CHAPTER VI
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LEGAL PROBLEMS OF OFFSHORE BOUNDARIES IN THE GULF, CONFLICTING NATIONAL CLAIMS IN AFRICA AND THE SUPER POWERS: THE QUESTION OF THIRD WORLD SECURITY

In today's complicated world, there is not one single country free from international interventions. Such interference of one country in another's affairs is no longer controversial, unless it takes the shape of invading armies crossing other countries' borders without their consent. Otherwise, world opinion variously ignores covert aspects of interference. These prevailing facts are clearly noticeable in the Gulf area and have shaken the entire Gulf today for its political stability and economic independence. Therefore it goes without saying that any new conflict in this region would be fatal for it. The experience of the Third World countries during the last three decades has been that attempts to create or perpetuate Great Power presence in the Gulf region has been the biggest source of insecurity in the region and consequent threat to the safety of the sea lanes. Whereas there is no denying the fact that one potential source of conflict for every Indian Ocean littoral states especially of West Asia is lie in its attempts to protect its economic rights upto the proposed 200 miles exclusive economic resource zones. Even without such extensive limits,

conflicts could result from attempts to guard coastal resources against foreign exploitation or ruination as a result of pollution caused by transiting vessels. Thus the interest shown by many littoral states in acquiring small, fast petrol boats armed with missiles and/or rapid fire, large-caliber guns indicates their concern in this regard.

There are two types of conflict that could break out in the Indian Ocean offshore areas, particularly if the 200 mile economic resources zone is claimed by a large number of littoral states. The first would involve the ships of the major powers as they extend their search for better fishing grounds and new sources of mineral wealth and fossil fuels. The second would involve disputes between neighbouring states - over demarcation lines, particularly in regard to small uninhabited islands or rocks. Such problems have occurred even before the 200 miles economic resources zones were claimed.

The present development highlights more grim picture for the third world as one focuses more on specific local problems of the littoral states that could bring about external interference.

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2. For the various steps taken by West Asian countries for Marine Pollution control see appendix I.

3. For the detail study of Exclusive Fishing Zones: Exclusive Economic Zones see appendix No.II.

A race war in Southern Africa provides one of the most plausible war scenarios among Indian Ocean littoral countries. Northward on the East African littoral states in the horn area, critical problems may spring from the concept of Pan-Somalism, which has remained till date a dominant element of Somali foreign Policy.

The Somali constitution states in its introduction that "the Somali Republic promotes, by legal and peaceful means, the Union of the Somali territories. The government grants citizenship to all ethnic Somalis, regardless of their country of birth or residence, and the size of the National Assembly remains unlimited to allow for the inclusion of representatives from newly acquired territories.

Even the design of the national flag promotes Pan-Somali ambitions: the points of its star represent the five Somali lands.

5. This policy seeks to unite under one flag all Somalis, including those living in neighbouring countries who were separated from Somalia when Britain, Italy, and Ethiopia drew new borders between 1897 and 1925. These ethnic Somalis inhabit the Northern Frontier district of Kenya, the Ogaden and Haud regions of South-eastern Ethiopia, and the French Territory of the Afars and Issas. Arguing that these frontier demarcations are unjust, the Somali government has publicly manifested concern for the welfare of the neighbouring Somalis. It has sought rectification by demanding that they be given the right of self-determination, which it expects them to exercise in favour of joining the Somali Republic. For a more extensive background on the Somali and Kenyan situation see Irving Kaylan, et al. Area Handbook for Somalia (Washington, D.C.: American University, 1969), PP. 224-232, which has been particularly helpful in providing historical details.

6. Ibid; P. 226.
to be United, basically the present state and the four areas where ethnic Somalis now reside.

Since neither Kenya nor Ethiopia recognizes the Somali position as reasonable, there will probably be some sort of hostilities. Indeed, since gaining their independence in 1960, the Somalis have engaged in Skirmishes with both of their two main neighbours.

At present, the situation involving the Ethiopian regions of Ogaden and Haud and part of the French Territory of the Afars and Issas is the more explosive. The Somalis hold that the pre-independence treaties between Britain, Ethiopia, and Italy were not conducted in accordance with previous agreements between the colonial powers and the local Somali tribes. They further claim that, since these tribes were not consulted, the current traditional divisions are illegitimate. The disagreement over their lands provoke border clashes, which escalated into armed conflict between Somalia and Ethiopia in 1964. Although a peace was arranged by the Sudan and the Organization of African Unity, verbal hostility has continued and the potential for further conflict remains.

The spark that could ignite these smoldering issues may emanate from the French Territory of the Afars and Issas. This territory, a part of France with representation in the national

assembly in Paris, is approaching full independence. Somalia fears that more of its ethnics - particularly the Issas - stand in danger of coming under Ethiopian rule after years of French and Afar hegemony. At the same time the Ethiopians are worried that the Somalis may deny them unimpeded access to the territory’s main resource, the strategic port of Djibouti. The Franco-Ethiopian railroad runs from there to, Addis Ababa, the capital and main city of Ethiopia, and carries some 80 percent of Ethiopian imports and exports. Ethiopia depends more and more on this outlet because the protracted secessionist war in Eritrea has made the other Ethiopian ports, Assab and Massawa, less accessible. Thus, the mere threat of the loss of Djibouti could compel the Ethiopians to resort to war.

While Ethiopia has signed a formal declaration pledging to respect the integrity and independence of the French Territory, Somalia has declared that the territory must become independent under conditions that give full rights to ethnic Somalis. If these conditions are not fulfilled, Somalia threatens to claim the land. Should it win Djibouti, Somalia would have a lever for exerting pressure on Ethiopia to reduce its control over the other disputed regions.

Since France’s announcement at the beginning of 1976 of its intention to release the territory, rival liberation groups have formed and Afars and Issas have clashed in Djibouti. The

Afar President of the Council of Ministers has resigned and Ethiopian army units have carried out maneuvers in the tri-border area. Meanwhile, Somalia has reportedly moved heavy weaponry north to the same general vicinity and dispatched some 2,000 armed irregulars into Ethiopia's Ogaden.

During these years the United States and the USSR had aggravated the situation by giving military assistance to Ethiopia and Somalia respectively. The United States thus maintained a communication facility at Asmara, Ethiopia and the Soviet Union uses facilities at Berbers, Somalia. Thus the great powers are juxtaposed through their client states. While the USSR appears to actively supporting Somali ambitions, U.S. backing of Ethiopia seemed less firm and irrevocable. Still, a Soviet-sponsored Somali challenge could place the United States in a predicament. Partly at stake, in addition to the territory itself, is strategic control of the strait of Bab el Mandeb at the entrance to the Red Sea. Somali acquisition of Djibouti therefore holds the promise of strategic gains for the Soviet Union, if it attains a position of influence with Somalia. However the next area of local strategy in the Red Sea pertains over the development where Arabs are torn between their different commitments, sympathies and interests. Ethnically and religiously, they feel compelled to aid the Somalis and Eritreans against the Ethiopians. Politically and


10. Under inducement from the Soviet Union, Libya and the PDRY Switched their support from the Somalis and Eritreans to the Ethiopians.
perhaps economically, they are drawn towards Ethiopia. The Arabs are naturally interested in a stable Africa. On the one hand, Egypt has a vital interest in stability and tranquility at the Nile water sources in Ethiopia. On the other hand, Saudi fears that the break up of Ethiopia may strengthen the communist influence in eastern and interior Africa.

The Arabs also realized that the conflict in the Horn was seriously threatening the fragile cohesion in Africa. At stake is a delicate stability that may be shattered with Africans suffering the ravages of this conflict and the superpowers pulling the strings.

However for the Arabs the ties with the Arab Muslim Somalis were too strong to ignore. And despite their preoccupation with the Palestinian question, they believe that there is a strong connection between the events in the West Asia and those in Africa. At the Rabat Conference in 1974, the Arab League allocated $100 million to help Somalia make Arabic its official language. However at first only Iraq, Libya and the United Arab Emirates (UAE) fulfilled their financial obligations. As a result, Somalia received only $40 million, for the Saudis froze their contribution as long as Mogadishu maintained its close ties with Moscow. Interestingly, Washington treated Somalia similarly, particularly when the US was enjoying a favoured position in Ethiopia. It seems that neither Washington nor Riyadh appreciated

the position of the Somalis, who were struggling for national unity, a goal that took precedence over any other commitment. To achieve this objective, the Somalis were determined to seek aid from whatever source was available irrespective of race, religion or ideology.

By 1977 the political winds blowing across the Red Sea began to change direction and effect major realignments. Yesterday's adversaries became allies and vice versa. American - Soviet rivalry became a major determinant in the new alignments established in the Red Sea. In the new game, the Arabs, who were primarily concerned with Israeli designs, found themselves menaced by the bold Soviet encroachment in East Africa. The crucial question was whether the Arab and African nationalists would withstand the communist encroachment designed to create a 'Red Belt' in Africa?

It is evident that the Soviet Union is giving Africa a higher priority than is the United States, where foreign Policy has been crippled by the debacles of Vietnam and Water gate. Meanwhile, Soviet Policy has been bold and certainly adventurous in East Africa. The Soviet hoped to achieve certain objectives. First, ultimately to create a 'Red belt' across Africa, extending from Mozambique and Tanzania on the Indian Ocean, and possibly

Somalia and Ethiopia at the Horn to Angola on the Atlantic. Secondly, to weaken the influence of the West and its allies, notably Kenya, Zaire and Sudan, by encouraging secessionist movements there. Thirdly, to consolidate Soviet gains in Africa by offering economic and military assistance. Significantly, Podgorny's delegation included approximately 120 experts or advisors to study the needs of the African countries visited. Meanwhile, Castro visited Libya and Ethiopia, from where he was expected to exert heavy pressure on Egypt and Sudan. To Ethiopia, he offered military advisers to help crush the Eritrean rebellion. He also tried to resolve the conflict between Mogadishu and Addis Ababa by proposing a federal Union that would also include the PDRY. Somalia rejected such a solution, since Somali national unity was more important than the common ideology it shared with Ethiopia. In other words, for the Somalis nationalism came before socialism, although Somalia was the first black African country to sign, in 1974, a treaty of friendship and cooperation with the Soviet Union. Furthermore, the Soviets were so entrenched in Somalian economic and military life that a break between the two countries was regarded as only a remote possibility.

However, the rise of Marxist regime in Addis Ababa changed the political equation dramatically. As Moscow began shifting its focus to Ethiopia, Somalia started drifting towards the conservative Arab Camp. Massive Soviet arms to Ethiopia placed Somalia in a very awkward position. Clearly, Mogadishu could not
break away from the USSR without an adequate military and economic substitute. For the Somalis the situation was critical and the stakes were high. Somalis would have to find alternative sources before deserting to Marxist Camp. So far the only possible sources the US and Saudi Arabia, were hesitant and reluctant to step in and fill the gap.

On the other hand the Somalis hoped that Soviet support for Ethiopia would be limited and restrained for the following reasons. Firstly, the USSR was not certain of the outcome in Eritrea. If the Eritreans (who were supported by the Somalis and might eventually unite with Somalis) gained independence, Ethiopia would have no naval facilities to offer the Soviets. Secondly, after losing its footsteps in Egypt and Sudan, Moscow could hardly afford another setback that might seriously affect its position and credibility in Africa and perhaps throughout the Third World. Thirdly, the Soviets were fully aware of the intensive American - Saudi efforts not only to lure the Somalis away from the socialist camp, but also to eject the Soviets from the Red Sea and the Horn of Africa.

Hence, in November 1977, Somalia took the long awaited dramatic steps: it severed diplomatic relations with Cuba and gave the Cubans 48 hours to leave the country; it expelled all Soviet advisors and ordered a reduction in Soviet diplomatic

staff; it withdrew the use of all facilities enjoyed by the Soviet Union on land and sea; and finally it abrogated the treaty of friendship and cooperation of 1974 with Moscow. For the Soviets, Somali action was a shattering blow that uprooted their influence from the Horn of Africa and denied them the valuable Somali air and Naval facilities. Clearly Moscow's risk gamble had failed and the dream of creating client states in that strategic region ended abruptly. Three times within a few years, the Soviets had turned out to be losers. Soviet advisers had been expelled from Egypt, Sudan and Somalia, three countries which were completely dependent on Soviet Economic and military aid. Now Moscow had no choice but to put all its political eggs in the Ethiopian basket, hoping that Addis Ababa would crush the revolts in Eritrea and the Ogaden. If this was accomplished, then the Soviets would have gained lucrative foothold on the Red Sea.

The expulsion of the Soviet advisers was also the culmination of the Arab effort (Egyptian, Sudanese and Saudi) to lure Mogadishu away from the Marxist orbit. Meanwhile, the US was moving slowly to strengthen its ties with Somalia. By the end of April 1978 Washington was giving Mogadishu strong political support when the US announced that it was seriously considering selling arms to Somalia. But a reconciliation between Washington and Mogadishu was abruptly halted when Somali troops moved into

the Ogaden. The US was worried that a Somali victory in the Ogaden would undoubtedly pose serious problems for its close ally, Kenya, on whom Somalia also has territorial claims. Hence the US was reluctant to assist Somalia in its struggle against the Marxist government in Ethiopia. Nevertheless, Washington is reminded that the Somalis are passing through a critical period and are in disperate need of military aid. Therefore, it is certain that while they would be grateful for any military assistance, they may never forgive whoever denies them such crucial help.

However, Washington's position has remained complicated by its varied and often, conflicting interest and commitments. Ideologically although it was opposed to the Ethiopian regime, its support of the Eritreans and Somalis was restrained by its alliance with Kenya. Economically, together with its West European allies it needed Arab oil and world influence, but its Arab policy was hampered by its special relationship with Israel. Thus, when the US shelved Somalian's request for arms, Mogadishu regarded the American decision as a 'betrayal' that cost the US a golden opportunity to re-establish its influence along the Red Sea and the Horn of Africa. Washington had believed that its non-involvement was sound and wise in a rather difficult situation. But in that case an Ethiopian victory would clearly be regarded as a resounding victory for the Soviets, who have already achieved spectacular gains in Angola and Mozambique, not to mention Vietnam, from where the Americans had to withdraw. Another Soviet victory coming on the heels of the American expulsion from

Ethiopia would adversely affect American influence, interests and credibility in Africa along the Red Sea. Further more, pressure from Arab and African states may force the US to take a firm stand against Soviet intervention in East Africa, in addition to its own concern over the Soviet role in the strategic region. Thus a crisis has been brewing between the superpowers for control of the Horn of Africa and the Red Sea, and this has subsequently affected the independent policies of the Gulf countries of the Red Sea region.

Not only this, among the Persian Gulf countries, a number of foreseeable situations could also result in an outbreak of hostilities. In past many has involved Iran, whose defence preparations seemed to be more anticipatory of military conflict than those of any other regional states. It has already taken action in Oman, where it suspected that an unfriendly regime might block the passage of ships particularly oil tankers, through the critical straits of Hormuz. By sending troops and additional weapons into Oman in an effort to quell the Dhofar insurgency, the Shah had already set up a precedent for Iranian intervention on the Arab side of the Gulf. Iran has engaged in some territorial


18. For Example, see Armand de Borchgrave, Colossus of the Oil Lines" News Week, May 21, 1973, p. 40.
disputes that could erupt again and lead to conflict. In late 1971, a day before the expirating of the British commitment to protect the territorial integrity of Trucial states, Iran occupied the Islands of Abu Musa and the Tunbs in the strait of Hormuz, causing alarm among the Arab states. Iran ultimately severed diplomatic relations with Iran and with Britain, which it believed to be in collusion with Iran. Since then Iran has concluded agreements with the states of Sharjah, to which Abu Musa belongs, and Ras-al Khaimah of which the Tunbs are a part, but the agreements are not necessarily permanent and frictions, could develop, especially in the context of Arab suspicions about Iran's expansionism.

Although the Shah renounced any claim to Bahrain in 1970, Iran might reassert that claim. Such a policy change might be justified on the basis of either the assumption of power by an unfriendly government or the need to protect Bahrain's Iranian minority. A like situation exists in other Gulf Sheikhdoms, which have reportedly been pressured to allow greater immigration of Iranians.

It should be noted that any Iranian action against a smaller Arab State could have provoked a united military action.

19. For details of the Conflicting Claims Over the Islands see Appendix No. III.
This outcome could not have escaped Shah's mind. And perhaps the present regime would also foresee this danger.

In general, conflicts could arise from declarations of territorial limits for oil beneath the Gulf. Reports noted several years ago that Iran was considering, claiming a fifty-mile territorial limit did little to discourage the common Arab suspicions about - Iranian expansionist tendencies.

The historical animosity between the Arab States and non-Arab Iran underlies all these potential conflicts. Surprisingly, its basis is largely religious because of Iran's position as protector of the Shi'ite Muslims, who are generally in competition with the Sunni Muslims. The latter constitute the vast majority in the Arab world with the exception of Iraq where there is no appreciable difference in numbers between the two sects.

Elsewhere in the Gulf, territorial disputes could conceivably flare up. Iraq may decide to reassert its claim over Warbah and Bubiyan, Kuwaiti Islands although military action would probably stimulate a response from Iran, Saudi Arabia and even Syria. As with Iran, provocation of that magnitude would be both risky and unlikely without a commitment of super power support.

22. For details of Iraq Kuwait dispute over Warbah and Bubiyan see appendix No.IV.
Further to the southeast, Saudi Arabia could become embroiled with Oman and the United Arab Emirates over the border in the area of the oil-rich Buraimi Oasis. If the negotiated agreement between the Saudis and the Emirates continues to be accepted by both sides, only the Omani situation would remain, unsettled. But, as mentioned earlier, there is also the possibility of a large-scale Saudi-Yemeni conflict.

As this examination has shown, any number of conflicts might erupt among the Red Sea and Persian Gulf littoral states of the Indian Ocean, and the huge amounts of weapons needed to conduct hostilities are already in the hands of these countries. Furthermore nothing suggests that the acquisition of arms will abate in the foreseeable future.

This disconcerting situation could be further immensely complicated by Super Power involvement in any local conflict.

In addition to these dangers, there is the worrisome possibility that Washington and Moscow will display large permanent fleets into the area, which would heighten the temptation to intervene on behalf of the client. A massive naval build up could intensify mutual suspicions to such an extent that one side might initiate an action on the mistaken assumption that the other intended to intervene in a local dispute.

The present situation contains grimmer security considerations for the Third World than for the developed North - whether the West or East. The experience of the Third World countries during the last three decades has been that attempts to create
or perpetuate Great Power presence in the Gulf region has been the biggest source of insecurity in the region and consequent threat to the safety of the sea lanes.

The Third World needs greater effort on the part of concerned in order to be reassured their own safety and security. But a great responsibility for the containment and quick resolution of the conflict rests on the shoulders of the Great Powers. It will not suffice that the world community alone shrinks and appeals to them to do their best. They should be convinced through their own reasoning of the dangers invoked in their trying to use the situation to their own individual advantage. The Great Powers should also realise that the Indian Ocean littoral states have inherited a number of unresolved problems arising from boundary disputes, populations of common ethnicity divided by national borders, claims of self-determination based on independent ethnic identity, and the like. These nations are trying to grapple with these historical legacies and require time and sustained effort to resolve them. On the other hand falling oil revenues have reduced the level of spending by Gulf governments, forcing cutbacks in development projects, reductions in the salaries of government employees and delays in payments to contractors. These development have also induced an exodus on immigrant workers which, by reducing economic demand, rents and real estate values, has further depressed business.

In their efforts to control spending the Gulf States have been - and are - faced with certain rigidities in their traditional patterns of expenditures. Moreover, despite the reduced oil prices defense and security-related items that constitute the largest items of expenditure in Gulf budgets have so far been immune from cuts.

To look at the most basic trends, total annual West Asian military expenditures have increased from $23.8 billion in 1973, in constant 1982 dollars, to $60.9 billion in 1983. This means that real military expenditures in the region have tripled in the decade since the October War. And while the decline in oil revenues has recently cut the rate of real growth in these expenditures, they are still rising at an annual rate 3.7 percent whereas arms imports are still increasing at an annual real rate of 6.5 - 8.0 percent, or at roughly twice the rate of total defence expenditures. These trends are even more grim if one considers that West Asian military expenditures involve state which are largely dependent on importing weapons and associated technology that brings with them only peripheral benefits in terms of technology transfer and military production. Moreover imported military hardwares and arms are not -

productive capital assets. Between 1973 and 1983 the states of West Asia spent $542 billion (in constant 1982 dollars) on their military forces. Roughly $122 billion dollars of this total, or 23 percent, went directly for imported arms. At least another $100 billion went to military related advisory and maintenance services, military construction and other military related imports. Political Scientists and development experts agree that the relationship between the level of absolute Poverty and Political instability is difficult to establish. They also agree that the process of modernization is highly destabilizing, particularly at times when societies experience a sudden drop in the level of their economic well-being, after a period of sustained prosperity and rising popular expectations. Gulf societies are going through such an experience.

As noted earlier, external factors are still the Gulf States' biggest political headaches, but the economic recession also added to these troubles.

What is necessary in the situation of today is that the great powers must realise that it is in their own interest, not only to withstand the temptation to get involved in it for any immediate or long term gain, but also to make every effort through constructive and open diplomacy for the resolution of the crisis


without any further delay for in the nuclear age, a Super Power need not have large fleets and bases all over the world to be insulated from military challenges. While the Great Powers could maintain some kind of naval presence in the Indian Ocean without any base facilities, the extent of such a presence would evidently be severely limited to this case. There are two problems which the states of the Indian Ocean would encounter in seeking to pursue the strategy. One is that not all of the states may agree. Governments accept the establishment of foreign base facilities on their territories when they fear for their own security (whether the threat comes from internal opposition or from the activities of outside states) and when they stand to benefit economically from so doing. Given the pace of social change in the states of the Indian Ocean, the extent of opposition to some of existing governments, and the number of conflicts which exist between the different states, it is difficult to envisage a time when one or other of the governments would not see a reason to host foreign base facilities. For some of the states, moreover, the economic benefits to be gained from hosting such facilities must seem attractive. The second problem is that, even if all of the states did pursue a common strategy on this matter, there would still remain territories where Great Powers could retain base facilities such as the British owned island of Diego Garcia, where the United States currently has substantial base facilities.

27. Indu Prakash Singh, 'Oil and Great Power Rivalry in the Gulf Indian Ocean Area: Attitudes of Third World Countries, op.cit. No.1, PP. 127-129.
The conclusion which emerges from the above argument is that the states of Indian Ocean may simply not be able to keep the area free of any Great Power military presence. They could no doubt effect the extent of such external military involvement, but it seems unlikely that they could completely eliminate it. Given the fact, then, that some Great Power military presence is likely to remain, the freedom of action of the Indian Ocean OPEC littoral states - which is presumably their overriding objective - could well be enhanced by ensuring that such Great Power involvement as is present is balanced. Foreign military involvement in the most crucial part of the Indian Ocean, the Persian Gulf, is currently very one-sided: the western powers are in a predominant position. Enjoying greater access to local military facilities, with more troops within easy reach, and with a long involvement in the area which would facilitate military action, the western powers (or specifically the United States) have even been able to raise the spectre of their own intervention in local states without fear of a Soviet-backed response. A stronger Soviet military presence in the area, therefore, could conceivably give local states rather room for manoeuvre. Agreements on oil pricing and economic assistance could within this frame work, be linked with agreements on preferential trade and protected investment. Not only this in return OPEC can ask from the industrialized states: the guarantee of a satisfactory remuneration for their financial investments in the west; effective cooperation to enable them to replace 'Oil' capital with industrial and
agricultural capital - investments, technology and opening up of world markets to their products; effective cooperation from the industrialize countries in the development of Third World and in increase in aid to the developing countries.