



THE PROBLEM OF INSTALLING BORDERS IRAQ WITH THE STATE OF KUWAIT

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Article history:	Abstract:
<p>Received: 14th August 2023</p> <p>Accepted: 14th September 2023</p> <p>Published: 14th October 2023</p>	<p>Iraq went through many colonial stages and underwent the division and creation of vast states due to its richness and geographical location. This relationship was enveloped in a public appearance, as the border disputes between countries varying in size and capabilities of power and resources were ongoing, and the most important of these conflicts was the Iraqi-Kuwaiti conflict, which was one of the direst disputes over the region, the region, and the world. The problem of the research comes from an important central question, which is: Why does the conflicting feature prevail over Iraqi-Kuwaiti relations?</p> <p>This is because Iraq and Kuwait are governed by the inevitability of geographical adhesion and a historical conflict whose chapters and narratives have multiplied in the modern history of the two states. The importance of the research comes from trying to identify the most important events that defined the features of the Iraqi-Kuwaiti conflict, starting from the British-Ottoman conflict over Kuwait to the Iraqi invasion of Kuwait on August 2, 1990 AD. In the occupation of Iraq in 2003, the research methodology that the researcher relied on in the axes of his research on the historical and analytical approaches to reach the required results. Research plan The research consists of four sections, it deals with the first topic of the State of Kuwait in the Ottoman era - the second the Iraqi-Kuwaiti conflict in the British era, the third topic in the royal era, and the fourth research deals with this conflict in the Republican era.</p>

Keywords: The problem of Iraq with the demarcation of the border with Kuwait from the Ottoman era until now

INTRODUCTION.

The issue of delineating international borders between countries is of great importance, at the international level, both past and present. Which often constituted a source of armed conflicts and tension in international relations. This is because every country has ambitions to expand its geographical area at the expense of other countries.

Therefore, we find that international law has put in place the means that guarantee the settlement of border issues and prevent, as much as possible, the outbreak of armed conflicts, due to the dispute over the borders And the difference in the views and allegations of both parties to the border problem, by working to resolve differences and problems through negotiation between the two parties involved in the case, or by accepting a third-party mediator to work to bring the views closer and push to resolve the dispute through peaceful diplomatic or judicial methods. Such as resorting to arbitration courts or international justice, in order to consider the dispute submitted to it and to make a decision that is in harmony with it..

This is what many countries have taken to solve their border problems, but some of these problems have caused an armed conflict to erupt, and this happened in 1991 in the second Gulf War, because of the dispute over the demarcation or delineation of borders or the interpretation of each party according to the way it is intended. In his interest, because of the lack of agreement between countries in this regard.

It is no secret to any reader of border issues that the demarcation of borders in the Arab world was carried out with colonial political motives that generated many problems and disputes, both between the State of Iraq and Kuwait with each other and between Arab countries and non-Arab neighboring countries. Perhaps one of the most prominent border problems between Arab countries is the Iraqi-Kuwaiti border problem. This problem prompted the intervention of the United Nations in.

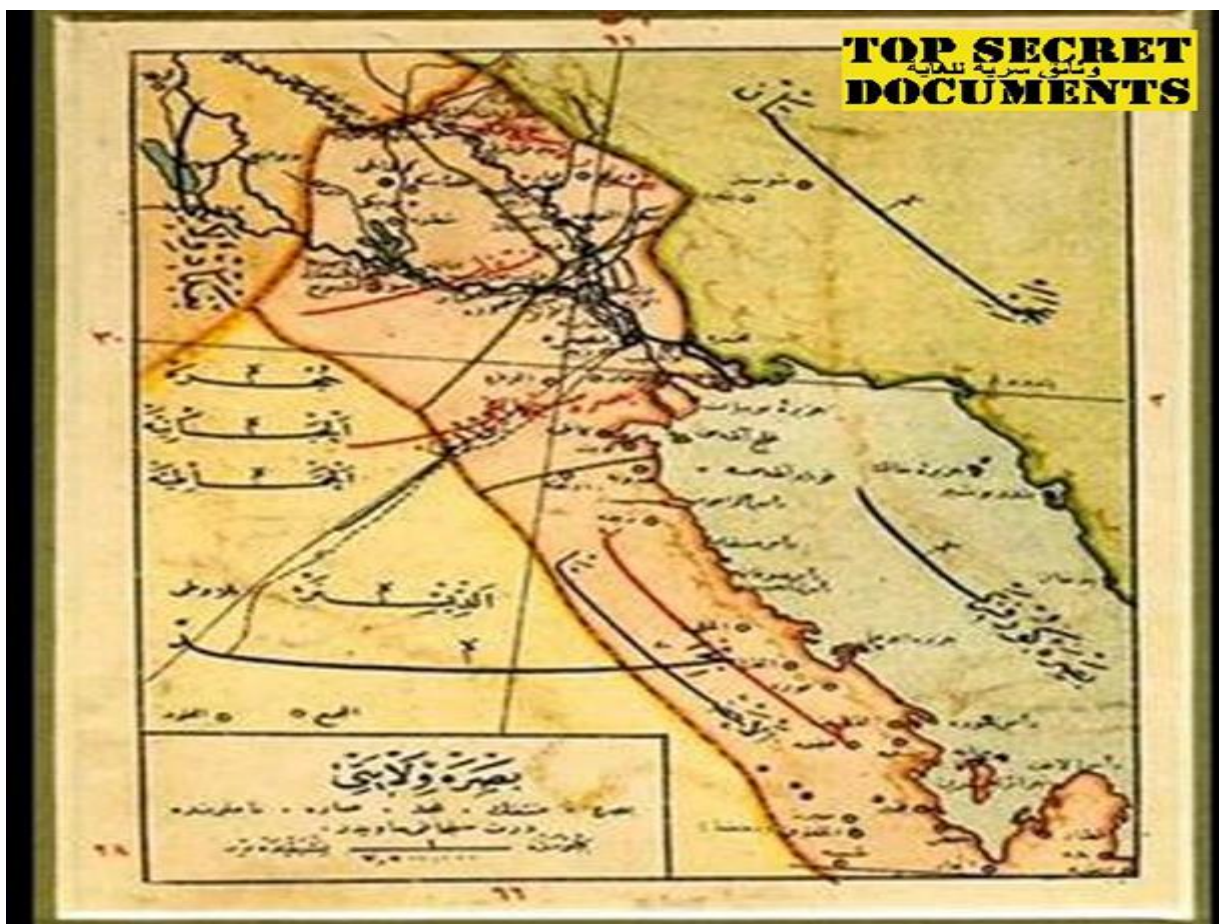
1- Ottoman era.

During the eighteenth century (1701-1800), at a time when the state of Baghdad came under the direct rule of the Ottoman Empire and the position of the governor of Baghdad was appointed directly from Istanbul and with the establishment of central rule in Baghdad, the Ottomans ended the rule of the Al-Jalili family in Mosul in 1834 and in 1869 all the states of Iraq were annexed to The Wilayat of Baghdad and appointed Midhat Pasha as its governor, who

showed interest in extending the influence of the Ottomans in eastern Arabia ¹ He expanded his mandate in the south by launching a military campaign on the cities of Al-Ahsa and Qatif, which belong to the Emirate of Najd, taking advantage of the civil war between the heirs of Imam Faisal bin Turki. During the campaign, the ruler of Kuwait supported the Ottomans with his land forces and a naval fleet. About the political situation of Kuwait in his memoirs, he said: "Kuwait is 60 miles away from Basra, and it is located on the coast near Najd. Its people are all Muslims and the number of its houses is 6,000. It is not affiliated with any government. ² The former governor, Namik Pasha, wanted to annex it to Basra, but its people refused because they had become accustomed to not submitting to costs and submitting to governments, so the old one remained on its feet ³ .

The people there are Shafi', and they manage their affairs depending on the Shari'a, and their ruler and judge are among them. They live in a semi-republic and their position helps them maintain their present condition. They do not work in agriculture but in maritime trade. They have two thousand large and small commercial boats. They work in pearl fishing in Bahrain and Oman. Their large ships travel to India and Zanzibar for trade, and they raised a special banner over their boats and used it for a long time ⁴ .

After Midhat Pasha completed the annexation of the Al-Ahsa region, the Emirate of Qatar and the Emirate of Kuwait made Ottoman districts affiliated with the Wilayat of Baghdad. Raising the Ottoman Flag The Ottomans in Kuwait did not have an Ottoman civil administration or even a military garrison. Kuwaitis were not even conscripted into the service of the Ottoman army, and they did not pay any financial penalty to the Ottoman state.⁵ Even the title "Qaim Maqam", which was granted to the rulers of Kuwait, was considered an honorary position, especially with the Ottoman Empire's pledge to continue autonomous Kuwait. The Gulf was within the Wilayat of Basra, see map No. 1 ⁶ .



Map 1: Map of Iraq when the Ottoman Empire ruled Iraq

¹ -- Ali Sadiq Abu Hef, Public International Law, Tala, Alexandria, Mansha'at al-Maaref, (1966), p. 65. -
² -William Polk, In order to understand Iraq, (presented by Abdul Hai Yahya Zalloum), 1st edition, Cairo, Dar Al-Faris, (2006). p. 89.
³ - Hassanein al-Mohammadi - Wadi, the invasion of Iraq between international law and international politics, Alexandria, Mansha'at al-Maaref, 2005. p. 43.
⁴ -William Polk, In order to understand Iraq, (presented by Abdul Hai Yahya Zalloum),pp79.
⁵ - Walid Yatar, Public International Law, 1st Edition, Beirut, University Foundation, 2008, p. 112.
⁶ - Bashir, Al-Shafi'i Muhammad Public International Law in Peace and War, 2nd Edition, Cairo, Mansha'at Al-Maaref, 1974, p. 56.

Source : House of Turkish Documents in the Ottoman Era.

2- The British era.

Historical sources indicate that the founding of the city of Kuwait was at the beginning of the eighteenth century, specifically in the year 1716 AD. Before this date, Kuwait was just an Arab settlement protected by a small fortress and inhabited by the Arab (Utub) tribe, which includes three main branches: Al- Al-Jalahmah, Al Khalifa, and Al Sabah.

The relationship of the Ottoman Empire with Kuwait dates back to the year 1546 AD when Basra was subjected in that year to the Ottoman occupation⁷.

They find a way to secure their position, by recognizing some of the guardianship of the Ottoman Sultan, who had spiritual supremacy over the sheikhdoms of the Persian Gulf like in other regions of the Arab world. At the time, Britain considered the southern coast of the Gulf as an area of influence, and the interest of the Ottoman Empire in the east and south of the Arab countries increased after the year 1869 AD thanks to two factors. The first was the opening of the Suez Canal to navigation in the year 1869 AD ⁸.

The royal covenant:

Cairo's position on Kuwait's independence was clear from day one. On June 20, 1961, on the medium level, Al-Gomhouria newspaper welcomed the independent and free Kuwait, part of the great Arab world, and stated that Kuwait had always been independent, in fact, refusing to control and denying the colonialists.

On June 23, President Gamal Abdel Nasser sent a congratulatory cable to the Emir of Kuwait, Sheikh Abdullah Al-Salem Al-Sabah, in which he said:

On this day, on which new dawn has emerged in the history of the Arab world, with the independence and sovereignty of Kuwait, I cannot but take the initiative to express the joy of the people of the United Arab Republic, and our great joy at this glorious historical event, which shook our feelings, joy, and made the souls of Arabs happy. All together. It is dearer to our hearts than to seize this happy occasion, to send to your Highness, and to the brotherly people of Kuwait, our most heartfelt congratulations and sincere wishes, praying to God Almighty. To write to your success and payment, and to provide you with his assistance until he reaches Kuwait, in his new era, thanks to your leadership, to achieve his aspirations of pride, glory, and prosperity, and to work side by side with its sister Arab countries, in order to teach and cherish Arab nationalism. We look forward, and the Arabs everywhere look with us, to the day when the rest of the peoples of the struggling Arab nation will attain their freedom and sovereignty. "⁹

Although the United Arab Republic was the leader of the unitary Arab movement and called for Arab unity, it found in Abdul Karim Qassem's claim to annex Kuwait something that contradicts that trend, so it opposed it. It clarified its official position on the border problem, between Kuwait and Iraq, in three official statements, issued on June 27 and 30, 1961, and July 5, 1961, respectively.¹⁰

With the outbreak of the crisis, the United Arab Republic clarified its official position, in its first statement, issued on June 27, 1961, which was broadcast by the then Minister of State, Muhammad Abdel Qader Hatem, in which it objected to the allegations of Abdul Karim Qassem. The statement included six points, summarized in (See the document of the first official statement of the United Arab Republic on June 27, 1961, regarding the crisis triggered by Abdul Karim Qassem to annex Kuwait to Iraq)¹¹.

1. The United Arab Republic believes that relations between Arab peoples are not governed by treaties or agreements, old or modern, but rather the relations between peoples are much deeper than that.
2. It does not accept the logic of "annexation, even though it is willing to make every effort to support the logic of comprehensive unity."
3. The comprehensive unity between Egypt and Syria, by its nature, cannot but be supported in every direction towards unity. But unity should not be but a social expression of a mutual Arab popular will, based on free choice.
4. It considers that it is the duty of the large Arab people to be a sport that enhances the ability of the small Arab people.
- 5 .The Iraqi people possess the reasons for calling for unity between them and the people of Kuwait, which are deeper and more durable than the documents of the Ottoman Empire, and these people possess their Arab nationalism, as much as the people of Kuwait possess this nationalism. And that, in and of itself, is enough to create political unity¹².

⁷ - J. c. Lorimer, *Kuwait in the Gulf Guide, Part One, Historical Travel*, Al-Rubaian Publishing, and Distribution Company, 1981, pp. 21-22.

⁸ - Al-Shafi'i Muhammad Bashir, *Public International Law in Peace and War*, source précédente, p. 101.

⁹ - -Youssef Mohamed Benkhalil, *Les Nations Unies et la sécurité du Golfe*, Ta, Dubaï, Gulf Center. Toutes les recherches, 2005, page 39.

¹⁰ - Basil Youssef Jak, *Iraq and the United Nations Applications to International Law*, 199, 1ère édition, Beyrouth, Center for Arab Unity Studies, 2006, p. 66.

¹¹ - Yahya La Jamil (1963). *Reconnaissance en droit international public*, Le Caire, Dar Al-Nahda Al-Arabiya, 1969, p. 59.

¹² -. Basem Karim Suwaidan Lajnabi, *(Le Conseil de sécurité et la guerre contre l'Irak en 2003*, Amman, Zahran Publishing. 2006, p. 87.

3- Republican era.

On the other hand, the Iraqi lands remained under Ottoman rule until World War I 1914-1918, when Iraq became subject to British occupation. In 1921, the establishment of the Iraqi Kingdom was announced and King Faisal was pledged allegiance to Iraq. Iraq did not gain its independence until 1931, and the monarchy remained in place until it was overthrown. The revolution of July 14, 1958, established the Iraqi Republic. Abdul Karim Qasim's announcement of his desire to annex Kuwait to Iraq caused a political crisis between the two countries. Kuwait had submitted a request to the League of Arab States on June 23 to join, two days before Abdul Karim Qasim announced his demand to annex Kuwait to Iraq, and it was decided to decide on the request on July 4, but the League failed to take a decision on the matter and decided to postpone the session until Wednesday, July 12, until the Secretary-General of the Arab League ends contact with the governments concerned with the crisis.¹³

On July 20, the Arab League issued a decision accepting Kuwait in the League and Kuwait asked Britain to withdraw its forces to be replaced by Arab forces, and forces from the United Arab Republic, Jordan, and Sudan arrived.

Iraq decided to cut diplomatic relations with several countries, including Lebanon, Tunisia, Jordan, Iran, the United States, and Japan as a result of their recognition of Kuwait.

The Iraqi command moved the 1st Infantry Brigade located in the Musayyib area and the 14th Infantry Brigade located in Nasiriyah Governorate to the Kuwaiti border area and also transferred the 1st and 2nd Tank Battalions from the 4th Armored Brigade of the 1st Division in Baghdad to Basra Governorate.

Despite the small number of the Kuwaiti army, which did not exceed 2,000 soldiers, compared to the 60,000 soldiers of the Iraqi army, a state of alert was declared in the ranks of the army, and its sectors were spread out in defensive positions¹⁴.

The Emir of Kuwait requested 6 days before military assistance from Britain on June 30, 1961, under the British-Kuwaiti Friendship Agreement held on June 19, 1961. The Emir of Kuwait also requested military assistance from the Kingdom of Saudi Arabia in order to activate the mutual defense agreement between Kuwait and Saudi Arabia signed in 1948¹⁵.

At the end of the seventies and the beginning of the eighties, some important developments took place, which led to the freezing of the border problem between Iraq and Kuwait. Including the visit of President Muhammad Anwar Sadat to Jerusalem on November 19, 1977, and the resulting developments and reactions. And the success of the Islamic Revolution in Iran, and the declaration of the Islamic Republic, on the first of April 1979. And the outbreak of the Iraq War. Iran, on September 22, 1980, which extended until August 20, 1988, was announced by Saadoun Hammadi, the Minister of Foreign Affairs of Iraq, at the time, before the outbreak of the Iraq war. Iranian, in a press interview, on June 22, 1980¹⁶,

The issue of the borders, between Iraq and Kuwait, is not resolved. It is postponed, and there is no hurry to broadcast it, neither from Iraq, nor from Kuwait. This is not the issue ¹⁷.

At present, a hot spot between the two countries. We will continue to talk until a solution is reached. We do not agree on where the border took place, because there was never an agreed border between the two countries¹⁸."

With the outbreak of the Iraqi war. On September 22, 1980, and despite the fact that Iraq announced its freezing of the border problem with Kuwait, in 1981, it insisted on requesting the lease of the two islands, not only for national reasons but also for strategic factors. But Kuwait has always rejected its position, in addition to the fact that it believed that Iraq's lease of its two islands, at that time, would anger Iran, and might implicate it in the ongoing war between the two parties .¹⁹

After that, Kuwait began to encrypt the two islands, and build a bridge between Bubiyan Island and Kuwaiti lands, to settle them. And reinforced the island with military units, fortified it, and made it a military area. It also developed plans to settle the two cities, in the north and south of Kuwait. These projects are part of a defensive strategy. The "silent" crisis was a stage for building the Kuwaiti military force, and focusing on the military structure, to face external challenges .²⁰

¹³ -Les lois du Mandat britannique pour l'établissement du Foyer national juif en Palestine. Bagdad, Asaad Press, (1976). P. 73.

¹⁴ - Muhammad Fadel Al-Jamali, (Dr). La tragédie du Golfe et la nouvelle hégémonie occidentale, (dm), (dn).2009, p. 66.

¹⁵ - Saeed Salem Juwaili, Introduction to the Study of International Humanitarian Law, Le Caire, Dar Al-Nahda Al-Arabiya, (2002). p. 85.

¹⁶ - Lahoush, Fathi Fathi. La distinction entre conflit politique et conflit juridique en droit international, Le Caire, Dar al-Kutub al-Qanuniyya, 2009, p. 39.

¹⁷ - Kamal Hammad,. Armed conflict and public international law, (presented by George Deeb), 1st edition, Beirut, University Foundation for Studies. (1997), p. 68.

¹⁸ - Hamidi, Jaafar Abbas, Internal Political Developments and Trends in Iraq, Bagdad, Bagdad University Press, 1, 1980, p. 55.

¹⁹ - Montaser Said Mawdeh, Contemporary International Law, 1st Edition, Alexandria, Dar Al-Fikr Al-Jamii. (2008). p. 75

²⁰ - Hassan, Rashid, and Barghouti, Lamis. The Arab Gulf Crisis in Jordanian Political Thought, (1991), p. 77

It seems that Kuwait has aroused the discontent of both Iraq and Iran, by fortifying Bubiyan Island and making it a military zone, as Iran understood that in support of Iraq. While Baghdad saw, in the Kuwaiti move, a stepping-stone to its demands on that island.²¹

In 1984 and 1986, during the intensification of battles between Iraq and Iran, it became clear that Iraq needed the islands of Rayya and Bubiyan. And since Kuwait refused to rent them to him before, he contented himself, this time, by allowing him military facilities in them, so that he could teach his military position in his war against Iran. Kuwait rejected this demand, the conviction of Kuwaiti officials, that if they granted the Iraqis facilities on the two islands, they would not leave them, after the war, in addition to angering Iran.²²

During this period, Iraq did not cause any border problems between it and Kuwait. Rather, he sought to normalize his relations with them, hoping for more financial aid and loans that Kuwait had given him during his freedom. In this context, positive statements were issued, from time to time, by some Iraqi officials, confirming the relations of cooperation, friendship, and brotherhood between the two countries, as well as expressing a desire to solve the border problem between them. This was confirmed by President Saddam Hussein, in a statement on January 17, 1981, at the beginning of the war, when he said: Iraq desires to solve the border problem with Kuwait, in the same spirit with which it solved its problems with Saudi Arabia and Jordan".²³

Perhaps Kuwait found, in the aid, it provided to Iraq, during the years of its war against Iran, a way out of Iraqi pressure, and thought that this would earn it his friendship and intentions, but it soon became clear to it that this was wrong.

Therefore, after the end of the Iran-Iraq war, Kuwait looked forward to a final settlement of the border problem with Iraq, in light of the positive promises made by Iraqi officials in this regard during their war, which deepened the Kuwaitis' hopes for a final solution to this problem.²⁴

But Kuwaiti aspirations were misplaced. After the Iraqi war stopped. Iranian, Bubiyan Island remained a target for Iraqi demands. Kuwait's position, at that time, required it to maintain its territorial integrity, more than ever, and to strongly oppose any request to deduct any part of its territory, as it must take into account Iranian reactions, at a time when it tended to normalize Its relationship with Iran, which strongly opposes the Iraqi demands, and affirms its policy, which is based on not bringing about any changes in the regional situation, in the Arab Gulf region.²⁵

The series of border demarcation problems between Kuwait and Iraq continued, despite repeated visits by Kuwaiti and Iraqi officials to Baghdad and Kuwait, although these visits provided an opportunity for further cooperation between the two countries. In the discussions held by Sheikh Saad Al-Abdullah Al-Sabah, Crown Prince of Kuwait, with Iraqi officials, during his visit to Baghdad, from February 6 to 12, 1989, Iraq agreed to supply Kuwait with 350 million gallons of freshwater, in addition to 150 million gallons From brackish water. In return, Kuwait agreed to supply southern Iraq with the necessary electric power, in addition to helping him with some reconstruction projects, which he intended to implement, after the end of his war against Iran. The two sides also expressed their desire to reach a final settlement of the border issues between them.²⁶

During the visit of Sheikh Jaber Al-Ahmad Al-Sabah, Emir of Kuwait, to the Iraqi capital, on September 23, 1989, at the invitation of Iraqi President Saddam Hussein, to be awarded the Al-Rafidain Medal, in appreciation of Kuwait's efforts to support Iraq during its war against Iran Iraq reiterated its desire to reach a solution to the border demarcation crisis. Sheikh Jaber Al-Ahmad preferred not to raise this issue and suggested presenting the problem to an international arbitration body.²⁷

Perhaps the repeated Iraqi initiatives to complete the demarcation of the border, according to Iraq's point of view, which Kuwait did not approve of, are what Iraq relied on during the invasion of Kuwait in 1990, in order to demonstrate the delay in the process of demarcating the border between the two countries. -

Iraq also raised another problem with Kuwait, which was its request to write off the war debts owed to it, accusing Kuwait of pumping oil from the southern part of the Rumaila field, and its tendency to build a residential city in "Al-Subiya, accommodating 100 thousand people" and establishing a resort on Bubiyan Island. At a time when Iraq allocated nearly one billion dollars for the development of Umm Qasr port (see the map of Umm Qasr port), which required obtaining an outlet on the coasts of Kuwait.²⁸

The Iraqi reaction against Kuwait was to escalate this new problem, starting in July 1990, as part of a campaign targeting the states of Kuwait and the UAE. Iraq accused the Kuwaiti authorities of withdrawing the oil of the Iraqi

²¹ - Sami Hakim, *The Charter of the League and Arab Unity*, 1st Edition, Cairo, Anglo Egyptian Library. (1966), p. 39.

²² - Walid Bitar *Public International Law*, 1st Edition, Beirut, University Foundation. (2008). p. 87.

²³ - . Al-Shafi'i Muhammad Bashir, *Public International Law in Peace and War*, 2nd Edition, Cairo, Mansha'at Al-Maaref 1974, p. 55

²⁴ - Youssef Muhammad Al-Binkhalil, *The United Nations and Gulf Security*, 1st Edition, Dubai, Gulf Research Center, (2005), p. 33.

²⁵ - Bjk, Basil Youssef, *Iraq and the United Nations Applications to International Law (1990-2005)*, 1st Edition, Beirut, Center for Arab Unity Studies, (2006). p. 78.

²⁷ - Gemayel, Yehia, *Confession in Public International Law*, Cairo, Dar Al-Nahda. Arabic . (1963). pg. 112.

²⁸ - In the name of Karim Suwaidan Lajnabi, *The Security Council and the War on Iraq in 2003*. Amman, Zahran Publishing. (2006). p. 93.

Zumila field, and marketing it for their account, and accused them of moving the border capture between the two countries, towards the north, which means deducting parts of its lands for you.²⁹

Based on all of the above, it can be said that the failure to reach a solution to the border problems between Iraq and Kuwait, despite the many contacts and discussions that took place between them for this purpose, is mainly due to Iraq's procrastination with several arguments, to get rid of settling the border problem with Kuwait. Basically, it is related to the reference that must be invoked in demarcating the borders between the two countries. There were two points of view, namely:³⁰

1. As for Kuwait, it viewed the border problems as being of a technical nature. Therefore, the delimitation of borders must take place in nature, and be settled in accordance with the previous pacts and treaties between the two countries regarding borders (the 1913 Agreement, the Exchanged Letters of 1932, the 1963 Agreement), which Iraq accepted and ratified³¹.

2. As for Iraq, he demanded that the borders between the two countries be re-set. He rejected the legal validity of previous agreements between the two countries, claiming that they occurred during a period when Iraq was not independent, as is the case with the 1913 agreement, or because it was not ratified by the Iraqi legislative authorities, as is the case with the 1963 agreement, which Iraq has a record of. And a joint statement. In addition, the Iraqi authorities often invoked the lack of accurate cadastral maps, to demarcate the borders on the nature between the two countries³².

There are several other reasons behind the hardening of Iraq's position regarding the settlement of the border issue with Kuwait, which are summarized as follows:

3. Kuwait's ambitions to obtain oil gains from Iraqi lands, which would expand the land depth. He constantly sought to annex the northern and southern Rumaitha fields after the second Gulf War. 1991.³³

4. Used the border problem, as a card to pressure Iraq after the first Gulf War, to obtain economic gains. The history of dealing between the two countries confirms that Kuwait, taking advantage of the collapse of the Iraqi economy after its war with Iran, escalated the border problem with Iraq by reducing international oil prices, whenever Iraq needed loans, equipment, or financial concessions from Kuwait due to the effects of its war with Iran.

5. Iraq's unwillingness to accept final borders with a state, part of it, despite its recognition of its independence, and the exchange of full diplomatic representation with it, since 1963. Therefore, Iraq kept the problem hanging, without a solution, in the hope that the conditions that would allow it to come boosting its economy³⁴.

The final report for the demarcation of the Iraqi-Kuwaiti border.

Maps of border locations south of Safwan, the Khor al-Zubayr border.

In its report, the committee indicated that the most important thing it was keen on was the technical application of the borderline between Iraq and Kuwait, as it was originally defined in the 1963 agreement. It is confirmed, based on the Kuwaiti borders. Iraq, shown on the British map, which was adopted by the committee, that the oil wells, in the fields between Safwan and Al-Batin, that Iraq was exploiting. It is located in Kuwaiti territory. While the Umm Qasr port complex is located, with its stores, facilities, cranes, and berths, as well as Umm Qasr village, the marine hospital, and refineries. inside Iraqi territory. The Committee also took its decisions, regarding the demarcation of the border, along the lower waterline, in Khor Al-Zubair, in Iraqi territory, extending along the centerline in Khor Shatiana and Khor Abdullah; The committee found that the seaport for both countries is important to ensure fairness between them and to consolidate security and stability factors along the borders.³⁵

In its final report to the United Nations, the Committee indicated that it had taken its decisions regarding land borders with the participation of all its members. The representative of Iraq did not attend the sessions held from July 15, 1991, to May 20, 1992, during which the maritime borders were established. Nevertheless, the Committee was keen to provide to the representative of Iraq a copy, of all the minutes, that it had affixed to it.³⁶

Perhaps the most prominent achievement of the Border Planning Committee, between Kuwait and Iraq, was its decisions regarding the planning of land and sea borders.

. Land border planning

In planning the land borders, the committee relied on a number of foundations and documents, including:

²⁹ -- Security Council Resolution No. 598 was issued on July 20, 1987, establishing a ceasefire between Iraq and Iran, and it took effect, between the two sides, on August 20, 1988.

³⁰ -The statement of the Iraqi President, Saddam Hussein, in his speech on July 17, 1990.

³¹ - However, this agreement was agreed upon by Iraq and Kuwait, in exchanged letters, in 1932.

³² - Muhammad Fadel Lajjali, (Dr.). *The Tragedy of the Gulf and the New Western Hegemony*, (d.m), (d.n). 20- Juwaili, Said Salem, Introduction to the Study of International Humanitarian Law, Cairo, Dar Al-Nahda Al-Arabiya, (2002). pg. 99.

³³ - , Fathi Fathi Al-Hosh, *The distinction between political and legal conflict in international law*, Cairo, House of Legal Books. (2009). pg. 67.

³⁴ - Hamidi, Jaafar Abbas. *Internal Political Developments and Trends in Iraq*, 1st Edition, Baghdad, Baghdad University Press. 1980, p. 120.

³⁵ -Montaser Saeed Hammouda, *Contemporary International Law*, 1st Edition, Alexandria, Dar Al-Fikr Al-Jami'i. (2008). p. 89.

³⁶ - Hamidi, Jaafar Abbas, *Internal Political Developments and Trends in Iraq*, 1st Edition, Baghdad, Baghdad University Press. 1980. p. 81.

a. western border

In the planning of the western part of the border, which extends from the intersection of Wadi Al-Arja and Wadi Al-Batin, in the north, along the Al-Batin, to a point located directly south of the Safwan latitude, the Committee relied on the following:

1-What was mentioned in the boundary-setting formula, in the exchanged letters, 1932, which reads: "From the intersection of Wadi Al-Awja with Al-Batin, then in the north direction, along the Al-Batin."³⁷

2The proposal of the British ambassador to Baghdad, in October 1940, to the Iraqi foreign minister, to delineate the borders as accepted by Kuwait. He clarified the formula, referred to in the following previous clause: "Along the batin, the boundary follows the axis of the valley, that is, the line of the deepest depressions."

3- The layout of the boundary, along Wadi Al-Batin, by the line of the lowest points (the valley axis), and the boundary is marked by a series of straight lines, estimated at about two kilometers, in length, so that the urban area distance, after the axis of the valley, =

The border, on the Kuwaiti side, balances, to the same degree, its distance from the Iraqi side. To achieve this, the committee has drawn up orophotopic maps of the interior and used topographic models, which allowed for a conversation.

After the United Nations Commission for planning the international borders between Kuwait and Iraq, and its keenness to tighten the issue of limiting and preventing conflict over borders, and to maintain secure, stable borders and lasting peace, it was necessary to establish a mission committee to monitor the Iraqi borders. Kuwaiti. This process encountered obstacles, in carrying out the tasks entrusted to it. However, it was able, with the support of the Security Council, to put in place arrangements that allowed the restoration of conditions of peace and security to transform.

Within days of Security Council Resolution 687 of April 3 * No. 687 of April 3, 1991, 1991, the Security Council approved a plan to establish and deploy the United Nations Iraq and Kuwait Observation Mission to monitor the demilitarized zone.

CONCLUSION.

It is the conflict, but not any conflict, the struggle of wills made by the colonial countries to be between the sons of the homeland. the one. During the Ottoman occupation, the Arab nation fell into a deep slumber, and all its parts were left behind He did not leave a glimmer of light except to extinguish it, even though this occupation entered the nation in front of the Islamic caliphate In an explicit violation of which some of the nation's scholars remained silent at the time, the fact that the caliphate can only be in a nation Arabs. And when the armies of the Ottoman Empire entered Iraq, and the matter was settled for the Ottoman Sultan, he worked On dividing Iraq into three states.

1. The Persian Gulf was known as the Basra Sanjak, and what concerns us from this is Kuwait's relationship with Iraq and where Was it Kuwait?
2. The Arabs knew and the historians mentioned the city of Kazma, a region which witnessed some wars between the Muslims with the Persians. Then this area was known by another name, which is (Al-Qurain), and you did not know Kuwait, which is a name derived from "Al-Kut" which is the high place of walls or the castle that surrounds the building and which is near the water.
3. The people of southern Iraq used this name, and there were Kut Al-Amarah and other Kutats. she was The Arabian Peninsula is going through conditions of war between the conflicting clans, in order to extend influence and control

As the Banu Khalid did, in the meantime, we did not find anyone to tell us about a family ruling in an area that is a district in a year1775 Affiliated to the Wilayat of Basra, in the name of the Al-Sabah family at the time. Some historians have mentioned that the Al Sabah family They descend from the Shammar clans, as they were displaced from the Arabian Peninsula and settled in the Qatar region, as a result of their killing One of the residents of this area, the people turned against them and moved to Iraq, and they settled in Khor Al-Zubayr and Umm Castle. As a result of their practice of robbery and theft of commercial convoys passing through Basra, the Wali Basra expelled them from these areas, so they landed in the district of Kuwait at the beginning of the eighteenth century Hence the origin of the story. In the year 1866, Sultan Namek Pasha tried to transfer the nominal control to effective control of Kuwait.

RECOMMENDATIONS.

In light of the findings of this study and the results contained therein, we recommend the following:

- 1- The Iraqi-Kuwaiti border file must be reopened. And the Iraqi Ministry of Foreign Affairs should prepare For this matter very seriously and accurately. And that official visits will be exchanged with the Kuwaiti side, to discuss the border file in a spirit of brotherhood and fruitful cooperation.
- 2- In the event that these methods are not successful, Iraq must act against the influential countries in the Security Council.

³⁷ - -Montaser Saeed Hammouda, *The Law of Contemporary Countries*, 1st Edition, Alexandria, Dar Al-Fikr Al-Jamii, 2008, p. 61.

38-Hassan, Rashid, and Barghouti, Lamis. *The Arab Gulf Crisis in Jordanian Political Thought*. 1st floor, Amman, (D.N). (1991), p. 95.

In order to work to reconsider Resolution 833. Especially if we know that this decision has kept the door It is open when it stipulates in Paragraph (7) it that "decides to remain seized of the matter," meaning that the issue in Resolution 833 is under consideration by the Security Council. The new Iraq's view of border demarcation.

3- Exploiting Iraqi-American relations through the presentation of Resolution 833.

4- Directing the various official and popular Iraqi government activities to work on exerting various types of pressure on the influential governments in the Security Council, through visits to the headquarters of embassies in Baghdad or making visits to these countries and submitting appeals against Resolution 833.

5- Iraq and Kuwait should benefit from the experiences of the past and the present, as there is no alternative to negotiation and brotherly dealings if the two parties want to spare the two peoples and the region tension again.

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