

*Origins and Dimensions \*  
of the Iraqi Claim Over Kuwait*

**W**hen Iraqi forces invaded Kuwait on 2 August, 1990 and Saddam Hussein asserted an Iraqi claim over the Emirate that was an important aberration in intra-Arab politics. He was not the first Iraqi leader to precipitate an international crisis. But he is certainly the first Iraqi President to have meticulously created the *fait accompli*, annexed Kuwait and incorporated it as an Iraqi province. Moreover, throughout the crisis, he defied international political, economic and military pressures with an astonishing disregard for any consequences which might have followed. The present crisis is the culmination of a long-standing supposed Iraqi claim over Kuwait and not just a border dispute. The claim is both dubious and chequered and, in the history of the modern state of Iraq, was first made during 1936–41. Then as now, the justification was that Kuwait was a part of Iraq during Ottoman rule.<sup>1</sup> The claim, next reiterated on the eve of Kuwait's independence in June 1961, not only queered the fate of the infant state but also brought to the fore the question of Kuwait's political and legal status in international affairs. Thereafter, Iraq repeated its claim several times but its latest politico-military adventure evoked an unprecedented international reaction. At the time of writing, Iraq is deep in the mire of the crisis its President created.

The now subsided dimension of the problem is that there were fluctuations in the Iraqi position; ranging from an outright territorial claim to pressing for certain border adjustments or to demanding transfer of a couple of islands in the mouth of the Persian Gulf.

The basic unannounced objective of Iraq in all cases was to acquire more width in its outlet on the Gulf. As it is, Iraq has just 40

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kilometers of shore line and most of it is blocked by the Kuwaiti island of Bubiyan. Landlocked on three sides, and with a narrow opening in the south through the Shatt al-Arab under the close surveillance of Iran, Iraq's motive in putting pressure on Kuwait was dictated by a pressing strategic and commercial imperative.

The present paper analyses the problem in its historical perspective. It provides a synoptic account of the evolution of the two states, the recurring and varying Iraqi demands and Kuwait's responses.

**G**eographically and politically, the origins of the Kuwaiti entity can be traced back to about the middle of the 18th century when two major related events occurred. The first was its precise geographical identification on a map drawn by a Danish explorer, Karsten Nebuhr, who spelt it as "Kuet". The second development was the emergence, in 1756, of Sheikh Sabah bin Jabir who is regarded as the founder of the Sabah dynasty.<sup>2</sup> The Sheikh belonged to the Anaiza tribe of Bedouin which had migrated from Central Arabia to the more comfortable and hospitable shores of the Persian Gulf in 1710 and founded the city of Kuwait (diminutive of the Arabic word "Kut" meaning fortress). Before that the territory was under the suzerainty of the Banu Khalid tribe whose influence extended from Kuwait in the north to Al-Ahsa in the south. Kuwait's location on the shores of the Persian Gulf, providing an outlet to the sea, bestowed upon it commercial and strategic importance. Due to this geographical factor Kuwait attracted the cupidity of many external powers at different periods of time.

Britain came into contact with Kuwait in 1775 when the East India Company made it the south-eastern post of its desert mail route to Aleppo. This arrangement continued until 1779 and became closer and more meaningful when, annoyed by Turkish encroachments, the Company, in 1792, transferred its agency from Basra to Kuwait. In 1821, a British political officer was stationed in Kuwait. Thereafter, Kuwait gradually became an administrative unit of Mesopotamia and its ruler was subordinate to the governor of Basra.<sup>3</sup> In 1871, the Turkish governor of Baghdad, Midhat Pasha, conferred the title *Qaim Maqam* (deputy governor) on the Sheikh of Kuwait. The Sheikh's acceptance of this title is regarded by writers and historians as his "acknowledgement of Turkish suzerainty".<sup>4</sup> But within a year, Midhat lost power and the Turkish authority in

Kuwait relapsed to its previous ineffectiveness. However, between 1756–1871, although it paid tribute to the Sultan of Turkey, Kuwait was not under any effective Turkish control. In fact, the relationship between Kuwait and Turkey before the last decade of the 19th century was of a nebulous character.<sup>5</sup> During this decade, Kuwait was regarded covetously by Turkey, Russia, Germany and Britain.

The seventh ruler of Kuwait, Sheikh Mubarak as-Sabah, who ascended the throne in May 1896, resisted Turkey's attempts at absorbing Kuwait. At first, Turkey's attitude was one of indifference but in 1897, following the precedent of Midhat Pasha, the Ottomans appointed the Sheikh as *Qaim Maqam* of Kuwait and sent a quarantine official there in February. Reacting to the Turkish move, Sheikh Sabah made overtures to the British Political Resident in September and sought British protection to resist annexation by the Turks. He repeated his request in the following year. On both occasions, the British government was reluctant to act and ignored the request. However, a telegram sent by the British Foreign Office to its Ambassador in Istanbul indicated that the British had not yet recognized Ottoman sovereignty over Kuwait.<sup>6</sup> But, later, confronted by Russian and German challenges, Britain revised its reticence towards Kuwait. Thus, on 23 January, 1899, it signed an agreement with Kuwait<sup>7</sup> which bound the Sheikh "not to cede, sell, lease, mortgage, or give for occupation, or for any other purpose any portion of his territory to the Government or subject of any other power". The ruler was also directed not to accept representatives of foreign countries without the previous consent of the British government. In return, the British assured the Sheikh of their protection and good offices.

At the turn of the century, Kuwait was again involved in the attempts by Germany and Turkey to seize it and the British bid to foil them. Lord Curzon's visit in November 1903 marked the consolidation of British influence in Kuwait and a British political agent was appointed there in June 1904. In that year both Germany and Turkey abandoned their designs on Kuwait. The Anglo-Russian Agreement (1907) which defined the respective spheres of influence in West Asia implicitly reassured Britain that it should not apprehend any Russian threat to the Gulf area including Kuwait. The Anglo-Ottoman Draft Convention on the Persian Gulf area (29 July, 1913)<sup>8</sup> provided for the recognition by Turkey of the 1899 Anglo-Kuwait Agreement, a pledge by Turkey not to disturb the status quo in Kuwait, and a determination of Kuwait's border with the vilayet of

Basra. Under the Agreement, the islands of Warbah, Bubiyan and Falaikah were included in Kuwaiti territory.

On the outbreak of World War I in 1914, Britain established its protectorate over Kuwait. In December 1915, Britain signed a treaty with Ibn Saud in which the latter promised, among other things, not to commit any act of aggression against Kuwait.<sup>9</sup> On his accession as the ruler of Kuwait in March 1921, Sheikh Ahmad bin Jabir as-Sabah raised the question of the boundary between his Sheikdom and the Nejd. To bring about a *modus vivendi*, a conference was held at Uqair in which Sir Percy Cox represented Iraq and Kuwait and Ibn Saud represented the Nejd. Among other agreements reached at the Uqair Convention (2 December 1922),<sup>10</sup> there was one which defined Kuwait's border with the Nejd. The other agreement created two neutral zones of 3,000 square miles—one between Kuwait and the Nejd and the other between Iraq and Nejd. The inter-state boundaries defined in this convention have not been demarcated. Thus, the potential for future conflict was created.

Kuwait's northern border with Iraq (160 kms long) was defined in a friendly agreement on 19 April, 1923. This was reinforced by the Iraq-Kuwait Convention on boundaries drawn in 1932.<sup>11</sup> The Prime Minister of Iraq, Nuri as-Sa'id, sent an Aide Memoire on 21 July, 1932 to the British political resident in Kuwait recording Iraqi recognition of the Iraq-Kuwait boundary as defined in the Anglo-Ottoman Convention of 1913.<sup>12</sup> The Kuwaiti Emir, in his note dated 10 August, 1932 sent to the British Resident, confirmed the border between Iraq and Kuwait as described in the letter of the Prime Minister of Iraq.<sup>13</sup> Thus, it may be observed that the boundaries of Kuwait were determined through British intercession. Like some other cases in the region, the lingering problem of the boundaries of Kuwait was that although delimited in documents, they were not demarcated.

An epoch-making development which made the borders extremely crucial took place in Kuwait in 1938. That was the discovery of oil. Since the dawn of time, the arid land of Kuwait has been haunted by three fairies—the Heat fairy, the Drought fairy, and the Aridity fairy. Then, providentially, on one rainy morning in February 1938, the fourth Oil fairy descended on Kuwait waving her magic wand which changed everything.<sup>14</sup> In this process of change Britain played a major role. As early as 1913, planning on the basis of the rich strike in Iran, Britain had obtained the monopoly for the exploration of oil in Kuwait. In May 1924, the Sheikh of Kuwait and the Sultan

of Nejd jointly granted an oil concession to the Eastern and General Syndicate of London in respect of the Neutral Zone between the two principalities.<sup>15</sup> In 1934, an oil concession was granted to the Kuwait Oil Company jointly owned by the Anglo-Iranian Oil Company and the Gulf Exploration Company of the United States.

**I**raq is a new Arab state created artificially and arbitrarily by the British under the post-World War I settlement. Defining the ambit of British influence in the Persian Gulf, Lord Curzon had asserted in 1911, that British interests extended upto Baghdad and even beyond. Soon after the outbreak of the War, the British occupied Basra (22 November, 1914), followed by the capture of Baghdad (11 March, 1917) and Mosul (7 November, 1918). For Britain, having occupied crucial and vast chunks of territory, the creation of a new state and the securing of a mandate in 1920 were formalities in the process of legitimizing her control over Iraq.

The history of modern Iraq as a politically and geographically defined and demarcated state begins in 1920 when, after the dismemberment of the Ottoman Empire, the three erstwhile vilayets of Mosul, Baghdad and Basra were amalgamated to form one single political entity. The Allied Powers, in their meeting at San Remo (April 1920), assigned the mandate of Iraq to Britain. Thereafter, the British created a monarchy in 1921 and installed Prince Faisal, son of Sharif Hussain of Mecca, as the king of Iraq.

Iraq inherited the land of Mesopotamia (between two rivers) which was the cradle of the ancient civilisation of the Sumerians. From 700 B.C. the area became the hub of cupidity and contention among its neighbours—the Iranians in the east and the Hellenized states in the west. In the 7th century A.D. the Arabs conquered the vast area which was first ruled from Medina and later from Damascus till the year 750 when the Abbasids established their power in Baghdad. With their destruction in 1258, control was wielded by the Mongols or Persians till the 16th century when the Ottoman Turks acquired political authority. The Ottoman rule lasted until the second decade of the present century when the British supplanted it.

The British-supported monarchy was overthrown on 14 July, 1958 by the army through a *coup d'état* and a republic was proclaimed.

The Iraq-Kuwait territorial dispute acquired a new character after Britain granted independence to Kuwait on 19 June, 1961. The Anglo-Kuwait Agreement was abrogated and a new treaty was signed. It envisaged bilateral relations based on “a spirit of close friendship”, consultation on matters of mutual concern, and British assistance if desired by Kuwait.<sup>17</sup>

Celebrations of independence were marred when, six days later, the Iraqi Premier, Abdul Karim Qasim, in a broadcast over Radio Baghdad, challenged Kuwait’s independence and reiterated Iraqi sovereignty over it. The manner was provocative. Iraq asserted its claim first by issuing a decree appointing the Sheikh of Kuwait as *Qaim Maqam* (repeating the Ottoman actions in 1871 and 1897) and, second, through a show of force. Next day, the Iraqi government presented a memorandum to all the diplomatic missions in Baghdad upholding its claim over Kuwait. It was based on three contentions: a similarity between archaeological ruins in Kuwait and Mesopotamia, Kuwait’s position as a part of the vilayet of Basra during the Ottoman rule, and Iraq’s legitimacy as a successor state of the Ottoman Empire.

All three grounds are contestable on sober and rational scrutiny. Mere similarity in the archaeological ruins of an ancient past on different lands can not be accepted as a valid ground for a territorial claim by any state in the modern state system. The claim over a certain territory by virtue of its having been a part of a given state in the past is not only dubious but also politically dangerous and historically irrational. The Iraqi claim to be recognised as a successor state of the Ottoman Empire is hypothetically as absurd as a possible intent by Pakistan to proclaim itself as the successor state of the Mughal Empire. These arguments are underlaid by politico-emotional implications but are low in juristic-rational substance. If accepted, these would open up a series of territorial claims throughout the globe and undermine the legitimacy and territorial integrity of more than one contemporary sovereign state.

The Iraqi claim was refuted by the infant government of independent Kuwait and it announced its determination to defend its sovereign right. The first move, in keeping with the precedent, was to seek succour, on 30 June, from the British government as envisaged in Clause D of the recent treaty. Sheikh Abdullah as-Sabah also broke fresh ground in the new environment by seeking help from his southern big Arab neighbour, King Saud of Saudi

Arabia. On the following day, British troops began landing in Kuwait to be joined by Saudi contingents. The embryonic Kuwaiti paramilitary forces were also mobilized. Thus, a clear signal was given to the Iraqis.

The problem was also referred to the United Nations where, at the British request, the Security Council met on 2 July to discuss Kuwait's complaint against the Iraqi threat. Kuwait, unfortunately was not a member of the UN at that time. It is interesting to observe that the British-sponsored resolution seeking a condemnation of Iraq was defeated by the Soviet veto. The Soviet delegate took the position that Iraq never contemplated the use of armed force and that the threat to peace came not from Iraq but from the induction of British forces in Kuwait. He unequivocally called for the withdrawal of British forces from Kuwait. A new, and now familiar, dimension was added by the UAR delegate when he stated that the Iraq-Kuwait issue was an inter-Arab problem and that it should be solved by the Arabs themselves. That suggestion was echoed by other Arab governments who also demanded a British withdrawal. In accordance with the Security Council Resolution, the British military retreat eventually began within three weeks of their induction. Consequently, the mini crisis did not acquire wider international aspects.

The search for an inter-Arab solution to the problem emerged when the Arab League Ministerial Council met in Cairo during July. The Council directed the Secretary General, Abdul Khaleq Hassouna, to visit Iraq, Kuwait and Saudi Arabia in order to explore the dimensions of the problem and seek a negotiated peaceful solution. This exercise achieved results when the Ministerial Council arrived at a consensus on 20 July under which the Government of Kuwait undertook to call for the withdrawal of British forces from Kuwaiti territory, the Government of Iraq pledged not to resort to force in annexing Kuwait and the Arab League supported any desire of Kuwait for merger or union with any member state of the League. Apart from this, the Arab League welcomed the State of Kuwait as its member, it promised support to Kuwait's application seeking membership of the United Nations, and all the Arab states pledged to provide active help in guaranteeing the independence and territorial integrity of Kuwait at its request. The Council also authorised the Secretary General to take all necessary measures towards implementing the aforementioned decisions.<sup>18</sup>

Acting in the spirit of the Council resolution, Kuwait sent a note to the League expressing its desire to have the British troops replaced by Arab forces. An agreement to this effect was signed between the Emir and the League Secretary General on 12 August which defined the nature and composition of the Arab force. The 3,000-strong Arab force consisting of contingents from Jordan, Saudi Arabia, the Sudan and the UAR, under the command of a Saudi general, was inducted into Kuwait in September. The British troops moved out of the Emirate by 10 October. Thus, through inter-Arab negotiations, the problem was defused. Following the break-up of the UAR, its contingent was withdrawn in December 1961 and the other three withdrew by February 1963.

Kuwait consolidated its diplomatic and political position when it was recognized as an independent sovereign state and admitted to the League of Arab States on 21 July 1961 and to the United Nations on 14 May 1963. It got a further impetus when, on 4 October, 1963, following a second coup, the new Iraqi government announced its recognition of Kuwait's sovereign independence. The new regime did so under its policy of clearing "the sullied atmosphere created by the Qasim regime". The Kuwaitis were believed to have made substantial financial subventions which encouraged a change in the attitude of the Iraqi leadership. It was a questionable policy as it provided the Iraqis with an additional instrument of pressure.

**D**espite the apparent rapprochement, Iraq did not wholeheartedly accept Kuwait's independence and territorial integrity. That was evident in subsequent periodic needling. Not unexpectedly, the border problem cropped up during the regimes of Abbas Salam Arif and Abdur Rahman Arif. Further evidence of Iraq's latent designs could be found in the joint Kuwait-Iraq Committee meeting begun in 1964 in order to discuss the demarcation of the border. The Iraqis, for the first time, raised the question of the legality of the previous agreements and documents on the plea that those were signed at a time when Iraq was still under foreign occupation and that it was not free to negotiate. Iraq also stated that a border adjustment in its favour was essential before it could accept the previous documents. The Kuwaitis rejected the Iraqi contention and maintained that the plea transgressed the competence of the joint committee which had met to deliberate on

the application and implementation of the agreements rather than questioning their legality. Because of a sharp divergence in their respective positions the committee talks ended in a stalemate in 1967. Next, after the Ba'ath Party captured power in Iraq (1968), it raised fresh obstacles by adding ideological, political, geographical, economic, security and strategic dimensions to Iraq's problem with Kuwait.<sup>19</sup>

As Iraq-Iran relations grew tense in 1969 and the threat of hostilities loomed large, Iraq requested Kuwait in April to allow the stationing of its troops in Kuwaiti territory in order to protect the port of Umm al-Qasr. As a *quid pro quo*, Iraq offered Kuwait the facility to send its forces for deployment near Basra or any other place in Iraq. This was a clever way of dragging Kuwait into a hostile posture against Iran. Kuwait did not fall for the bait but, put under severe pressure, reluctantly agreed to the stationing of Iraqi troops on its soil.<sup>20</sup> The Iraq-Iran tension subsided soon afterwards but Iraq had scored a point.

During the early 1970s, Iraq formulated plans to construct an oil terminal and a naval base on the Bubiyan island. This was a new approach. During secret talks in 1971–72, the Iraqi Foreign Minister wanted Kuwait to cede the Bubiyan and Warbah islands to Iraq and proposed an agreement under which Iraq was permitted to construct an oil terminal in the deep waters along the Kuwaiti coast. In return, Iraq would supply fresh water from the Shatt al-Arab to Kuwait through a pipeline.<sup>21</sup> It was hoped that through such functional co-operation the way could be paved for a smooth and harmonious solution of various pending problems. Suspecting Iraq's latent motives, Kuwait turned down the proposal.<sup>22</sup>

Next, Iraq created a mild flutter on 20 March, 1973 when its troops and tanks penetrated into Kuwaiti territory occupying and constructing military installations in the Kuwaiti outpost at Al-Samita. An exchange of fire took place. A couple of days later, the Kuwaiti government sent a protest note to the government of Iraq and asked it to withdraw its troops from the Kuwaiti territory. The Iraqi government asserted that the frontier between the two countries had not yet been agreed upon. Adopting a tough posture, Iraq rejected a mediation offer by the Arab League Secretary General, Mahmoud Riad, as well as that of Saudi Arabia and Syria. It took the position that the matter concerned direct mutual relations between Iraq and Kuwait and that there was no need for other parties to

meddle in the issue. It was a clear departure from, if not a violation of, the Arab League Ministerial Council consensus settlement of July 1961. However, Iraq eventually agreed to withdraw. The compelling reason was the strong opposition by Saudi Arabia and Iran to the Iraqi encroachment. It was reported that Iran offered military support because Kuwait asked for it.<sup>23</sup> In fact, both Iran and Saudi Arabia had become wary of Iraq which had acquired new sinews after signing a treaty of friendship and co-operation with the Soviet Union in April 1972.

The Iraqi government added a fresh irritant when, on 28 April, 1973, it sent a note to Kuwait suggesting fresh discussions on the border problem on the basis of previous documents, but referred to them as "indications" and not agreements. The note stated that a solution of the outstanding problem should take into account not only the interests of the two states but also those of the Arab world. This was the first instance of the Iraqi government trying to link its problem with Kuwait with those of the Arabs. In its reply on 5 May, Kuwait insisted on adherence to the previous agreements and ignored the linkage. Iraq, in its rejoinder on 17 May, rejected the validity of these agreements saying that they had not been ratified as required by the Iraqi Constitution and suggested a postponement of negotiations to a "more opportune time".

Kuwait made a fresh bid to reach a settlement on the border problem when the Crown Prince, Sheikh Jaber al-Ahmad as-Sabah, paid a visit to Baghdad on 20–22 August 1973. The Iraqi leaders now modified their earlier position and stated that they would accept the existing frontier in case Warbah and Bubiyan islands were either ceded or leased to Iraq. The Kuwaiti government again refused to alter the status quo. Iraq's next move was ominous. On the pretext of meeting the Iranian threat, it sent its troops to Warbah and Bubiyan at the mouth of the Shatt. It seemed that in their insistence on occupying the Kuwaiti islands, the Iraqi leadership was emulating the example of the Shah of Iran who, a few years earlier, had sent his troops to occupy Abu Musa and two Tumb islands in the Strait of Hormuz.

The perceived threat from Iran was removed in 1975 when Iraq and Iran signed a comprehensive border and peace treaty in March. But the attempt by Iraq to consolidate and legitimize its military presence on the Kuwaiti islands antagonised the Kuwaitis. The new Iraqi justification was the defence of Umm al-Qasr part. The Kuwaitis

dismissed the Iraqi contention as “illogical and baseless”. Iraq repeated its readiness to accept the existing border demarcation if the islands of Warbah and Bibiyan were leased out to Iraq for “a long time”.

Kuwait once again repudiated the Iraqi offer and began to strengthen its military establishments on the islands.<sup>24</sup> The Kuwaitis asserted that these islands were not only the inalienable parts of Kuwait but also constituted one-fourth of the territory of the State of Kuwait. Further, because of their proximity to the Kuwaiti coast, they argued, control of the islands by any other power would not only endanger the security of Kuwait, but would also prejudice relations with its other neighbours. It was added that Kuwait followed a policy of peace and non-alignment and Iraq’s demands on the islands for military purposes was contrary to Kuwait’s policy and interests. Kuwaiti sources indicated that if Iraq needed these islands for its trade and commerce, Kuwait would be happy to extend all facilities and even offer financial aid. Iraq rejected these overtures and its encroachments continued unabated.

The Iraq-Kuwait equation suffered a major setback when, taking advantage of the dissolution of the Kuwaiti National Assembly in September 1976 and the prevailing popular nationalist upsurge, the Iraqis, for the first time, publicly attacked the Kuwaiti regime and revived their claim over the state. They even mobilized troops in readiness to occupy a small area in northern Kuwait.

Bilateral negotiations to settle the unresolved border problem were once again initiated when the Kuwaiti Interior and Defence Ministers went to Baghdad in June-July 1977. The only point of agreement was the appointment of a committee to follow up and resolve such incidental problems like smuggling and encroachment. Iraq was reported to have indicated its readiness to pull out its forces from Kuwaiti soil after nine years.<sup>25</sup> No agreement was reached on the islands or the border demarcation. Inspired reports that Kuwait had agreed to lease out the islands to Iraq on a long-term basis were furiously denied by the Kuwaiti government.

**T**he Iranian Revolution in 1979, and the outbreak of the Iran-Iraq war in the following year, created a new environment in the Persian Gulf region. The Iraqi and Kuwaiti perceptions of the threatening aspects of the first event, being identical, brought the

two governments onto the same side of the spectrum. The war provided an opportunity when, forgetting their bilateral problems, Iraq and Kuwait, in the spirit of Arabism, reached an understanding on confronting and containing Iran. In the name of Arab nationalism and solidarity, Kuwait offered substantial financial, political and logistic support to Iraq during its protracted war with Iran. In November 1979, it was reported that Iraq and Kuwait had signed an agreement under which Iraq acquired the right to use the facilities in the Kuwaiti port of Shuweikh.<sup>26</sup>

With the outbreak of the Iran-Iraq war in September 1980, Iraq again raked up the question of control over the Warbah and Bubiyan islands and justified its demand on national security and strategic grounds. In the summer of 1981, President Saddam Hussein, in a statement, expressed his desire to control the two islands for five years.<sup>27</sup> The Kuwaiti officials discreetly refused to accept the suggestion. However, immense financial aid by Kuwait and political and logistic considerations put effective constraints on the Iraqi pressure for some time.

But, in order to confront Iranian military forward thrusts in 1984, Iraq redoubled its pressure for securing the Kuwaiti islands. The Kuwaitis eventually relented and when Prime Minister Sheikh Saad as-Sabah visited Baghdad in mid-November, it was reported that the two countries had agreed that three islands of Kuwait—Warbah, Bubiyan and Falaikah—would be put under Iraqi control for security reasons.<sup>28</sup> In a sense, this was the first *de facto* step towards Iraq's complete control over Kuwait.<sup>29</sup> Militarily, these islands proved strategically crucial for the Iraqis who were engaged in beating back the Iranians in this sector.

As long as the Iran-Iraq war continued, Iraq avoided the task of demarcating its border with Kuwait. But once the ceasefire agreement was signed, Kuwait again formally approached Iraq for this purpose. During the visit of the Iraqi Minister of the Interior, Samir Abdur Razzaq, to Kuwait in August 1988, the two countries agreed to constitute a joint committee to undertake the task. However, Iraq again made the demarcation conditional on the transfer, this time of Bubiyan, to Iraq. Because of Kuwait's rejection of the condition, the talks broke down.

Iraq flexed its military muscles in October 1988 when Iraqi army units penetrated upto a depth of 20 kilometers inside Kuwaiti territory but, through immediate talks and "brief case diplomacy"<sup>30</sup>

the situation was retrieved and Iraqi troops were withdrawn.

Kuwait made yet another bid to resolve its protracted border problem with Iraq. The Crown Prince and Prime Minister, Sheikh Sa'ad Abdullah as-Salem as-Sabah, went to Baghdad in February 1989. During the ensuing talks, President Saddam Hussein prevaricated on the question of signing an agreement on demarcation. However, the Kuwaitis were shocked by Hussein's series of sceptical, (rather ungrateful) remarks regarding Kuwait's financial aid, logistic support, and political and media backing to Iraq during its war with Iran!<sup>31</sup> In an interview, he stated: "We expected that after the termination of the war, the Emir of Kuwait would pay a visit to Iraq."<sup>32</sup> Thereafter, Iraq intensified its pressure on Kuwait and Saddam Hussein's attitude became more sanguine and belligerent. He began operating on his larger plans in early 1990. In mid-July, Iraq charged Kuwait and the United Arab Emirates (UAE) with "direct aggression" against Iraq. Complaints included encroachments on Iraqi territory, "oil theft", and excessive oil production thereby sabotaging the Iraqi economy. The fermentation erupted in the form of a major crisis in the Persian Gulf when President Saddam Hussein, ignoring friendly dissuasion, decided to settle his scores militarily with Kuwait by ordering his troops to march in on 2 August, 1990.

In sum, the lingering Iraqi claim over Kuwait which in the course of history escalated into a crisis presents some interesting conclusions. The core issue has been the question of Kuwait's territorial integrity as a distinct sheikhdom. In its 235 years' history as such an entity that was occasionally challenged; primarily by the Ottomans who claimed suzerainty over Kuwait. That was of a nebulous character. During the last fifty years, Iraq periodically forwarded its claim. All through this period, different Sheikhs of the Sabah dynasty jealously guarded the territorial distinctness of their sheikhdom. Put under severe pressure, Sheikh Mubarak as-Sabah was more anxious about preserving the separate existence rather than the sovereign independence of his state. Therefore he sought British protection. Thus, the State of Kuwait was sustained on external support. The state's boundaries, though defined or determined through British intercession, have not been demarcated. That lacuna has precipitated occasional tension.

In modern times, the dispute can be studied under two broad phases—first under Monarchic Iraq and Protected Kuwait and, second, during Republican Iraq and Independent Kuwait. The

discovery of oil added a new, important dimension to the problem. The Iraqi claim over Kuwait was revived with great intensity on the eve of and since the formal independence of Kuwait.

Whereas Kuwait has been consistent in refuting the Iraqi claim of sovereignty or demand for territorial cession or adjustment, Iraqi demands have fluctuated from a total claim of sovereignty to border redefinition and cession of one or more islands. Iraq has also provided changing justification for its varying demands.

On attaining independence and being challenged by the Iraqis, the Kuwaiti government, apart from soliciting external assistance, also sought to buy Iraqi goodwill directly by making financial subventions in a spirit of Arab brotherhood. Thus, perhaps unintentionally, a vicious practice and circle was initiated which also became an instrument of pressure on Kuwait.

Kuwait repeatedly sought a negotiated demarcation of its border with Iraq but, on every occasion, the latter linked it with extraneous issues and made it conditional on territorial cession or concession. Since Kuwait refused to yield, the dispute continued to fester and erupted in its present form.

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Shaikh Ahmed at the same time claims, as appertaining to Kuwait, the Islands of Warbah, Bubiyan, Maskan (Or Mashjan), Failakah, Auha, Kubha, Qaru, and Um-el-Maradim . . ."  
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27. Stephen Grummon, *The Iran-Iraq War: Islam Embattled* (Washington, 1982), p. 49.
28. *Keesings Contemporary Archives*, vol. 31, No. 9, 1985, p. 33885.
29. Grummon, n. 27, p. 49.
30. In the diplomatic circuit it is a euphemism for money payment through an exchange of two brief cases, one full of currency notes and the other empty, implying that it should be similarly filled up next time.
31. Valedani, n. 1, p. 364.
32. *Kayhan* (Teheran), 20 Ordibihisht 1368.