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### THE IMPACT OF MUBARAK AL KABEER(GRAND) PORT PROJECT IN 2011 ON THE IRAQI-KUWAITI CONTEMPORARY RELATIONSHIP

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#### ABSTRACT

Iraqi-Kuwaiti relationship was distinguished of being unstable and having much tension from time to time, especially after 1958, the relationship was instable during the declaration of Kuwait independence in 1961 per international agreements in the demarcation of the borders between the two countries. Furthermore, Iraq demanded to subjugate Kuwait to Iraqi lands. The relationship described in this phase as to be apathy in light of the Kuwaiti rejection of the Iraqi demands, but they did not reach the stage of the conflict, as a result of the internal political developments that Iraq witnessed during the 1960s, as well as the political developments in the Arab Gulf region after the British withdrawal in 1971, and the escalation of US military influence in the Arab Gulf region. The relationships between Iraq and Kuwait did not witness more complicated political developments due to the outbreak of the war between Iran and Iraq in the period 1980-1988. In 1989 the Iraqi forces invaded Kuwait. In the next year, in August 1990 the second Gulf War took place. This war led to the international sanctions against Iraq which were escalated due to the conflict. In the wake of the US invasion and occupation of Iraq in 2003 and then US military withdrawal from Iraqi lands in 2011, Kuwait sought to suffocate Iraq economically by preventing Iraq to obtain a seaport that would achieve great economic gains for Iraq, so the establishing Mubarak project harmed the Iraqi Al Faw Grand Port project. This study sheds light on the historical development of the most prominent unresolved issues in the relations between the two countries. Then it discusses the setting of the site of Mubarak Port, and the most important motives that make Kuwait

establishes this port. Finally, it discusses the impact implications for the project on the Iraqi economy and its implications on the relations between the two countries.

### **1. The historical background of the most prominent unresolved issues in Iraqi-Kuwaiti relationships**

The historical phases of Iraqi-Kuwaiti relations, since previous decades, were described as that they went through declared crises at sometimes and undeclared at other times. Despite the different governments and successive regimes of government in Iraq, starting from the monarchy and the republic regime since 1958 until the Iraqi forces conquered Kuwaiti lands on August 2, 1990, the ebb and flow was the distinctive feature of the relations between the two countries even after the overthrow of the Iraqi regime on April 9, 2003, by the American and British forces as the bilateral relations between Iraq and Kuwait were described as cold and characterized of apathy at other times.

The most important unresolved issue in the relations between Iraq and Kuwait was the issue of border demarcation, compensation, debts, prisoners, martyrs, and property restitution, which emerged after 1991, as compensation and debts constitute the main obstacle to settle the rest of the inter-related issues, (Eid, 2011). The Iraqi and Kuwaiti States started to form joint committees to solve the outstanding problems between them, especially the problem of compensation for the second Gulf War in 1991, with the withdrawal of Iraqi forces from the State of Kuwait in 1991. Kuwait demanded Iraq compensation for that war. It is a huge financial compensation that Iraq has to pay to lift the sanction which was imposed on Iraq as a result of its invasion of Kuwait in the summer of 1990, the financial compensation was estimated of (6, 177) billion US dollars, but the United Nations overestimated the amount to (37) billion US dollars as a requirement which imposed on Iraq in 1990,(Al-Aqidi, 2009).

At the beginning of the US occupation in April 2003, the UN Security Council cancelled the sanctions on Iraq, but the Kuwaiti compensation was not cancelled, as the Kuwaiti government insisted on its adherence to paying the compensation and refused to drop the Iraqi debt to Kuwait, indicating that they are legitimate rights of the Kuwaiti people, despite international attempts that requested the cancellation of these Debts (Al-Zaidi, 2011). Thus the issue of compensation and Kuwaiti debts required to be paid by Iraq, remained one of the most important factors that led to the continuation of Iraq falling under chapter VII of the United Nations Charter which issued by the United Nations within its international conventions, considering that Iraq did not fulfil the obligations imposed on it so that the State of Kuwait was the reason for the survival Iraq under international chapter until all debts

imposed on it are paid (Atwan, 2012). The debts have been estimated up to (16) billion US dollars, while Iraq sought to cancel it or at least reduce the amount, but the State of Kuwait refused to reduce the amount (Al-Arab, 2011).

It is worth mentioning that the foreign debts on Iraq reached in the wake of the American occupation in 2003 to 450 billion US dollars, of which 320 billion US dollars were the compensation caused by Gulf wars- the first and the second, 130 US billion dollars were the foreign debts, such as interests worth to 47 US billion dollars. In total, 450 US billion dollars were the Iraqi foreign debts. The Kuwait debts are estimated to be about 13, 2 billion US dollars without the financial interests on these debts from the date of loaning the debts (Jaafar, 2013). Since the summer of 2006 and during his visit to the State of Kuwait, Iraqi Prime Minister Nori Kamal al-Maliki called on Kuwaiti officials to reduce the debts imposed on Iraq, and the Kuwaiti officials promised him to do so (Al-Dawas, 2003).

In October of the same year, Barham Saleh, the Deputy of Prime Minister, called Arab countries to contribute to supporting Iraq economically, to alleviate the debts claimed by Kuwait. Mohammed Alsubah, Kuwaiti foreign minister and the prime minister assured that his country's determination to aid Iraq to get out of its economic crisis, except for the issues of debts, explaining that they are international decisions that obligated Iraq to pay, (Al- Qabas Kuwaiti Newspaper, 7/9/2006).

Even the Kuwaiti National Assembly called on its members not to comply with Iraq and the Arab countries demands, stressing that the debts would not be cancelled, given that the State of Kuwait suffers from accumulations of foreign debts for the reconstruction of the country, and that Iraq is an oil country capable to pay the debts imposed on it, (Al-Dawas, 2003). In 2008, Kuwait sought to take a crippling step by reconsidering the revival of the still-born project, when Kuwaiti officials demanded their Iraqi counterparts I to provide Kuwait with pure, non-salty drinking water through the Al-Ahwaz Iraqi district as a way to cancel the debts imposed on Iraq, (Alwasat Kuwaiti newspaper, 2007, November 26).

The Kuwaiti government also sought to complicate the field of dialogue and understanding with Iraq when it arrested Iraqi fishermen who entered Kuwaiti territorial waters under the claim that they had exceeded the delineation of the 200-meter river border between the two countries, (the Middle East Newspaper, 2011/10/21). In order to alleviate these river abuses, a council was established in the Kuwaiti capital called a Joint Council for Relations between Iraq and Kuwait in early March 2011, and is aimed to encourage the Kuwaiti investment sector in Iraq, as a way to solve

the political and economic outstanding problems between the two countries, (Al-Arab, 2011).

## **2. Mubarak Al- Kabeer Port construction project and Iraqi-Kuwaiti relations**

### *First; Mubarak Al- Kabeer Port construction project and Iraqi-Kuwaiti relations*

The issue of the maritime borders between Iraq and Kuwait is one of the most difficult crises that have attached other similar crises. Before discussing this issue, it must be pointed out that, Kuwait was granting the Iraqi navy freedom of navigation in the Khor al-Subiya Canal, at the time when Iraq was maintaining the canal by digging, navigational education, with the clarification that no Kuwaiti force was mentioned until after 2003, that is, immediately after the US occupation of Iraq (Al-Zaidi, 2011). On April 6, 2011, the prince of Kuwait, Sheikh Sabah Al-Ahmad, laid the foundation stone for a port that the Kuwaitis called Mubarak Al-Kabeer Port, it is an industrial port.

It is located to the east of Bubiyan Island in the north of Kuwait, in the far northwest of the Arabian Gulf, it costs up to (1.1) One billion US\$, and it was expected to be completed in 2016. Ahmad Al-Fahad, Deputy Minister of Economic Affairs and Minister of Kuwaiti Development indicated that his government contracted with the Korean Hyundai Company to build it in May 2010, so that it would make the State of Kuwait a regional and international commercial and investment centre (Al-Kawaz, 2011). The idea of establishing the port can be traced back to 2004 When Kuwaiti government set up the idea in establishing this port in Boubyan Island. This happened as a reaction of multiple statements of Iraqi officials that they demanded the Kuwaiti government to rent the two islands Boubyan and Rubah to Iraq, in order to expand the Iraqi navy outlets bordering Arab Gulf (Muhsen ). in January 2004, Shawkat Mudar, the Vice President of Iraqi National Conference demanded to take the two mentioned islands on rent, saying: "the problems between Iraq and Kuwait created by the British officials, when they made the border demarcation, British officials deprived Iraq of an important Nautical outlet on Arab Gulf. Every politician must think about his country's interests, and the interest of Iraq first and last drives us to claim that there must be a waterway for Iraq on the Arab Gulf ", and what the Kuwaiti government considered as serious challenges, which indicates that there are no changes from the policy orientations of the previous regimes ruled Iraq (Alkatibi, 2011).

There are four stages for accomplishing the port. It was decided that the completion of this project will be in three parts at the end of 2015, from the stage of setting the design since 2007 to constructing the road with a distance

of 31 meters with the laying of a railway for the passage of ships through the Kuwaiti Boubyan Island, as well as to start drilling and deepening harbour basin of the port to accommodate large and small ships to pass through it. The other three phases were for the expansion of wharves and berths and bringing the required number to 36 berths. It is noticeable that the Kuwaiti government had the motives for establishing the project to achieve major goals, including economically strangling Iraq and preventing it from any seaport on the Arabian Gulf, as well as cutting off the shipping route for the Iraqi ports in Umm Qasr and Khor Al Zubair, especially after the noticeable improvement of Iraqi shipping and commercial activities in those ports, after 2003, Kuwait did that in order to put Iraq in an economic impasse to achieve such ambitions that aim to lay much siege and pressure on Iraq, as well as to ensure that Iraq would not think about any violations or abuses or even just thinking about any future aggression on the Kuwaiti water borders bordering Iraq (Al-Hamami, 2011).

***Second: The Mubarak Al- Kabeer Port crisis and its repercussions on the Iraqi economy***

There is no doubt that Mubarak Al- Kabeer Port creates an apparent and contrived economic crisis by Kuwait to influence the development of the course of Iraqi-Kuwaiti relations. The Kuwaiti government, simultaneously, began to build Mubarak Al- Kabeer Port when Iraq began to establish the Al Faw Grand Port in the province of Basra, which led to tension between the two countries, especially Mubarak Al-Kabeer Port project aims to narrow the Iraqi sea lanes leading to the Iraqi ports, at a time when the State of Kuwait insisted on completing the construction of its port as it is within its territory, and according to what was stated in the United Nations Resolution No. 838 on demarcating the borders between the two countries, and what increased the severity of the problem between the two countries is the frequent governmental and parliamentary statements and media campaigns exchanged between them, such as 'the harbour of Mubarak Al- Kabeer Port is located at the front of the waterway of Al-Faw Grand Port which is considered as challenging to the economic detrimental to the interest of Iraq (Al-Asadi,2011 ).

Kuwait choice of the area for the construction of its port was due to the huge amount of gas in which the pressure reaches 850 million cubic meters from the side of Seba - a district belongs to Basra Governorate. In other words, the location of this port was deliberately chosen, depending on the oil reserves in that area, Kuwait Energy Company (KEC) will invest in Seba gas. KEC was established in August 2005, the same year that works and planning commenced for the establishment of Mubarak Al-Kabeer Port, in

which its contract with the Iraqi government will expire in June 2031 (Al-Asadi, 2011).

The location of Mubarak Al-Kabeer Port frankly raises doubt and strangeness and confirms the information on the subject of stealing Iraqi Gas and oil in the Seba district in Iraq, at a time when we see that Kuwait does not get any benefit from this location because the State of Kuwait has long coasts on the Arab Gulf that reach to 500 km while Iraqi coast border does not exceed on the Arab Gulf 50 km. Besides, Kuwait has commercial and oil ports, the most important of which are Al-Ahmadi, Al-Jaliga, and Al-Shuaiba, etc. The steps that are taken by Kuwait can be explained as an attempt to take over the natural gas and oil in the Seba district inside Iraqi lands and to harm the Iraqi economy by depriving Iraq of overlooking seaports, and destroying its future investment projects when it embarked on the establishment of the Al Faw Grand Port project,(Al-Nadawi,2009).

Establishing of the Al-FAW Grand Port project, or as it is also called the Great Basra, is considered as one of the most important strategic projects affecting the economic and human development role of Iraq, and it has tremendous positive aspects for the international transport economy in terms of cost and time. Researcher Siham Kamel indicated in her article that the project will shorten the time and the distance in the process of running Iraqi and foreign commercial ships with a distance estimated at (20-25 days) (Kamel, n.d).

The government of Kuwait has sought to implement Mubarak Al-Kabeer Port project in light of unstable political conditions to establish a geographical and political reality in the Khor Abdullah region over Iraq, Even though, the observers tend to have reservations about the economic feasibility of the project. Nevertheless, the first thing that attracts attention is the dangerous consequences on Iraq which are considered as one of the countries described according to the United Nations Convention on the High Seas and one of the geographically affected countries that have a very limited geographical coast. Building the Kuwaiti port project of this magnitude will have negative effects on the Iraqi economy, and can be summarized in the following:(Al-Hamami, 2011).

- 1- The Iraqi ports located north of Khor Abdullah will be gradually destroyed after the implementation of Mubarak project, and thus the Iraqi ports will lose their dealings with international shipping lines, as well as it will lead to the loss of manpower in the Iraqi ports.
- 2- Studies and reports proved that the extensions resulted from the berths of this provocative port, according to the project phases, will certainly damage the area of the Iraqi continental shelf, which has not been determined or agreed upon until now.

- 3- The harassment of the Kuwaiti patrol boats against Iraqi ships in Khor Abdullah which heading to Iraqi ports indicates to the Kuwaiti government's intention to impose fees on the passage of Iraqi ships or those heading towards Iraqi ports.
- 4- Excavation, filling and construction of concrete barriers in Khor Abdullah will harm the fish wealth in Iraqi territorial waters, which are the source of livelihood for thousands of Iraqis living in the southern region.
- 5- Aborting the Mubarak Al- Kabeer Port project and bringing in Arab and foreign investments and funds to utilize them in Bubiyan Island, so that its interests are not threatened if Iraq claims in the future to return the island to Iraq and then to be able to oppose these demands.
- 6- This project will ignite a new fabricated problem between the two brotherly neighbours, Iraq and Kuwait, as well as the environmental damage that will be resulted from the project.
- 7- it is worth mentioning that the Kuwaiti borders, according to un security council resolution no. (838) of 1993, which demarcated the new Kuwaiti borders, had given the latter the extension of its dominance over the entire waters of Khor Abdullah, so that the entire navigation channel became within the Kuwaiti territorial waters. it means that the Kuwaiti borders crept into the coast of Al-Faw Grand Port and seized the only shipping artery that feeds the waters of umm Qasr.

Surprisingly, the new division of borders did not take into account the routes of the Thaluk Line in Khor Abdullah and did not depend on the deep locations of the common shipping course between the two countries. All the deep lines belong to Kuwait alone and the Admiralty navigation maps confirm the division, as well as other negative effects, including (Al-Asadi,2011):

- 1) The Kuwaiti Mubarak Al-Kabeer port will harm maritime traffic in the Iraqi ports in Umm Qasr in particular,
- 2) The blockage of Iraq's economic interests will be narrowed, especially after it contributes to the destruction of the city of Basra due to the economic recession, which will inevitably affect the rest of the southern provinces, whereas, if the construction of the large port of Al Faw Grand Port was completed, it would enhance the economic capabilities of Iraq.
- 3) Mubarak Al- Kabeer Port will also lead to destroying the environmental aspects due to the process of transporting rocks brought from the United Arab Emirates, which works in the form of sea-breakers.

Also, the presence of Mubarak Al- Kabeer Port adjacent to the canal through the areas in Khor Abdullah or close to it will directly affect the movement of the rigs to perform their work and reduce the times of their use due to the narrowness of the navigational passage due to the presence of constructions within Khor Abdullah Basin. Furthermore, it will lead to an increase in lateral sediments. This means that the increasing demand to remove the sediments from the canal, and the presence of the port in its current location facing Al Faw Grand Port increases the narrowness of the shipping lane and thus will lead to a state of confusion in the internal and external vessels movement to the ports of Um Qasr and Khor Al-Zubair.

This obstruction, may reach the ports choke the efficiency of these ports, due to the reluctance of the Maritime Transport Company to use the channel leading to Um Qasr port (Abdullah, 2011). Moreover, Mubarak Al- Kabeer Port will sweep Iraqi commercial ports, and cause the closure of marine transport movement, as that 'Kuwait proceeded to create dams concrete and mounds concrete and those included business backfill parties the channel navigational which supposedly that Be Free And open Front of the movement Navigational. Even if steamers will refrain from access in the depth of Kor Abdullah, the consideration that bodies of water are deep and reach 90% in the Kuwaiti administrative border, As well as the Basra Great Port will lose 60% of its economic value for Iraq (Al-Hafiz, M., n.d).

### ***Third: The development of the crisis and the reactions between the two countries***

The Iraqi-Kuwaiti crisis over the Mubarak Al- Kabeer Port may be one of the most important issues that concern the Kuwaiti officials, and the focus is increasing on it after the Iraqi official statement about this crisis when the Baghdad government asked the Kuwaiti government to stop the implementation of the port's construction. It considered as one of the most vital projects in the Kuwaiti development plan. The project was presented by senior Kuwaiti officials with the Iraqi Prime Minister Nori al-Maliki during his visit with the high-level delegation from Iraqi officials to Kuwait in February 2011 and briefed them on this project.

In addition to the meeting of the Iraqi-Kuwaiti Committee that the project was discussed and explained. Kuwaiti ambassador in Baghdad, Ali AlMoemen, said "Kuwait will continue implementing the project and will not back down from implementing it, as it serves its vital projects (Al-Anbaa Kuwaiti Newspaper, August 4, 2011). Kuwaiti government confirmed that Mubarak port is planned to be built years ago, the idea of building it served Kuwait and Iraq together, but Iraq did not understand this fact by rejecting it, Hoshiar Zebari, the former Iraqi foreign minister, assured that in an



official statement on September 5th, 2011, that the technical report about Mubarak Al-Kabeer Port squandered Iraq's fears, and surely the agreement is political rather than security.

It was planned from the phases of building the port to connect it to the south of Iraq with lines Railway. It also does not have any influence on the navigation in Khor Abdullah, the sole passage that separates between the two countries, (Al-Suwaidan, 2011).

Kuwait believes that Iraqi objection for Mubarak port project is to make such pressure on Kuwait to provide waivers concerning the matters between the two countries, especially compensation and debt, Kuwait thinks that the objection came as a matter of Iraq's historical rights of the two Kuwaiti islands Roba and Boubyan (Al-Babtain, A, n.d). In a meeting between Iraqi and Kuwaiti officials, the Ministry of Foreign Affairs of the State of Kuwait during the period from 26-28 May 2011, when the Iraqi side was headed by Ambassador Zaid Ezz Al-Din Muhammad Nuri. Kuwait was represented by Ambassador Khaled Muhammad Al-Maghamis, director of the follow-up and coordination department in Kuwaiti Foreign Affairs, the Iraqi side explained that the purpose of this visit is to get clarification about the information related to the construction of the Mubarak Al-Kabeer Port and the duration of its impact on the maritime traffic in Khor Abdullah, affirming its full respect for the sovereignty of the State of Kuwait over its lands.

Since 1983 and approved in 1996 - as indicated in the Appendix (1). In addition to the technical remarks made by the Iraqi side on the Kuwaiti Mubarak Al-Kabeer Port, which emerged from the plans and the disclosure of the two sites, an impact on the navigation safety of Iraqi ports and the movement of ships and the method of sending or taking off (Qasim A, Q, 2011) as indicated in the appendix (2).

Iraqi official statements were escalated due to continuation of constructing Mubarak Al-Kabeer Port. Kuwait considered these statements as threats from Iraq. Such as the warn by Izat Shabandar, the leader of State of Law Coalition, when he said: "if Kuwait tries to harm Iraq, there will be a serious harm on their heads and leaders". The vice Prime Ministers, the minister of Kuwaiti Foreign affairs, Sheikh Mohammed Alsubah replied, by stating: "these statements form a danger to Iraq itself because it reveals that Iraq come back to the same point of doubt that still Iraq is not the new Iraq, but Iraq for threatening the security of the region" (Al-Anbaa Kuwaiti Newspaper, 2011).

On the 6<sup>th</sup> of September 2011, Hadi Al Amri, the Iraqi minister of Transport, declared that "Iraq will resort to diplomatic means, such as closing Safwan outlet to form a kind of pressure on Kuwaitis to change the location of Mubarak Al- Kabeer Port which harms the Iraqi economy. In a

similar vein, a member of a defence and security committee in Iraqi Parliament Qassem Al-Araji and several of Iraqis representatives singled to form Iraqi parliamentary delegation more than 100 deputies to the United Nations to demand the abolition of UN Security Council Resolution (833). ( Al-Nadawi,2009). Thus, the Iraqi-Kuwaiti relations were marred by coldness, caution and tension due to the Kuwaiti government's continuing construction of the Mubarak Al- Kabeer Port in which will choke off Iraqi ports, given that the Kuwaiti port, in its four stages, will close the Khor Abdullah port leading to damage the construction Al Faw Grand Port to be established, and thus it will negatively affect the Iraqi economy.

### **Conclusion**

The issue of the crisis in the Mubarak Al-Kabeer Port is one of the most prominent obstacles towards developing relations between Iraq and Kuwait so that the crisis added a side of complications in light of the Kuwaiti stubbornness regarding Iraq's debts and compensation. It seems that Kuwait was intending to establish that port to clearly and immensely harm the Iraqi commercial ports and the Iraqi economy. At the time when Iraq embarked on establishing AlFaw Grand Port to achieve important revenues for the country and for there to be a seaport for Iraq, Kuwait sought to stifle the commercial shipping traffic of Iraq to destroy Iraqi investment trade, making it in permanent crisis and weakening Iraq economically.

Despite that, the Iraqi official attitude towards to deter the Kuwaiti steps and prevent them from harming the interests of Iraq was not at the required level. Through what was found from surveying the researches indicates that Kuwait is not in dire need, like Iraq, to establish such ports to improve the economic imports, as Kuwait already has many ports that bring to Kuwait massive imports, and this is what leads to the Kuwaiti government to delay resolving its problems with Iraq and referring back to old problems, this can be proved that Kuwait made a flat refusal to relieve the debts that Iraq had demanded since the crisis and the second Gulf War in 1990-1991.

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## Appendices :

1- Appendix 1



The Kuwaiti official organized a field visit for the Iraqi delegation to Bubiyan Island, to closely examine the port's location. The Iraqi side appreciated the Kuwaiti cooperation in providing all the necessary information and facilities to establish the port of Mubarak, expressing their gratitude and satisfaction for the presentation of the Kuwaiti side, Iraqi delegation provided technical remarks( appendix 2). The Kuwaiti side promised to study these remarks from a technical point of view, will take them into their consideration and respond to them at the earliest opportunity.

In conclusion, the two sides affirmed their keenness on the importance of continued coordination and cooperation on this issue. Because of its importance to the development of relations between the two countries.

This record was written on 28 May 2011.

Signed by ambassador of Kuwait ; Khalid Mohammed Al- Mamas

And on Iraq side the Ambassador ;Zayd Izz Aldin Nori.

Appendix -2



#### Technical notes made by the Iraqi side on the port of Mubarak

- 1) It clear from the plans and the location-based disclosure that the entire port was designed to be built on water bodies and not on land. And a road connects it with a distance of 1800 m, which increases the narrowness of the transverse distance of the channel, which is not far from the design interface except for the use of the channel for the buoy at 17. In this, it happens that the navigation path is changed 18 degrees by conduction. Which requires high naval manoeuvring by the ships' captains.
- 2) The presence of the structure of the project and its transversal extension to entering the channel leads to the emergence of broken waves, whether produced by wind or tidal waves, which are characterized by great strength, their ability to reshape the coast, and their ability to move the light sand particles at the bottom. This leads to the rush of these sand particles by the movement of waves, and if they are caused again to the bottom by the action of the Earth's gravity. It will settle in other locations and these movements that occur in large quantities continuously lead to changes in the shapes and locations of the beaches and their depths in those areas and their vicinity.
- 3) the close nearness between the navigational traffic of ships destined for Iraqi ports and the movement of ships and the way they land and take off from the aforementioned port leads to overlap and congestion in the maritime traffic of the movement of ships in this region, which increases the likelihood of collision accidents and navigational obstruction that leads often to a complete closure of the shipping channel and thus causes complete cessation of Iraqi ports.

- ## Appendix 3



## Appendix 5

It shows the only maritime port of Iraq that Kuwait competes on



## Appendix 6

The location of the Al-Faw Grand Port

