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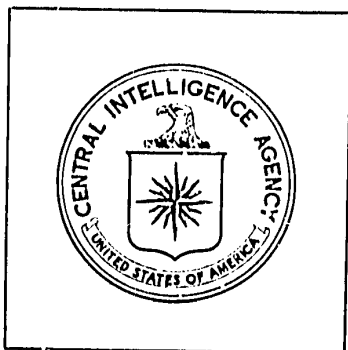
~~SECRET/NE~~ PAST AND PRESENT PROBLEMS OF IRAQ'S BOUNDARIES WITH
KUWAIT AND SAUDI ARABIA

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*Past and Present Problems of Iraq's Boundaries
with Kuwait and Saudi Arabia*

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SUMMARY

Iraq's recent boundary agreement with Iran removed a major block to riparian cooperation in the Gulf; Iraq now seems interested in settling its long-standing bitter territorial dispute with Kuwait and in concluding a boundary agreement with Saudi Arabia.

The Iraq-Kuwait dispute is embarrassing in terms of both Persian Gulf cooperation and Arab brotherhood. Its roots go back to Britain's support in the late 1800's of Kuwaiti claims to independence from the Ottoman Empire and, more recently, to Iraqi irredentist claims against Kuwait that date from 1936. Although both states have recently exchanged proposals, they have not reached agreement and a settlement does not seem likely in the near future.

The undemarcated boundary between Iraq and Saudi Arabia poses much less of a problem. Iraq has no claims on Saudi territory (the old claims on parts of Al Hasa Province having been relinquished in 1963), and there has never been serious dispute between the two governments concerning the boundary. The Saudi Arabian press recently reported that on 2 July 1975 Iraq and Saudi Arabia signed a border agreement that would divide the Neutral Zone equally between the two countries and make some other unspecified alterations in the boundary. The agreement has yet to be ratified, but Iraq and Saudi Arabia may well have reached a final boundary settlement.

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NOTE—This research paper was prepared by the Office of Geographic and Cartographic Research and coordinated with the Office of The Geographer, Department of State, and with OCI. Comments and questions may be directed to [REDACTED] code 143, extension 2886.

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Past and Present Problems of Iraq's Boundaries with Kuwait and Saudi Arabia

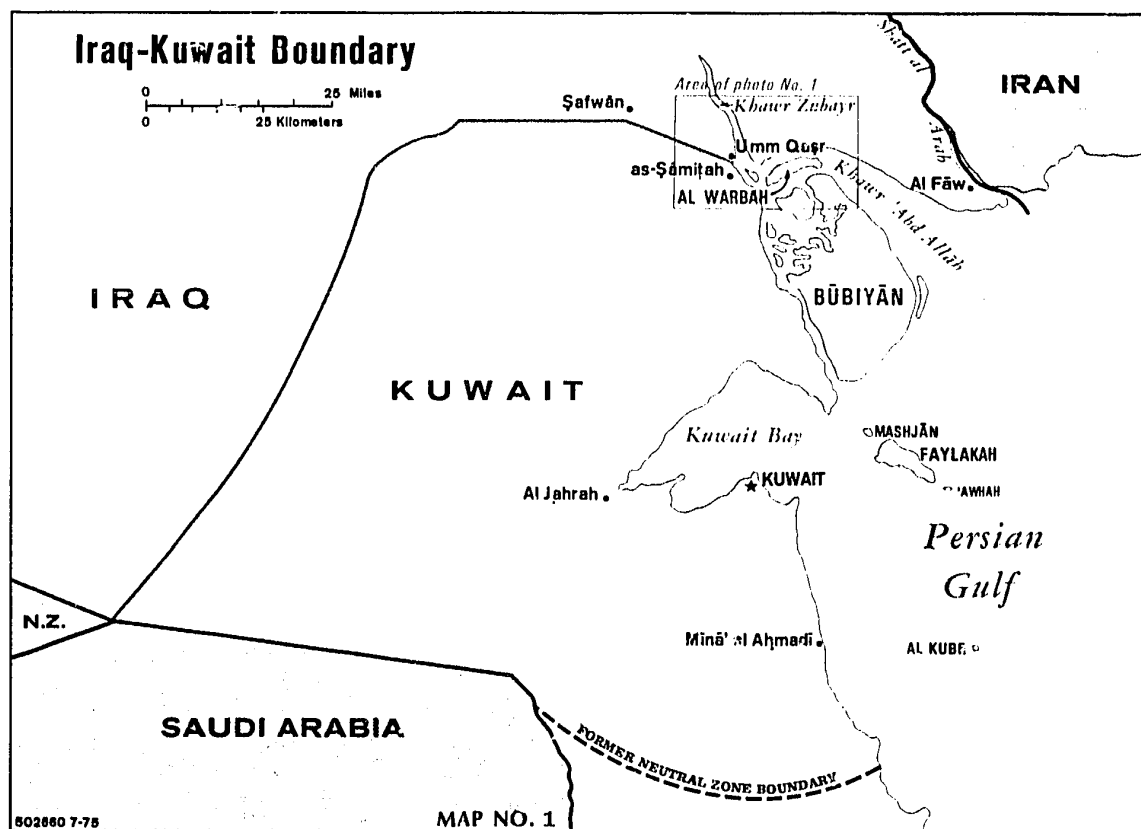
Iraq, following the recent signing of a border treaty with Iran, now appears to be making progress toward settling its boundary problems with its southern neighbors, Kuwait and Saudi Arabia. These boundaries are among the few remaining in the Persian Gulf region on which no settlement has been reached.

The Iraq-Kuwait Boundary

The Iraq-Kuwait boundary, about 240 kilometers long, has never been surveyed and demarcated nor has it even been defined with any precision (Map 1). The boundary was described in vague terms of "metes and bounds," but many of the

original landmarks are no longer identifiable. (See Appendix for Articles 5, 6, and 7 of 1913 Anglo-Turkish Convention, which pertain to delimitation of the boundary.)

The territorial disputes between Iraq and Kuwait have a long and tortuous history beginning in the late 1800's, predating by some decades their establishment as independent countries. Kuwait town, founded in the early 18th century, flourished as a seaport and shipbuilding center and remained independent until 1829, when the Sheikh was forced to recognize the suzerainty of the Ottoman Empire. Kuwait existed for the next several years as a semi-autonomous sheikhdom, paying tribute only



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when Ottoman rule was strong enough to force it to do so. Ottoman administrative control over Kuwait was tightened in 1871 when Midhat Pasha, Turkish Governor of Mesopotamia, introduced a Europeanized administrative system of *vilayets* (provinces), *sanjaks* (subprovinces), and *qadas* (districts), and included Kuwait as one of the *qadas* of Basrah Vilayet. The Kuwaiti Sheikh was appointed *qa'immaqam* (district governor).

In 1897 Sheikh Mubarak of Kuwait, fearing complete absorption by the Ottoman Empire, requested British protection, and in January 1899 Great Britain signed an agreement with him. The Sheikh, in return for British support, pledged himself and his heirs not to receive any foreign representatives nor to alienate any part of Kuwaiti territory without consent of the British Government. Six additional agreements followed, and in 1914 Britain recognized the Sheikdom as "an independent government under British protection," in order to secure Kuwait's support in World War I.

The boundaries of Kuwait had been first defined the preceding year by the Anglo-Turkish Convention of July 1913, concluded to prepare the way for the Baghdad Railway. One of the treaties of the Convention, agreed to by both Great Britain and Turkey but never ratified, recognized Kuwait as an autonomous *qada* of the Ottoman Empire and confirmed the Ottoman right to appoint the Sheikh of Kuwait as *qa'immaqan*. The Turks in turn agreed to refrain from interference in the affairs of Kuwait and to recognize the validity of the treaties that Sheikh Mubarak had previously concluded with Britain.

Articles 5 and 7 of the treaty divided Kuwait into two zones (see Appendix). Zone I comprised the land within a radius of about 65 kilometers from Kuwait town; and Zone II consisted of what is now the western territory of Kuwait and a large slice of the northeastern part of Saudi Arabia's Eastern (Al Hasa) Province and the former Saudi-Kuwait Neutral Zone (Map 2).

Kuwait's sovereignty over the second zone was soon lost. King 'Abd al-'Aziz (popularly known as Ibn Saud), emerging leader of what was to become Saudi Arabia, began to flex Saudi muscles and claimed part of it. In 1920 Sheikh Salim of Kuwait dispatched a force into the second zone against

the Saudis, but the Kuwaiti force was defeated and the Saudis advanced to within 30 kilometers of Kuwait town. This put most of Zone II under Saudi control.

In 1921 the Saudis began raids into Iraq, prompting the British to seek a delimitation of boundaries to protect both Kuwait and Iraq against Saudi expansionism. The Conference of 'Uqayr was called in 1922 to deal with this matter under the guidance of Sir Percy Cox, British High Commissioner of Iraq. Treaties signed in December of that year defined the present boundaries of Saudi Arabia with Kuwait and Iraq and created the Saudi-Iraq and the Saudi-Kuwait Neutral Zones; they did not, however, mention the Iraq-Kuwait border. That matter was "effectively settled" in April 1923 by a memorandum, in response to a letter from the Sheikh of Kuwait, from Sir Percy to the British Political Agent in Kuwait. Sir Percy authorized the Political Agent to inform the Sheikh that "his claim to the frontier and islands above indicated [the islands being Warbah, Bubiyan, and smaller associated islands] is recognized in so far as His Majesty's Government are concerned." The Iraq-Kuwait boundary was defined in the memorandum in terms nearly identical with those of Article 7 of the Anglo-Turkish Convention of 1913.

Iraqi Irredentism

When Iraq became independent in 1932, Iraqi Prime Minister Nuri al-Sa'id, in an apparently secret exchange of letters with Britain, agreed to honor the Kuwait boundary as it was defined in Sir Percy Cox's 1923 memorandum. The commitment was broken in 1938, however, when an Iraqi demand for the annexation of Kuwait was made on King Ghazi's personal broadcasting service, but no further action was taken. In 1958, Prime Minister Nuri al-Sa'id revived the claim in an attempt to force Kuwait's adherence to the short-lived Arab Union between Jordan and Iraq.

In June 1961, at the termination of Britain's protectorate over Kuwait, Iraqi Prime Minister Abd al-Qasim announced that Kuwait was "an integral part of Iraq." He added, "We shall, accordingly, issue a decree appointing the Sheikh of Kuwait as *Qa'immaqam* of Kuwait, who will come under the authority of Basrah Province." This claim was based on the Iraqi assertion that Kuwait was his-

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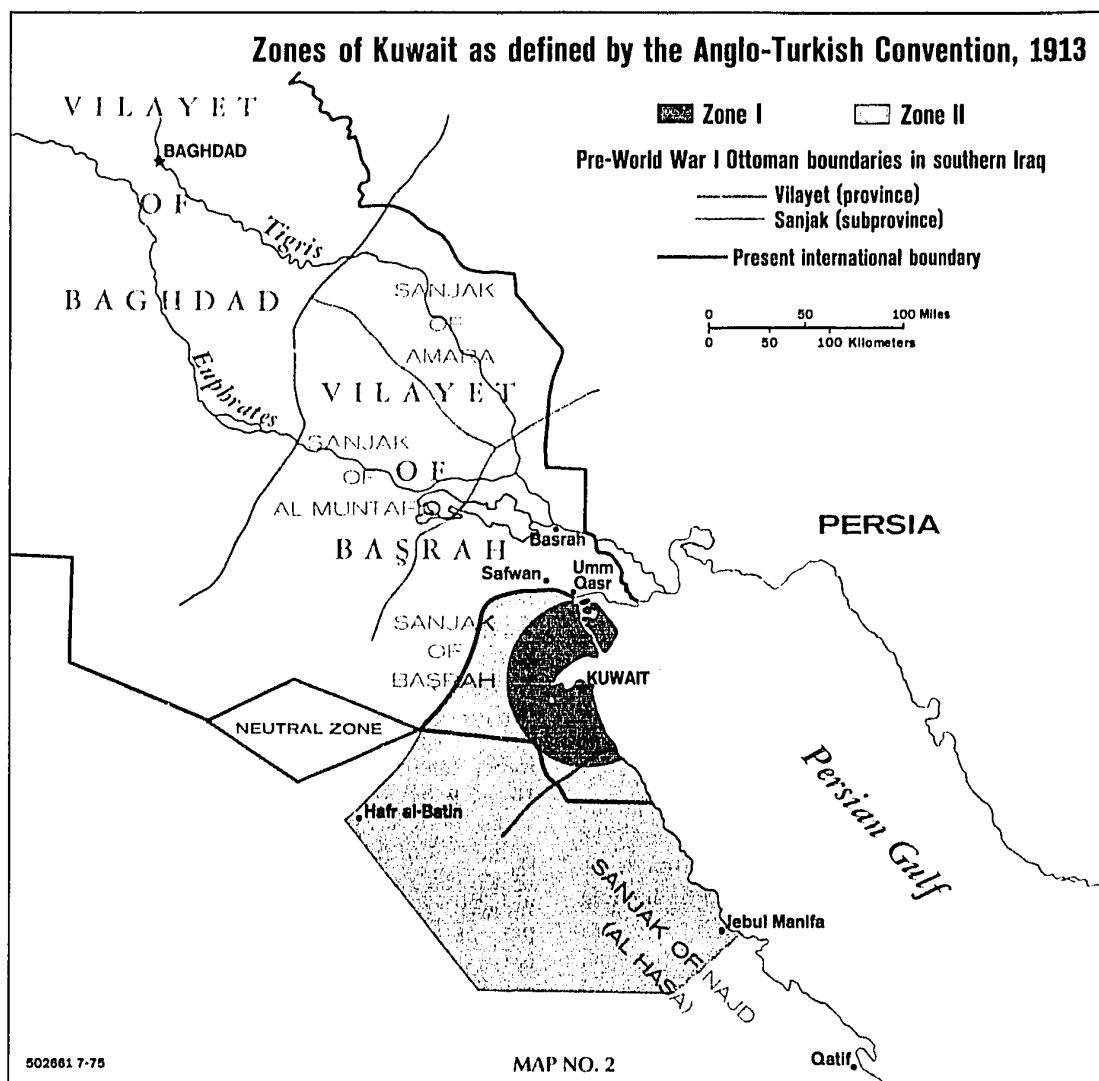
torically part of the Ottoman Province of Basrah and therefore should belong to Iraq.

The Iraqis refused to recognize the 1913 treaty that established Kuwait's boundaries, claiming that since it was never ratified, it had no validity under international law. In asserting this, they laid claim to a large chunk of Saudi territory as well as to all of Kuwait (Map 2). Iraq further contended that the Cox memorandum of 1923, which was supposed to have settled the Iraq-Kuwait boundary question, was invalid because the High Commissioner was disposing of Iraqi territory in contravention of the

terms of the Mandate concluded at the Conference of 'Uqayr.*

Qasim's pronouncement, together with reports of Iraqi troops massing on the border, prompted the Sheikh of Kuwait to request British aid. On 1 July 1961 the British sent a contingent of troops back into Kuwait to forestall the feared Iraqi invasion.

*Specifically, Article 8 of the Anglo-Iraqi Treaty of Alliance of 1922, which prohibited the surrendering of any Iraqi territory. That section of the Mandate did not become effective, however, until the exchange of ratifications in December 1924.



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Following the overthrow of the Qasim regime in 1963, events took an abrupt turn in Kuwait's favor. In October 1963 a communique was issued by both the Kuwaiti and Iraqi Prime Ministers announcing Iraq's recognition of Kuwait's independence and sovereignty. While this ended Iraqi claims to most of Kuwait, it was not a boundary agreement and did not, therefore, settle the question of sovereignty over the offshore islands, which have since become a major issue as Iraq develops the port of Umm Qasr.

Iraq's interest in the offshore islands became evident about 1955, when she proposed leasing Warbah Island from Kuwait together with a 4-kilometer strip of land along the border between Umm Qasr and Safwan to facilitate access to the port of Umm Qasr (Photo 1). A presence on Warbah Island would give Iraq control over the approaches to Khawr Zubayr, the inlet on which Umm Qasr is located. The proposal was offered as a quid pro quo for Kuwait's leasing the right-of-way for a pipeline that would have delivered 125 million gallons of fresh water per day to Kuwait from the Shatt al Arab. The pipeline project—and hence the lease proposal—was abandoned because of Kuwait's reluctance to rely on Iraq's good will for a supply of fresh water and because her demand that Iraq acknowledge their de facto border as de jure was not met.

Another stir over Warbah Island occurred in 1966 when Kuwaiti boatmen observed Iraqi flags on Warbah. The Kuwaiti Prime Minister visited the island to observe the situation; however, it was never discovered who planted the flags, and the incident precipitated no military or diplomatic confrontations.

Trouble erupted along the land boundary in March 1973 when Iraqi troops clashed with Kuwaiti forces and occupied the Kuwaiti police post at as-Samitah, just south of Umm Qasr (Photo 1). Intervention by other Arab countries brought a quick cease-fire and averted a larger conflict, but there are indications that Iraqi troops are still holding the post.

Iraq continues to expand both the commercial and the military facilities at Umm Qasr, and it appears that part of the military complex extends across the border into Kuwait (Photo 2). The

increasing importance of Umm Qasr has led Iraq to pressure the Kuwaitis for a settlement of their territorial differences, but so far neither side has put forward proposals to which the other will agree.

Iraq is demanding an open border policy, possession or control of Warbah Island, a lease of at least the northern half of Bubiyan Island, and probably (although not yet specified) ownership or control of the Kuwaiti right bank of Khawr Zubayr above Warbah Island.

Ownership of Warbah and any of the adjacent islands could affect the size of the continental shelf that would accrue to Iraq in any future law-of-the-sea negotiations in the upper Persian Gulf. A shelf delimited from any of the islands could be larger than one delimited from present Iraqi-held territory.

In return for de jure Iraqi recognition and demarcation of the Iraq-Kuwait boundary, Kuwait has offered for a nominal sum to lease Warbah and the northern half of Bubiyan to Iraq for an indefinite period. She has also, in at least one offer, proposed joint development and use of Khawr Zubayr. Neither side will agree completely with the other's proposals, and officials of both countries admit that reaching an agreement will be difficult.

The Iraq-Saudi Arabia Boundary

The Iraq-Saudi Arabia boundary is 685 kilometers long; the northern boundary of the Saudi-Iraq Neutral Zone is 191 kilometers, and the southern boundary 201 kilometers (Map 3). All three boundaries run through desert for their entire lengths and, like the Iraq-Kuwait boundary, have never been surveyed. The language that defines the boundaries, in Article 1 of the Protocol of 'Uqayr, December 1922, is vague.

A boundary demarcation agreement between Iraq and Saudi Arabia should present few problems since there are no known disputes concerning the alignment of the boundary. (Iraq's 1963 recognition of Kuwait's sovereignty ended Iraq's claim against the Al Hasa portion of Saudi Arabia that was part of the second zone of Kuwait as defined by the 1913 Anglo-Turkish Convention.) There is always a possibility of disagreement over the location of specific points during a demarcation survey, but these should be easily negotiated.

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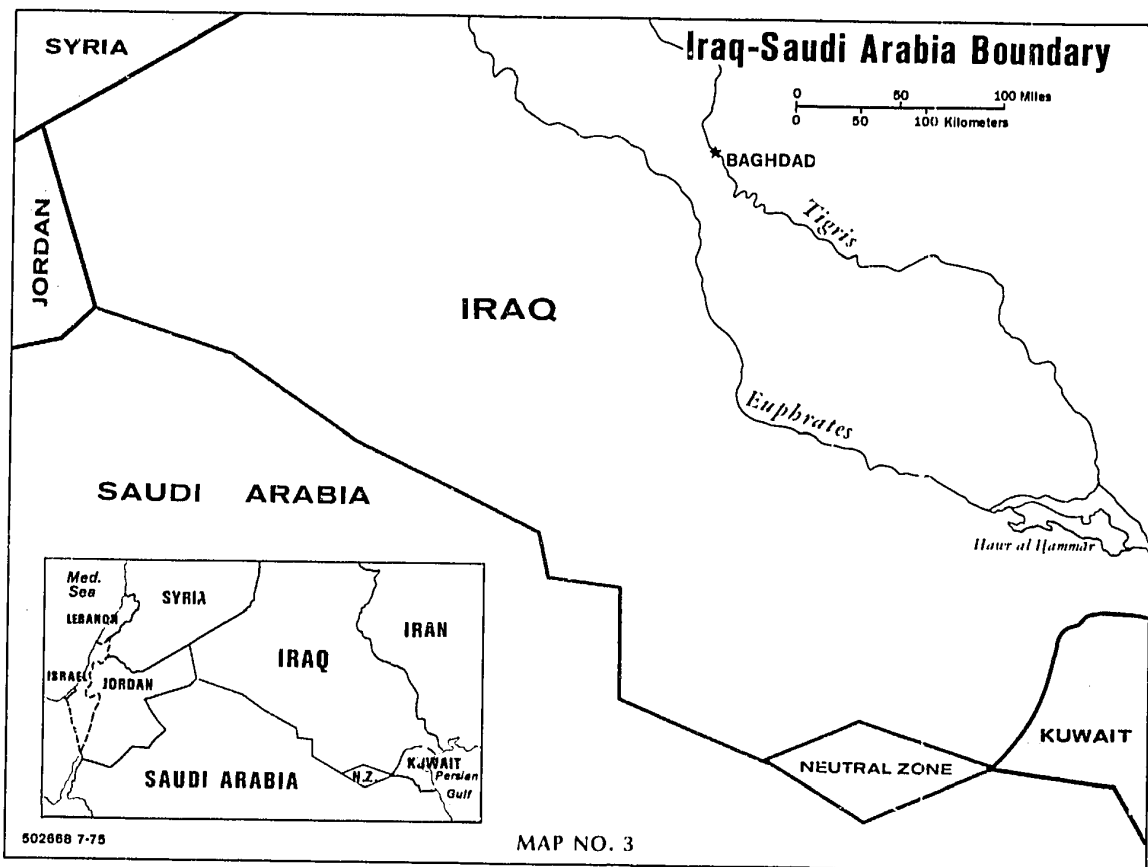
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The history of the Iraq-Saudi Arabia boundary and the Saudi-Iraq Neutral Zone boundary parallels that of the Iraq-Kuwait border. The British created the boundaries under their Mandate powers. They were delimited by the treaty of Muhammarah (now Khorramshahr), May 1922, which formalized an agreement reached by Sir Percy Cox and King 'Abd al-'Aziz to stop the raiding between Iraqi and Saudi tribes and to assign some tribes to Iraq and others to Saudi Arabia, and by the Protocol of 'Uqayr, December 1922 (see Appendix). 'Abd al-'Aziz was persuaded to agree to a boundary delimitation only on the condition that there would be no fortifications or troop concentrations by either party at wells or watering places and that Najdi tribes would be allowed free movement to watering places on the Iraq side of the boundary. These arrangements were later confirmed by the Treaty of Arab Brotherhood, signed in April 1936, between

Iraq and Saudi Arabia. Although there have been a number of disputes among the tribes along the border since the 1922 delimitation, they have not escalated to disputes between the two governments.

The Saudi Arabian press recently announced that representatives of Iraq and Saudi Arabia signed a border agreement in Riyadh, Saudi Arabia, on 2 July 1975. According to the report, the agreement provides for an equal division of the Neutral Zone between the two countries and for some alterations to straighten the border; where this involves one country's giving up territory, it is compensated elsewhere. The agreement has yet to be ratified and no further details concerning it have been released. The report seems to indicate, however, that the two countries are well along toward a final boundary settlement.



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APPENDIX

- I. Articles of the Anglo-Turkish Convention of July 29, 1913, pertaining to delimitation of Iraq-Kuwait boundary.

Article 5:

The autonomy of the Sheikh of Kuwait is exercised by him in the territories, the limit of which forms a semi-circle with the town of Kuwait at the center, the Khor Zubair at the northern extremity and Grain at the southern extremity. This line is indicated in red on the map attached to the present convention (Annex V). The islands of Warbah, Bubyah, Mashjan, Fay-lakah, Auha, Kubr, Qaru, Maqta, and Umm al-Maradim, together with the adjacent islands and waters, are included in this zone.

Article 6:

The tribes which are situated within the limits stipulated in the following article are recognized as within the dependence of the Sheikh of Kuwait who will collect their tithes as in the past and will exercise the administrative rights belonging to him in his quality of Ottoman Kaymakam. The Ottoman Imperial Government will not exercise in this region any administrative action independently of the Sheikh of Kuwait and will refrain from establishing garrisons or undertaking any military action whatsoever without prior understanding with the Government of His Britannic Majesty.

Article 7:

The limits of the territory referred to in the preceding article are fixed as follows: The demarcation line begins on the coast at the mouth of the Khor Zubair in the northwest and crosses immediately south of Umm-Qasr, Safwan, and Jabal Sanam, in such a way as to leave the vilayet of Basrah these locations and their wells; arriving at the al-Batin, it follows it toward the southwest until Hafr al-Batin which it leaves on the sides of Kuwait; from that point on the line in question goes southeast leaving to Kuwait the wells of al-Caraa, al-Haba, Warbah and Antaa, reaching the sea near Jabal Munifa.

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II. Articles of the Protocol of Uqayr, December 2, 1922, pertaining to the delimitation of the Iraq-Saudi Arabia boundary.

Article 1:

(a) The frontier from the East begins at the junction of the Wadi al Aujah (W. el Audja) with Al Batin and from this point the Najd frontier passes in a straight line to the well called Al Wuqubah (El Ukabba) leaving Al Dulaimiyah (Dulaimiya) and Al Wuqubah (El Ukabba) north of the line and from Al Wuqubah (El Ukabba) it continues northwest to Bir Ansab (Bir Unsab).

(b) Starting from the point mentioned above, i.e., from the point of the junction of the Wadi al Aujah (W. el Audja) with Al Batin (El Batin) the Iraq boundary continues in a straight line northwest to Al Amghar (El Amghar) leaving this place to the south of the line and from thence proceeds southwest in a straight line until it joins the Najd frontier at Bir Ansab (Bir Unsab).

(c) The area delimited by the points enumerated above which includes all these points will remain neutral and common to the two Governments of Iraq and Najd who will enjoy equal rights in it for all purposes.

(d) From Bir Ansab (Bir Unsab) the boundary between the two states proceeds northwest to Birkat al Jumaimah (Birkat el Djumeima) and from thence northwards to Bir al Uqbah (Bir el Akaba) and Qasr Uthaimin (Kasr Athmin) from there westwards in a straight line passing through the centre of Jal al Batn (Djal el Batn) to Bir Lifiyah (Bir Lifa) and then to Bir al Manaiyah (Bir al Maniya) and from there to Jadidat Arar (Djadaidat el Arar) from there to Mukur and from Mukur to the Jabal Anazan (Anaza) situated in the neighbourhood of the intersection of latitude 32 degrees north with longitude 39 degrees east where the Iraq-Najd boundary terminates.

Article 2:

Whereas many of the wells fall within the Iraq boundaries and the Najd side is deprived of them, the Iraq Government pledges itself not to interfere with those Najd tribes living in the vicinity of the border should it be necessary for them to resort to the neighbouring Iraq wells for water, provided that these wells are nearer to them than those within the Najd boundaries.

Article 3:

The two Governments mutually agree not to use the watering places and wells situated in the vicinity of the border for any military purpose, such as building forts on them, and not to concentrate troops in their vicinity.

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