

# REFUTING THE FALLACIES OF SADDAM



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# PART 1

## **KUWAIT IS HISTORIC, POLITICAL AND LEGAL REALITY**

## Preface

Since the beginning of the brutal invasion of Kuwait on August 2, 1990 which resulted in the killing detention and expulsion of innocent Kuwaiti citizens and expatriates and the looting and plundering of public and private property in a manner never before witnessed in modern history the oppressive Iraqi regime has been trying in vain to muster for its brutal invasion against Kuwait and its people. Toward this goal it put forward many weak and irrelevant arguments and lies which when scrutinized prove to be mere fabrications lacking any justification. First the regime claimed that its forces penetrated deep into the Kuwaiti land to extend assistance to the Kuwaiti people. When it found out that not a single Kuwaiti citizen offered to cooperate, it subsequently announced the formation of an imaginary government calling it the government of free Kuwait. The names of this government members only existed in the mind of Saddam Hussein. At a later stage Saddam announced the establishment of republic in Kuwait but when he discovered that the random measures he had taken to justify his invasion of Kuwait were rejected by respectable Arabs and Muslims as well as by world opinion Saddam resorted to claims the Kuwait was part of Basra during the Ottoman empire and that it was the british colonial rule which had stripped it off Iraq. The claim was asserted by Saddam Hussein in his address to the American people on September 26, 1990.

Based on our belief that historical, political and legal fact refute Saddam's lies and claims specially those

contained in his above mentioned speech we feel bound to state the truth and unveil the false claims and reply to these distortions through a straightforward historical document that will invalidate the aggression and condemn the aggressor.

# Study No. 1

## Kuwait: a Historical and Political Fact

In this study we will deal with Saddam's false claims and lies contained in his address to the American people. We will then reply to these false claims by stating beyond any doubt the Kuwait is an existing historical and political fact despite all these false claims.

**First:** Saddam Hussein said the Kuwaiti rulers were hand picked by foreign forces to become rulers of that part of land that has been taken away Iraq.

It is evident for every one that this claims is not backed by reality. The fact is that Kuwait was founded by Al-Sabah family and the Arab tribes at the beginning of the 18th century. Joining hands with their countrymen they patiently struggled and endured hardships and difficulties and cooperated so that Kuwait would remain free and sovereign.

All the available historical documents substantiate these facts and at the same time refute the false claims by Saddam Hussein that Kuwait is part of Iraq. His claim of the return of the of the usurped southern part of Iraq to the motherland is a repugnant and a flagrant seizure of Kuwait; its entity, sovereignty, independence and legitimacy and a naked attack against the dignity and civility of its free and proud people.

**Second:** Saddam Hussein claims in his above mentioned speech that Kuwait represents the southern part of Iraq and that Britain took it away from Iraq in 1913 during the first World War and installed (Sir)



Mubarak Al-Sabah as an undisputed ruler.

This claim, in addition to being a great blunder and an attempt to circumvent reality, ignores the historical facts and documents that refute its legitimacy.

It is quite evident that Kuwait appeared as a political entity when its people, acting on the Islamic principle of Shura (consultation) that was deeply entrenched in their way of life, elected Sheikh Sabah I as emir in 1756 long before the evolution of modern Iraq as a state in the twenties of this century. It was never envisaged by the early Kuwaitis and those who came after them that a day would come when someone in Iraq, which at that time was under direct ottoman rule, would claim that independent Kuwait is part of Iraq and accordingly develop an aggressive intent to occupy Kuwait, kill and displace its people and loot and plunder the country's public and private establishments.

The historical facts state that Kuwait, unlike Iraq, has never been under the ottoman rule but was discharging its authority independently of the ottoman state and of any other entity under its authority such as Iraq. Furthermore, the ottoman state did not appoint a ruler to govern Kuwait in its name as it did in the case of Iraq. To this is added the fact that contacts between the emir of Kuwait and the Turk were conducted directly and were not carried via Iraq or through it.

As for Kuwait's relations with the ottoman state these began when the Al-Sabah family settled in Kuwait together with a number of Arab tribes. The part of the land on which the Al-Sabah established Kuwait emirate was close to Iraq which was part of the

Ottoman state. Hence Sheikh Sabah sought to contact the Ottoman wali (ruler) nearest to Kuwait, and he happened to be the ruler of Baghdad, to negotiate with him and exchange views on matter of interest to the two sides and to ensure the safety of the tribes passing through its lands. The two sides agreed on this and Kuwait continued to run its affairs independently while consolidating mutual respect with Bani Khaled, the rulers of the eastern part of the Arabian Peninsular one hand and with the Ottoman state at the other.

This mutual relationship between independent Kuwait and the Ottoman state continued for a long time and this independence was stated by the records of the Dutch in Kharj Island as representative of the Dutch East India Company. This independence was also established by the Ottoman rulers themselves including Midhat Pasha, the ruler of Baghdad since 1866 who was known for his expansionist policies and his desire to extend the authority of the Ottoman state over the largest possible area of land. It was stated in his autobiography and in his correspondence with the Grand vizir (prime minister in the Ottoman Empire) that "Kuwait is independent and is a semi-republic whose people insist on maintaining their independence and reject any connection with the Ottoman state because they have no desire to commit themselves to material taxes that could be levied on them. Their trade is free and active and they do not accept any employees or soldiers. They consider the Sultan as the head of the Islamic faith and their ships raise the Dutch flag at times and the British flag at others. Midhat pasha advised the Ottoman state of introduce Ottoman

reforms in an attempt to link Kuwait to the Ottoman state. Although the suggestion made by Midhat pasha was met with good response from the Grand vizir no arrangements that would affect the independence of Kuwait have taken place and Kuwait continued to retain its actual independence of the Ottoman state in spite of its cooperation with the Ottoman state and its participation in its land naval expeditions out of its desire and keenness to maintain the mutual and religious ties and since any outside threat that faces the Ottoman state will in most cases face Kuwait at the same time.

A clear evidence of the independence of Kuwait of Ottoman state is the fact that when Kuwait left it was being intimidated by the Ottoman state it acted on its own and Sheikh Mubarak Al-Sabah signed the protection agreement with Britain on January 23, 1899. By so doing Kuwait rejected any link with the Ottoman state and the agreement stated that Britain will protect the sheikh and his heirs as long as he remained committed to his undertakings to Britain.

When the first World War broke out a British declaration to Sheikh Mubarak was made on October 1914 recognizing Kuwait as an independent state under British protection while Iraq was put under the British mandate. Kuwait became independent in all its internal affairs. As for foreign affairs these were administered by Britain due to the consent of the rulers of the Arabian Gulf who agreed, for practical reasons, that Britain would take over the administration of their foreign affairs in return for their protection, maintaining their tiny entities and respecting their

freedom regarding the running of their internal affairs. At this time Iraq was under the British mandate its internal and external affairs were dominated by Britain where all government circles and administrations were run by British advisors.

It is worth mentioning that finding itself unable to face Britain the Ottoman state entered into negotiations with it during the period 1911-1913 that culminated in the signing of the Anglo-Turkish agreement of 1913. The agreement contained five parts, the first of which dealt with Kuwait. In articles 5 to 7 Kuwaiti borders with Ottoman Iraq were defined and the two of Bobyan and Warba were recognized as part of Kuwait while Safwan and Um Qasr were taken away from it. Thus Kuwait borders were defined under an international agreement binding on all parties.

At the Al-Aqeer conference in 1922 Iraq made inquiries to Britain about its relations with Kuwait and the effect of this on the ongoing negotiations regarding the borders in the region. Britain answered that its relations with Kuwait were mutual and based on the protection agreement signed between the two parties in 1899 and that the Kuwait-Iraqi borders were those defined in the Anglo-Turkish agreement of 1913. This fact refutes Saddam's claim that throughout the different eras Iraqi rulers did not recognize Kuwait. The Ottoman state recognized the above mentioned agreement as well as the agreements reached by Kuwait and Britain. These were recognized by Iraq during the rule of the monarchy when at the 1922 Al-Aqeer conference on the definition of boundaries it enquired about the relations between Kuwait and

Britain and the effect of this on the ongoing border negotiations. The then British High Commissioner in Iraq Percy Cox answered the Iraqi government stating that relations between Kuwait and Britain were mutual ones based on the protection agreement signed between the two sides in 1899. This recognition remained valid throughout the rule of the monarchy in Iraq.

In 1932 when Iraq was about to gain independence from the British mandate and become a member to the league of Nations Iraq had to define its borders with its neighbours and it brought forward that document in the League of Nations. The British High Commissioner wrote to the acting Iraqi prime Minister Jaffar Al-Askari for the exchange of memoranda regarding the demarcation of borders with Sheikh Ahmad Al-Jabber based on the attached written memo. This was done the return Nuri Al-Saeed, the prime minister, and Al-Saeed and Sheikh Ahmad exchanged the memos defining the borders of their two countries through the British High Commissioner. The exchange of the memos between a head of government or foreign minister with their counterparts in other countries is considered a binding agreement according to the international laws and norms.

This was made evident during the republican rule in 1963 when another agreement was made between Kuwait and Iraq in which the two parties agreed to the following:

- a) The republic of Iraq will recognize Kuwait independence and full sovereignty within its borders stated in the letter of Iraq's prime

minister dated 21.7.1932 which was accepted by the ruler of Kuwait under his letter dated 1.8.1932.

- b) The two governments should work to consolidate the fraternal relations between the two sisterly countries guided by the national duty, joint interests and the aspirations for Arab unity.
- c) The two governments should work to establish cultural trade and economic cooperation between them and to exchange technical information.

In realization of this the two countries exchanged diplomatic representation at the ambassadorial level.

This agreement was signed by the head of the Iraqi delegation Maj.Gen.Ahmad Hassan Al-Bakr who then became prime minister and Sheikh Sabah Al-Sabah the then Kuwait prime minister and head of his country's delegation.

**From the above mentioned it is evident that;**

- a) the historical facts referred to herein refute in absolute manner the claim that Kuwait was part of Iraq and contradicts Iraq's claim that Kuwait was under the ottoman rule. This claim, despite being false, opens the door wide for unrestrained chaos that could afflict the entire world if other countries dared to take similar acts claiming historical rights. The Iraqi regime could occupy Jordan claiming that at one time it was part of the Ottoman Empire. Iraq or part of it could be subjected to such claims if another country or countries claimed historical rights in Iraq.

To firmly establish this fact we refer to a number of proofs that beyond the independence of Kuwait from the ottoman State:

1. The absence of any material proof such as soldiers and government employees, payment of taxes, government departments...etc. Not only this but Sheikh Mubarak refused to accept the government official sent by the Ottoman state to work as director of the sea port in an attempt by the Ottoman state to establish material proof to its sovereignty over Kuwait after the signing of the protection agreement. Kuwait is void of any Ottoman material archaeological remains such as castles and palaces which were scattered all over the areas that had been under Turkish rule.

2. Kuwait never asked assistance from the Ottoman state throughout its history and even when there was a threat or when Kuwait was subjected to outside aggression it defended itself relying on its own power without seeking intervention from the ottoman state.
3. Kuwait was a heaven for the opponents of the Ottoman state and those fleeing it. The British historians (Bridges) who was employed with the East India Company said he fled to Kuwait in 1774 following a dispute between the company and the Ottoman authorities in Basra and that the ruler of Kuwait accorded to him all the facilities he required. He described him as a just ruler who enjoyed the love of his subjects. Naturally if Kuwait was part of Basra its ruler would not have acted the way the ruler of Kuwait did but would have followed the same policy adopted by the Ottoman authorities in basra. Bridges further states that one of basra's rulers. Mustafa Agha or Musfataf Al-Kurdi, fled to Kuwait together with his friend Thowaini Al-Saadoun, the ruler of Al-Muntafiq, after a dispute between them and the ruler of Baghdad, Soliman Pasha, in 1789. The ruler of Kuwait refused to hand over the refugees despite threats and promises of money offered to him by the Ottoman authorities in Basra. This clearly shows that Kuwait was not a part of Basra province at that time.
4. The transfer of the activities of the British Agency to Kuwait when the Iranians occupied



Basra during 1776-1779 and the solution of the problem facing the East India Company cargo accumulating in India waiting shipment. The same agency moved twice from Basra to Kuwait as a result of dispute between its administration and the Ottoman officials in Basra. The first time was between 1793-1795 and the second in 1921. This has two indications. First, the company administration was satisfied with the good treatment on the side of the Kuwaiti ruler and merchants. Second, and more important, is the fact that Kuwait was independent of the Ottoman rule and if this was not the case then it would not have been possible for the company administration to move from one Ottoman - ruled place to another.

5. No money was sent from the Ottoman state to the emirate of Kuwait.
6. British and Ottoman documents clearly state the independence of Kuwait of the Ottoman rule. This is particularly stated in documents the most important of which is the letters of Midhat pasha to his government in addition to many other documents. As for the British documents including those of the British political residents Kempell, Meed and Curzon, the viceroy of India, and many others.
7. The recognition by the Ottoman state in the Anglo-Turkish agreement of the independence of Kuwait and its definition of the boundaries between Kuwait and Ottoman Iraq in the same agreement.

8. The recognition by the ottoman state in the Anglo-Turkish agreement and all conventions made by the Kuwait with Britain and this also contradicts claims of its direct subjugation to the Ottoman state.

In that agreement in 1913 it recognized Kuwaiti sovereignty over Warba and Bobyan while it continued to administer, with the consent of Britain, the two regions Safwan and Um Qasr which were part of Kuwait. The borders between Kuwait and Iraq became clear and they were recognized by both Kuwait and Iraq through the exchange of memoranda between Sheikh Ahmad Al-Jabber and Nuri Al-Saeed (the Iraqi prime minister) through Britain when Iraq gained its independence in 1932 from the British mandate.

9. One of the documents published by Saldana (the undersecretary of British India) states that during the reign of Sheikh Jabber Al-Sabah (1835) the Turks attacked and ransacked Al-Zubair and that some of its citizens fled to Kuwait. The document further states that Jabber had enough force to resist the Turks and refused to heed their orders.
10. The defeat of the Ottoman state in the First World War and its expulsion from the territories under its rule and the recognition of Kuwait as totally independent under British protection as incorporated in the 1918 Lausanne Agreement.
11. Sheikh Mubarak's rejection from the start of any cooperation with the Germans and their offer to select Kazmah as the end station of the

Berlin-Baghdad Railway Line despite approval by the Ottoman Sultan of the German offers.

12. The claim that Kuwait was part of Basra or the Ottoman State is further refuted by the fact that the Ottoman Empire enforced its laws on all the countries under its domain. Of these laws is the book of judicial rules which represented the civil laws is the book of the judicial rules which represented the civil law of the Ottoman State. The book was applied in Iraq, Jordan, Syria and Palestine and other countries but was never applied to Kuwait throughout the Ottoman rule. It was only applied in 1938 long after the Ottoman caliphate ceased to exist. If Kuwait was part of the Ottoman state the book would have been applied to it at the same time it was applied to Iraq. Then how can it be envisaged that the book was applied to Basra but not in Kuwait? If Kuwait was part of Basra as claimed by Saddam and his mouthpieces then the rules contained in the said book would have been applied to Kuwait but this did not happen until 1938 which means that Kuwait applied these rules at its own will and discretion; proof of its independence and sovereignty in taking the measures it deems appropriate.
  
13. It is also worth stating here that all geography and history books, academic or otherwise, which are printed and circulated in the Republic of Iraq had always continued to refer to Kuwait as an independent Arab country. There are tens

of Iraqi publications that prove this and stress in letter and spirit the independent entity of Kuwait.

- a) To the above mentioned is added the fact that in Islamic history the territory of Kuwait had been part of Bahrain region which extended from Mount Sanam in the north to the borders of the Empty Quarter in the South. This part covers the eastern section of the Arabian Peninsula. The tribes of Tameem, Saad and Abdul Qais were the inhabitants of this area which was later inhabited by Bani Khalid and other tribes who bore no allegiance to the rulers of Iraq and whose lands had never been part of it at any time. Arab and muslim geographers and historians regarded Basra as the southern border of Iraq which in the past used to be known as Ard Al-Sawad (the land of the black). Kuwait has never been within Iraq boundaries.
- b) If the relations between Iraq and Kuwait is that of a subsidiary with the principal as claimed by the Iraqi regime then who had ever heard of a principal establishing full and continuous diplomatic relations with its subsidiary? How come that Iraq the principal agreed to the full participation of Kuwait which it now refers to as a subsidiary in all the international organizations and in equal footing?
- c) It is stated fact that Kuwait existed as an independent political entity long before Iraq

came into being. Then how come it be envisaged that the entity that came into existence first is regarded as a part of the one which was borne at a later stage? This is an attempt that runs contrary to all logic.

d) Iraq claims that there was no accredited agreements between Kuwait and Iraq regarding the demarcation of boundaries and that it had not recognized any agreement in this regard. To claim this we have the following to say:

1) The regime if Saddam Hussein does not honour any international rules or norms. Hence it is not surprising to see this regime denying the existence of an agreement that defines or demarcates the boundaries between Iraq and Kuwait.

If it was Saddam Hussein himself who cancel the 1975 agreement he signed with Iran that defines his country's borders with Iran with no apparent justifiable reason apart form personal whims and fancies, then it would be no surprise if the same Saddam rejected another agreement signed by some body other than him. Here we refer to the late president Ahmad Hassan Al-Bakr of whom Saddam was deputy then. If the world accepted such behaviour, then this would mark the beginning of unprecedented chaos in international relations.

2) The provision of the 1936 Agreement referred to above were executed immediately after the

signing of the agreement and cultural and economic relations were established with Iraq and diplomatic representation exchanged between Iraq and Kuwait. Thus from the legal point of view Iraq is considered to have recognized the agreement and its provision since it implemented the greater part of it. It is an established rule that this implementation would not take effect until after the agreement was put before the council of ministers or the revolutionary command council had not endorsed the agreement? Aren't the political, economic, social and cultural acts and implicit, if not explicit, proof of the endorsement of this agreement and all its provision?

Finally, if we conceded Iraq has a case against Kuwait that should be discussed then why did Iraq refuse to respond to Kuwait's repeated calls during the past years to put the Iraqi claims before the International Court of Justice? Why did Iraq refuse the Kuwaiti suggestion for the formation of an Arab commission to look into the border dispute between the two countries? If Iraq refuses to recognize the borders with Kuwait because they are colonial borders, as it claims, then who defined Iraq's borders with its other neighbours? Can Iraq accept the signed border agreement including what it signed with Kuwait in 1963 in this regard?

Iraqi breach of the international law and conventions is indeed a shameful matter for itself and a sad matter for all Arabs and Muslims and it is natural that Iraq should bear its consequences in full. However, the policy "divide and rule" specially when applied among

Arab countries and within in Arab states is a very serious thing that requires the utmost degree of precaution and prudence. In plying this card the Iraqi regime resorts to cheap methods of conspiracy. It confuses issues with hollow slogans and foments ill feelings among the Arabs and the rest of the world. By so Iraq is seeking to start a fire that would leave behind trails of destruction and misery and Iraq can not live under the illusion that it can be immune from its flames.

From the above it is clear that there is no evidence whatsoever of what Saddam Hussein claims as being Iraq's historic rights in Kuwait. Saddam is just blowing into cold ashes to justify his heinous crime of invading Kuwait.

What we have said is substantiated by the fact that when the Iraqi regime committed its outrageous crime it never said it was regaining Iraqi territories but said its forces entered Kuwait in response to calls from the free Kuwait people whom it claimed had toppled the governing regime. To back this allegation it invented what it called the interim Kuwait government. This illegal government then announced the dismissal of the emir, dissolved the National Assembly and formed the government of free Kuwait. All these measures were with no mention of historical Iraqi rights in Kuwait. Not only that but the regime announced it would begin withdrawing its forces from Kuwait starting from August 5 if there were no threats to the security of Iraq or Kuwait. This confirms the fact that the concept of so called historical rights has never been one of the reasons by the Iraqi regime to justify its storming of Kuwait.

Even when the Iraqi regime started to prepare for its invasion to Kuwait it made no reference to the historical rights but accused Kuwait and the United Arab Emirates of exceeding their quota of oil production decided by OPEC and that they flooded the market with oil and consequently led to a drop in oil prices in a way that greatly affected the Iraqi economy. Until August 7 the concept of historical rights was not in the agenda. The interim government in Kuwait announced that the country had become a republic which means that Kuwait was still an independent and sovereign state.

However the following day, August 8 the Iraqi regime announced that it had formally annexed Kuwait on the basis that it was originally part of its territory and thus the concept of the historical rights was introduced into the political stage of the crisis.

Such random actions are a clear indication of false statements and lies. Saddam Hussein has been fabricating false statements and lies to justify its invasion of Kuwait. If the regime was truly sincere with itself it would have announced from the beginning the idea of Iraq's historical rights in Kuwait but its course of action clearly indicated that it has never sided with logic and reality and that it was fabricating lies that only exist in its mind but were believed by no one except the regime.

No matter how Saddam and his clique tried to alter reality with their lies and fabrication, truth will prevail and will be known to the entire world because lies will never overshadow the light of the sun. Third: To back his lies Saddam spoke of what he termed as three incidents of history which when examined will crumble



before the facts:

Saddam claims that in 1938 the Kuwait Legislative Assembly demanded that Kuwait be united with Iraq and as result Sheikh Ahmad Al-Jabber dissolved the assembly. This claim can not hold out when challenged because there isn't any thing either in documents or in reality that prove this to be correct. What happened was that Iraq under King Ghazi who was seeking and the establishment of the Fertile Crescent, the region extending from Syria to the Arabian Gulf, exploited the democratic atmosphere prevailing in Kuwait at that time and began inciting Kuwait into opposing the authorities under the illusion that he could influence the Kuwaiti people. When he failed to achieve his goal King Ghazi sent a force to invade Kuwait, as substantiated by the British documents, but the attempt failed as will fail the attempt of the Iraqi dictator Saddam Hussein with the grace of Allah. The call for annexing Kuwait was not made by Kuwaitis as claimed by Saddam Hussein but it was instigated by King Ghazi himself.

To Saddam's claims that in 1958 Nuri Al-Saeed demanded the annexation of Kuwait during a meeting of the Baghdad Pact we answer by saying that a demand made by a prime minister for the annexation of a neighbouring country can not be taken to mean a right that an independent country is part of another. Truth shows that the basis on which Nuri Al-Saeed made his demand was to push Kuwait into joining the Baghdad Pact so that the alliance can benefit materially from Kuwait's membership in this organization. However, the late Sheikh Abdullah Al-Salim the then ruler of Kuwait rejected this because

he had no desire to see his country linked with foreign pacts. He also rejected the call by Nuri Al-Saeed for Kuwait to join a Hashemite federation he planned to establish grouping Iraq and Jordan in order to confront the unity that was established between Egypt and Syria.

In 1961 and after Kuwait's independence, President Abdulkareem Qasim of Iraq recognized it and congratulated Sheikh Abdullah Al-Salim. But he soon changed his mind and demanded that Kuwait be united with Iraq in an attempt to benefit from Kuwait's resources and divert the attention of the Iraqi people away from the country's deteriorating situation under his rule. This is the same course now being pursued and the same goal sought by Saddam Hussein. Despite being a lunatic and an insane leader Abdulkarim Qasim was to some extent wiser than Saddam Hussein since his threats were only verbal and he refrained to attack bearing in mind the negative effects this would have on his regime and his country. On the contrary Saddam took no cognizance of this and proved to be more lunatic than his predecessor. Anyhow, the odd situation resulting from Abdulkarim Qasim's demand that Kuwait be part of Iraq ended with the 1963 revolution and the signing of an agreement between the two sisterly state (Iraq and Kuwait) in which Iraq recognized the independence of Kuwait within its boundaries defined by the memoranda exchanged between Sheikh Ahmad Al-Jabber and Nouri Al-Saeed in 1932.

Thus we find out that all the evidence stated by Saddam Hussein to justify his invasion and occupation

of the state of Kuwait are empty allegations. Neither the attempts by King Ghazi nor those by Abdulkarim Qasim to annex Kuwait gave Iraq any rights or justification to annex Kuwait which has been an independent and sovereign state recognized by the international community and an active member of Arab, Islamic and international organizations; playing a role more active than that of Iraq. Kuwait is fully independent of Iraq since its establishment on non-Iraqi territory and enjoyed defined borders with Iraq since the Ottoman rule. These borders were stated in an international agreement recognized by the two countries exercising influence in the region at the time (Britain and the Ottoman state). These borders were reaffirmed again during Al-Aqir Conference in 1932 when Iraq inquired with Britain about this matter. They were reaffirmed for third time in 1932 in the memos exchanged between the two sides and for the fourth time in 1963 in the agreement signed by Ahmad Hassan Al-Bakr on behalf of Iraq and Sheikh Al-Salim Al-Sabah on behalf of Kuwait. Any attempt to disregard and violate these borders is regarded as aggression whose perpetrator should be punished.

## **Study No 2**

### **Kuwait, a Legal reality**

The historical and political fact contained in the previous study show that Kuwait has never been under the Ottoman sovereignty. Conventions, agreements, correspondence and events show that since its creation as a political entity in 1921 Iraq has implicitly agreed to its borders with Kuwait. It must be stated here that modern Iraq was made up of three regions that were stripped off the Ottoman state; namely Mawsil, Baghdad and Basra.

It is a stated fact that Kuwait has never been part of Basra at any time since Turkey did not extend its authority over Kuwait and the ruler of Kuwait enjoyed actual authority. According to Professor Majeed Khadouri, being one of the countries that inherited the Ottoman state Iraq can not claim sovereign rights over lands that Turkey had not assigned to it. In reference to Qasim's claims Professor Khadouri adds that Qasim was not able to legally justify his demands and so he tended to change the basis on which he built his demands from legal to historical and political.

In order to substantiate its false claims Iraq has to prove the following:

- 1) That Kuwait was legally part of the Ottoman Empire and that it was administered as a province of Basra region.
- 2) That Iraq inherited the Turkish sovereignty or authority over Kuwait from the Ottoman Empire.
- 3) That Iraq continuously sustained its active

demands of sovereignty over Kuwait.

Regarding the first condition it is evident from the above that the family of Al-Sabah ruled Kuwait free of any direct or outside intervention since 1756 and that the independent status of Kuwait was maintained even after Midhat Pasha, the governor of Baghdad, launched his expedition against Ahsa in 1871. To this is added that historical facts show that the Ottoman Empire has never gained the subjected to the Turkish rule. Since the claims that Kuwait (formed part of the Turkish Empire) has no historical or legal backing then the contention that Turkey enjoyed no legal status in Kuwait is correct and substantiated by facts.

As for the second condition even if we assumed that the Ottoman state had sovereignty over Kuwait, an assumption far from reality, does this mean that Iraq as a country that inherited the Turkish Basra region did inherit this right by legal means from Kuwait? It is known that following its defeat in the First World War Turkey signed the August 10, 1920 Serves agreement. According to article 94 of the said agreement Mesopotamia and Syria were recognized as independent states under the British mandate. It was also agreed that the borders of the previous Turkish domain would be defined accordingly by the parties concerned. However, the agreement made no mention of Kuwait as being one of those Turkish domain. Although the agreement had not being ratified it could nevertheless be regarded as a valuable proof to the actual situation of the borders of the new state (Iraq).

The Lausanne Agreement of 24.7.1923 which had been ratified affirmed the provisions concerning the

assignment by Turkey of its properties mentioned in the serves agreement. Article 27 of the Lausanne Agreement, as the case with Article 139 of the serves agreement includes paragraphs indicating Turkey waiving off all its authority and law to the citizens of the regions which later came under the sovereignty or protection of the foreign forces that had been part of agreements with Turkey. Consequently, as a country which inherited previous territories, Iraq is legally bound by the restrictions imposed by the Lausanne Agreement on Turkey. In other words even if it is assumed that Turkey had sovereignty over Kuwait Iraq could not inherit this since Turkey had assigned these under the terms of Lausanne Agreement of 1923. While Iraq was later on subjected to the system of mandate under Article 22 of the charter of the League of Nations, Kuwait remained as it had been before a distinctive territory under British protection. This view is backed by Professor Khadouri who says Iraq as a country which inherited the Turkish Empire can not claim sovereign rights over territories which Turkey did not assign to it.

As far as the third condition is concerned and for Iraq to prove its claims over Kuwait. Iraq should prove that its demands over Kuwait had been continuous and were not interrupted. This departs from reality and can be interpreted as an acceptance of the continued existence of Kuwait as an independent political entity in addition to the fact the exchange of letters affirmed the existing borders between Iraq and Kuwait which were contained in other letters exchanged on April 4 and 4 April 19, 1923 between Sheikh Ahmad Al-Jabber Al-Sabah and Sir Cox.

Although the borders between Iraq and Kuwait were not demarcated their definition as stated in the exchange of letters in 1932 and their ratification in the 1963 agreement affirms the commitment of the two countries in a clear and unequivocal manner.

Since Iraq had recognized the independence of Kuwait in October 4, a recognition that was made by now ruling Bath regime in Iraq, the two countries established close diplomatic and political relations based on full respect of each other's sovereignty over its lands. Although they have not reached agreement on the demarcation of the borders, the recognition means the affirmation of Kuwait's sovereignty and its existing borders in general.

The legal fact and reality of Kuwait are further strengthened and consolidated by Kuwait's joining the united Nations and the Arab League immediately after its independence and the acceptance of it as member in all international, Arab and regional organizations.

"I would like to avail of this opportunity to address my faithful people, the citizens of Kuwait, from this respectable forum which is the seat of justice and hope. I would like to assure them that we will be victorious with the grace of the Almighty Allah and with their help and determination and the assistance of the united Nations, brother, friends and good hearted people all over the world. The departure of the invading forces is imminent with the grace of Allah and we will soon return to Kuwait which we have always regarded as a haven of security and prosperity where all the good hearted and noble Kuwaitis and their brethren, the expatriates, have lived and worked together for the progress and advancement of the country."

**(From the speech of HRH Sheikh Jabber Al-Ahmad AL-Sabah, the emir of Kuwait before the united Nations General Assembly).**





# PART 2

## **THE LEGENDARY CLAIMS OF IRAQI HISTORICAL RIGHTS IN THE STATE OF KUWAIT**





# **THE LEGENDARY CLAIMS OF IRAQI HISTORICAL RIGHTS IN THE STATE OF KUWAIT**

## **A SYMPOSIUM BY**

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## **Preface By**

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## **PREFACE**

**THE HISTORICAL CLAIMS**

**&**

**THE UNHISTORICAL ACT**

**BY: PROF. DR. QASSEM ABDU QASSEM**

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On a morning, thought to be full of hope, the world up to a crime by Saddam Hussein, aided by his tanks, jet-fighters and all weapons of destruction. Following the grave incident, came the talk of the alleged historical claims and rights of Iraq in Kuwait.

Indeed, the matter evokes bitter laughter and sarcasm. The upper hand was for the force, envy and treachery. The courageous invaders did not resort to "historical research" in murdering the atrocities involved, what happened was not in response to the logic of history, geography or any rational matter.

What Saddam did was a crime against history and consequently and history-based dialogue with him is one that falls on deaf ears. However, Arab peoples are the ones concerned with this historical dialogue, having the prime interest in uncovering the forged claims of the dictator, who wanted to blot the red colour of his victims' blood with blue ink. This ink poured by those who burn of blood and anger, forming in the body of Saddam.

Saddam's invasion of Kuwait stands against history, as it is based on the logic of invasion and conquests, which is obsolete in ancient leaves of history.

His attitude was one that made some assimilate him with Hulako, who lived in the first half of the 13th century, an image much unfair to the Tartar leader.

Tartar armies acted in accordance with the military and political values and traditions prevalent at the time, which allowed the armies to 100th conquered countries and leave them open for soldiers for a limited period. Nevertheless, it is unacceptable and illogical to allow Saddam's army at the turn of the 20th century.

Hulako, or any other, never took women and children hostages like Iraq's dictator. The system of hostages like Iraq's dictator. The system of hostages in ancient and medieval times was done by agreement and hostages were from the ruling family.

Moreover, the Tartar leader led his own armies in a legitimate war the measures of those times, but Saddam remained like a rat in hiding while leading an insane war against the whole world to keep what the stole while people were asleep.

The movement of history means the progress of nations to prosperity, freedom and civilization. Yet, Saddam's unhistorical act was setback to the Arab's historical movement, casting them out of the course of history, now changing the face of the world.

Is it possible now that we hear talk of Saddam Hussein and disciples, the media-trash collectors, about rights or historical claims?

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# **THE LEGENDARY CLAIMS OF IRAQI HISTORICAL RIGHTS IN THE STATE OF Kuwait**

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Much was said and written about the August 2 Iraqi invasion to Kuwait. Much more will be said and written when the eventful pictures is completed with the destined return of the whole issue will move from the hands of politicians, political analysts, historians to record the motives, events and the outcome of this invasion.

Unfortunately, history will record a black leaf about Arabs and Moslems especially with regards to coincidences an incidents of the invasion together with the ensuing looting, rape and blood-shed..etc. Under the slogan of "Arab Nationalism" and Islamic experiences an historical break-through, paving the way to its promotion to the 21st century. History shall never forgive the plotters and executors of this invasion, their revival of the horrifying "Asian Tartar Oppression", that caused a more severe anguish to humanity than Nazi and Fascist crimes.

This may clarify why the entire world encountered the Iraqi Baathi militancy, denouncing in the word and

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1. The writer of this article is an Egyptian Arab Historian, a friend to Iraq and Iraqis. He was met in his trip from Kuwait - via Iraq - to Egypt by much hospitality from the Iraqi people. Yet, the conscience of knowledge and sense of history denied him any chance of not stating the objective historical facts to support Kuwait and Kuwaitis in the face of barbaric conquest of Saddam Hussein.

arm what happened and is happening on the land of Kuwait. This also explains why the world persists on not rewarding the aggression and confronting him diplomatically, economically and militarily.

Much was said and written about the "non-legitimacy" of the invasion together with politicians, men-of religion and law taking upon themselves the heavy task answering the aggressor's claims and violations to the simplest principles of divine and international laws simultaneously. We are meant here in this brief report to reveal the method of "ideological Hollowness", its mechanism, the nature of its speech within the framework of "miserable flattery", "desperate pretext" and "bankrupt Patriotism". I will not handle this matter as a historian, specialized in the Arab Islamic history, but as an eye-witness destined to see and follow the aftermath of the invasion that wreaked havoc. To relate its heinous details, volumes would be needed.

However, as an historian, I see that what happened in this respect is in itself a clear evidence of the barbaric conquest. The invader, meanwhile, knew for certain that status quo it tried to impose was impossible to maintain, and here they worked on a sabotage-and-loom process for the method when the failure of their ambitious expansionist policies were revealed to the world.

The purpose of this essay, basically, is to forward a preliminary view (which I hope to detail in book) of Saddam's regime and its Nazi-styled propaganda to the so-called "historical right" to explain their invasion and annexation of Kuwait. Also, the purpose is to expose this "legendary claim" after refuting the

allegation put forward by the Iraqi regime in the first days of the invasion.

Readers are well-aware of the false Iraqi pretexts and flattery when they claimed their troops only came at the request of "Kuwait Revolutionaries" and will withdraw after setting the new regime.

Everyone knows the falsehood of this claim and as an eye-witness I confirm that not a single Kuwaiti supported exercise on all flanks of on flanks of opposition, they were unanimous on condemning Iraq in word and action inside and outside Kuwait.

The aggressors had no alternative but to set up the so-called "Interim Free Government of Kuwait" from Iraqi elements, dressed in traditional Kuwaiti outfits, that were liquidated later.

Everyone also knows how the invaders - to gain time - maneuvered by announcing their withdrawal from Kuwait. It is evident that the process was a mere replacement of troops with larger numbers and heavier armament. Consequently, it was but incumbent upon the aggressors to reveal their plot of annexing Kuwait-joining the part to the whole as claimed-under the pretext of "historical rights" !!!

This process was coupled with declaring Kuwait as an "Iraqi province", to be governed by an accomplice, and embarked on changing the names of schools, hospitals, streets, squares... etc. to confirm Kuwait's Iraqi identity.

Iraq started ever since launching a media campaign that employed the oppressed Iraqi "Intelligentsia" and some cheap Arab Intellectuals, bought with the wasted Iraqi money.

While in Kuwait, I came across an Iraqi book written

by two historians<sup>2</sup> who are followers of "Saddam regime".

The book was expounding reasons for annexing Kuwait after violating and undermining historical facts. Such an attitude is not strange on the part of the two historians, if we note they are "palace-court historians".

Moreover, the Iraqi television broadcast a number of interviews with "Dr. Nezar El Hadithi" attempting to downroot the false claims for historical rights. I remember how furious I was when seeing and hearing the obscene falsehoods from a historian I respected. I may give him some excuse for slaughtering "legends" at gun-point.

Following my return to Egypt I was happy to hear that the "Kuwaiti information Centre" in Cairo had conducted a symposium, in which three Egyptian professors refuted the "lies of Iraqi Historical rights in Kuwait."

I was pleased also to hear the statement of the assistant Secretary General of the "Arab Historians Union" denying any responsibility for the Union's support to the invasion and announcing solidarity with the people and government of Kuwait.

Yet, the three professors, who took part in the symposium, spoke only Kuwait's modern history. Therefore, I am believed - as an Islamic historian - to confront the words of Iraq's historians that referred to earlier historical epochs.

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2. The first is Dr Mustafa El Naggar, Secretary General of the "Arab Historians Union", which was never acknowledged by honest Arab historians. The second is Dr. Nazer El Hadithi, Secretary General of the "Iraqi Historians and Archaeologists Union", a puppet to Iraqi security bodies.

Before proving my points in this connection, i would like to report some facts:

1. The Iraqi regime attempted at seducing some Kuwaiti historians, known for their nationalism, to make television, known for their nationalism, to make television interviews on Baghdad T.V. in a way to confirm and give legality to annexing Kuwait. Mindless of their names, in protection of their lives - I reiterate that none of those honest historians, despite pressure and threats, gave in. On the contrary, they mocked the attempt, whiles hiding in Kuwait to take part in the Kuwaiti popular resistance.

2. Let me point out the important fact that the "Right to Conquest" acceptable in international relations at a time, was officially abolished in the U.N. charter in June 1945. This fact denies the Iraqi allegations any point-of-return in this connection.

3. The theory of "Res Nallius", which gave reason to the legality and legitimacy to annexing conquered land, is not applicable to the Iraqi invasion of Kuwait. "Res Nallius" stipulated that such land must be avoid of authority and plagued with chaos, obviously not the case in Kuwait, being a state recognized by international organizations and all world countries. The Iraqi recognition of Kuwait is evidenced through pre-invasion of diplomatic and consular representation. Consequently Iraq's invasion and annexation of Kuwait are not founded on any legal, political or even historical, geographical or administrative basis.

Since our three professors had covered the status of Kuwait in modern history since the Ottoman rule until present, there is no offense in authenticizing their

views by revealing the facts in Islamic and pre-Islamic times to nullify Dr. Hadithi's allegations.

A review of ancient history reveals that the talk about a "Kuwait State" is more legitimate than about an Iraqi one. The Hellenic Filaka civilization proves the presence of Greco-Arab civilisation in the area now known as Kuwait. In the meantime, "modern Iraq" was no more than conflicting military Someryan, Akedic, Babilonic and Assyrian states. None of these states even managed to rule Iraq as one entity, as confirmed by renowned geopoliticians<sup>3</sup>.

Iraq, we must note, was subjected for many centuries to the Persian rule by the "Kisra" dynasty while Kuwait was rule of the Arab "Hirra" Kingdom.

In ancient history, we must also note, that Kuwait had more Arab identity than countries of the "Tigris-Euphrates area", as of diverse ethnic elements; Kurdish, Arab, Armenians, Assyrians, Jewish and others.

We finally note that Kuwait experienced Christianity in old times. While the land of the two rivers abounded with numerous pagnist creeds. Even during Islamic times, the Tigris-Euphrates countries were known as a fertile land for the growth of "Zradst", "Babik" and others.

In Islamic epochs, Kuwait was at the vanguard of independent regional states, as it entered among the states of Nagdat and Qarametts, while the river countries were administratively torn into three regional

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<sup>3</sup> Dr. Soliman Hozzayen, who created the well known theory that the Arab Peninsula was the birth place of sematic people and not Iraq as claimed by its historians.

states; Gezira, Kufa and Basra.

To answer Dr. Hadithi's allegations that Kuwait was administratively affiliated to Basra along all Islamic epochs, we must highlight how Omar Ibn El Khattab - the second Moslem Caliph - handled this matter. When Omar embarked on organizing the 'House of Islam' administratively, he followed the rule of what existed before Islam. He adopted Persian regional administrative divisions in Persian held territories, turning Persian "Ristiqa" into Islamic states. He meanwhile used Byzantine "Korrs" the base of the administrative system in Egypt and Syria.

Hence, Islamic State administrative regions, during Omar Ibn El Khatab's rule, were eight: Mecca, Mediate, Syria, Gezira, Bassra, Kufa, Egypt and Palestine. This indicates that Iraq's administrative unity was not realized during Omar's time.

During the Ommayyad rule - the age of conquests - a review was made to the system of the "House of Islam" - Iraq then was made of three states : Gezira, with Armenia, Azerbigan and some minor Asia areas affiliated Kufa with Oman, Bahrain, Kerman, Sigestan, Kabel, Khurasan Kufa with affiliated, and Basra was state on its own.

During the first Abbassid rule, the number of states fell as a number of them were merged and others became independent from the Baghdad Caliphate. Among those independent was the Iraq, Kuwait and Bahrain. Does this mean that Bahrain, in accordance with historical rights, ought to demand Iraq?

During the second Abbassid rule, the Tigris-Euphrates states were cradles of forces that formed non-Arab governments, such as the Persian

"Buhi" state, the Turkish "Slogak" state and the Turkish "Khuwarisimic" state. The Tartar invasion came later to bring down the Abbassaid rule. In the 656 of the Hijra. Eversince then Iraq became part of the Mongol Kingdom, the Persian "Saffwis" state and finally the Turkish "Ottoman" empire. These were all factors that left non-Arab blood dominant on the Arab peninsula, governed by Orthodox Arab families.

Through this brief historical overview, we conclude the following historical facts:

1. The insane mistake of Iraq's dependence on the falsehood of "historical rights" in invading and annexing Kuwait.
2. The affiliation of Kuwait to Basra took place in a limited epoch compared to the much longer epoch its independence and merger with orthodox Arab states.
3. Kuwait's Arab identity is more authentic than that of Iraq which was continuously injected with foreign Turkish, Persian and Mongol bloods.
4. Kuwait's land witnessed the Unified National States before Iraq.
5. Applying the rule of Historical rights as a criterion for international relations paves the way to Turkey and Iran, specifically, to demand the annexation of Iraq.



Finally, we resort to geography as a decisive judge into the case. Hence, it is but incumbent to refer to dictionaries, geographers and travellers writings and sultans decree books to determine the meaning of the term "Iraq" and define its political boundaries along Islamic epochs.

El Zubeidy<sup>4</sup> says the term Iraq is originally an Iranian word meaning the land of palm trees, a metaphor for green lands which Arabs described as "Black". They had linked greenery and fertility with black soil<sup>5</sup>.

These were the only reference to the Tigris-Euphrates region. According to these measures, which conform with Islamic administrative divisions, Arab geographers limited Iraq to Basra and Kufa with dominions calling them the two Iraqs<sup>6</sup>.

This means that Iraq's borders never included the lands of Kuwait, as "Al Fayrouzbadi"<sup>7</sup> said Iraq extends along the Tigris and Euphrates in the area south of Tikrit until Basra<sup>8</sup> or "Abadan" as Ibn Khurdzhaba<sup>9</sup> said.

These are the southern borders of Iraq, far from the

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<sup>4</sup> Taj El Arouss - part 7, pp.9.

<sup>5</sup> El Mawrdi : Sultans decrees, pp. 172 -173.

<sup>6</sup> Al Hamrani: The Brief Book on Countries, pp. 31.

<sup>7</sup> Re: Al Qamus Al Muhitt - part 3, pp. 264.

<sup>8</sup> Abul Feda: Brief History of Man, pp.408  
Yaqut: Atlas of the countries, part 2, pp. 15.

<sup>9</sup> Paths and Kingdoms: pp. 114.

land of Kuwait, as stated by Islamic Arab heritage books.

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**THE SPEECH**

**GIVEN BY**

**PROFESSOR  
AHMED ABDEL REHIM MOSTAFA**

Being a researcher and a chronicler seeking the truth verified by documented material, I shall focus on a main issue, namely Iraq's alleged rights to the annexation of Kuwait. I have followed up this point from an historical perspective and found out that these claims started a long time ago. Prior to Saddam Hussein, the ruling Iraqi governments during the 30s, 40s and 50s had dreams of castles in the air were built on misinterpretation of facts and the deep penetration- during the 30s - of the Nazi propaganda.

Historical facts highlight how far these claims are true; claims that intoxicated Iraq's statesmen, on top of which comes Saddam Hussein.

## **THE LAST RING**

What President Saddam Hussein committed when he sent troops to occupy the State of Kuwait, was but the last ring in the chain of campaigns launched by the subsequent Iraq regimes throughout the last half of the century.

These governments reiterated that Iraq has a right to divide some parts of neighbouring Kuwait or seize all of it annexing it to Iraq. These allegations were based on feeble excuse on the ground that Kuwait, sometime ago, was subordinated to the Ottoman Province of Basra the Sheikh of Basra, at the time, was an Ottoman Administrative Officer, hoisting the Ottoman banner on his land and the Ottoman authorities in Istanbul.

The Kuwaiti ruler was not the only one loyal to the

Ottoman Empire, other rulers of Syria, Egypt, Hijaz, the provinces of Basra, Baghdad & Musal as well as parts of the Arab Peninsula were directly or verbally subservient provinces to the Ottomans.

After the downfall of the Ottoman Empire, none of these provinces claimed rights in its neighbour's territories, as they were all subordinates of the collapsed Empire.

In this respect, it is worth mentioning that most of the Arab countries were under the dominance of the Ottoman State the were subjugated to Imperial European States before gaining their independence.

All Arab countries had borders with adjacent neighbours; these borders which are said to be created by Imperialists to be created by Imperialists to serve their ends, were subject to disputes, clashes and sometimes small wars between neighbouring states especially when the disputed piece of land is rich oil, subterranean resources or enjoyed a strategic position.

The fact applies to most Arab countries whose border disputes erupt every now and then threatening with belligerency that might shake the security and stability of one country or another.

Foreign interference further aggravated these differences.

## **AL UTOOB GROUPS**

Immigrants from El Atoob, led by the Sabah family, founded Kuwait at the beginning of the eighteenth

century.

No sooner did Kuwait rapidly progress thanks to its geographical position at the mouth of the Gulf.

In 1775, following Persia's occupation of Basra, Kuwait began its relation with Britain. It was then, when the British Desert Mil was transferred from the Gulf to Aleppo across Kuwait. The process continued until 1779. In 1809, the Sheikh of Kuwait proposed to join with his fleet the military expedition that Britain was intending to send to Ras El Kheima. Nonetheless, Britain did not respond positively to the proposal.

In December 1821, Britain moved the premises of the British Commissioner at Basra temporarily to an island that falls within the landed property of Kuwait. In 1841, Sabah Bir Gaber El Sabah, pledged to join the naval truce imposed by Britain on the Sheikhdoms of the Arab coast on the Gulf.

In 1871, the Sheikh of Kuwait announced that he has joined the Ottoman expedition to Nagd led by Medhat Pasha, the then vali of Baghdad, who was seeking to subjugate its Emir. On this occasion, the ruler of Kuwait hoisted the Ottoman banner. It was a ploy to lure other sheikhdoms in the Gulf to follow his example. The Ottomans bestowed on the ruler of Kuwait the title of "Pasha" and gave him vast areas of land near El Fao.

## **THE ADMINISTRATIVE OFFICER RANK**

On August 1888, the British government asked its Consul in Basra, Sir Wight to acknowledge Turkey's

dominance on the Arab Gulf coasts until Quotaif. In 1896, following his assassination of both his brothers, Mubarak El Sabah took over the rule of Kuwait. The ruler of Basra believed that Mubarak's assumption of power in Kuwait is linked to an Ottoman conspiracy. Consequently, he patronized Mubarak's nephews and forced him to yield to the Ottoman state.

In a report prepared by Stafridas, the legal advisor at the British Embassy in Istanbul, wrote: "Despite its complete independence, Kuwait appears in maps as a part of the Ottoman empire; the ruling family owns vast areas of land in Basra, especially in Fao. Consequently, other Sheiks find them and bestow the rank of Administrative Officer and the title of Pasha on them.

However, the Sheiks did not bother using these titles. When the British Ambassador in Istanbul ceres Korai, asked his government's opinion regarding the power of the Ottomans in Kuwait as a protectorate of the Ottoman state, though it is practically subjugated to the Ottoman sovereignty".

## **THE JANUARY ACCORD 1899**

Germany, which had peacefully penetrated into the Ottoman property - at the beginning of Mubarak El Sabah's rule - sought to extend a railway line from Berlin to the Gulf across Iraq. The line was, later, labelled Berlin-Baghdad railway line. The line was supposed to end at "Kazema" located within the landed property of the ruler of Kuwait. At the same

time, Russia was seeking to extend a railway line from the syrian coast to Kuwait which was keen on keeping away any competent European presence at the entrance of the Gulf.

When the Ottomans in Basra exercised more pressure on Mubarak, he pleaded for Britain's help. The outcome of which was signing a secret accord on January 23rd, 1899, in which Mubarak and his allies pledged not to relinquish, sell, lease or pawn any part of their lands to a foreign country. They also pledged to refuse foreign occupation and to refrain from receiving representatives of foreign countries they get Britain's approval. Britain, in return, promised to extend its good offices and entrusted the British government of India to give instructions to navy officers to resists all attempts on the parts of Turks to attack Kuwait.

## **SELF INDEPENDENCE**

Fearing that the Turks, Russians or Germans might seize it, Britain was intent on imposing its protection on Kuwait.

Mubarak adopted the same policy of his predecessors since 1871. He hoisted the Turkish flag; when asked about the reason, Mubarak said that his father hoisted the Turkish banner as an Islamic symbol without the slightest intention to Islamic symbol without the slightest intention to acknowledge the Ottomans' sovereignty or protection. His relations with the Ottomans remained satisfactory until September 1801



when a settlement was reached upon which the Ottoman government pledged to the British government not situation as it provided that Britain would not occupy Kuwait or impose its mandate on it.

On October 1907, Mubarak fulfilled his pledge by signing a secret accord leasing Bandar El Showaikh to the British government. The 1899 and 1907 accords continued to be the basis of bilateral relations between Kuwait and Britain. When they both felt the necessity of officially organizing the situation in Kuwait, Britain and the Ottoman stated signed and agreement on 29th of July, 1913, in which Kuwait was declared as a self independent state within the framework of the Ottoman empire.

The border line begins at the coast starting northwest at the entrance of Khor El Zobeir passing southward by Om El Kasr, Safwan and Senam mountain leaving these areas and its wells to Basra. Reaching Hafr El Baten, heading southwest leaving it adjacent to Kuwait then heading southwest to the wells of El Safat, Kar, El Nabah, El Werba and El Anta Faisal El Bahr near the Fifa mountains.

The agreement also described the sheikh's authority over the tribes. On the other hand, the Ottoman government recognized the agreements concluded between the sheikh and the British government in which the later pledged not to affect any amendments in its relations with Kuwait government and to refrain form imposing its mandate for as long as the present situation stays the same. In other words, the sheikh of Kuwait enjoys independence without actually being British protectorate.

## THE BRITISH POLITICAL COMMISSIONER

In the wake of World War I, Britain applied article 132 of the Sifer treaty, concluded with the defeated Ottoman state, on Kuwait. The treaty stipulated that the ottoman state relinquished Europe that were not dealt with in the peace treaty.

In 1923, the British government acknowledged the border lines between Kuwait and the Iraqi kingdom which consisted of the provinces of Basra, Baghdad an Musal. The British high commissioner in Iraq, officially demanded Kuwait, on behalf of the British government to abide by the borders agreed upon in the 1913 accord. The sheikh of Kuwait accepted a detailed copy of the original agreement. In 1932, the Iraqi Prime Minister Nouri El Saieed accepted these border lines without mentioning it in exchange of notes between the sheikh of Kuwait and himself through the British political commissioner as follows:

It begins at the intersection of El Oga valley at El Baten ding northward to point lying southward of Safwan latitude, the eastward passing by the southern part of Safwan wells, Senam mountain and Om Kasr passing Iraq and so on to the crossroads of Khor Zobair, Khor Abdullah and the islands of Ooha, Kibr, Karo and Om El Maradem which belong to Kuwait.

Ever since that date onwards, no other agreements were concluded between Iraq and it regarding the part south of Safwan which was never decided and both, Kuwait and Iraq, differed in interpreting it. On the other hand, Britain always described the borders as extending a mile southward from the furthest palm tree

south of Safwan without ever describing which palm tree south of Safwan without ever describing which palm tree it is; as Iraq was abundant with palm trees and it was difficult to distinguish between palm tree in Zobair, Safwan and Fao.

The exchange of notes between the ruler of Kuwait and Iraq's Prime Minister was closely related to Iraq's request to join the League of the Nations, after gaining independence in 1930 and its dire need to identify its borders with all adjacent countries. Consequently, the existing border between Kuwait and Iraq were reconfirmed. It was well known that the approval of the British government in this respect was not obligatory knowing that Kuwait was not a member of the League of the Nations; thus the exchange of notes took place between Iraq's Prime Minister, the ruler of Kuwait and the British political commissioner.

## **A RADIO STATION**

Despite the 1932 secret accord, the Iraqi government continued to mysteriously demand all of Kuwait on the grounds that Kuwait recognized, in 1941, the sovereignty of the Ottoman states and Iraq as the inheritor of the Ottoman Empire.

The Ottoman sovereignty was emphasized in the first article of the British-Turkish accord in 1913, which stated that Kuwait is an independent direct subjugated to the Ottoman Empire. The Iraqis concocted feeble excuses in their aspiration to annex Kuwait, claiming that the later is an integral part of Basra Province.

They went as far as saying part of Basra Province. They went as far as saying that Kuwait, before the Great War, bore the same colour of Basra on the maps forgetting that the Ottoman state dominated Iraq, Syria, Egypt, hijaz as well as other parts of the Arab peninsula and that they all - like other provinces under the ottoman dominance - bore the same colour.

The Iraqis founded their allegations on the resemblance in the family relations, daily habits and social codes, in Iraq and Kuwait, in addition to belonging to the same race and adopting the same religion, let alone the daily contacts between the two countries. Such facts were for the sake of generalizing and simplifying matters, nothing less nothing more, otherwise, the British and Americans would have demanded the formation of one country together or the Latin American countries - with Spanish as their mother tongue - would have united together. Bonds of friendship as such are not worth a farthing, unless concerned people of the two countries have a general tendency towards forming a political union with their own free will - not a coercive annexation.

During the 30's the Iraqi inexorably demanded the annexation of Kuwait - for this purpose, king Ghazi devoted a radio station transmitting from El Zohoor Palace, urging the Kuwait people to form a union between the two countries. At the same time, Iraqi newspapers and radio stations launched anti-Kuwaiti campaigns, mimicking Nazi propoganda ploys which were directed to German-speaking nations outside Germany.

In September 1935, Iraqi newspapers launched a campaign inspired by the newly founded Ministry of

Information. The campaign's objective were as follows;

- 1 - Weakening the authority of the Sheikh of Kuwait over his people.
- 2 - Attacking British Government policy towards Arab countries in the Gulf.
- 3 - Instigating Kuwaiti youth against British Machiavellian policy, reminding them that their only hope of salvation is subject to their unification with Iraq.
- 4 - Evoke nationalist Kuwaiti youths to the benefits of unity among all Arab countries under the leadership of Iraq. This was followed by several encroachments on Kuwaiti borders.

In March 1939, the Iraqis removed the board indicating the borderline near Safwan. The board was previously removed several times and was placed again.

During the same month, opponents to Kuwait's Sheikh Ahmed El Jaber, who were living in Iraq plotted against him and decided to send Iraqi armoured vehicles to El gahra and occupy it. Quoting secret sources, the plot auned at sending these troops to Kuwait's borders to protect Iraq's oil interest in Senam mountain.

Word went that such news is an exaggeration of what king Ghazi announced recently, at a radio transmission that he is looking forward to the day when Syria, Palestine and Kuwait would be when Syria, Palestine and Kuwait would be annexed to Iraq. At the same time, Iraqi authorities took hold of palm

trees orchids belonging to the Sheikh of Kuwait.

The British aviation liaison office in Basra stated that the previously mentioned invasion plan was not necessarily plotted by the Iraqi Government, it could be the work of extremists in the army influenced by the German power in Iraq.

On the other hand, the Iraqi Government submitted in 1938, a note stating that Kuwait in its capacity - in the past as part of the ottoman Basra province, is at present - an integral part of Iraq. The Zohoor Radio station further added on February 21, 1939, that Iraq should annex Kuwait restoring the armoured force in case peaceful means were futile.

## **WARBA AND BOBYAN**

In 1941, the Iraqi Government launched an anti-Kuwaiti campaign; the campaign aggravated, particularly, after the coup attempt led by Rashid Ali El Kilani who was closely linked to German circles. The Germans were, in turn, speaking to rock the foundation of British influence in the Arab world following the World War II. The German claimed that British influence in Egypt, Iraq, Persia, the Gulf and India is weakening especially after World War II, that getting rid them has become an attainable goal. Consequently, Iraq's dominance - provided that the later would allow the Sheikh of Kuwait to keep his palm trees in Fao exempted from taxes. The German influence underlying, when Kuwait was referred to in campaigns as a buffer zone to Iraq.

In the aftermath of World War 11, Iraq pursued to struggle for drawing its border lines with Kuwait hoping that, in due course, it might lay its hands on part of Kuwait or, all of it, especially if British predominance in the Middle East declined.

On the 2nd half of the 40's a round of negotiations were held between Iraq and Britain with a view to re-consider the British - Iraqi 1930 accord. Nevertheless, the negotiations were a deadlock. In 1950, an attempt was made to draw the Iraqi Ministry of Defense, objected to such endeavour and insisted that Kuwait should, first, unconditionally relinquish Warba and Bobyan islands to Iraq, who was aspiring to take complete hold of the entrances of an under - construction port at Om El Kasr.

Meanwhile, Sheikh Ahmed Al Jaber, the ruler of Kuwait had objected to the allies for erecting, during World war 11, a huge barrier at Om El Kasr and an end to the railway line, unless an agreement was made to stop construction works and remove all installations after the war. Moreover, Kuwait insisted on keeping the two islands.

## **A STATE WITHIN A STATE**

Kuwaitis expressed their fears of building the new port at Om El kasr might compete with Al Ahmadi port. Nonetheless, the Iraqis proceeded in carrying necessary lands for the projects. Even if Kuwait had relinquished these lands, the Iraqis would not have been satisfied as they still needed an anchorage in the

waters separating Warba and bobyán, a wishful thinking that Kuwaitis were reluctant to accept.

The British government sought to impede Iraq's plans to build the new port at om El Kasr fearing that such project might stimulate Iraq's appetite to trees pass on Kuwait or take hold of it. Eventually, Abdallah, embewed the border line dispute with more importance. Hence, Iraq expressed its desire to acquire a port inside Kuwait itself. However, Britain refused considering the idea saying that such an attempt would be forming a state within the state of Kuwait. The alternative was to provide Iraq with a suitable anchorage inside Khor Abdallah, particularly, at the section lying north of Warba island.

At the beginning of 1955, the Production Manager of Kuwait Oil Company, Mr. Masterson, expressed his great concern over the border dispute issue, especially after the company team were shot within Kuwaiti territories. To avoid provocation, Kuwait Oil Company refrained from doing further field works few miles away from the borders especially that Iraq oil Company at Romaila was rapidly growing, that the last oil well was only 4 miles away from the borders. At the same time, Kuwait Oil Company discovered an oil well at Rawdatein.

It was, thus, inevitable that a settlement of the border dispute has become a necessity particularly after indications of new oil fields near both sides of the borders.

In May 1955, Iraq's Prime Minister, Noori El Saieed, made several amendments to the border lines with a view to develop Om El Kasr. The Iraqi Government expressed its desire to move its borders 4 kilometres



in the deserts and demanded Warba island and the surrounding Khor Abdallah waters in order to secure Om El Kasr entrances. He added that in case Kuwait abdicated these lands, his government will agree to draw the border lines. In other words, Iraq will not demand the annexation of Kuwait and the later will have access to sweet water in Shat El Arab, the right to build installations in Iraqi territories and extend pipelines to carry water to Kuwait.

## **SUBJECT TO DISPUTE**

Kuwaitis were still concerned about the adverse repercussions of developing Om El Kasr on Kuwait's trade despite Iraq's confirmation that the port will be used only at war time for shipping oil and other merchandise. The Iraqis further said that in case Kuwait trade despite Iraq's confirmation that the port will be used only at war time for shipping oil and other merchandise. The Iraqis further said that in case Kuwait does not wish to lease its land for a period of 99 years, then, they, that is Kuwaitis, will have to take part with Iraqis in the developing process of Om El Kasr by equal shares.

The Britain marines were for developing Om El Kasr on the grounds that Iraqi Maritime Transport would be secure. The only Iraqi port, at the time was at Basra lying at the end of along entrance exposed to mines and difficult to be watched. Consequently, when the Sheikh of Kuwait refused to lease his land to Iraq, building Om El Kasr was a good alternative provided

that Kuwait gives Iraq access and Bobyan islands.

One of the main reasons underlying Kuwait's insistence on drawing border lines, prior to signing the Sweet Water and Oil agreement was that Iraq had reiterated several times about the unnecessary of borders demarcation meaning that Kuwait is an integral part of Iraq. Moreover, looking at the matter from a practical point of view, it was necessary to draw border lines if pipelines are to be extended so as to determine which party will be responsible for its protection.

Kuwait's scepticism in Iraq's intentions were deep rooted; they were further aggravated due to Iraq's obstinacy regarding the borders dispute. Thus, when Iraqis proposed to lease Warba, Bobyan and other Kuwaiti lands necessary for developing Om El Kasr, Kuwaitis were doubtful whether this play was part of Iraq's ambitions in Kuwait whose Sheikh had already lost his orchids in Basra an Fao.

## **THE FERTILE CRESCENT**

To put in a nutshell, Kuwait's stance towards Iraqi demands was related to the following:

- 1 - Iraq's incessant demand for the annexation of Kuwait.
- 2 - Iraq's obstinate refusal to draw border lines.
- 3 - Iraq's demand to lease lands necessary for developing Om El Kasr.
- 4 - The Ruling Family in Kuwait were concerned

over Iraq's refusal to return back, what was believed to be theirs, of palm-tree orchids in Basra and Fao.

The Iraqis, on the other hand, believed that border lines were the work of Imperialists who were only concerned about their own interests. From this perspective, it should be reconsidered and amended to serve Iraq's interests or the interests of the Arab people; this will be possible when Arab unification takes place.

Meanwhile, in Iraq, there was undoubtedly, not a few number of people who looked forward to the amendment of border lines - nay to the annexation of Kuwait, being part of the Fertile Crescent Project. Not only Extremist Nationalists supported this trend, but also moderate nationalists.

They believed that unification of Iraq, Syria and Jordan will serve the interests of Iraq and the Arab people by forming a majority of votes that is likely to challenge the dominance practised by Egypt in the Arab League.

However, Syria and Jordan were looked at as a heavy burden impeding the elevation of Iraq's standards of living. The annexation of Kuwait was the way out being an extra source of capital necessary for habitat projects. Moderates, believed that the presence of Rumaila oil fields just few kilometres off the existing borders and the promising. Hence, the annexation of Kuwait or amending borderlines has become a dire necessity with a view of taking hold of its oil fields and developing Om El Kasr, being a strategic port.

## QASEM DEMANDS

The Iraqis were continuously seeking to assume a status in Kuwait that would likely pave their way for absolute dominance.

Nevertheless, the Kuwaitis were reluctant to transport Iraqi's southern oil across their territories. They insisted on drawing border lines before discussing water and oil pipelines. Subsequent Iraqi governments made it a point to gain many Iraqis support to its demands. According to the Exchange of Notes in 1923, these governments were reluctant to publicly approve of drawing border lines fearing that such a step might lead to their downfall. The situation remained pending, and demarcation of borders between the two neighbourly states remained unsettled.

In 1961, Kuwait declared its independence, but Iraq did not recognize such a step. The Iraqi President Abdel Karim Kasem demanded the annexation of Kuwait conceding the feeble excuses of successive Iraqi Governments. Britain, then, made an initiative and expressed its willingness to support Kuwait by air. Iraq moved towards Kuwait. Moreover, Britain landed its troops in Kuwait to defend it. The crisis was finally overcome when the Arab League and the British forces withdrew from Kuwait when the crisis was over.

Following the ousting of Abdel Karim Kasem and his regime in 1963, contacts were made between Kuwait and the new Iraqi Government headed by Abdel Salam Aref. Both governments concluded an agreement in which Iraq recognized Kuwait' note dated 21.7.1932 and was approved by Kuwait's ruler Sheikh Ahmed El

Jabeer on 10.8.1932. Kuwait registered the minutes at the United Nations in accordance with article 102 of the U.N. Charter as well as the Arab League.

A series of contacts and correspondence, were made with Iraq government to discuss the execution of the accord especially the clauses pertaining to the formation of a Joint Committee to be assigned with drawing the borders. The Joint Committee was formed but their meetings were a deadlock. The Iraqi side refused to abide by the Imperialists. The situation was a stalemate until February 1973 when a Kuwaiti delegation visited Iraq to settle the border crisis on the basis of 1932 accord and the minutes agreed on, in 1963. The Iraq side expressed his dissatisfaction with both accords and his reluctance to draw the borders on their basis.

Moreover, the Iraqi side reiterated their claims on Warba & Bobyan islands as well as the parallel coastline as part of the Iraqi territories. On 20.3.1973, forces loyal to the Iraqi army launched an attack on the Kuwaiti police centre in El Sameta and occupied it.

Kuwait vehemently protested and demanded the immediate withdrawal of Iraqi troops from El Sameta and prompted the Iraqi delegation to continue their talks on the basis of the concluded agreements between the two countries.

In April 1973 and following Arab mediation, Iraq withdrew its troops from El Sameta and the Iraqi delegation paid an official visit to Kuwait on 6 April 1973. The talks between the two sides revealed that Iraq is still adhering to its former attitude on the grounds of its historical rights in Kuwait since the Ottoman era when Kuwait was annexed to the district

of Basra despite the fact that the annexation was formal; a claim which does not give Iraq the right to dominate Kuwait as much as it does not give any other country the right to take hold of another country which was formerly under her dominance.

Kuwait maintained its actual independence after annexation to Basra Before World War I, at a time when the state of Iraq was non-existent.

Moreover the 1978 Vienna Accord of signatory states stipulated in its 11th article that the principle of the "White Page" is non-applicable to accords.

In other words, the succeeding state begins its international relations without being confined to agreements concluded by the predeceasing state on its behalf with the exception of the borders agreements.

In a nutshell, the successive Iraqi governments concocted feeble pretexts to disguise their avaricious ambitions in tiny neighbouring Kuwait.

Such allegations can never give Iraq the right to annex or rip off part of Kuwait. Had not Iraq adhered to these fragile excuses and continuously pressured Kuwait, trying to let her yield to its demands, both countries could have solved various problems on the basis of mutual cooperation and common interests of the two countries.

The current situation emanating from Iraq's invasion of Kuwait, could only be interpreted in terms of avidity and greed in Kuwait's oil resources and its important strategic position at the Arab Gulf.

We do hope that the problem would be solved on the basis of Iraq's withdrawal from Kuwait to spare the Middle East region the heinous repercussions of the

most crucial crisis in modern contemporary history.

**ADDRESS OF**  
**PROF. DR. SALAH EL AQQAD**



## **Ladies & Gentlemen,**

When Saddam Hussein through a unilateral decision embarked on looting Kuwait at gun-point, the only justification he had for the invasion was that of historical rights, he continued using this pretext from then on for every measure he adopted: First, when he alleged the presence of an interim government seeking unity with Iraq; second, when he decided on directly annexing Kuwait; third, when he finally decided to turn Kuwait into the 19 Iraqi province. He continued to highlight this principle in the open letter he sent to the U.S-Soviet Helsinki rights was enhanced and now we shall discuss the matter.

### **DIFFERENT CRITERIA**

In fact, I refuse the principle of historical rights since its application leads of chaos in the world, for modern world has different measures from those of medieval times until the early twentieth century.

Countries during those times were made up of multi-national states, calling themselves empires like that of Austria and Hungary in Europe and the Ottoman in the Arab orient and Maghred. This last empire derived its presence from the Moslem Caliphate and not through a national scope or legal entity. The new concepts were coined after World War II, especially when the geographical conditions of most countries were settled.

Hence, the Organization of African Unity confirmed

this important principle of recognizing the newly independent entities within the borders drawn by the colonials. Opening the door for claims of historical or Iraqi rights or even claims of national unity may lead to general chaos in the world.

## **SADDAM AND NOT IRAQ**

My colleague Dr Ahmed Abdel Rehim Mustafa pointed out what under such principle, Egypt - for example - may have demands in Sudan, since there is no border dispute, but Egypt created Sudan from nothing. Since the early nineteenth century there was nothing called Sudan and the principle of Egyptian demands for sovereignty over Sudan. Some Sudanese people even supported such merger, making the difference between Egyptian-Sudanese relations and what happened in Kuwait.

When Saddam Hussein - and not Iraq as such fascist regimes stand on individual decision of rulers and we cannot know how much support they enjoy from their people - invaded Kuwait, no one supported annexation to Iraq and hence he did not dare to conduct, for instance, a free referendum. He tried, as you may well know, to woo the Kuwaiti opposition, contacting its leader, who all rejected cooperation with him, since the opposition was founded on recognizing the Kuwait legitimacy since the 1961 independence.

Indeed, Saddam appears worse than Hitler upon his occupation of Austria, since some Austrians admired him and Nazism, while no Kuwait citizen admired

Saddam's person or regime. Kuwait - despite some radical liberal reservations - has freedom of expressions, institutional and opposition papers. Despite being historically older in modern culture, Iraq does not have any of such forms of liberty.

## **SPECIAL REGIONAL SENTIMENTS**

Referring back to the issue of Sudan and historical rights, I specify that the idea of negotiating the right to self determination started early in 1952 during the last "Wafd" government. It was decided then to negotiate with national Sudanese parties. Perhaps the manner with which the previous Egyptian regime explained the right to self-determination was the cause of anxiety by some of the Sudanese brothers. They feared being annexed to Egypt in the same manner as what have been some trends in the past in the name of Arab nationalism, but they fall now before another major issue, namely that states of the Arab region fall under the same conditions of Africa. The only difference here is that Arab states share a common languages on heritage, while Africa is diverse in nationalities and languages. For this reason, some believe a unified Arab state could be established, an idea I believe is not practically feasible. The reason for this is that as soon as a state is established, having its own flag, diplomatic corp, national identity - a sense of belongingness is promptly created. Even smaller states in the Gulf, though newly established (the oldest being Kuwait, followed by Qatar, the Emirates or

Bahrain) had special regional sentiments surrounding them.

## **THE ROLE OF INTERNATIONAL INSTITUTIONS**

We may say that the modern world has witnessed the creation of regional states to replace Universal-type states, multinational or religious-based ones. The regional guarantee for the newly-born states, whether in the Arab region or Africa, is the international institutions. Being part of the Arab League or the United Nations should not make it simple for a U.N. member state to overthrow another, however small, especially if bordering each other. The international law, the guardian of such states, has settled to show the difference between measures of our contemporary era to earlier ones, dating up to World War II, when matters settled in such a manner.

## **THE INSANE PERSON**

It was simple for Ibn Saud, for example, to draw the map of the Arab Peninsula anew in the period between 1924-1926, through a war between Nagd and Jijaz. Abdul Aziz Al Saud toppled the Hashemite rule as most states remained neutral, even though Islamic states mediated to reconcile them. While Britain tended at start to support the honourable Hashemite Hussein, the world at the end accepted the status quo,

regardless of any historical arguments or claims. Accepting such claims or even discussing them means they have some effect, a matter which I refuse and we must always stress its rejections. If we condone such principle, chaos shall spread not in the Arab world alone, but in Europe and the world. As Dr. Ahmed Abdel Rehim Mustaf said, Britain had created America, but the later gained independence and no one in Britain now demands any rights in the United States unless insane. Such statement means that there are no historical rights to start with. I state this point to evert over detailing some talk which is no one's interest to tackle.

## **POLITICAL ENTITY**

I would like also to highlight the fact that ruling families in the Gulf seem to have derived their existence from Britain. History, on the country, defies this statement, as these families emerged in eighteenth century from tribal societies. In such communities, a family that can dominate other to fall under its leadership through agreement, power or wealth and thus establish and inherited-ruling-system, becomes an independent political entity along time. Such is the origin of most Gulf states, including Kuwait. The British role was not, hence, to create such states, but to preserve the status quo. Those families drew geographic rights by defining tribes to lead, which in turn, drew the geographic boundaries of those states. Britain's role was merely to assist, nothing the cultural

gap in drawing borders on maps. But deep-rooted Gulf states originated in the eighteenth century.

Paradoxically, Iraq which possessed cultural centres in Baghdad, was still an Ottoman province, while neighbouring Kuwait had taken the form of a states with consular representation. British consular representation in Kuwait, dates back to 1821 when the Consul General was in direct contact with His government, while his Baghdad counter part reported to the British Embassy.

## **AND MUSAL TOO**

If the principle of historical rights was applied everywhere, Iraq itself may lose part of its territory to Turkey, or Syria. Historically, Musal was part of Syria, as evidenced by the 1961 treaty, dividing the Ottoman state into regions of influence. Musal fell under the French influence as part of Syria, and was not annexed to Iraq until France rendered Musal to Iraq on the condition that Britain would down-grade its support for its ally Faisal, the ruler of the Arab State in Damascus. He was even said on this occasion that Britain had sold Arab independence for the oil for Musal. We conclude that itself, being a state born long after that of Kuwait. By sate we mean the regional political entity, not conditioned with an independent state, i.e the mere presence of an entity and defined geographic borders. Consequently, we realize that Kuwait is an older state than Iraq, whose borders were only drawn in 1926, after arbitration by

the Arab league of Nations on Musal which was disputed by Iraq and Turkey.

## **KUWAIT AT THE VANGUARD**

Concluding my speech, I would like to say that in my opinion, the crisis must come to an end with Kuwait's return to its legitimate existence. I expect changes, not only in Kuwait, but in the region, and even more in the Gulf Cooperation Council. The GCC was established as a basis for joining specific regimes to confront both the Iranian and Iraqi threats. I presume dramatic changes will touch upon the Council status. We must not remain idle, awaiting a foreign country's recommendation to adopt a more democratic ruling. I confess that Kuwait was at the forefront of GCC states in exercising democracy. Nevertheless, those states still need to develop their political systems for the society had witnessed, after the independence of oil wealth, a major social developments. New classes emerged, not depending on being royal capitalism, the most favourable economic system in the world. This is the liberal system which social states seek to reach one of its forms. Hence, GCC states must always consider the surrounding changes in the entire world.

The second development I expect is that relations would not be based entirely on the GCC. Relations will, meanwhile, be boosted between Gulf states and other states that supported it politically, military, economically in the crisis....

Therefore, the crisis may hopefully end with more Arab solidarity that may liquidate the hatred created by Saddam Hussein.

## **ARAB DISPUTES**

Arab states often broke tie over border dispute; i.e., The case is not limited to Iraq and Kuwait solely. A similar dispute erupted between Algeria and Morocco, resulting in their 1963 war, and the current border dispute between Libya and Chad. If one state feels it is powerful, it devours its weaker neighbour, the entire Arab security will be in great jeopardy.



**THE SPEECH OF**

**PROF. DR.**

**ABDEL AZIZ SOLIMAN NAWWAR**

I would like to thank you for the invitation and the meeting.

I would like to shift from border problems to other relevant issues. It is repeated that this generation of ours was born to suffer. We lived the setback of Palestine as youngster and experience the setback, between the first and the second wars.

I often wonder why do Arab Politicians select the losing horse? Why do they adopt lost issues and philosophies, long overdue?

## **ADOPTED BY THE BACKWARD**

Thus is exactly what Saddam did. The method of annexation by force is long overdue, but still adopts it now. I pinpoint here the idea stated by Dr. Akkad and difference about with Dr. Abdel Rehim and many others who tackle the issue of borders in reference to historical rights. The mere usage of this statement, in my opinion, is a waste for Kuwait's rights. It is an obsolete theory adopted only by the backward or the mentally retarded ones.

There were long wars between Germany and France and they settle to recognized borders. Today, Saddam adopts that theory in contradiction with European stand that lives up to modern age. This is the age of grouping through consent and negotiations, as the case with East and West Germany.

We recall how we applauded the two Yemen's when they peacefully united. However, Saddam adopts an ancient theory, trapping us in a great crisis.

As the world changes, Some look upon themselves as God's gift leaders to the world. Iraq was more than once plagued with such military or so-called military leader.

## **WHAT A DIFFERENCE?!**

I shall cite here some historical examples that leaders of the orient also adopt sound, or apparently sound theories that may not conform with international circumstances, resulting in a setback to the Orient. For example, Mohamed Ali, the ruler of Egypt, adopted a sound theory, namely the unification of many Arab countries as possible to save them from colonialists. No doubt, this is a sound theory, but it contradicted with the British Imperialism. He told Britain he was ready to cooperate but the answer was simple, "the choice is not yours but ours, we are the ones who dominate". He established a system that played a major role in constructing the state. Yet, it contradicted with an economic liberalism. Consequently, they stormed Egypt to open its villages to the European economy and domination.

What I meant to say is that Mohamed Ali's idea was no doubt sound, but the method did not rise to the level of the age. I believe that Saddam Hussein, and what a difference between him and Mohamed Ali, puts for himself a special international perspective. A friend of mine related to me a piece of news that indicates how people of our region think: "there is an agreement between Saddam Hussein and the self - claimed

honourable King Hussein, that the latter my take Hijaz in return for Saddam's seizure of Kuwait. This will solve the Palestinian problem as those Palestinians could be settled in Kuwait, even through a pro-Iraqi State".

## **DISTRIBUTING THE ARAB COMMUNITY**

Demagogy in the East has a vital role, and Saddam Hussein dominates the mentality of Iraqis. No one in Iraq, whoever he may be, can oppose of the Intellectual domination practised by the Iraqi regime. Such is the manner of attracting the public and dazzling them. These are more dangerous methods than diplomatic words of political actions, as they prepare the public to believe in anything under strict orders. look at honourable King Hussein and that honourable Saddam distributing and retarding the community.

Such phenomena are clear examples of backward social though. Meanwhile, Saddam Hussein, unfortunately, is unaware that the fates of third world countries are not in the hands of their governments or rulers so much as they are in the hands of major countries. This is clear along the course of history, but major countries normally find solutions at the expense of Arab and Islamic countries.

## MAJOR REASONS

Allow me to cite some examples for this point. Iran was under the Anglo-Russian influence, while Turkey of the Ottoman state was under British, Austrian , Russian and French dominations.

I guess the main reason for this backwardness lies primarily in the inability to use tools of the age in due time and deal with the mechanism of civilization. A clear example is Japan which was lagging behind countries like Egypt and has become a modern state in the first half of the nineteenth century but it was defeated and occupied. The American occupation now the age's tools to construct a modern man.

We, as Arabs, rich and poor, instead of following this pattern, adopt a retarded theory which only belongs to consumer and not producer peoples.

The second reason for this Arab and Islamic crisis is that area adopts a number of conflicting theories e.g. the Islamic and socialist theories. A second example is statehood which is parallel to regional concepts, in turn , parallel to nationalism, not neglecting the Islamic nationhood.

Leadership construct states. their due right, while adopting the spirit of regionality. Under the Umbrella of Arab nationalism and the Arab League itself, there is Arab nationalism, operating under the umbrella of the Islamic conference. Honestly, may God save Arab peoples.

All those contradicting theories destroy one another. In Germany, we recently heard of the merger between the two democratic christian parties i.e. religion is not a problem, but is Arab the method is.

We Arabs and Moslems, possessed the slogan but lack the method of application. Not to be misinterpreted as saying Islam has a democratic drawback, I say no, but all those systems and theories are feasible ones.

I thank Dr. Abdel Rehim and Dr. Akkad for covering any aspects of this issue.

## **THE MEDIEVAL METHOD**

I conclude my talk with two points: The first is that Saddam's method, we call an invasion, is not a modern one, but takes place in a pre-Islamic form. Before Islam, young men of the tribe used to ambush another to look it take its women and children. Such invasion was prohibited by prophet Mohamed and forbidden by Islam. Also the reformist "Wahabi" movement of Al-Saud bitterly fought such invasion which had sold in markets for not paying the ransom to the tribes. In fact, this disappeared and re-emerged in the eighteenth century and early nineteenth century. Saddam Hussein executed it this time on the scale of a state.

The second shameful point palced me in an embarrassing situation two days earlier, with a foreign professor of pre-Islamic literature. We were talking how come Arabs glorified chivalry while Saddam hides behind his hostages of women and children. I remembered a matter I still feel guilty about : when Iranians did the same, we were silenced, justifying their act by saying Europeans had violated all pledges and no offence in paying them back in the Iranian

way. In fact, this is an unacceptable matter as our writer Anis Mansour said: "many aggression, will be written about the Gulf crisis and the western movies will pictures the princess kidnapped by criminal, and the price will run to her rescue. So, we shall be flooded by numerous movies at the account of Arabs for twenty years to come".

**THE SPEECH**

**GIVEN BY**

**SULAIMAN IBRAHIM AL-ASKARI**



## **Ladies & Gentlemen,**

The Kuwaiti Information Centre holds this meeting at the premises of the Egyptian Lawyers Syndicate as a token of defending righteousness and truth and a symbol of combatting injustice, oppression and abduction.

To start with, I find myself obliged, on behalf of His Highness, the Emir of Kuwait, Sheikh Jaber El Ahmed, his esteemed Government under the leadership of Crown Prince & Prime Minister, leadership of Crown Prince & Prime Minister, Sheikh Saad El Abdallah El Salem El Sabah and in the name of the yoke of injustice and oppression, on behalf of all these, I hereby express my heartiest gratitude and appreciation to the great people of Egypt, its leadership represented by President Hosny Mubarak and his government for what they had offered to the people of Kuwait and their just cause. Words cannot express how grateful all Kuwaitis feel, be they on Kuwait territory or in exile dispersed of oppressed, towards the stand Egypt and its people have taken.

As a matter of fact, this evening's symposium will focus on the allegations of Saddam Hussein and his gang in Iraq, over historical rights in Kuwait. Such alleged rights stirred ambiguity among many Arabs, statesmen, men - of - thought and letters everywhere. Some even voiced their belief that there really is a question called the "Historical Rights of Iraq in Kuwait".

In this connection, I would like to underline some facts, chief among which is :

Three hundred years ago, Kuwait had always maintained, along the years, an independent entity. It

took different forms in assuming an independent form acting like a judge, always calculating are concerned.

Is Saddam Hussein who is today claiming that Kuwait is a usurped parts of his land; a piece of land that was seized by Britain. This allegation is a political and historical distortion of the truth.

Facts confirm that Kuwait maintained its political entity at a time when Iraq did not assume its present political wholeness as "Modern Iraq" or Iraq the modern nation demanding the annexation of the part to the whole.

Needless to say, history being a witness, that Iraq was formed as a nation assuming political entity in 1921 when Britain desired to do so by coronating "King Faisal I" on its throne after being expelled by France from Damascus.

We do not want to delve deeply into ethnic issues that are encroaching on the Arab arena. Nonetheless, history confirms that during the Islamic era when Baghdad was the capital, Kuwait was part Bahrain Province, which in turn, geographically expanded from southern Basra to Amman Province. Concluding, Kuwait had never been part of Basra to Amman Province. Concluding, Kuwait had never been part of Basra Province.

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## **EPILOGUE**

## **PROF. DR IBRAHIM SAQR**

Professor of Political Science, Cairo University

In fact, the issue of historical rights is open for everyone to state what he wishes to. But the problem with Saddam is that nothing justifies his attitude, The U.N. resolution numbers 1514, 1960 gives all states the right to independence. No mother country should be willing to occupy a smaller neighbouring state under the pretext it is not fit for independence, small or has a limited resources as the case with the Maldives or El Salvador.

Now there is a basis for this issue, namely respecting other countries' right to self-determination and preserving its sovereignty.

I refer to an organization of Africa Unity (OAU) conference in Cairo, in the summer of 1964, which stated that alters are only alterable by the peaceful agreement of the concerned party within an atmosphere of entente.

One final remark I have to make about what Dr. Salah El Akkad said, as I am myself a nationalist and the national state is a development, the whole world now seeks is a development, the whole world now seeks major unities and joint action.

Within the plight of the current crisis, there is some kind of joint action on the level of the whole world in face challenge.

Arab unity is a long-term issue but, unfortunately, Saddam Hussein has complicated the matter greatly by this "talk" of nationalism. The problem with Saddam is that he commits his act then goes about looking for

justification. He talks about Arabism and unity; he talks about corruption, and talks about corruption and there is no oppression like that he has in Iraq. He goes in a vicious circle like the story of "the Wolf and Sheep". He reached a stage of perplexion of threatening to kill foreign hostages which he uses as human shields.

On the other hand, major countries, in case of aggression will calculate their losses through hostages in the light of their immense interests.

To conclude, Saddam Hussein is a Facist adventurer who seeks personal glory. We do not know what will happen tomorrow and this is the issue. We now have a sister Arab Moslem Country, members of the Arab League and the United Nations, invaded in such manner. What comes next? we cannot forecast what a pompous adventurer may do. This is a fact we must comprehend so as not to fear it.

Regarding what Dr. Abdel Aziz Nawwar said that a large sector of the Iraqi people are following Saddam, we may be aware of what is known as the "psychology of the herd", known to fascists, where the public are deluded and sedated.

Today, Saddam moves at a level beyond his rise and capacity for many reasons. Yet, the whole world stands against him and must withdraw.

We do not make any concessions whatever are the costs.

There is no alternative to the immediate withdrawal from Kuwait and return of legitimacy. If there are demands or disputes, they may be discussed later, including reparations of destruction of Kuwait.

I do not stand against setting our homes after the

battle, but we have the basic battle, we must not be blinded about. No one must veil our eyes from that prime concern of ours, i.e the liberation of Kuwait... What happens next will be, consequently, conducted.

Before concluding this symposium, I would merely like to indicate one issue of importance, in my opinion, stated in the lecture of Dr. Abdel Rehim Mustafa.

Iraq always based its demands of Kuwait as part of Iraq on the Ottoman period. Baghdad refers to Kuwait's rule at a certain stage by the Ottoman ruler of Basra and to agreements between Kuwait and the Ottoman empire.

We can answer and refuse this pretext of Iraq, which was part of the Arab world, colonised by the Ottomans. Hence, if we agree to this assumption, we can say Britain may demand the right to annex any state under its rule then. These agreements were, consequently, conducted between two states, either between the ruler of Kuwait and the Ottomans or between Britain and the Ottomans. These were the two colonialist power of the entire area and Iraq was not part of these agreements since its independent political entity was not realized as it is now. Consequently, if the governor of Kuwait had submitted at a time to the terms of an Ottoman ruler of Basra, this is because the entire Arab region was dominated by the Ottoman empire.

## **IRAQ-KUWAIT BORDER AGREEMENT 1963**

Approved record between the Republic of Iraq and the State of Kuwait.

Baghdad, October 4, 1963.

In response to the will of both parties to hammer out any differences negatively affecting their relations, the official Kuwait delegations visiting the Republic of Iraq at the invitation of its Prime Minister, within the Iraqi delegation in Baghdad on October 4, 1963.

### **The Iraqi Delegation was formed of:**

- 1- Major General Ahmed Hassan Al Bakr, the Prime Minister.
- 2- Adjunct Lieutenant General Saleh Al Mahdi Ammash, the Minister of Defence and acting Minister of Foreign Affairs.
- 3- Dr Mahmoud Mohamed Al Higgy, Minister of Trade.
- 4- Mr Mohamed Kayara, the Undersecretary of State.



## **The Kuwaiti Delegation was formed of:**

- 1- His Highness Sheikh Sabah Al Salem Al Sabah, the Crown Prince and Prime Minister.
- 2- His Excellency Sheikh Saad Al Abdullah Al Salem Al Sabah, the Minister of Interior and the acting Minister of Foreign Affairs.
- 3- His Excellency Khalifa Khaled Al Ghanim, the Minister of Trade.
- 4- His Excellency Ambassador Abdul Rahman Al Attiqi, the Undersecretary of State.

Talks were held between the two delegations in an atmosphere of fraternal warmth, adhering to the spirit of the Arab bondage, good neighbourliness and mutual interests. The delegations expressed their profound will to enhance relations to the benefit of both countries in the line with the supreme Arab objectives.

Emanating from the need to remedy what affected Iraqi-Kuwaiti relations as a result of the oppressive stand of the bygone oppressive age towards Kuwait before the rise of the blessed Ramadan 14th Revolution;

Rising from the belief dictated by the national duty to turn a new leaf of relations between the two Arab States in accordance with strong ties and bonds casting any shadow of rift caused by the former regime in Iraq;

Stemming from the two governments faith in the entity

of the Arab nation and its inevitable unity;

After a review by the Iraqi side of the Kuwaiti government statement before the Kuwait Parliament on April 9, 1963 which expressed Kuwait's desire on terminating its agreement with Britain in due time;

The two delegations, accordingly, agreed on the following:

- 1- The Republic of Iraq recognizing the independence of the State of Kuwait and its full sovereignty within the borders defined in the letter of the Iraqi Prime Minister, dated July 21, 1932 and agreed to by the ruler of Kuwait in his letter, dated August 10, 1932.
- 2- The two government shall work on fastening brotherly relations between their sisterly states as urged by the national duty, common interests and aspirations for a comprehensive Arab unity.
- 3- The two government shall establish cultural, trade and economic cooperation between their countries and exchanges technical data.

In implementation to the above-mentioned, diplomatic exchange on the level of Ambassador shall immediately start between the two countries.

In confirmation to these points the heads of both delegations have signed this record.

Maj. Gen.  
Ahmed Hassan Al Bakr  
H. of the Iraqi Delegation

Sabah Salem Al Sabah  
H. of the Kuwaiti Delegation

# LECTURERS' RESUME .

## **Prof. Dr. Abdel Rehim Mustafa**

Prof. of modern and contemporary history at the faculty of Arts Ein Shams University

- Prof.at Musal University 1967-1970
- Prof at Kuwait University 1973-1987
- Various writings and research works :
  1. The US and Arab Orient -Alam Al Maarifa series
  2. Britain and Palestine - British documents from 1945-1949.
  3. The Islamic & Arab Society.
  4. The Juxtaposition of the Islamic & Christian Worlds in Maghreb & Andalusia.

## **Prof. Dr. Salah Al-Aqaad**

- Prof. of Modern Arab History at the Girls Faculty, Ein Shams University.
- Lecturer at Algeria University in 1969.
- Prof. at Qatar University.
- Visiting Prof. in various Arab Universities.
- Contemporary Arab Orient.
- Visited Kuwait once in 1981.
- Important writings:
  1. Political Trends in the Gulf.
  2. Arab Maghreb and its Contemporary Problems.
  3. A Book On Zanzibar
  4. The Tragedy of Guinea in 1967.
  5. A Book on World War 11
  6. A Study on International Relations.
  7. Various other research works and writings published in Arab periodicals.

## **Prof. Dr. Abdul Sulaiman Nawaar**

- Prof. of Modern Arab History, Faculty of Arts, Ein Shams Univ.
- Prof. at Baghdad Univ. from 1963-1967.
- Prof. at Beirut Univ. in Lebanon from 1968-1973.
- Visiting Prof. in various Arab, British, British & American countries.
- His important writings;
  1. Iraq's Modern History (4 volumes)
  2. Baghdad's Vali, Dawood Pasha.
  3. British Interests in Iraq's Rivers.
  4. Relations between Egypt and Iraq.
  5. Iraqi-Iranian Relations.
  6. History of Islamic Peoples.
  7. Various other studies and research works that were published in Arab and foreign periodicals.

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