arbitration, (1998): "Award of the Arbitral Tribunal in the First Stage", Territorial Scope of the Dispute, Arbitration Bank of International Settlements Arbitration Information.p.312.

(3) The Red Sea received many names, like the Qalzam Sea, relative to Qalzam city anciently known by the name Klyma in the north of the sea near Al-Suais city, and the name Al-Hijas sea was widely known since the colony era and the Turkish Ocean in the modern geographic Photos. .

The Islamic Ma'aref Foundation, (1980), Third Vol. , Published in Arabic Language by Ahmad Alshentenawi, Ibraheim Zaki Khorsheid, Abdulhameid Younes, Beirut, Alma'aref Encyclopedia, p.382.

comprises the area situated between (Hakil) on the Gulf of Aqaba in the north, until (Al-Mowsim) in the south. The Red Sea is characterized by its geographical location and its strategic importance. Several Saudi islands are located alongside the coast.<sup>(1)</sup> Eastward, the Kingdom overlooks the Arab Gulf which is considered a shallow sea, and a side extension to the Indian Ocean. Its length is around 500 nautical miles, and its widest width is around 150 nautical miles. The length of the coastline of the kingdom on the Arab Gulf is around 300 nautical miles from (Ras Al-khafgi ) in the middle of the divided neutral zone in the north, until the Gulf of (Salwa) in the southwest of Qatar, in the south. The Kingdom has also coasts on (Khor El—Eideed) whose length is around 50 nautical miles. Several islands exist near the Saudi coasts overlooking the Gulf. The Gulf enjoys strategic importance due to its special geographic position, which rendered it subject to foreign campaigns that were characterized by imperialist competition among the Portuguese, French, Dutch and British. The Gulf has its economic importance since it contains the largest reservoir of petroleum in the world. The Saudi decrees and regulations set in place rules for the territorial sea, that evolved with the evolution of the law of the sea, in addition to their consistency with the general provisions of the Islamic Sharia regarding the uses of the sea ... like the necessity of subjecting the coastal sea area belonging to the land territory of the state-which is known within the provisions of the international law of the sea-as the territorial sea - to the sovereignty and hegemony of the state. This is a prerequisite in order to protect the state and assure its interests against the dangers that threaten it, and for the state to be able-through its sovereignty and hegemony over this area – to benefit from the riches it contains. The rights of the state are directly based on its sovereignty in the area of the territorial sea, since the Sharia provisions are founded on a substantial idea to the effect

(1)Ojai Yonan Jerjes, "The Red Sea and its Straits between the Arab Right and the Global Conflict", Cairo, Ghareib Librar, p.12.



that the owner of (the corporeal or personal) property (the state that is the owner of the land territory) has a right to protect its inviolability (the necessary maritime extension to protect the property in the land territory and benefit from it), which equals its right to the property itself. <sup>(1)</sup>The existence of a territorial sea over which the state exercises the customary rights of sovereignty, is considered by itself as necessary, in the light of the provisions of the Islamic Sharia relating to the uses of the sea. But the delimitation of his expanse of this territorial sea, and the manner of its measurement, are considered within the public interests, and are subject- in their determination and illustration – to that which the states agree upon, and be realizing to the public good. This means that the international consensus in the agreement of the law of the seas of the extension of the territorial sea to 12 nautical miles, is a question that must be respected and observed by all. Otherwise, the going against this will be considered overstepping and injustice that must be eliminated. <sup>(2)</sup>Based on this, it is possible to review the Saudi provisions and regulations regarding the delimitation of the territorial sea of the kingdom, and the manner of its measurement, as follows:-

#### **4- B -3: The delimitation of the territorial sea of the kingdom of Saudi Arabia:**

The kingdom used to follow the rule of the four nautical miles, under the decree that was issued in year 1934, relevant to fishing and mollusks.

The width of the territorial sea expanded later through the Royal Decree no: 6-5-4-3711, issued on 1.8.1368 ( Hijriah) relating to the territorial waters of the kingdom of Saudi Arabia. <sup>(3)</sup>

(1)Mouhamad Tala'at Al-Gounymi, Ibid, p.712.

(2)Ibid, p.723, 721, 724.

(3)Um Alqura Newspaper, ( 29 May 1949) Issue No. 1263, issued in 2 /8/1368..

Article two of this decree stated the following : "the territorial waters of the kingdom of Saudi Arabia, and the air space over it, and the earth below it, and that which exists within its interior .. are all subject to the sovereignty of the kingdom, with the respect to the international law relating to the peaceful passage of the ships of the other nations in the coastal sea".

Article three of the afore-mentioned decree, stated that "the territorial waters of the kingdom of Saudi Arabia comprise all the internal waters in the kingdom, and the coastal sea of the kingdom. What is to be noted in this article is that it combines in its provisions the internal waters in the territory of the kingdom – the internal waters – and the coastal sea of the kingdom, which is the territorial sea ... in that it describes both as territorial waters. Article four of the Decree illustrated that which is meant by the internal waters, as comprising:-

- A- the waters of the gulfs that are situated along the coasts of the kingdom.
- B- The waters above the sea and those heading towards it form any shoal (flat water) that is not far more than 12 nautical miles, or any Arab Saudi island.
- C- Waters between the land and any Saudi Arab island that is not far from sea more than 12 nautical miles.
- D- The waters between the Saudi Arab islands in which each is not far from the other more than 12 nautical miles.

The third article of the said Decree did not differentiate between the territorial waters of the state and between its internal waters, but mixed them both. Though the sovereignty of the state over its internal waters is an absolute sovereignty with no restrictions, whereas the sovereignty of the state over its territorial sea is tied to the right of the other

states in innocent passage through this sea, it was preferable not to assign the same description to two different types of water: the waters of the coastal sea, and the internal waters. Differentiation should have been made between them. The territorial waters should have been considered the waters of the coastal sea that exists behind the internal waters. Nonetheless, it is to be noted, that the Decree has differentiated in treatment between the internal waters and the coastal sea, when it stated frankly that the peaceful passage of the boats of the other states does take place in the coastal sea, which indicate the non-application of this provision over the internal waters. Anyhow, after less than ten years of the issuance of this decree by the kingdom of Saudi Arabia, another Royal Decree was issued ... the Royal Decree no:33 dated 21.7.1377 (Hijraiah) regarding the system of the territorial sea of the kingdom. The objective was to remove the ambiguity between the territorial waters and the internal waters, in which the internal waters, were called the territorial sea, taking into consideration the view of the committee of the international law in force that amended the term from territorial waters to territorial sea ... in the light of its observation that the term territorial waters may indicate the internal waters that this description includes.<sup>(1)</sup> On the other side, and in addition to the differentiation between the internal waters and the territorial sea – by abrogating the text that mixes between these two types of waters - the fourth article of that Decree widened the width of the territorial sea from six nautical miles to twelve nautical miles. As for the passage through the territorial sea, the amended decree did not speak about the peaceful passage of the ships of the other states in the territorial sea of the kingdom-as stated in the decree that was issued in 1949- but provided a text in the second article stating that the territorial sea of the kingdom of Saudi Arabia, and the air space over it, and the bed of the territorial sea, and that beneath it in the interior of the ground ... are

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(1)Mouhamad Omar Al-Madani, op. cit, 10.

all subject to the sovereignty of the Kingdom, with respect to the provisions stipulated in the international law.<sup>(1)</sup> This means respecting the right of innocent passage of the foreign ships in the territorial sea of the kingdom, in the specified manner stipulated in the international public law. Within this context, the government of the kingdom of Saudi Arabia stated – upon its ratification of the agreement of the law of the seas – that "it considers the system of innocent passage applies to the territorial sea of the kingdom in the case of the existence of a route in the direction of the high seas or an exclusive economic zone that is suitable regarding the navigational and hydrographic characteristics". In addition, the pronouncements attached to the ratification of the kingdom on the agreement of the law of the sea stated the following : "In view of the potential danger of the passage of the ships that are powered by nuclear energy, and the ships that carry nuclear, or other similar materials, and in view of the stipulation of article 22/2 of the agreement of the law of the sea relating to the right of the coastal state in making the passage of these ships confined to the maritime passageways that the coastal state designate in its territorial sea, and the stipulation of article 23 of the agreement of the obligation of the said ships to carry the documents, and observe the preventive measures as determined by the international agreements ... due to all this, the kingdom of Saudi Arabia obliges the said ships to obtain a prior permission to pass before entering the territorial sea of the Kingdom until the international agreements referred to in article 23 are concluded, and the Kingdom becomes party to them. Anyhow, and in all circumstances, the states of the ship's flag undertake full responsibility for all losses or damages that result from the innocent passage of these

(1) It is noticed from this statement that it did not precisely imply the conditions and the nature of the innocent passage, but left that for the general rules in the General Intonations Law, so it was better if the implementation regulations were issued in a clear way to explain the meaning of the innocent passage and its terms, and the regulations in dividing the traffic movement in the regional sea, the duties and the rights of the Kingdom in this regard. So to make these regulations clear and known to the local authority and to others which enables a better treatment and working according to these terms .

ships in the territorial sea of the kingdom of Saudi Arabia". It is to be noted that the aerial navigation regulation of the kingdom of Saudi Arabia that was issued by the Royal Decree no : 17-2-22-3482 (Dated 24.9.1372 Hijriah) and the regulation of the fishing, investment and protection of the live water riches in the territorial waters of the kingdom of Saudi Arabia issued by the Royal Decree no : M/9 (Dated 27.3.1408 Hijriah) ... have included comprehensive details to the right of the kingdom to carry on fishing in its territorial sea. Article two of this regulation states that " no fishing or diving in the territorial waters of the kingdom can be exercised, before obtaining a license to do this, from the ministry of agriculture and water, according to the conditions that are agreed upon with the ministry of the interior, and the national commission for the protection and development of. Article five of the same regulation states that "the foreign fishing or diving ships are not permitted to extract the living water wealth from the regional waters of the kingdom unless they obtain a license from the minister of agriculture and water after the approval of the president of the council of ministers. The license will specify the types of the allowed living water riches to be extracted, and the permitted times and places. Should these foreign ships be operating for the benefit of national companies or establishments, then it is sufficient to be licensed by the minister of agriculture and water only". The gist of this is that the Saudi regulations and decrees, and the declarations attached to the ratification of the kingdom of the agreement of the law of the sea-regarding the delimitation of the territorial seas of the kingdom, and the affirmation of its sovereignty rights over them – are consistent with the international norms, and have been affirmed by the international agreements in the area of law of the sea.

#### **4- B -4: The Measurement of the territorial sea of the kingdom of Saudi Arabia:-**

As for the measurement of the territorial sea of the kingdom of Saudi Arabia, and the delimitation of its borders in the cases of oppositeness and overlapping, the fifth article of the aforementioned Saudi Royal Decree for the year 1377 (Hijriah). states, as a general rule,, the drawing of the base line from the "lowest limit of the subsidence of water at the coast, if the land or the shore of an island is completely exposed". The decree also affirmed the method of the straight lines. This was stated in paragraph ( C ) of the afore – mentioned article in the cases of shoals that are not far more than 12 nautical miles from the land or from an Arab Saudi island. In this case, the base line is drawn from the land or the island along the length of the outer edge of the shoal.

As for the gulfs, article (3/A) of the Decree considered them subject to the regulation of the internal waters. Article (5/B) decided that the drawing of the base line from one side of the two sides of the gulf – at its entrance – to the other side, irrespective of the area of the gulf or the width of its mouth. This contravenes the provision of article ten of this agreement, but this apparent contravention soon disappears, due to the fact that the openings of the gulfs of the kingdom of Saudi Arabia do not exceed 24 nautical miles, which conforms to the provisions of the afore – mentioned agreement in this respect. The Saudi base line, in the case of the sea ports, agrees with the provisions of the preceding cases, since it is drawn in lines along the side facing the sea, from the most protruding installations of the seaport, and lines that are drawn between the edges of these installations. In case of the islands, the base line is drawn in the manner of the normal line or the straight lines. But if this island is not far from the land more than 12 nautical miles, then lines are drawn from the land to the outer shores of the island. Should islands exist as a ridge, whose connecting line between each one and the other does not exceed 12 nautical miles, and its nearest one to the land does not exceed 12

nautical miles, then the base lines are drawn from the land along the length of the outer shores for the whole cluster of the islands. In case of a group of islands that can be connected by lines whose length does not exceed 12 miles, then lines are drawn along the shores of this group, if it was as a cluster. And if they were not like this, the lines are drawn along the length of the outer shores of the most protruding islands of the group, according to the provision of paragraph (7) of the same article.

Confusion may rise between the provisions of the afore – mentioned paragraphs, and paragraph (7) of article five of the Saudi decree. But in looking deeply in the content of the two paragraphs, it becomes clear that the first one relates to the islands that their distance from the land does not exceed 12 nautical miles. As for the second, this condition is not required. This results in important legal consequences ... we mean that the waters inside the lines in the first case, which are locked between the land and these islands, are internal waters. In the second case, the waters that are located between the land and the islands are not considered internal waters, on the assumption that their nearest to the land is more than 12 nautical miles in distance. In case of the overlapping of the territorial sea of the kingdom with the territorial sea of another state, article seven of the afore – mentioned decree adopted a simple rule to the effect that the delimitation of the maritime borders in case is done in agreement of that state. This is evident in the provisions of the agreements which the kingdom of Saudi Arabia has concluded with the states neighbouring or facing her in the Arab Gulf area and the Red Sea.

#### **4- B -5: The continental shelf of the kingdom of Saudi Arabia:-**

The provisions of the legal system of the continental shelf of the kingdom of Saudi Arabia are stipulated in the Royal statement no: 6-4-37 on the first of shaaban 1368 (Hijriah), 28 May 1949, in addition to the royal decree no : M/27 Dated 9.7.1388 (Hijriah) regarding the system of the possession of the riches of the Red Sea, plus the

bilateral agreements that the Kingdom concluded with several neighbouring, or facing states in the Arab Gulf area and the Red Sea.

**The Royal Statement regarding the continental shelf of the kingdom in the Arab Gulf :-**

The royal statement regarding the continental shelf was in the forefront of the pronouncements that were issued by the the states and Emirates of the Arab Gulf, in respect of affirming the sovereignty of these states over the seabed, and the interior of its soil in the naval areas adjoining their territorial waters. This came especially in the light of the geological nature of the Arab Gulf ... the shallowness of its waters and the smallness of its depth, which renders the whole Gulf bed a continental shelf area. This is in addition to the increasing development of the technological capacity to discover and exploit the most important resource of the potential resources of energy in the world ... the petroleum in the Gulf area. <sup>(1)</sup>We have already pointed to the two royal statements which stressed that the seabed and what lies beneath it in the Gulf area, - in the direction towards the sea from the shore – which adjoins the coasts of the kingdom, are considered as belonging to the kingdom of Saudi Arabia, and subject to its jurisdiction and control. <sup>(2)</sup>The overall provisions of the royal statement regarding the continental shelf stress the sovereignty of the kingdom of Saudi Arabia over the seabed and its interior, as being necessary to preserve the riches and natural resources of the area, and exploiting it to the benefit of the people of Saudi Arabia. The said statement used the term "jurisdiction and control", like the afore – mentioned " Truman Declaration". This is of no consequence to the affirmation of the rights of the kingdom to the riches of its continental shelf.

(1)Badria Alawadi, (1976-1977): "Maritime International Law in the Arab Gulf" , Kuwait, The press of Dar Alta'leif, p. 198.

(2)Ibid.



From a jurisprudence point of ---. And what is affirmed in practice, the right of jurisdiction or control is equal – in its essence – to the content of the term "sovereignty" with all that it entails of consequences and impacts.<sup>(1)</sup>It is to be noted that the royal statement – contrary to the Truman declaration – did not refer to the term "continental shelf", but used the term "submerged area", .. the waters that cover the seabed and the interior of this bed. This led some to say that this is due to the non-availability of the geological element for the continental shelf in the Arab Gulf, due to the shallowness of its water, and the smallness of its depth, and the absence of a sudden and rapid falling down. In reality, the fact the royal statement did not refer to the continental shelf does not mean the non-existence of a continental shelf in the Arab Gulf. The point of reference in this respect is the provisions of the international judiciary and the international agreements that affirm that the submerged areas (submarine areas) by shallow waters whose depth does not reach 200 metres, are considered continental shelf, according to the 1958 Geneva agreement regarding the continental shelf, and the 1969 judgement of the International Court of Justice regarding the continental shelf of the North Sea, and the 1953<sup>(2)</sup> annual session of the committee of the international law. In addition to this, the first article of the Iranian law of 19 June 1955, has considered the submerged areas which neighbour the shores of Iran in the Arab Gulf and the sea of Oman as continental shelves. All of this means that the non-reference of the Saudi statement to the continental shelf does not mean that it does not exist, and that the depth of the waters – essential though it maybe to determine the external borders of the continental shelf – renders the whole bed of the Arab Gulf a continental shelf due to the shallowness of its waters. It is a common continental shelf to all the coastal states of the Gulf, and the determination of the share of each state of these states in this joint shelf is

(1)Salah Al Deen A'amer, opict, p. 267-268.

(2)Geneva Treaty in (1958) about the continental shelf .

to be done through agreement. This is in addition to the fact that the new agreement of the law of the sea has turned away from the standard of depth towards the standard of distance, as the basis for the delimitation of the borders of the continental shelf. The royal statement said that the agreement on the delimitation of the continental shelf, and the regulation of the rights of the state to its natural riches, should be based on justice and fairness ... which accords with the unity of the continental shelf of the Arab gulf, and that which it contains of vast and important resources like oil and pearls. This means that the median line of equal distances comes at the top of the standards in delimiting the continental shelf between the Kingdom and her neighbouring or facing states as long as this standard assures justice and fairness. Otherwise, another standard maybe resorted to so as to realize these considerations. The last item in the royal statement regarding the continental shelf stated that the provisions therein do not encroach on the legal nature of the waters that are above the seabed in the area of the continental shelf. These are considered as high seas in respect of the freedom of navigation, and over – flying them. This explains the reference in the said statement to the seabed and its interior being subject to the jurisdiction and control of the kingdom ... that is to its sovereignty. In reality, this means only the affirmation of the rights of sovereignty of the kingdom in exploiting the riches and the resources that are located in this area, without encroaching on the fact that these areas are areas of the high seas.

**4-B-6: The stipulations of the continental shelf in the system of the ownership of the riches of the Red Sea:-**

The aforementioned royal statement regarding the continental shelf has focused on the affirmation of the sovereignty and the jurisdiction of the kingdom of Saudi Arabia on the submerged areas that are near its coasts on the Arab Gulf. As for the Red Sea, a combination of economic and security considerations urged the kingdom – who owns

the longest coasts on the Red Sea – to issue the royal decree no : M-27 on 9.7.1388 (Hijriah) endorsing the system of the possession of the natural riches in the areas of the Red Sea adjoining the continental shelf of the kingdom. The economic considerations that were behind the issuance of the afore-mentioned system were the prospecting operations that took place in the area of the Red Sea by several international multinational companies. The operations of these companies proved that the Red Sea contains vast natural resources. This has motivated these companies to compete in order to get and exploit these riches in order to generate huge profits. An American resources company (American metal mkt) presented a request, on 15 May 1968, to the United Nations seeking authorization to prospect for metals in an area in the middle of the Red Sea (around 31 square miles).

It based its demand on the argument that the area is not subject to the sovereignty of anyone, and no state has made a claim on it. Though the company was unsuccessful in obtaining the approval of the United Nations, since the latter has no jurisdiction over granting the rights of metal prospecting in the bed of the Red Sea, another company – Red Enterprise – (which is merged with the Leichtenstein company) claimed its right to prospect for metals in an area in the middle of the Red Sea, under the pretext that these deep maritime areas are not subject to the sovereignty of any state. The demands of these companies were behind the rapid movement of the kingdom of Saudi Arabia regarding the necessity of attaining coordination and cooperation among the coastal state of the Red Sea, so as to arrive at a collective agreement that guarantees the regulation of the discovery and exploitation of the natural resources in the Sea. while awaiting the arrival to such an agreement among the rest of the states overlooking the Red Sea, the kingdom of Saudi Arabia issued the royal decree approving the system of the ownership of the riches of the Red Sea (in the year 1388 Hijriah, 1968 A.D.) in

respect of regulating the discovery and exploitation of the natural resources in the Red Sea. <sup>(1)</sup>

As for the security considerations that urged the kingdom of Saudi Arabia to issue this system, it can be said that leaving the matter in the hands of the international companies to start discovering and exploiting the riches in the deeps of the naval areas that are close to the coasts of the kingdom, will affect the security of the kingdom and its economic interests. The provisions contained in the Saudi system regarding the ownership of the riches of the Red Sea, are varied. They contain the delimitation of the material naval scope. This is evident in the text of the first article which stated that all the hydrocarbons and metals that exist in the general layers of the sea, and the area extending in the Red Sea, beneath the general Sea and neighbouring the Saudi continental shelf ... belong to the kingdom of Saudi Arabia. The second article stated : "the riches are considered an indivisible part of the soil of the Saudi territory, and is to be treated as being the property of the state, according to the first article of the mining regulation that was issued in the royal decree no:40, dated 11.9.1382 (Hijriah).

On the other side, the system touched on the legal consequences that result from considering the riches that exist within the naval range of the kingdom of Saudi Arabia in the Red Sea, as a part of the soil of the Saudi territory, and to be treated as being the property of the state. These legal consequences as the system has affirmed the rights of sovereignty and jurisdiction which the kingdom enjoy in respect of discovering and exploiting the riches that exist in the bed of the red sea, which neighbours the coast of

(1) Geneva Treaty in (1958) about the continental shelf :

Lewis M. Alexander, *Persian Gulf Maritime Boundaries*. In *International Maritime boundaries*. Vol II, edited by Jonathan I. Charney and Lewis M. Alexander, the Netherlands, Dordrecht, Martinus, Nijhoff Publishers, 1993 PP. 1489-1492, 1519-1523P, op.cit., 210-213; Al Muwaled, op.cit., 182-et se.

Dr. Osama Kamel Emar, (1980): "The legal system to exploit natural resources across the international boundaries", Cairo, United Company for publication and distribution

the kingdom of Saudi Arabia – exclude any foreign claim relating to the resources and riches that exist in these areas. In addition, the rules that govern the ownership of riches by the laying of hand, or acquired prescription do not apply on the operations of discovery and exploitation that were carried by the international companies before .... No matter the time span that these activities took. The rights of the kingdom in the stated maritime areas are exclusive rights under the provisions of the international law. This means that these cannot be embarked upon in anyway by the foreign entities without a prior permission by the kingdom. The non-exploitation of these riches by the kingdom does not lessen its ownership of them, and the provisions of prescription do not apply. This is evident in article three of the system (regulation) that stated: "only the government of the kingdom of Saudi Arabia has the right alone to discover and invest and prospect for these riches. No public or private body, national or non-national, is permitted to exercise any aspect of this right without an express permission from the competent Saudi authorities, and according to the regulations in force in the kingdom of Saudi Arabia". Article four states: it is not permitted to own the riches through the laying of the hand or the acquired prescription. The provisions of the prescription do not apply to the ownership of the kingdom to these".

Thirdly, the Saudi regulation concerning the ownership of the riches of the Red Sea was keen on stressing the fact that the exercise of the kingdom of Saudi Arab, of its rights in the layers of the maritime sphere neighbouring its coasts on this Sea, does not involve any overstepping of the other coastal states of the Red Sea. This is evident in the text of the third article of the regulation which stated that "... The government of the kingdom of Saudi Arabia is permitted to exercise its rights, in discovering and exploiting these riches in partnership with the neighbouring governments that has

similar rights that are recognized by the government of the kingdom of Saudi Arabia in joint areas" .

This explains the keenness of the kingdom on inviting the other coastal states of the Red Sea-within the framework of cooperation and coordination-to arrive at a collective agreement to regulate the exploitation of the riches of the Sea. This keenness was embodied in the conclusion of the 1974 Saudi – Sudanese agreement regarding the delimitation of the borders of the continental shelf of the two states, and the agreement on the manner of exploiting the resources and the riches that exist in the joint area between them.

Finally, in as much as the Saudi regulation relating to the ownership of the riches of the Red Sea, was keen on affirming the rights of the kingdom of Saudi Arabia, and the protection of its interests in the naval areas that neighbour its coasts on the Red Sea, it was keen – with the same measure- on taking into consideration the interests of the other coastal states, and the public good of the international community regarding the navigation and passage in these areas, as long as these are in accordance with the rules of the international law. Article six of the regulation stated that "the application of this regulation does not encroach on the description of the public sea, or hindering the navigation therein, within the limits of the established provisions in the international public law". In short, the motives behind the issuance of the Saudi regulation for the ownership of the Red Sea riches are due to the fact the Red Sea is an almost closed sea with narrow width, in addition to the discoveries of the international companies that proved the vastness and variation of these riches, and the demands of these companies to exploit it. This prompted the kingdom of Saudi Arabia to issue the said regulation, so as to protect the sovereignty rights of the kingdom over the non-living resources in the layers of the naval sphere neighbouring its costs on the Red Sea.

**4-B-7: The special agreements of the delimitation of the borders of the continental shelf of the kingdom of Saudi Arabia:-**

The kingdom of Saudi Arabia has concluded several agreements with many states that neighbour or face it for the delimitation of the borders of the continental shelf of the kingdom with these states, though some of these agreements included provisions relating to the sovereignty over other maritime areas, other than the continental shelf ... like the Saudi – Iranian agreement that addressed the sovereignty over the (Al-Arabiah) and (Farsi) islands.

We state below, the provisions of the afore-mentioned agreements in an approach that highlights the economic, strategic, geographic aspects and the legal principles regarding their conclusion and their coming into force.

**4-B-8: The 1958 agreement between the kingdom of Saudi Arabia and the state of Bahrain regarding the delimitation of the continental shelf :-**

The agreement of the delimitation of the borders of the continental shelf between the kingdom of Saudi Arabia and Bahrain was concluded on 22 February 1958. it is well known that the two states face each other on the western side of the Arab Gulf.

The border line between the two states-as the first borders that were delimited in the Gulf area<sup>(1)</sup> extends for a distance of 110 nautical miles, whose points are connected through straight lines. The said agreement delimited the borders of an area that is located completely in the Saudi side of the border line ... an area called (Fasht Abo Saafah). The kingdom of Saudi Arabia undertakes the exploitation of the oil resources in this area, and the governments of both states divides the net revenue that results from this exploitation .

(1)The Saudi-Bahraini Agreement :Lewis M. Alexander, op. cit., pp. (1495-1497)

The Saudi – Bahraini used three methods to determine the border line. The first was a median line that connects between the middle distance of a group of specific points on the shore of the two states. The second was the affirmation of the sovereignty of the kingdom of Saudi Arabia over the island (Large Labeenah).<sup>(1)</sup>The agreement included the extension of the line to the range that conforms with the royal statement that was issued on the first of Shabaan (1368 Hijriah), the 28 of May 1949, and the statement of the government of Bahrain on 5 June 1949.

The provisions of the agreement reveal that the method of the straight base lines which the kingdom adopted according to its regulation in respect of the territorial sea for the year 1377 (Hijriah) 1958, before shortly signing the said agreement, was not used in the delimitation of the separating line between the borders of the continental shelf of the kingdom and Bahrain, according to the agreement that was concluded among them. The instruments of the ratification of the agreement were exchanged on 26 February 1958, and came into operation on that date<sup>(2)</sup>. The Saudi – Bahraini agreement was the first agreement that the kingdom concluded to designate its maritime borders.

It represents a wonderful model to the settlement of the maritime borders with the neighbouring states in the subsequent agreements, in consistency with the wise policy that the kingdom of Saudi Arabia follows since its foundation by the late king Abdul Azeez. This agreement touched on regulating the situations of the islands (large Labeenah) and (small Labeenah) and (Fasht Abo Saafah). The result of the bilateral negotiations led to Bahrain conceding the (large Labeenah) to the kingdom, in return for recognizing the sovereignty of Bahrain over (little Labeenah). The two states agreed to delimit the north area of the borders of the continental shelf between them to conform to

(1)Lewis M. Alexander, op. cit., pp 1489-1492

(2)Ibid.



the borders of the geological formation. This resulted in all the area of (Fasht Abo Saafah) being in the Saudi side from the border line. The two states agreed on the principle of equal sharing of the oil revenues that result from the exploitation of the oil resources in this area. From a legal point of view, the Saudi – Bahraini agreement focused on delimiting the borders of the territorial sea, and the continental shelf between the two states, in which a whole area was located in the continental shelf of the kingdom, while recognizing the right of Bahrain in the equal sharing of the resulting revenues from the exploitation of the oil resources in that area, without prejudicing in anyway the sovereignty of the kingdom over the said area.<sup>(214)</sup> The agreement did not contain provisions regarding the settlement of disputes and differences that may arise in the application of the agreement, or the formation of joint structures that are necessary for the exploitation process.

It is evident that the economic considerations played the greater part in concluding the Saudi – Bahraini agreement. These considerations were pivotal in delimiting the place of the separating line between the borders of the continental shelf among the two states. The delimitation of the borders of the continental shelf between both states through a distance that extends approximately to the third of the border line, in such a way that makes it consistent with these economic considerations.

As for the last third of the border line, it was drawn in a manner consistent with (Fasht Abo Saafah). And if the agreement put the whole area in the Saudi side of the border line, and states its being subject to the sovereignty and complete control of the kingdom, yet it recognizes – at the same time – the right of Bahrain to half that which accrues to the kingdom of Saudi Arabia of the net revenue that result from its

exploitation of the petroleum resources in that area.<sup>(1)</sup> As for the impact of the geographical factors in the conclusion of the Saudi – Bahraini agreement, it is obvious in the employment of both sides of the standard of the median line or the standard of the equidistance in delimiting approximately two thirds of the borders line. As for the islands, rocks, protrusions and shoals, and their impact in delimiting the maritime borders between the kingdom and Bahrain, it is to be noted that as far as the part of the border line that was determined by the equidistance standard, complete consideration was given to the situation of Bahrain as an island state. The small islands and the protrusions of both sides were also taken into consideration. The shoals and the other small islands were not taken into consideration when the agreement was concluded. The allocation of the island of (small Labeenah ) to Bahrain, and the allocation of the island of (large Labeenah) to the kingdom helped in determining a part of track of the border line between both states.<sup>(2)</sup>

As for the technical aspects of the Saudi – Bahraini agreement, the agreement stated the formation of a technical commission to carry out the necessary measurements to affirm the borders as stipulated in the agreement, and prepare a final map that will be an indivisible part of the agreement after the agreement of the two sides on it.<sup>(3)</sup> Due to the issuance of the verdict of the International Court of Justice regarding the delimitation of the maritime borders and regional matters between the state of Qatar and the state of Bahrain on 16 March 2001,<sup>(4)</sup> according to which the maritime borders were delimited

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(1) It is clear from what decided by the agreement the right of Saudi Arabia to exploit its oil wealths in the region according to what it sees relevant, and in accordance with the royal statement, issued in 29/5/1949, "The bottom of the sea the bottom of its land in the Gulf region towards the sea from the Saudi east side, and close to its coasts belongs to the Kingdom and under its sovereignty". L.M. Alexander, op. cit, p. 1490..

(2) L.M. Alexander, op. cit., p. 1491; W. Boggs, Delimitation of Seaward Areas under national Jurisdiction, American Journal of International Law. Vol. pp. 257-258.

(3) See articles 3, 4, 5, from the Saudi-Bahrain agreement .

(4) Case concerning maritime delimitation and territorial questions between Qatar and Bahrain, ( 2001), I.C.J. Year 2001, No, 87

between the two states, and since the maritime borders in (Dohat Salwa) between the kingdom of Saudi Arabia and the state of Qatar has been previously determined in the 1965 Agreement for the delimitation of the borders between the two countries, the only matter remaining now is the determination of the tripartite point among the kingdom of Saudi Arabia, the state of Qatar and the state of Bahrain. It is on its way to be determined, Allah willing.

**4-B-9: The 1968 Saudi – Iranian agreement regarding the sovereignty over the islands of (Al-Arabiah) and (Farsi), and the delimitation of the border line that separates the maritime areas of the two states:-**

The Saudi – Iranian agreement that was signed on 24 October 1968, and became operative on 29 January 1969, put an end to long standing differences among the two states regarding the legal status of the islands of (Al-Arabiah) and (Farsi),<sup>(1)</sup> in addition to the dispute regarding the borders of the continental shelf between both states, especially after the discovery of oil in the Gulf area.<sup>(2)</sup> The kingdom and Iran face each other in the Gulf, and the distance that extends between the coasts of the two states is 75 metres, or around 250 feet, in general. The two disputed islands are located in the middle of the Gulf, and geographically, are nearer to the kingdom than to Iran. The borders between the two states are considered the longest borders in the Gulf area, since they extend to around 139 nautical miles and contain 16 points. The southern part of the border line is located at an equal distance from the coasts of both states and overlaps with the 12 nautical miles that constitute the territorial sea of the (Arabiah) island. After (Thalakin), the border line assumes the shape of the letter (S) in which the territorial sea is delimited to the islands of (Alarabiah) and (Farsi) on the basis of the

(1) The agreement was put in both the Arabic and the Persian languages, as equal in the demand, also the agreement stated the English translation, the two parties signed the two. Refer to the agreement terms: op. cit, pp.(17-19).

(2)Dr. Osama Kamel Emara, Ibid, p. 156.

intersection of the median line with the borders of the territorial sea of the two islands. As for the northern part of the border line, that comes behind the 12 miles that constitute the territorial sea of the (Farsi) island, the path of the border line swerves from the median line in a manner that takes into consideration the location of the Iranian (Kharj) island that is located at a distance of one nautical mile of the Iranian shore. The agreement determines an area that extends to a distance of 500 meters, on both sides of the border line among the two states in which the operations for exploration of oil/gas are forbidden. In addition, the wells that are dug in the immediate neighbourhood of the forbidden area, must be vertical wells, unless technical considerations dictate otherwise.

<sup>(1)</sup> The circumstances and considerations that surrounded the Saudi – Iranian agreement, and impelled both states to conclude it, are to be found in April 1963, when the Iranian petroleum company declared the opening of the maritime areas to international bids to undertake operations of excavation and prospecting for oil in these areas. On the 15<sup>th</sup> of June 1963, the kingdom of Saudi Arabia protested on the announcement of the Iranian petroleum company on the basis that it constitutes a violation of the legitimate and established rights of the kingdom over the natural resources in the area facing the territorial waters of the kingdom, or the territorial waters of the neutral zone between the kingdom and Kuwait. In other words, the kingdom of Saudi Arabia viewed that a specified part of the naval area in the announcement of the Iranian petroleum company,

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(1)R. Young, op. cit. 155-156; J.M. Alexander, op. cit., p. 1520-1521.

so, some went to say that the establishment of the restricted zone at the two sides of the Saudi-Iranian borders came as a result of the disturbed and cold relations between the two countries, and it was possible to achieve their interests by other means not by the restricted zone order.

But this opinion can be answered with two main notes: The first one, what the Saudi-Iranian agreement brought regarding the establishment of a restricted zone on both sides of the border line between the two countries find a basis for this in the Islamic principle, as the principle, people went to say (who has a well, another person digs a near by well, water will be stolen from the first well, and the second person has no right of this water, even if he dug the well in his property like two persons living side by side in two houses, one dug a well attracting the water from the other's well, this leads us to the second can prevent problems and disputes that could emerge as a result of gas leakage, or oil, and it, extension across the international borders between the two countries

and the concession that was granted to the pan- American oil company do overlap with the concessions granted by the kingdom of Saudi Arabia to the (Aramco) company, which led to the impeding of the prospecting operations in the area of the overlapping concessions. As a result of that protest, the sides entered into direct negotiations<sup>(1)</sup> that ended with the preparation of an agreement regarding the sovereignty over (Al-Arabiah) and (Farsi) islands, and the delimitation of the border line the separates the submerged (submarine) areas between the kingdom of Saudi Arabia and Iran. <sup>(2)</sup>

It is to be noted that, from a legal point of view, the Saudi – Iranian agreement comprises the determination of three types of jurisdiction. The first relates to the determination of the regional jurisdiction regarding the disputed islands, the second touches on the determination of the jurisdiction of the continental shelf, the third includes the delimitation of the jurisdiction of the territorial sea. In elaboration of this the agreement stipulates the sovereignty of the kingdom over (Al-Arabiah) island, and the sovereignty of Iran over (Farsi) island. Each island will have a territorial sea that extends to 12 nautical miles. And where the two seas overlap, the median line will be the borders line that separates the territorial waters of the two islands. In addition, the agreement delimits the borders of the continental shelf between the two countries.

As for the impact of the economic factors in the said agreement, it seems that the overlapping petroleum concessions that were granted by the Saudi and Iranian sides for oil prospecting in certain naval areas, were the main motive behind the entry of the two states in direct negotiations to settle this difference. The role of the economic factors in concluding the said agreement is apparent in the establishment of the system of the forbidden (off limits) areas in which the two sides cease licensing excavation operations

(1) Mohammed O. Madani, op. cit., pp. 211-218 .

(2)L.M. Alexander, op. cit., pp. 1519-1523; F. Al-Muwaled, op. cit., pp. 182-183.

therein, to avoid any dispute that may ensue as a result of the seepage of oil across the international borders of the two countries.

As for the impact of the geographical factors, the fact that the coasts of both states face each other, played a basic role in the adoption of the median line, or the line of equidistance to delimit the borders between the two countries.

As for the impact of the islands, rocks, protrusions and shoals, in affecting the delimitation of the borders between both states, three islands- (Al-Arabiah, Farsi, Kharj) – were of special importance in this delimitation. As for the areas that neighbour the islands of (Al-Arabiah) and (Farsi) the borders line of the continental shelf was delimited according to the determination of a territorial sea for each island, that extends to a distance of 12 Nautical miles. As for the territorial waters of these islands that overlap, the separating borders between them are determined on the basis of the median line. As for the northern part of the borders line, amendments were made to give (half effect) to the Iranian (Kharj) island, whereas the small islands nearer to the land were ignored. Though both the kingdom of Saudi Arabia and Iran has issued decrees adopting the method of the straight lines, yet this method was not used in determining the path of the borders of the continental shelf between the two countries.<sup>(1)</sup>

(1)A. El- Hakim, (1979): "The Middle Eastern States and the Law of the Sea", Manchester, Manchester University Press, p. 98; W. Bogges, op. cit. 258; Al Muwaled, op. cit., p. 187.

Some notice that while the Iranian Kharj island given half effect in designating the borders between the Kingdom and Iran, a lot of Saudi Islands like (Jena, Kreem, AlJareed, Harqoos) were not given any effect in this regard, despite that Kharj Island locates for the Iranian cast about 17 sea mile. The answer for this is by looking at the Sudi-Iranian agreement's rules, as the agreement disclose that the line is fixed in its current status, and modifyes according to the geographic conditions and specially according to the geologic conditions regarding this region.

In the case that the line standard does not achieve that fair and justice considerations, then will be abandoned, and taking another different standard. Also the a agreement between the two countries considered as an important mean in resolving the disputes regarding the sovereignty over the most important two islands in the marine regions that extends between the two countries, we mean Al-Arabia, and Farisi Islands, which can achieve the fundamental a guarantee for the stability of the relation between the two countries, in the most important region of the world.

As for the technical aspects of the agreement, and due to the conviction of the two sides of the inaccuracy of the hydrographic maps of the Gulf, they asked the United States to conduct a survey for the coasts of both states to determine points of reference, to be used as the basis for the delimitation of the borders line among them. The maps that were provided by the American side were used as the basis for the negotiations of the 1968 agreement. It was signed by the two sides and were annexed to the agreement.

<sup>(1)</sup> Thus, the economic considerations were not the only basic motives behind the agreement to delimit the maritime borders between the Kingdom and Iran. It impacted also the determination of the track of borders line in its northern part, where the delimitation of this part was done in such a manner that guarantees the distribution of the petroleum reserve on the basis of equity and fairness. As for the southern part of the borders line, the delimitation was based on geographical considerations where the median line was used to reflect the relationship of oppositeness among the coasts of the two states. As for the part that is situated in the middle of the borders line, the borders were designated on the basis of giving a 12 nautical miles territorial sea to the island of (Al-Ababiah) and the island of (Farsi).<sup>(2)</sup>

### **The 1974 Saudi – Sudanese Agreement**

As already stated,<sup>(3)</sup> the Kingdom of Saudi Arabia, by virtue of the royal decree no : M:27 of 9.7.1388 (Hijriah), the first of October 1968, has extended its sovereignty over the hydrocarbons and the rest of the metals in the layers of the seabed adjoining its continental shelf in the Red Sea area. This meant that the kingdom has adopted the standard of distance as the basis for the determination of the range of its sovereignty over the resources and the mineral riches of the seabed. Since the greedy rush of the

(1)L.M. Alexander, op. cit., pp. 1521-1522

(2)Ibid, pp. 1522-1523

(3)Ibid, pp. 211-213.

foreign companies on the area of the Red Sea, to explore and exploit its riches, especially in the areas where the depths of the water exceed 200 metres<sup>(1)</sup> and due to the affirmation of the Sudanese government of its sovereignty over the riches of the Red Sea in its coastal maritime areas till the median line .... For all of this, and on 16 May 1974, a bilateral agreement was signed in Khartoum between the kingdom of Saudi Arabia and the Sudan regarding the sharing of the riches of the Red Sea in the maritime area that extends between the coasts of the two states on the Sea.<sup>(2)</sup>

The provisions of the agreement make clear that the two sides recognize to each other exclusive sovereignty rights on the seabed of the Red Sea, and under the bed in the maritime area that extends from the coasts of both states, till the line in which the depth of the waters does not exceed 1000 metres. The agreement also stipulates that the remaining area that exists between the two exclusive naval areas of Sudan and the Kingdom shall be a joint area between the two states, and they own the sea bed. In application of this, the agreement stipulated the establishment of a joint commission to survey the joint area and determine and observe its borders, and conduct the necessary studies for the operations of discovery and exploitation of the natural resources of the area, including the granting of licenses and concessions relating to the discovery and exploitation.<sup>(3)</sup>

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(1)From these attempts, what offered by the American Metal. MKL. Firm, asking the United Nation in 15/2/1968, regarding issuing a permission to explore and explotate a region located in the middle of the Red Sea between the Kingdom and Sudan, with an area reaching 31 square mile, as this region located outside the range of the two countries sovereignty, in addition non of the two countries claimed or demanded the sovereignty on the region.

Other American firms went the same direction like Red Sea Enterprise, that claimed its right in expiring and exploitation the wealth of the Red Sea, with and area a bout 27 square mile, as a high seas region. International Legal Materials, 1969. p.606; A Ehakim, op. cit., p. 180

(2) Abdullah Alsultan, , (1948):" The Red Sea and the Arab – Israeli Conflict", Beirut, Centre for Arab Unity Studies, p. 309-313.

(3)The Saudi – Sudani Committee held its first meeting in 10/5/1975, and, established its meeting its General Assembly in Jeddah city- Saudi Arabia, and started its work and its missions directly regarding exploring and exploitation the wealth in the common region.'



## Conclusion

**The researcher, through his study, has arrived at the following conclusions:**

- ❖ **First:** In her dealing with its colonies or peoples that has been subject to its control, Britain has followed what has been called (the policy of) "divide and rule". In implementing this, it was keen on planting the seeds of disputes among those peoples. These seeds took the forms of disputes regarding the borders which were incompatible with the natural or human realities in the area, or disputes regarding the division of the cross – borders resources and riches.
- ❖ **Second:** In general, the peaceful settlement of the Saudi borders disputes with its neighborhood took various forms and methods of direct negotiations without external mediation.
- ❖ **Three:** The league of the Arab states did not have any effective role in solving the border disputes among the Arab states, with the exception of diffusing the 1961 Iraqi – Kuwaiti dispute, and the solution of the 1972 dispute between North and South Yemen. This was due to the weakness of the Arab regional system, and the non – possession of the League of sufficient means and tools that guarantee an effective role for the League.
- ❖ **Fourth :** The intricacy of the borders disputes among states is among the most important issues that has to be studied and resolved through peaceful means. All organizations and societies have called for this, and demanded the non – resorting to violence or armed conflicts. This intricacy in the Arab homeland did not surface on the political events and the regional and the international variables except after the Arab political units (Wilayats, colonies and protectorates) began to achieve their national independence ... as a result of concluded agreements, or through domestic or national revolutions and armed struggle. These nascent states became preoccupied with setting up their political and constitutional institutions, and proceeded after that towards a new stage of asserting their national and regional sovereignties. It goes without saying that, historically, the Arab area was a part of the Arab Islamic state, and the Arab homeland – with its assigned geographical expanse that extends from the Atlantic Ocean to the Arab Gulf – was subject, directly or indirectly, to the control of a foreign power that took various forms ...

especially in these epochs in which the Arab element was absent from the leadership of the Islamic and Arab nation. During these periods, the homeland was disjointed, and its provinces divided and its states achieved independence according to the raging conflict among the international powers.

- ❖ **Fifth** : As soon as the situations settled, and the Arab states began to take hold of their own affairs, they began to think of solving their borders problems through peaceful means.
- ❖ **Sixth** : the political realities, and the nature of the relations among the Arab ruling systems played their role in instigating the Arab borders issues. The disputes of the ruling systems caused more borders differences than the historical or legal evidence.
- ❖ **Seventh**: In their border disputes, the governments of the Gulf often demanded sovereignty over an area or an island, and did not find before them except the British files in which to dig to prove their right. This was the case with the government of Sharjah when it tried to prove its right to (Abu Musa) island in 1973. The same was true of Kuwait and Qatar. Through British assistance, the dispute between the Emirate of Abu Dhabi and the Sultanate of Oman, over the (Buraimi) oasis was resolved.
- ❖ **Eighth**: As a result of the multiplicity of the Saudi geographical neighborhood with the states of the Gulf, it has faced along seventy years, long, and sometimes, difficult dialogues to conclude the agreements of delimiting the borders with these states.
- ❖ **Ninth**: The difficult geographical terrain of the Arab Gulf. In addition to the foreign interference, and the inherited tribal sensitivities resulted in some difficulties in arriving at the delimitation of the borders among the states of the Gulf.
- ❖ **Tenth**: All the problems of the borders between Saudi Arabia and its Gulf neighborhood has ended ... even with its Yemeni, Jordanian and Iraqi neighborhood. The calmness of the Saudi diplomacy – that was keen on the preservation of the Arab – Arab relations in their proper and strong form – followed an illustrious approach in giving the political negotiations the important role in arriving at solutions that were not attained by many states in other parts of the world. Although the customary method of solving the problems of the borders among states goes through the channels of arbitration or the judiciary or mediation,

yet the majority of the disputes among the states of the Gulf were not solved through these methods, but came through direct contact.

- ❖ **Eleventh:** The Saudi solutions to the issues of the borders opened the way to the solution of the majority of the borders disputes among the states of the Gulf. The first was the borders agreement between the kingdom of Saudi Arabia and the state of Bahrain (1958), and the solutions began to follow there after between Saudi Arabia and the other states, or among those states themselves.
- ❖ **Twelfth:** The problems of the borders in the Gulf area were the result of geographical, political, economic and demographic factors, and not only on social or heritage factors. But it acquired an economic factor after the discovery of petroleum.
- ❖ **Thirteenth:** The formation of the Gulf Cooperation Council facilitated the solution of these crises. It is to be noted that what has been settled in the border issues during the past two decades has exceeded that which did not take place during the preceding seven decades.
- ❖ **Fourteenth:** Saudi Arabia was keen on the fact that the Arab Gulf and its security represents a vital and security scope (lebensraum) for her and all the states of the Gulf. As a result, it was of the opinion that the solution of the borders issues comes within the framework of the unity of the destiny of the whole Gulf.
- ❖ **Fifteenth:** The kingdom of Saudi Arabia followed a foreign policy that is based on the principle of equilibrium among the states of the area, and between these states and the rest of the states of the region. Accordingly, it avoided incensement, violence, rigidity or the recall of historical claims. As a result, she has anchored her Islamic and Arab relations on the basis of cooperation, peace and the fostering of the fraternal and human relations.
- ❖ **Sixteenth:** based on the afore – mentioned, all the borders issues between Saudi Arabia and its Arab neighborhood were resolved without leaving any negative residue. On the contrary, she has clearly contributed to the development of these relations between her and this neighborhoods in a noticeably positive manner.

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# Apendex

### **Appendix (1) : Haddah Treaty**

#### **The eastern borders of East Jordan**

Due to the prevailing friendly relations between the High British Government, on one side, and the Sultanate of Najd and its subsidiaries, on the other side, and in view of their desire to delimit the borders between Najd and East Jordan, and settle some suspended matters relating to this, the high British Governmen, has chosen Sir Gilbert Clayton, and appointed him as its plenipotentiary to conclude an agreement in this connection with the Sultan Abdul Azeez Ibn Abdul Rahman Al-Faisal Al Saud, on behalf of Najd. Accordingly, Sultan Abdul Azeez Ibn Abdul Rahman Al-Faisal Al-Saud and Sir Gilbert Clayton has agreed and entered into a treaty over the following matters:-

- ❖ **First Article:** The boundary (border) between Najd and East Jordan starts at the point of the intersection of the longitude circle 39 (east) and the latitude circle 33 (north) where the borders between Iraq and Najd ends. It extends along a straight line to the point of the intersection of the longitude circle 37 (east) and the latitude circle 30-31 (north). It follows the point of the intersection of the longitude circle 37 (east) with its crossing point with the latitude circle 35 – 31 (north). It then extends from this point along a straight line to the point of the intersection of the longitude of the intersection circle 38 (east) with the latitude circle 30 (north), leaving the protrusions of the rims of Wadi Serhan to Najd. Then it follows the longitude circle 38 (east) to its point of crossing with the latitude circle 35-34 (north). The map that is referred to in this agreement is map that is Known known as "international – Asia" of scale 1:1,000,000.



- ❖ **Second Article:** The government of Najd undertakes not to establish a fortress in (Kaff), and not to use it, and its neighbouring area, as a military district. But if the need arises from time to time to take exceptional measures near the borders so as to maintain security, or any other purpose, which requires the massing of the armed military forces, it pledges to inform the government of His Britannic Majesty of this as soon as possible. In addition to this, it undertakes to prevent its forces, by all means, from attacking the territories of East Jordan.
- ❖ **Third Article:** In order to prevent any misunderstanding that may result in accidents that happens near the borders, and in fostering the bonds of mutual trust between the two sides and the full cooperation between the government of His Britannic Majesty and the government of Najd, the two sides agree to keep in continuous communications between the British Resident in East Jordan, or his representative, and the governor of Wadi Serhan.
- ❖ **Fourth Article:** The government of Najd undertakes to guarantee all the rights that the tribes in Wadi Serhan (that are not affiliated to Najd) enjoy, whether these were the rights of grazing, habitation, ownership and other similar inalienable rights ... on condition that these tribes – as long as they reside within the borders of Najd – submit to the domestic laws that do not encroach on these rights. The government of (East Jordan) grants the same treatment to the subjects of Najd who enjoy similar inalienable rights in East Jordan.
- ❖ **Fifth Article:** Najd and East Jordan recognize that raiding by the tribes that reside in their territories against the territories of the other government constitutes an aggression that requires severe punishment against its perpetrators by the government that becomes certain to it that the chieftain of the aggressor tribe is responsible.

❖ **Sixth Article:**

- A- A special court is be formed by agreement between the governments of Najd and East Jordan, that meets, now and then, to look into the details of any aggression that takes place from behind the borders, and to calculate the damages and losses, and determine the responsibility. The composition of this court will be of equal number among the representatives of the governments of Najd and East Jordan. Its presidency will be assigned to another person other than the said representatives. The two governments agree on his selection. The decisions of this court are final and implementable.
- B- After the assignment of the responsibility, and the verification of the damages and losses resulting from the raid, and the issuance of the court of its decision, the government to whom the convicted party belongs, implements the said decision according to the traditions of the tribes, and punish the convicted party as already stated in article five of this agreement.

❖ **Seventh Article:** The tribes of either government are not allowed to cross the borders of the other government except after obtaining a permit from their government, and after the agreement of the other government. It is to be known that none of the two governments have the right to refuse to issue the license or permit, if the reason for the movement of the tribe is grazing, under the principle of the freedom of grazing.

❖ **Eighty Article:** The governments of Najd and East Jordan undertake to use all their available means – other than expulsion and the use of force – in the way of the transfer of every tribe, or moiety (sept) from one country to the other, if this transfer was done with the knowledge and approval of their government. The two

governments undertake not to offer gifts – irrespective of their kind – to those seeking refuge from the country to which they belong to the other government, and to look with the eye of indignation to any person of its subjects who seeks to bring in the tribes belonging to the other government, or encouraging them to move from their country to the other countries.

- ❖ **Ninth Article:** The governments of Najd and East Jordan are not allowed to communicate with the heads and chieftains of the tribes of the other governments in the official or the political matters.
- ❖ **Tenth Article:** The forces of Najd and East Jordan are not allowed to cross the borders of each other with the aim of tracking criminals except with the approval of both governments.
- ❖ **Eleventh Article:** It is not allowed for the chieftains of tribes who have official capacity, or have banners that indicate they are commanders of armed forces, to show their banners in the lands of the other government.
- ❖ **Twelfth Article:** The Governments of Najd and East Jordan must grant freedom of passage to all passengers and pilgrims on condition that those submit to the laws of travel and pilgrimage in operation in Najd and East Jordan. Each of these two governments must inform the other government of any law that it may enact in this respect.
- ❖ **Thirteenth Article:** The government of His Britannic Majesty undertakes to guarantee always the freedom of passage for the traders of the subjects of Najd to conduct their trade between Najd and Syria, back and forth, and to attain exemption from the customs duties and others for all the riches that cross the Mandate territory in its passage from Najd to Syria, or from Syria to Najd ....

provided the traders and their caravans submit to the customs inspection, and be in possession of a document from their government attesting to their being legitimate traders. The caravans that carry commodities must travel on known routes – which will be agreed upon later – in their entry and exit from the Mandate territory. It is to be known that these restraints do not apply to the commercial caravans whose trade is confined to camels and animals, nor do they apply to the tribes that move according to the preceding articles of this agreement.

- ❖ **Fourteenth Article:** This agreement shall remain in force as long as the government of His Majesty is entrusted with the Mandate over East Jordan .
- ❖ **Fifteenth Article:** This agreement has been written in the English language and in the Arabic language. The two contracting parties have signed two copies of the Arabic text and two copies of the English text. The text has one official value. But if a disagreement appears between the two texts, in the interpretation of an article of the articles of this agreement, then reference is made to the English text.
- ❖ **Sixteenth Article:** This agreement shall be known as the agreement of Haddah. This agreement has been signed in the month of Rabie El-Thani, in the year 1344, corresponding to 2 November 1925.

**Signed**

**Gilbert Clayton**

**signature and seal**

**Abdul Azeez.**

**Appendix (2)**

The esteemed descendant of the illustrious predecessors Prince Abdul Azeez Ibn Abdul Rahman Al-Saud (may Allah protect him)

I send you my respects hoping you are in the best of times. I have received your letter which brought me happiness. As for the news of our brother Saad and his departure to you, this depends on the writing of the required paper from our master whose contents will be conveyed to you by Mohammad Ibn Hindi. I have only but true love for you and our brother Saad, since I am with Saad day and night and prefer his company to the company of my brothers. I swear by Allah the Almighty that he is a brother to me, and Allah is my witness. You are also like a big brother to me. May I dare to advise you not to delay in sending the required paper since all depends on its arrival. My advice emanates from my love to you, and I beseech you to take advantage of this opportunity and improve the matters with our master, since your company with us is an old one. So I request you, my brother, not to waste this opportunity to increase the love from our master and increase the companionship with him, since this will gladden the friend, and annoy the enemy. You – may Allah protect you – do not listen to the sayings of the hypocrites. This is my advice to you. I swear by Allah that I did not write this letter to you except out of the truthfulness of my love. No body saw it except our brother Saad.

With best wishes and greetings and may Allah protect you.

**Your Brother**

**Ali Ibn Al-Haussin**

**16 Ramadan 1329**

Also, may Allah preserve your existence, the letter of our brother Ali is all true regarding what he has mentioned to you. It is the whole truth.

**Signed**

**Saad Al- Saud**

\* This letter from Ali Ibn Al- Hussein, the Shareef of Mekka, when Prince Saad Ibn Abdul Rahman Al-Saud was taken prisoner by the Absah Tribe and handed over to the Shareef in the year 1328 Hijriah. The last two lines were written by Prince Saad Ibn Abdul Rahman Al-Faisal in support of the statement of Shareef Ali.

### Appendix 3

#### **Full text of the Treaty of Taif, including its Attachments, the Covenant of Arbitration and Amendments <sup>2</sup>**

In the Name of Allah the Merciful, the Compassionate.

Treaty of Islamic Friendship and Arab Brotherhood between the Kingdom of Saudi Arabia and the Kingdom of Yemen.

His Majesty Imam Abdulaziz ibn Abdulrahman Al-Faysal Al Saud, King of the Kingdom of Saudi Arabia, and His Majesty Imam Yahya bin Muhammad Hamidaddin, King of Yemen.

Desiring to end the state of war unfortunately existing between them and their governments and peoples,

And to unite the Islamic Arab nation and elevate its status and maintain its dignity and independence,

And in view of the need to establish strong ties based on a treaty between them and their governments and countries on the basis of mutual advantage and reciprocal interest,

And wishing to fix the frontiers between their countries and to establish good neighborly relations and ties of Islamic friendship between them and to strengthen the foundations of peace and calm between their countries and peoples,

And desiring that there should be a united front against sudden misfortune and a solid structure to preserve the safety of the Arabian Peninsula, have resolved to conclude a treaty of Islamic friendship and Arab brotherhood between them and

(2) Author's Translation

have nominated the following representatives for that purpose, to act as plenipotentiaries on their behalf: On behalf of His Majesty the King of the Kingdom of Saudi Arabia, His Royal Highness Amir Khalid Ibn Abdulaziz, son of His Majesty and Deputy President of the Council of Ministers,

And on behalf of His Majesty the King of Yemen, His Excellency Sayyed Abdullah bin Ahmed Al-Wazir,

Their Majesties the two Kings have given their above-mentioned representatives full powers and absolute authority, and their above-mentioned representatives, having perused each other's credentials and having found them to be in a proper form, have, in the name of their kings, agreed upon the following articles:

#### **Article 1**

The state of war existing between the kingdom of Yemen and the Kingdom of Saudi Arabia shall be terminated from the moment the treaty is signed, and a state of perpetual peace, firm friendship and everlasting Islamic Arab brotherhood, inviolable in whole or in part, shall immediately be established between their Majesties the Kings and between their countries and peoples. The two important contractual parties undertake to settle all disputes and differences that may arise between them in a spirit of affection and friendship, and to ensure that a spirit of Islamic Arab brotherhood shall dominate their relations under all circumstances. They call upon God to witness the benevolence of their intentions and their honest desire for concord and agreement, both in private and in public, and they pray to the Almighty to grant them and their successors and heirs and governments success in maintaining this proper attitude, which pleases the Creator and honors their people and religion.



**Article 2**

Each of the two important contracting parties recognizes the full and absolute independence of the other party's Kingdom and his sovereignty over it. His Majesty Imam Abdulaziz ibn Abdulrahman Al-Faysal Al Saud, King of the Kingdom of Saudi Arabia, acknowledges to His Majesty Iman Yahya and his lawful successors the full and absolute independence of the Kingdom of Yemen and his sovereignty over it, and His Majesty Imam Yahya Bin Muhammad Hamidaddin, King of Yemen, acknowledges to His Majesty Imam Abdulaziz and his lawful successors the full and absolute independence of the Kingdom of Saudi Arabia and his sovereignty over it. Each one of them gives up any right he has claimed over any part or parts of the country of the other party beyond the frontiers fixed and defined in the text of this treaty. In terms of this treaty, His Majesty King Abdulaziz waives any right of protection or occupation, or any other right that he has claimed in the territories which, according to this treaty, belong to the Yemen and were formerly in the possession of the Idrisi, and other territories. By this treaty, His Majesty Imam Yahya similarly waives any right that he has claimed, in the name of Yemeni unity or something else, to the territories that belong to the Kingdom of Saudi Arabia in terms of this treaty and were formerly in the possession of the Idrisi or the Al` Aayidh, or in Najran, or in the Yam area.

**Article 3**

The two important contracting parties agree to conduct their relations and communications in a manner that will secure the interests of both parties and will cause no harm to either of them, provided that neither of the important contracting parties shall concede to the other party less than he concedes to a third party. Neither one of the two parties will be bound to concede to the other party more than he would receive.

#### Article 4

The boundary line that divides the countries of the two important contracting parties is explained in sufficient detail below. This line is considered to be a fixed boundary between the territories that are subject to each party. The boundary between the two Kingdoms begins at a point halfway between Midi and al-Muwassam on the Red Sea coast and runs in an easterly direction to the mountain of the Tihamah. It then turns northwards until it reaches the northwest boundaries between Bani Juma`ah and those (tribes) adjacent to them to the north and west. It then bends to the east until it reaches (a point ) between the boundaries of Naqa`a and Wa`ar, both of which belong to the Wa`ilah tribe, and the boundaries of the Yam. It then bends until it reaches Marwan Narrows (Madhig Marwan) and the Riyadh Pass (Aqabat Rifadah). It then bends east until, at the eastern end, it reaches the edge of the boundaries between Yam (on the one hand ) and Wa`ilah and the other (tribes) of Hamdan bin Zayd, Yam excluded.

Everything that is to the right side of the aforementioned line, from the aforementioned point on the coast to the end of the borders of the aforementioned mountains, in all directions, belongs to the kingdom of Yemen. Everything that is to the left side of the aforementioned line belongs to the Kingdom of Saudi Arabia. On the aforementioned right side are Midi, Haradh, some of the Al Harath tribe, Al-Mir, the mountains of Al-Dhabir, Shadha and Al-Day`a, some of the Al-`Abadil, all the territories and mountains, Razih and Munabbah, including `Aru Al Amshaykh, all the territories and mountains of the Bani Juma`ah and Sihar al-Sham, Yabad and the apportioned areas, the area of the Muraysagha of Sihar al-Sham, all of Sihar, Naqa`a – Wa`ar, and all of Wa`ilah, hence La-Far together with the Nahuqa pass, and all the territories of the Hamdan bin Zayd, apart from those of the Yam and the Wada`a of

Dhahran. The aforementioned (tribes), their territories with their known boundaries, and everything between and beyond the said directions of which the name is not cited, but which was actually linked to or in the firm possession of the Yemeni Kingdom prior to 1352 A.H., all of that, being on the right side, belongs to the Yemeni Kingdom.

That (territory) which is on the left side, namely Al-Muwassam, Walloon, most of the Al-Harath, the Al-Chubb, the Al-Jabber, most of the Al`Abadil, all of Fay, Bani Malik, Bani Hairs, Al-Tailed, Qahtan and Dhahran Wadi`ah, and all of the Wadiah of Dhathran, together with Marwan and the Rifadah pass and the territories to the north and east of Yam, Najran, Al-Hadhn and Zur Wadita, all of the Wa`ilah in Najran and everything below the Nahuqa pass to the end of Najran and Yam to the east, the aforementioned tribes, their territories with their known boundaries, and everything between and beyond the said directions of which the name is not cited, but which was actually linked to or in the firm possession of the Kingdom of Saudi Arabia.

Everything mentioned regarding Yam, Najran al-Hadhn, Zur Wada`a and the Wa`ila people in Najran is based on His Majesty Imam Yahya`s delegation to His Majesty King ' Abdulaziz of the right to decide on Yam, and the decision by His Majesty King ' Abdulaziz that all of it belongs to the Kingdom of Saudi Arabia. Because Al-Hadhn, Zur Wadi`a and the members of the Wa`ila in Najran belong to the Wa`ila, and were only included in the kingdom of Saudi Arabia for the reason stated, neither they nor their brothers from Wa`ila will be prevented from enjoying the usual and customary relations, interaction and cooperation.

This line then extends from the end of the aforementioned boundaries between the tribes of the Kingdom of Saudi Arabia and Hamdan bin Zayd and all the other tribes of Yemen, apart from the Yam. The Yemeni Kingdom includes all the Yemeni towns and outlying areas up to the end of Yemen`s borders in all directions, the Kingdom of Saudi

Arabia includes all the towns outlying areas up to the end of its borders in all directions. All points mentioned in this article, whether north, south, east or west, are to be considered in relation to the predominant flow of the frontier line in the directions mentioned. It frequently bends due to the uneven nature of (the territory) of each of the two Kingdoms. The demarcation and fixing of the said line, determining tribal affiliation and specifying tribal locations in the best possible manner, shall be carried out in an amicable, fraternal and non-injurious manner, following established tribal usage and custom, by a committee consisting of an equal number of people from the two parties.

#### **Article 5**

In view of the desire of both parties for continued peace and calm, and to prevent any intimidation of these two countries, they mutually agree not to construct any fortified building within a distance of five kilometers anywhere on either side of the border.

#### **Article 6**

The two important contracting parties undertake to immediately withdraw their troops from the territory that becomes the possession of the other party, by virtue of this treaty, and to guard its inhabitants and troops against all harm.

#### **Article 7**

The two important contracting parties undertake to prevent their people from committing any harmful or hostile act against the people of the other kingdom, in any district or on any route, to prevent raiding between the Bedouins on both sides, to return, after the ratification of this treaty, and based on legal investigation, all property that has been taken, to give compensation for all damage where crimes of killing or the

wounding of others have been committed, to the extent that is legally necessary, and to severely punish anyone who have committed a hostile act. This article will remain in force until another agreement has been drawn up between the two parties on the method of investigating and estimating damage and loss.

#### **Article 8**

The two parties both undertake to refrain from force in any disputes between them, and to do their utmost to settle by friendly means any disputes that may arise between them, whether caused by this treaty or the interpretation of all or any of its articles or resulting from any other cause. In the event that they are unable to agree, each one undertakes to resort to arbitration, of which the conditions and procedure are explained in the appendix attached to this treaty. This appendix will have the force and authority of the treaty, and shall be considered an integral part of it.

#### **Article 9**

The two parties undertake to prevent, with all the moral and material means at their command, the use of their territory as a base and center for any preparations for or actual hostile action against the territory of the other party. They also undertake to immediately take the following measures on receipt of a written demands from the government of the other party:

- (1) If the person endeavoring to foment disturbances is a subject of the government that receives the application to take action, he should, after the matter has been legally investigated and he has been convicted, receive a punishment that will put an end to his actions and prevent their recurrence.

- (2) If the person attempting to foment disturbances is a subject of the government demanding that measures be taken, he should be immediately arrested by the government that was approached and handed over to the government making the demand. The government that was asked to surrender him shall not have any right to excuse itself from carrying out this demand, but shall be bound to take adequate steps to prevent the flight of the person requested, and in the event of the requested person being able to escape, the government from whose territory he has fled shall not allow him to return to its territory, and if he is able to return, it shall arrest him and hand him over to his government.
- (3) If the person endeavoring to foment disturbances is a subject of a third government, the government to which the demand is made and which finds the person in its territories, shall immediately and directly after receiving the demand from the other government take steps to expel him from its country, consider him as an undesirable and prevent him from returning there in future.

#### **Article 10**

The two important contracting parties agree not to receive anyone who has fled from the jurisdiction of his government, whether he be important or unimportant, official or nonofficial, an individual or a group. Each of the important contracting parties shall take adequate and effective administrative or military measures to prevent these fugitives from entering the borders of its country. If one of them succeeds or all of them succeed in crossing the frontier and entering its territory, it shall be bound to the country from which he has fled. In the event of it being unable to arrest him, it shall take adequate

steps to drive him out of the country that he has entered and into country to which he belongs.

#### **Article 11**

The two important contracting parties undertake to prevent their Amirs (Saudi local governors), Amils (Yemeni local governors) and officials from having dealings in any way whatsoever, either directly or indirectly, with the subjects of the other party. They undertake to take all measures to prevent any disturbance or misunderstanding as a result of such actions.

#### **Article 12**

Each of the two contracting parties recognizes that people of all areas accruing to the other party by virtue of this treaty are subjects of that party. each of them undertakes not to accept as its subjects any person or persons who are subjects of the other party, except with the consent of that party. furthermore, each party undertakes that the subjects of the parties, when in the country of the other party, shall be treated in accordance with local law.

#### **Article 13**

Each of the two contracting parties undertakes to announce a full and complete amnesty for all crimes and hostile acts that may have been committed by any person or persons who are subjects of the other party but reside in its own territory (i.e., in the territory of the party issuing the amnesty). Similarly , each one of them undertakes to issue a full, general and complete amnesty for all crimes to those of its subjects who may have gone to, or taken refuge with, or in any manner linked themselves to the other party, and for the property that they may have taken to the other party, from the time

when they went until their return, whatever its nature and whatever its value, and not to allow any sort of injury or punishment to or constraint upon them on account of their having taken refuge there, or for the manner in which they did so. If either party has any doubt about the occurrence of anything contrary to this undertaking, the party entertaining the doubt may request the other party to call a meeting of the representatives who signed this treaty, if it is impossible for the representatives who signed this treaty, if it is impossible for any of them to attend, he may send another fully authorized and empowered person, well-acquainted with the localities and committed to effect a settlement between the parties and to ensure the rights of both, to investigate the matter, so that no injustice or dispute may arise. The decision of these representatives shall be considered as binding.

#### **Article 14**

Each of the two important contracting parties undertakes to return the property of those subjects whom it pardons, and to hand it over to them or their heirs on their return to their country, in accordance with the law of their country. Similarly, the important contracting parties undertake not to retain any of the goods and movable property that belong to the subjects of the other party, and not to create obstacles to their free use or their legitimate disposal.

#### **Article 15**

Each of the two important contracting parties undertakes not to have dealings with a third party, whether it be an individual, group or government, or to agree with him in any matter that may injure the interests of the other party, or that may raise problems and difficulties, or that may create a risk to its welfare, interests or existence.

#### **Article 16**



The two contracting parties, who are bound by their Islamic brotherhood and Arab origin, announce that their nation is one, that they do not wish any evil to anyone, that they are striving to promote the interest of their nation in the shade of tranquility and quiet, and that they are doing their best in everything for the good of their countries and their nation, intending no hostility toward any nation.

#### **Article 17**

In the event of any external aggression against the country of one of the two important contracting parties, the other party shall be bound to carry out the following undertakings:

- (1) To adopt complete covert and overt neutrality,
- (2) To give all possible moral assistance,
- (3) To begin talks with the other party to discover the best way of guaranteeing the safety of the territory of that party and of preventing it from being harmed, and to refrain from any act that might be interpreted as assisting an external aggressor.

#### **Article 18**

In the event of insurrection or hostilities taking place within the country of one of the two important contracting parties, both of them mutually undertake the following:

1. To take all the necessary effective measures to prevent the aggressors or the insurgents from using their territories,
2. To prevent fugitives from taking refuge in their countries, and to hand them over or expel them if they have entered, as explained in articles 9 and 10 above,

3. To prevent its subjects from joining the aggressors or insurgents, and to refrain from encouraging or supplying them,
4. To prevent assistance, supplies, arms or ammunition from reaching the aggressors.

### **Article 19**

The two important contracting parties announce their desire to do everything possible to facilitate postal and telegraphic services, to increase communications between the two countries, and to facilitate the exchange of commodities, agricultural and commercial products between them, to undertake detailed negotiations on a customs agreement in order to safeguard the economic interest of their two countries by standardizing customs duties throughout the two countries, or by special regulations designed to secure the advantage of both sides. Nothing in this article shall restrict the freedom of either of the two important contracting parties in any manner until the agreement referred to has been concluded.

### **Article 20**

Each of the two important contracting parties declares its readiness to authorize its representatives and delegates abroad, if there are such representatives, to represent the other party in any matter or at any time, whenever the other party wants this to happen. It is understood that whenever representatives of both parties are together in one place they will collaborate in order to coordinate their policy and to promote the interests of their two countries, which form one nation. It is understood that this article does not restrict the freedom of either side in any manner whatsoever regarding any of its rights. Similarly, it cannot be interpreted as limiting the freedom of either of them or compelling either of them to adopt this course.

**Article 21**

The provisions of the agreement signed on shaban 5, 1350, will be terminated on the ratification date of this treaty.

**Article 22**

Their Majesties, the two Kings, having regarded the common interest of both sides, shall ratify and confirm the treaty within the shortest possible time. It shall come into force from the date of exchange of the instrument of ratification, except insofar as Article 1, regarding the ending of the state of war immediately after its signature, is concerned, It shall remain in force for a period of 20 lunar years. It may be renewed or amended during the six months preceding its expiration. If not renewed or amended by that date, it shall continue to remain in force for six months after the date of the notice given by one party to the other party of his desire to amend it.

**Article 23**

This treaty shall be called the treaty of Taif. Two copies if it have been drawn up in the noble Arabic language, with each of the important contracting parties being in possession of one copy.

**As a witness hereof, each of the Plenipotentiaries has affixed his signatures.**

**Written in the city of Jeddah on safar 6, 1353.**

**(signed) Khalid ibn Abdulaziz Al-Saud**

**(signed) Sayyid Abdullah bin Ahmad Al-Wazir.**

**Arbitration Covenant between the Kingdom of Saudi Arabia and the Kingdom of Yemen**

Whereas their Majesties King Abdulaziz, King of the Kingdom of Saudi Arabia, and King Yahya, King of Yemen, have agreed, pursuant to Article 8 of the Treaty of Peace, Friendship and Good Understanding, Known as the Treaty of Taif, signed on safar 6, 1353, to refer arbitration any dispute or difference that may arise from the relations between them, their governments and countries, when all friendly representations fail to settle it, the two important contracting parties undertake to give effect to arbitration in the way indicated in the following articles:

### **Article 1**

Each of the two contracting parties undertakes to accept the reference of a dispute to arbitration within one month of the date of receiving a demand for arbitration from the other party.

### **Article 2**

The arbitration will be undertaken by a commission comprising an equal number of arbitrators, half of whom will be selected by each of the two parties. A chief arbitrator will be selected by mutual agreement between the two important contracting parties. If they do not agree in this respect, each of them will nominate a person, and if either party accepts the person nominated by the other party, the person in question will become the chief arbitrator, If even this cannot be agreed upon, the chief arbitrator will be chosen by ballot, on the understanding that the ballot will only be drawn by persons acceptable to both parties. The person chosen by ballot will become the head of the arbitration commission and will be entitled to settle the case. If, however, agreement cannot be reached by the people acceptable to both parties, negotiations will be carried on until the two parties agree on this point.

**Article 3**

The selection of the arbitration commission and its head will be completed within one month from the end of the month fixed for the reply of the party whose acceptance of arbitration was requested by the other party. the arbitration commission will meet at a place to be agreed upon, within a period not exceeding one month after the expiration of the two months provided for at the beginning of this article. The arbitration commission will give its award within a period that, in any case, should not exceed one month after the expiration of the fixed date for the meeting. The decision of the arbitration commission will be made by a majority votes and will be considered binding on the two parties. It will be obligatory to execute the decision immediately after it was made and communicated. Each one of the two important contracting parties may appoint a person or persons to defend his case before the arbitration commission and to produce the necessary evidence and arguments.

**Article 4**

Expenses for the arbitrators of each party will be charged to their respective parties. Both parties will be equally responsible for the expense of he chief arbitrator, as well as the expenses of other investigations.

**Article 5**

This covenant will be an integral part of the treaty of Taif signed this day, safar 6, 1353, and will remain in force during the period of the treaty's validity. It will be written in Arabic, with two copies and with each of the two contracting parties being in possession of one.

Signed on safar 6, 1353.

(Signed) Khalid Bin Abdulaziz Al-Saud.

(Signed) Abdullah Bin Ahmed Al-Wazir.

#### **Appendix (4)**

The announcement of the ratification of the friendship treaty concluded between His Royal Highness the Prince of East Jordan and between His Majesty the King of the kingdom of Saudi Arabia.

It is hereby proclaimed that the treaty of friendship and good neighborliness that was concluded between His royal Highness the Prince of East Jordan and between the King of the kingdom of Saudi Arabia – and is published below – has been finally ratified, and that the authorized envoys of the emirates of East Jordan and the kingdom of Saudi Arabia has exchanged the instruments of ratification in Cairo on 21.12.1933.

#### **treaty of friendship and good neighborliness**

**Between the Emirate of East Jordan and the Kingdom of  
Saudi Arabia**

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**In the Name of Allah the Merciful the Passionate**

#### **The first article:**

There prevail between the Emirate of East Jordan and between the Kingdom of Saudi Arabia permanent peace and close friendship that cannot be undermined. The two High contracting parties undertake to exert their efforts to maintain this and solve, in the spirit of peace and friendship, all the conflicts and differences that may arise between them.

**The second article:**

Each of the two high contracting parties undertakes to preserve the good relations with the other party, and uses all his means to prevent the use of his country as a base for illegal actions, or the preparation for such actions, including raiding, that may be directed against the peace and the tranquility in the country of the other party. And if it becomes clear to any of the two high contracting parties that the measures that he undertook may not be sufficient to prevent the persons – who commit the illegal actions referred to in the first paragraph – from implementing these in the country of the other party, he must inform the other party of this, and the measures he undertook to prevent them.

**The third article:**

The two contracting parties appoint special commissioners in the areas neighbouring the borders who will be responsible for the organization of complete cooperation and the necessary measures to assure the application of the provisions of this treaty. The two governments shall inform each other of the names of the persons who are appointed for this purpose.

Those commissioners, or those who deputize for them, have the right to communicate among each other for the purpose of cooperation and to solve the questions that may take place from time to time along the borders or among the tribes. They must exchange the information immediately regarding the incidents that occur on their side which may be connected with the safety of the security of the other side.

**The fourth article:**

When the appointed competent authorities ( in the third article) are informed that there exist preparations in its land by an armed person or an armed persons with the



purpose of committing acts of looting, or pillage or raids and such other similar illegal acts that may undermine the peace along the borders between the two countries, the authorities must warn each other. And if it becomes clear that the warning which is sent to the competent authority may not arrive in time that enable it to warn those who may be harmed by the attack, then the warning must be given to the nearest official. And if it proved that he cannot be contacted, then to the threatened tribes. And in case of the urgent cases, the warning maybe given through any commissioner working on behalf of the competent authority that belongs to the party on whose country the preparations are being mounted.

**The fifth article:**

If the competent authority that belongs to one of the two high contracting parties, or any person acting on its behalf, has been informed that an act of looting or plundering or raiding – and any other such illegal acts that undermine the peace along the borders between the two countries, they have the right to inform the competent authority that belongs to the other side regarding this. And in the urgent circumstances, they can inform the nearest commissioner that belongs to the other side. The person who receives this notification must take the necessary measures to return all looted and plundered materials immediately, and in full, that are seized from the aggressors, if they entered the areas in which he is employed. If the aggressors were from the Bedouins who belong to the country that they have entered, the necessary measures are to be taken to try them in that country. And, if they were form the Bedouins who belong to a third party, they are called upon to leave the country they have entered under the threat of trying them if they did not leave. And if they were of the Bedouins of the other side in which the raiding took place in his country, and after returning the looted materials, as stated in the first paragraph, their arms are to be seized and delivered to their

government. In addition, an amount of their property is to be seized to compensate the losses and damages that they may have caused as a result of their raiding, and given to their government. They are to be warned to go back to their country of origin. If they did not do so, they are to be prevented from residing along the borders , and tried for the crimes that they have committed.

Should their maintenance of tranquility and calmness be assured, then they are permitted to reside far from the borders, or they will be expelled from the country that they have sought refuge in.

**The sixth article:**

In order to execute the provisions of this treaty and maintain the good ties, in general, along the borders between the two sides, the appointed commissioners, under the provisions of article three of this treaty, meet once at least every six months, or more when necessary, to settle the issues of the areas of the borders and the tribes residing therein.

**The seventh article:**

The special commissioners, who are appointed according to the provisions of the third article – when looking into the matters that fall within their jurisdiction under the prevailing customs and norms in the area of the borders, must observe the general rules that are stated in the annex attached to this treaty, and must, as far as possible, apply these rules for one year from the day of this treaty coming into force. After the end of this period, the said commissioners may, at any time, present to the two high contracting parties any suggestions to amend these rules. The two high contracting parties, upon their receipt of these suggestions, must exchange opinions, regarding whether the matter

needs amendment. The rules remain in force until the two sides agree on rendering them inoperative or amend them.

**The eighth article:**

All the decisions that are made by the joint agreement of the two commissioners – under article three – regarding the matters that rise at the borders, or between the tribes, must be written and signed by the two commissioners at the time of the agreement and come into force right away. As for the matters that the commissioners cannot agree on, these are to be referred to the governments of the two high contracting parties to be solved through their agreement. The decisions taken as a result of this agreement are to be executed by the competent authorities of the two high contracting parties within three months from the date of taking the final decision. The sixth article of the Haddah Treaty is inoperative during the period of the operation of this treaty.

**The ninth article:**

The tribes of the two parties, who normally search for pastures or pass through along the two sides of the borders, have the right to move from one place to another in both countries, unless one government finds it necessary to limit the freedom of movement for the purposes of the public order or due to an economic necessity. Nothing in this article impacts on the preservation of the inalienable rights stipulated in the fourth article of the treaty of Haddah, and nothing in this article undermines the enjoyment of the assigned rights under the thirteenth article of the Treaty of Haddah ... in anyway or for whatever reason.

**The tenth article:**

It is not permitted for any of the two high contracting parties to force the subjects of the other party to join any regular or irregular armed forces that belong to him.

It is not permitted for any of the high contracting parties to allow the subjects of the other party to be employed in its armed forces as of the date of this treaty coming into force, unless they acquire the nationality of the party that they would like to be employed by him, and declared their readiness to renounce their original nationality, if this was a condition in the system of the nationality in their original countries. It is to be known that their original government is free – in case of their entry to its territories – to take against them the measures stipulated in its laws. The names of the persons who acquire the nationality and are recruited after the coming into force of this treaty, are to be notified through political means to the government of their original country.

**The eleventh article:**

The high contracting parties undertake to prevent anyone of his officials from crossing the borders between the two countries, for any reason or by any means, with the exception of the crossing of the commissioners and the couriers for the purpose of maintaining the cooperation stipulated in articles three, four, five, six and seven of this treaty.

**The twelfth article:**

Taking into consideration the provisions of the Treaty of Haddah regarding the movements of the tribes, pilgrims and traders, the two high contracting parties undertake a reciprocal undertaking to desist from allowing the foreigners residing in their two countries, or coming from them, or the subjects of the two contracting parties, for the purpose of tourism, exploration, hunting or for any other purpose .... without a prior permission from the concerned party. They are to be discouraged from doing this, and no responsibility will be assumed regarding the safety of those persons, if their entry was without a prior permission.

**The thirteenth article:**

Any disagreement that may rise between the two high contracting parties regarding any deficiency or implementation of the provisions of this treaty, or the other provisions of the agreements that deal with the relations between the two parties, will be referred, by their agreement, to arbitration which is to be conducted according to the protocol attached to this treaty.

**The fourteenth article:**

This treaty was written in two copies in the Arabic language. The two high contracting parties must ratify it and exchange the decisions of the ratification as soon as possible. It is to be in force from the date of the exchange of the decisions of the ratification. It is valid for a period of five years from that date. And if any party did not inform the other party six months before the end of the five years that he wants to invalidate the treaty, it shall remain valid and will not be considered invalid except after the lapse of six months from the day in which one party declare its invalidity to the other party.

In evidence to this, the said authorized envoys signed this treaty in the venerable city of Jerusalem, on the fifth day of the month of Rabie Al-Thani 1352 Hijriah, corresponding to the 27<sup>th</sup> day of the month of July 1932.

**Appendix 5****Text of the International Boundary treaty signed between the Government of the Republic of Yemen and the Government of the kingdom of Saudi Arabia in Jeddah,****Saudi Arabia on June 12, 2000 <sup>5</sup>**

To strengthen the brotherly, friendly and close bonds between the fraternal peoples in the kingdom of Saudi Arabia and the Yemeni Republic, and

Based on the ideals and principles of the Islamic faith founded on cooperation, piety and benevolence, and

Emanating from the existing fraternal ties between the leaders of the two countries, personified in the Custodian of the Two Holy Mosques, King Fahad bin Abdulaziz Al-Saud, King of the Kingdom of Saudi Arabia and his brother, His Excellency President Ali Abdullah Saleh, the President of the Yemeni Republic, may God preserve them, and characterized by friendliness, clarity and the desire to strengthen and fortify the intimate fraternal relationships between the two brotherly peoples and their determination to find a permanent solution to the land and maritime border issue between their two countries that will be acceptable to consecutive generations and will preserve at present and in the future the boundary as defined in the Treaty of Taif, signed between the two kingdoms in the year 1353h, which corresponds to 1934, and demarcated by the joint committees as indicated in the boundary reports attached to the

(5) Author's translation

treaty or the undefined boundary, the following has been agreed upon:

## Article 1

The two contracting parties confirm the Treaty of Taif and its attachments, including the boundary reports attached to it, as being valid and binding on both parties. They also confirm their commitment to the Memorandum of Understanding signed on Ramadan 27, 1415h (February 26, 1995).

## Article 2

The final and permanent dividing boundary line between the kingdom of Saudi Arabia and the Yemeni Republic is defined as follows:

- A) The First Part: This Part starts from the coastal marker on the Red Sea (precisely at the quay of R`as Al-Mu`waj, north of the Radif – garad outlet), with the following coordinates: 16 24 14 08 degrees north latitude and 42 46 19 07 degrees east longitude, and it ends at the marker of Jabal Al-Thar with the coordinates: 44 21 58 east and 17 26 00 north. The set of coordinates of this line is shown in Appendix 1. The status of villages along this line will be decided in accordance with the stipulations of the Treaty of Taif and its attachments, including their tribal affiliation. In the event that any of the coordinates is at a location of a village or villages belonging to one party, the point of reference in establishing the status of this village or these villages will be its affiliation to one of the two parties, and when the boundary marker is placed, the course of the line shall be adjusted accordingly.
- B) The Second Part is that sector of the boundary line that has not been defined. The two contracting parties have agreed to demarcate this sector in an amicable way. This sector starts at Jabal Al-Thar, whose coordinates have been defined above, and ends at the geographical point where 19 degrees north latitude

intersects with 52 degrees east meridian, as indicated in detail in the set of coordinates shown in Appendix 2.

- C) The Third Part is the maritime sector of the boundary line, which starts from the land terminus on the seashore, precisely at the quay of R`as Al-Mu`waj north of Radif – garad outlet, whose co-ordinates are defined above and which extends to the end of the maritime boundary between the two countries, as described in detail in the set of coordinates in Appendix 3.

### Article 3

Desiring to establish markers along the boundary line, which starts at the intersection of the two countries ` borders with the Sultanate of Oman, at 19 degrees north latitude and 52 degrees east meridian, and which ends at the seashore, precisely at the qua of R`as Al-Mu`waj north of Radif-garad, with the coordinates mentioned in Appendix 1, the two contracting parties will commission an international company to undertake a field survey of the whole land and maritime boundary. The specialized company carrying out the work and the joint team from the two contracting sides must adhere precisely to the distances and directions between each point and the next one, and the remaining specifications contained in the boundary reports attached to the Treaty of Taif, These stipulations are binding on both parties.

- (2) The specialized international company shall undertake the preparation of detailed maps of the land boundary between the two countries.

These maps, after being approved by representatives of the Kingdom of Saudi Arabia and the Yemeni Republic, shall be recognized as official maps indicating the boundary between the two countries in detail, and shall become an indivisible part of this treaty.

The two contracting parties will rely on them as official maps demarcating the border



between the two countries, which will become an integral part of this treaty. The two contracting parties will sign an Agreement to cover the cost of work by the company, which is commissioned to establish markers on the land boundary between the two countries.

#### **Article 4**

The two contracting parties affirm their commitment to Article 5 in the treaty of Taif regarding the withdrawal of any military post located at a distance less than five Kilometers from the boundary line, as demarcated in the boundary reports attached to the Treaty of Taif. As for the undefined boundary line extending from Jabal Al-Tahr to the intersection point at 19 degrees north latitude and 52 degrees east longitude, this shall be subject to Appendix 4, which is attached to this treaty.

#### **Article 5**

This treaty will enter into force after being in accordance with the procedures followed in each in each of the two contracting states, and their exchange of the instruments of ratification.

For the Yemeni Republic

Abdulgader Abdulrahman Bajammal

Deputy Prime Minister, Foreign Minister

For the Kingdom of Saudi Arabia

Saud Al-Faysal

Minister of Foreign Affairs

Jeddah (Saudi Arabia) 10 rabi `awal 1421h, corresponding to June 12, 2000

### Appendix 1

A set of geographical coordinates the 1934 boundary markers, as demarcated in the 1937 joint commission reports. It is not reproduced here.

### Appendix 2

A set of coordinates indicating the line from Jabal Al-Thar to the intersection of the Saudi-Yemeni-Omani border at parallels 19 degrees North 52 degrees east. It is not reproduced here.

### Appendix 3

The maritime boundary between the kingdom of Saudi Arabia and the Yemeni Republic:

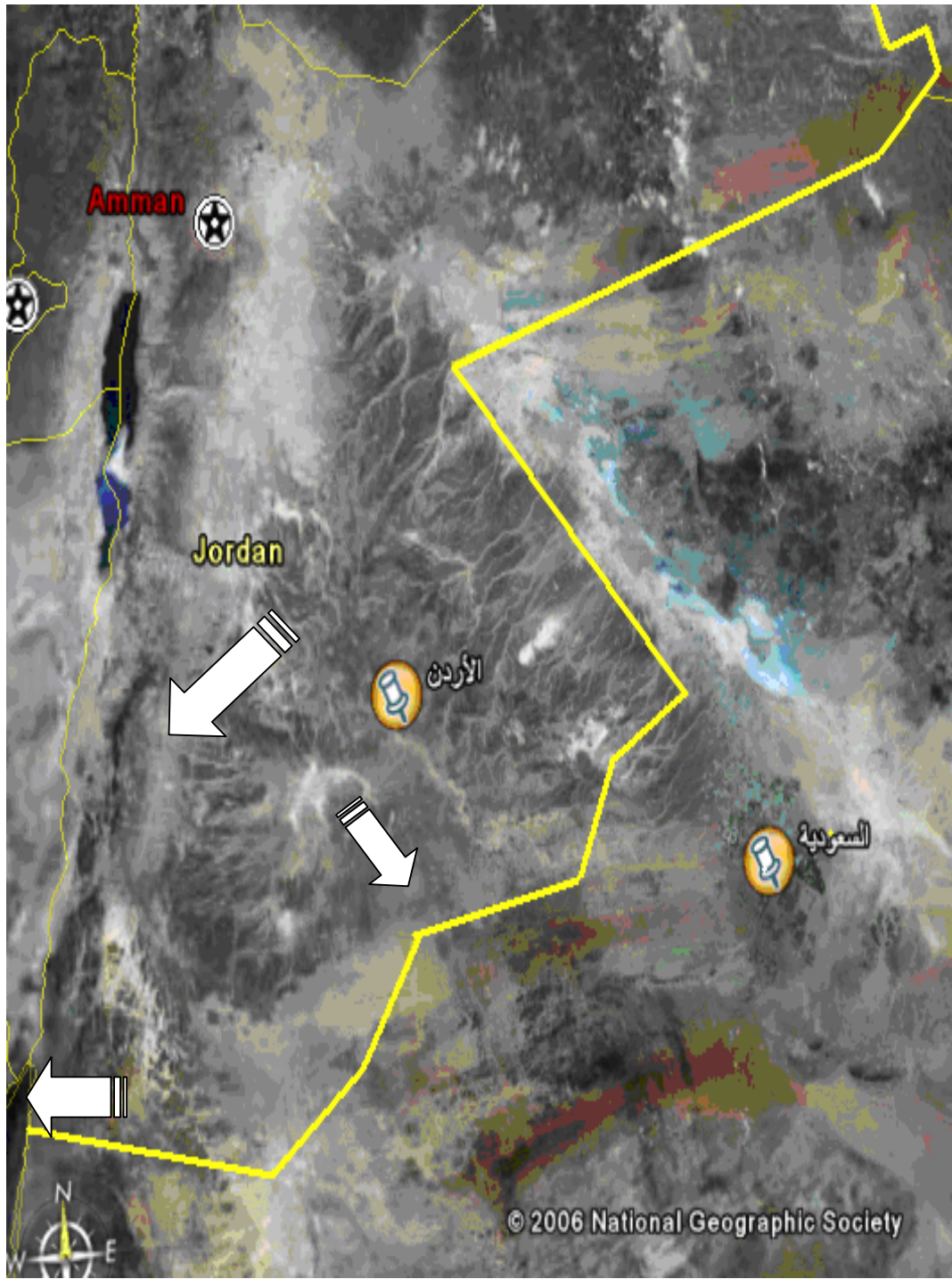
1. The line begins at the land terminus point on the (Red) Sea shore, precisely at the quay of R`as Al-Mu`waj, north of the Radif-Garad outlet, with the following coordinates: 16 24 14 08 degrees North latitude and 42 46 19 0 7 degrees East longitude.
2. The line extends in a straight line parallel to the latitude until it crosses with the meridian at 42 09 00 East.
3. The line then bends in a south – westerly direction until it reaches the coordinates at 16 24 14 08 North and 42 09 00 East.
4. From there (the line) extends in a straight line parallel to the latitude in a westerly direction to the end of the maritime boundary between the two countries, to a point with the co-ordinates 16 17 24 degrees East and 41 47 00 degrees North.

# Maps

**Arab Areas As Divided by (Sykes-Picot) Agreement**

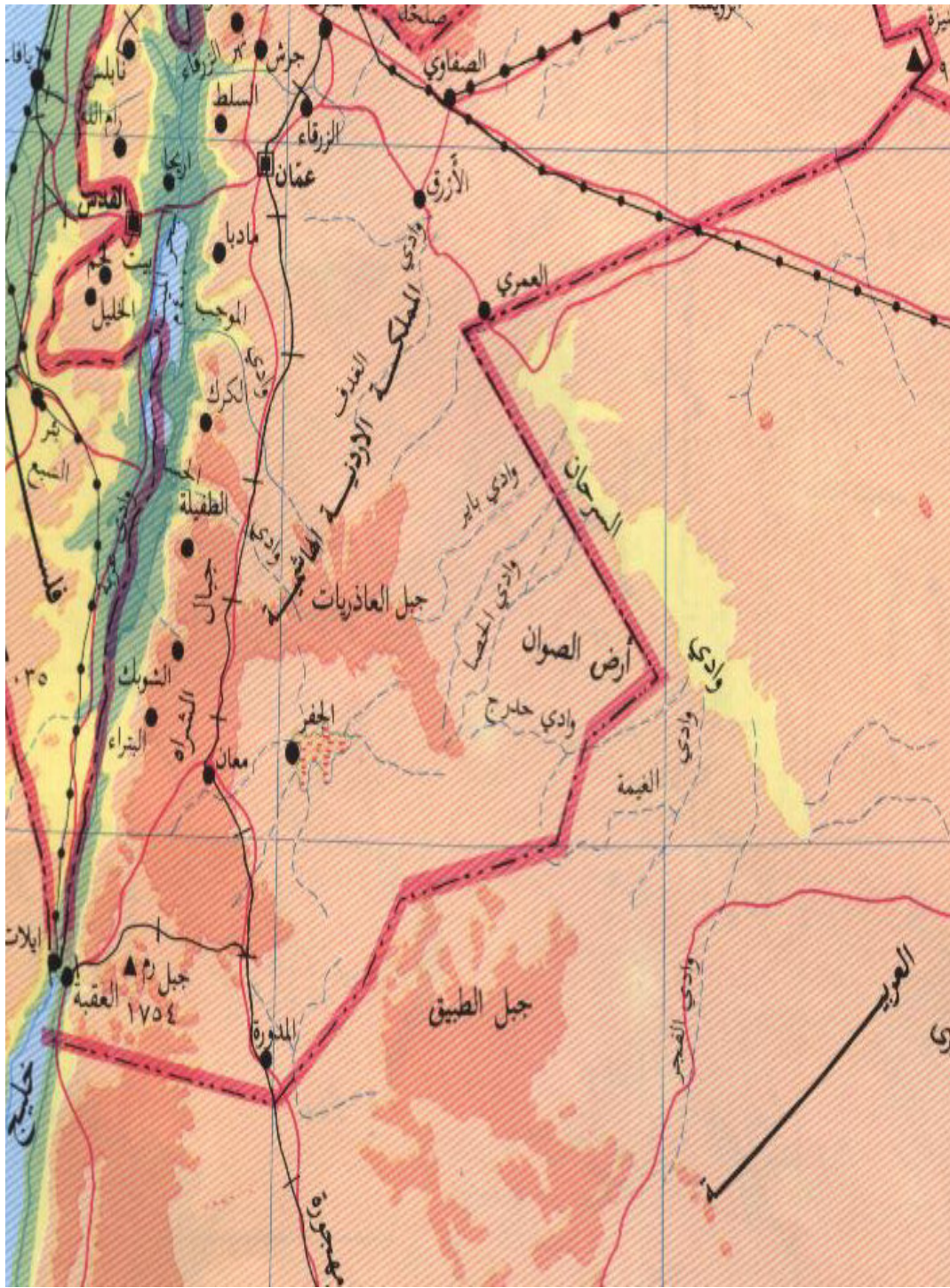


Saudi-Jordanian Boundaries

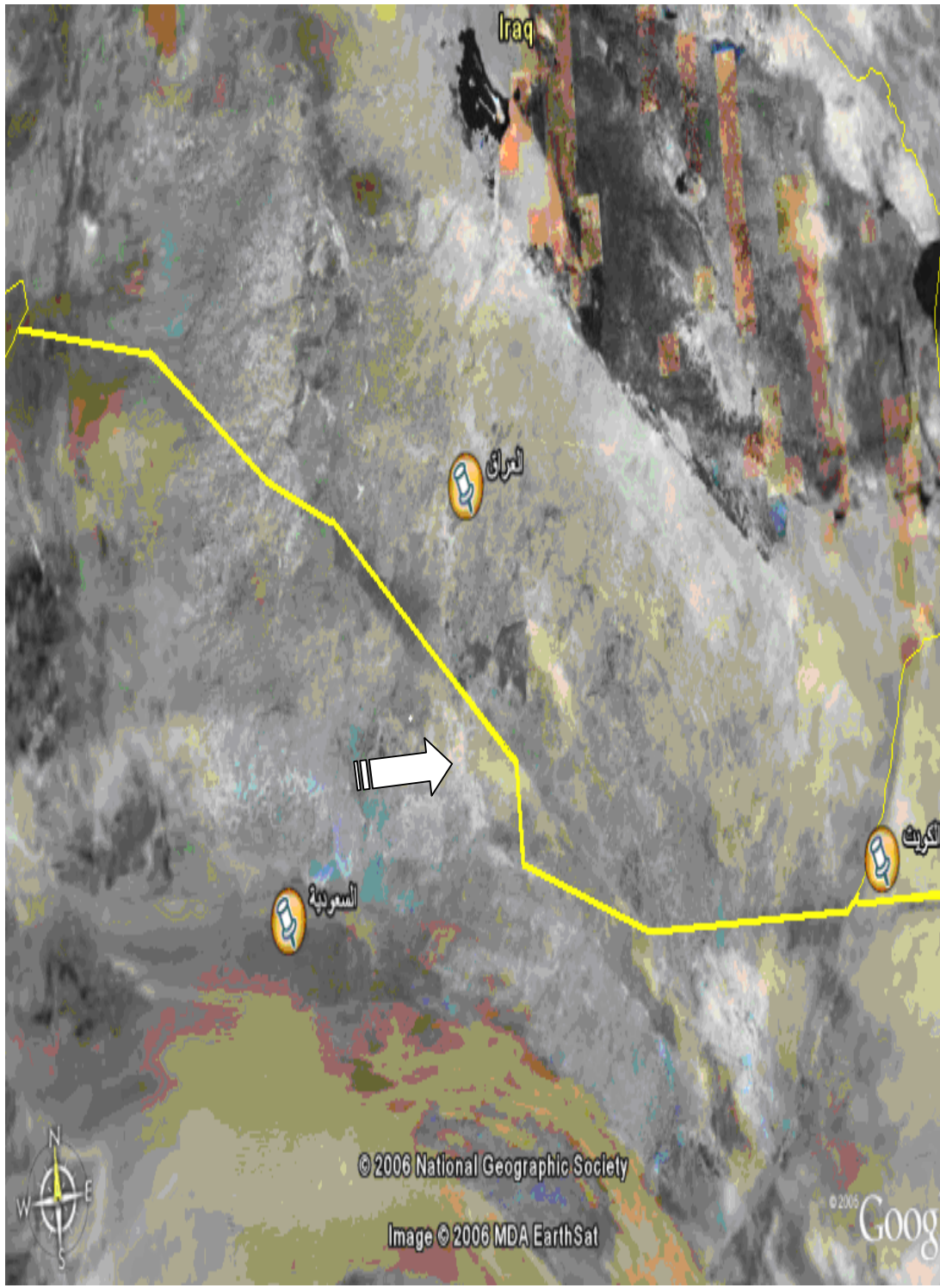




### Saudi-Jordanian Boundaries

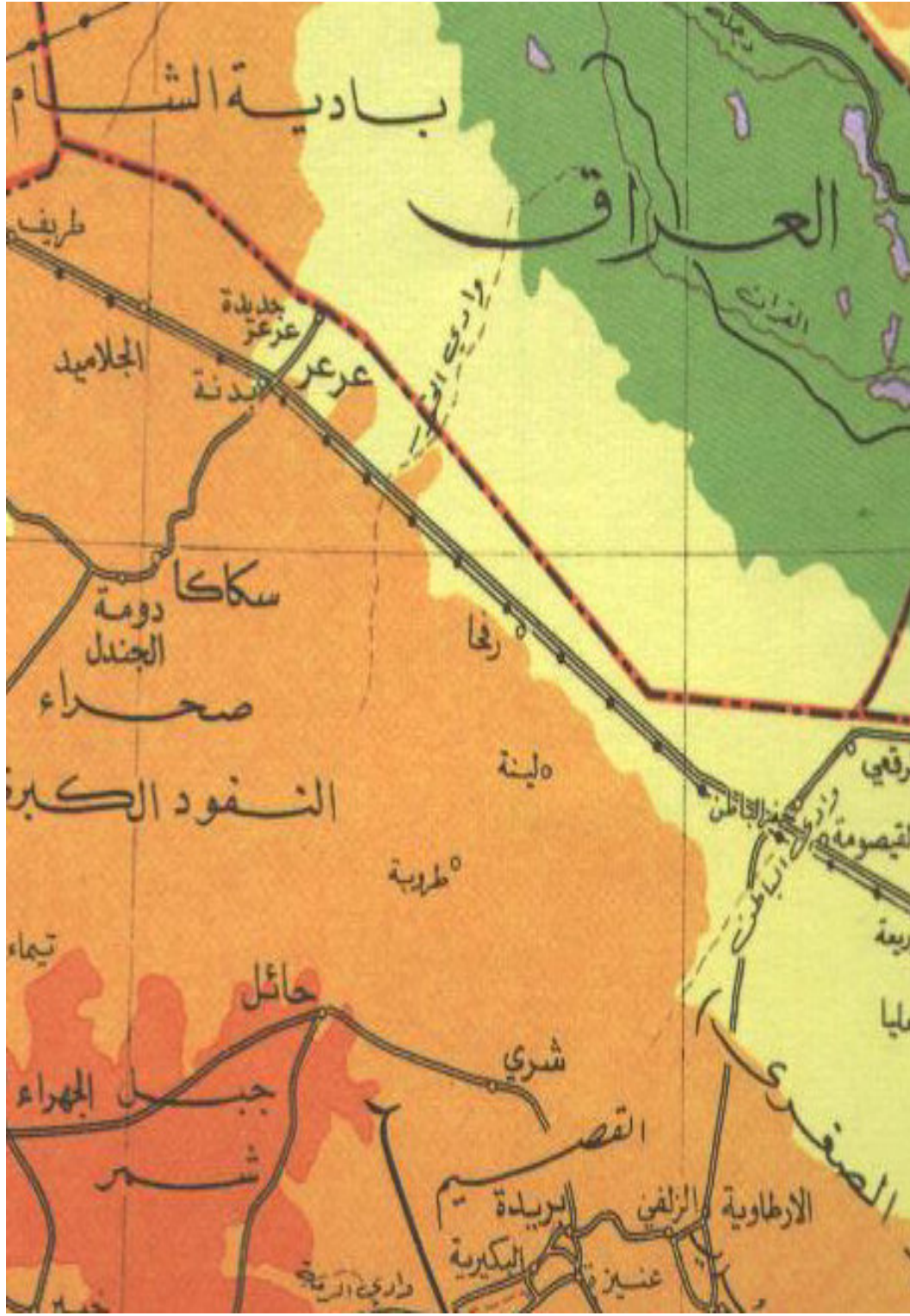


**Saudi-Iraqi Boundaries**



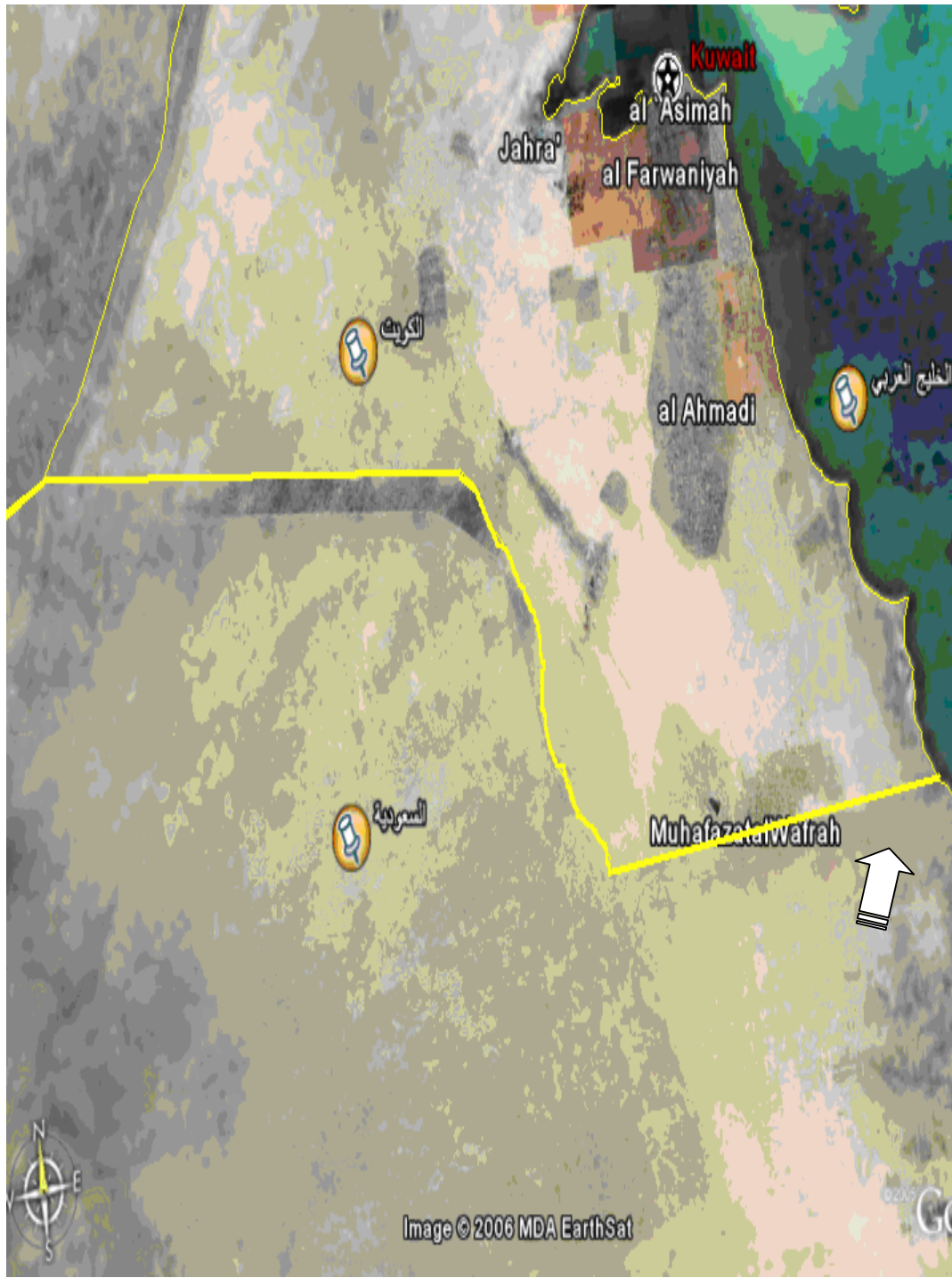


### Saudi-Iraqi Boundaries

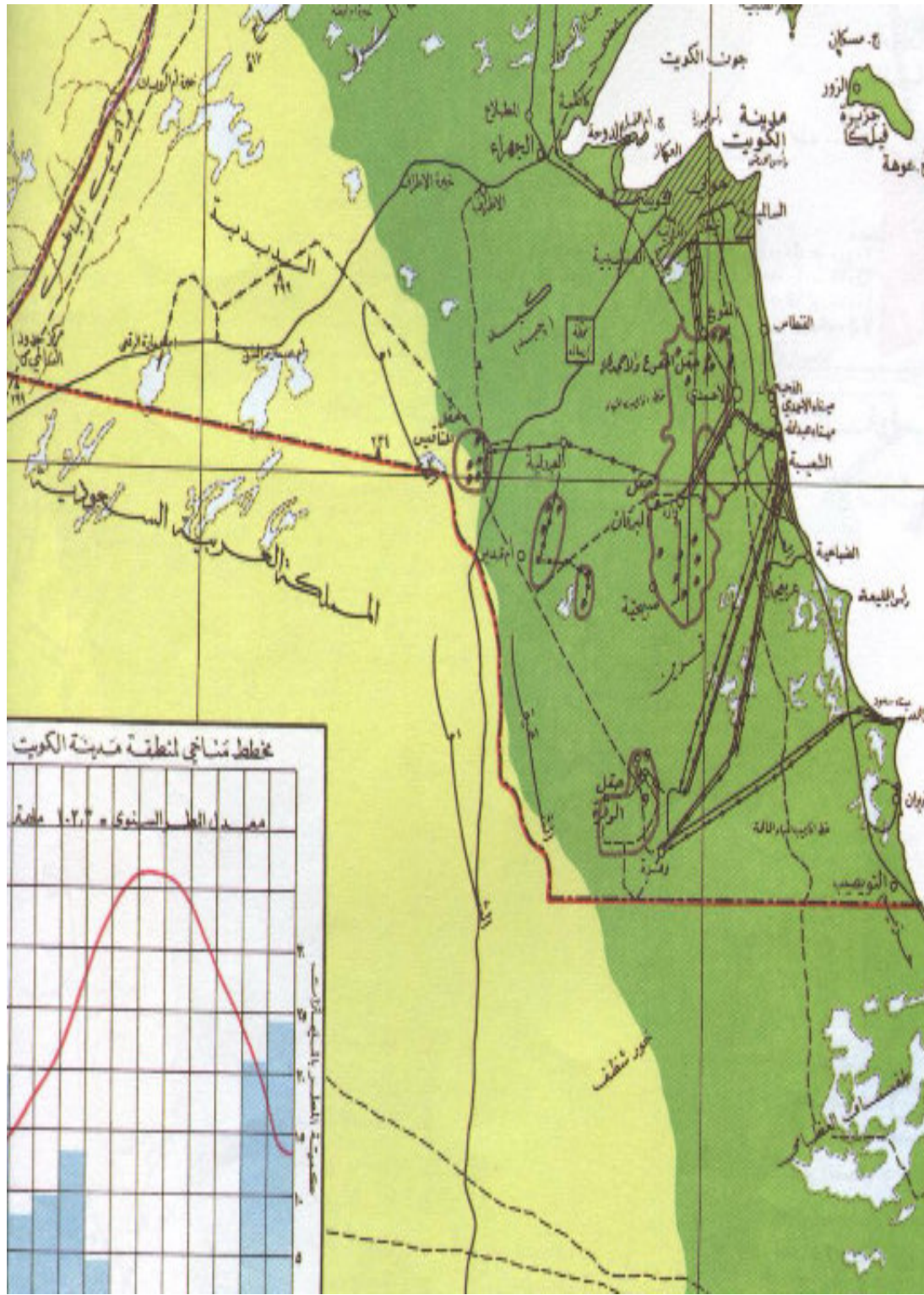




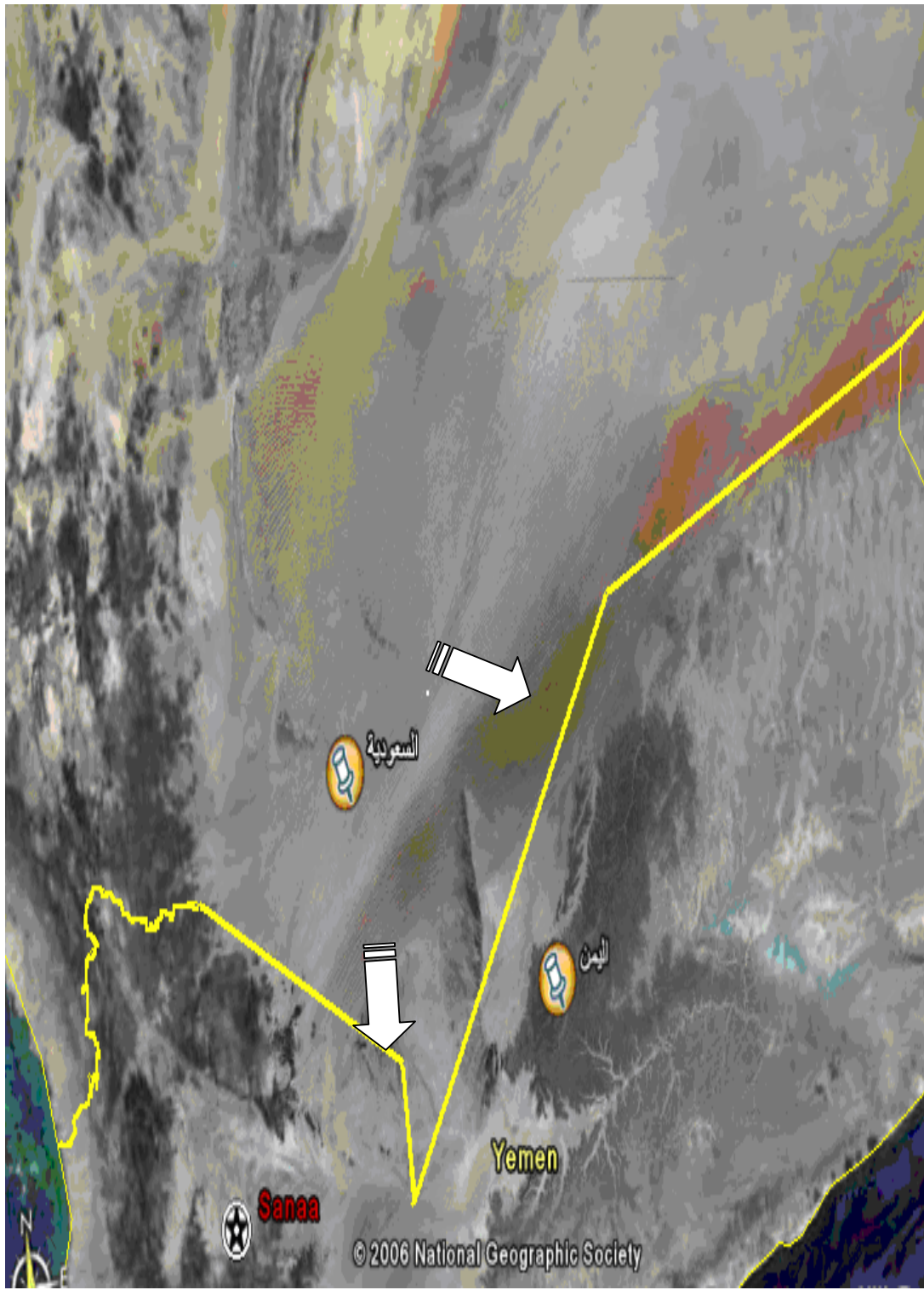
### Saudi-Kuwait Boundaries



**Saudi-Kuwait Boundaries**

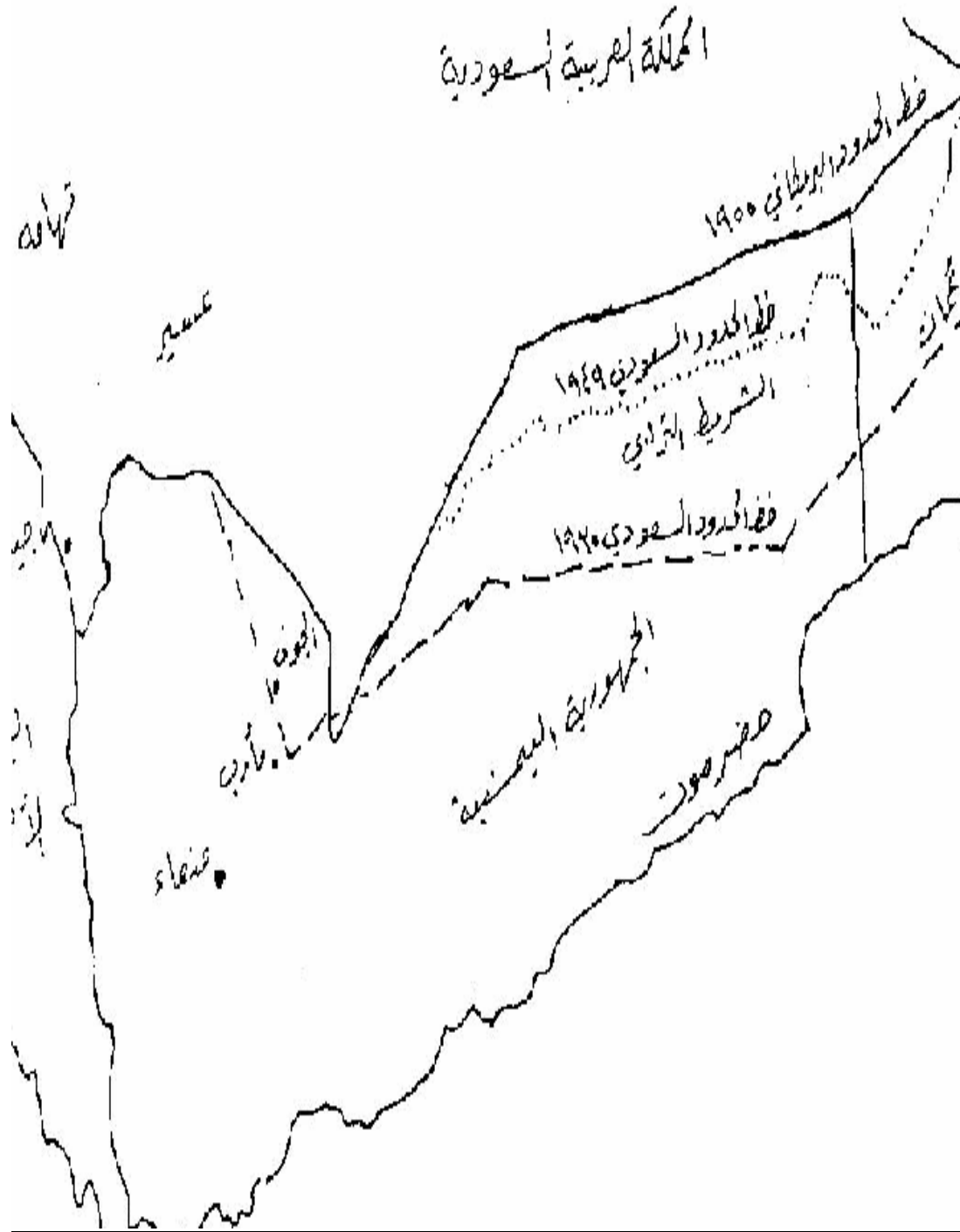


**Saudi-Yamane Boundaries**

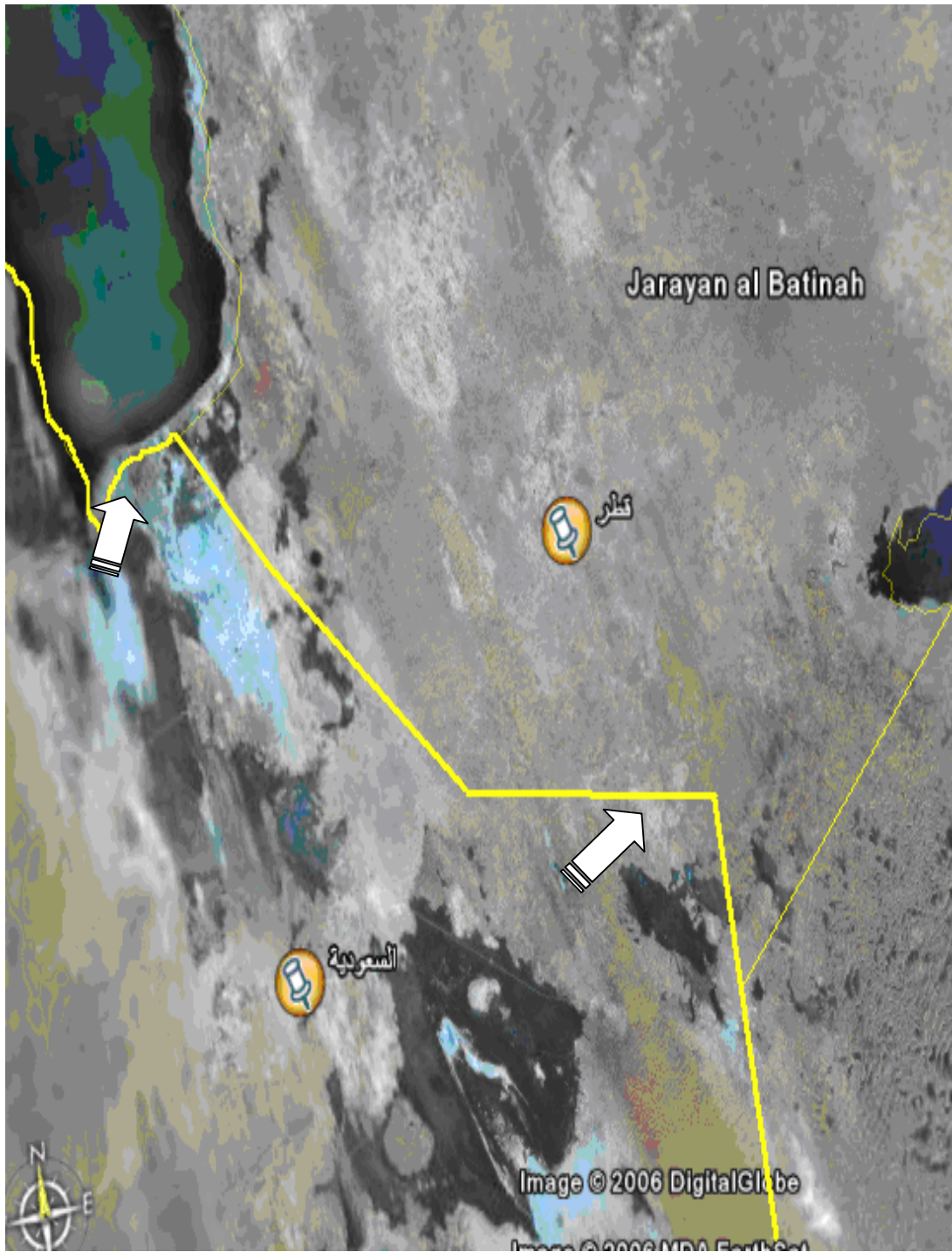




Saudi-Yamane Boundaries



Saudi-Qatar Boundaries

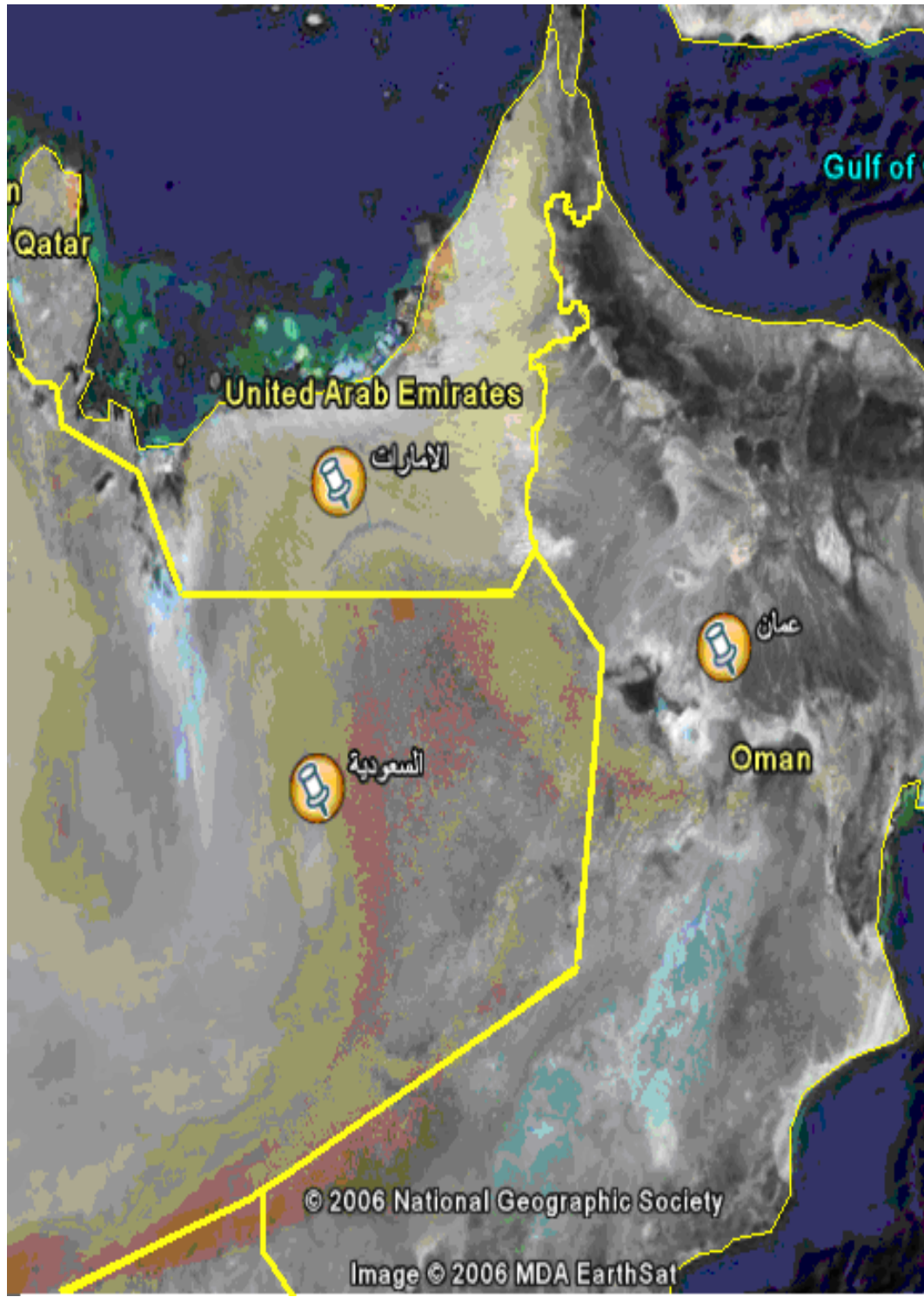


## Saudi-Qatar Boundaries





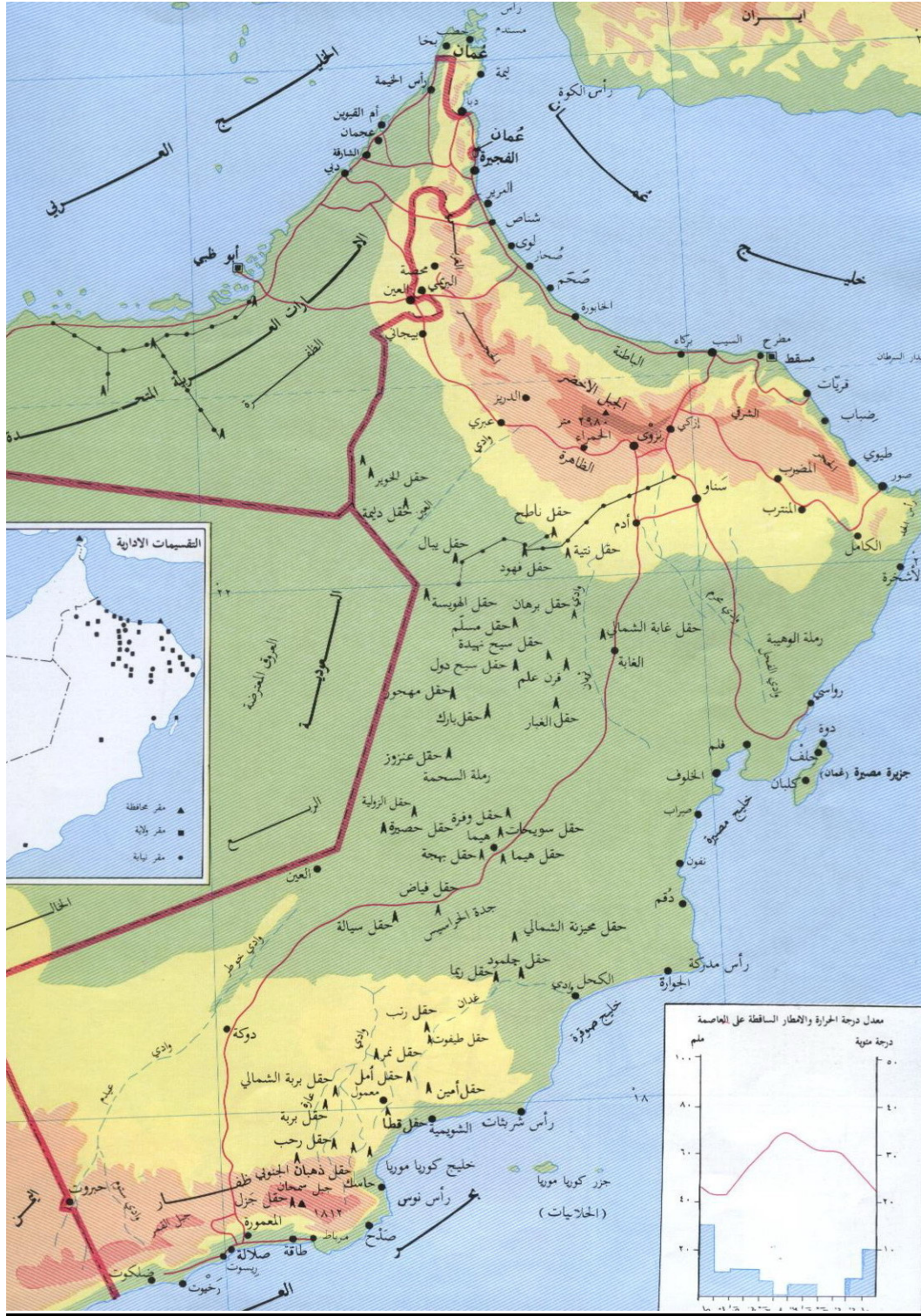
Saudi-Emarat-Omani Boundaries







### Saudai-Omani Boundaries



## تأثير الحدود على السياسية الخارجية للمملكة العربية السعودية

أعداد

عيسى المالكي

المشرف

الدكتور عمر الحضرمي

### ملخص

تتشرك المملكة العربية السعودية مع جميع دول الخليج بحدود مشتركة ثار حولها العديد من النزاعات، خصوصاً بدء ظهور النفط، حيث كانت ولا زالت مشكلة الحدود أحد أهم المشاكل المؤثرة على العلاقات الخليجية من هنا جاءت هذه الدراسة لتحليل الدبلوماسية السعودية في التعامل مع مشكلة الحدود كأحد أهم المشاكل التي تواجه منطقة الخليج العربي.

لقد قامت المملكة بجهود سياسية لحل كافة مشاكل الحدود بين دول الخليج العربي وبين المملكة العربية السعودية لإدراكها تأثير أهمية مشكلة الحدود بالنسبة لكافة دول الخليج العربي في ظل ما تواجهه منطقة الخليج العربي من تحديات وتهديدات إقليمية ودولية.

وقد توصلت الدراسة إلى مجموعة من النتائج التي توضح الدور السعودي في التوصل إلى حلول لمشاكل الحدود في دول مجلس التعاون الخليجي حيث ساهمت الدبلوماسية السعودية في التوصل إلى اتفاقية حدود مع الجمهورية اليمنية ودولة الكويت لحل مشكل الحدود، وتدخلت بشكل مباشر لحل مشاكل الحدود بين الدول الخليجية كما حدث في مشكلة البريمي وغيرها.

وتوصي الدراسة بضرورة زيادة التعاون بين الدول الخليجية وفي إطار مجلس التعاون الخليجي لحل مشاكل الحدود، ومواصلة جهود المملكة العربية السعودية في هذا الإطار لحل مشاكل الحدود بهدف التعاون بين الدول الخليجية.