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MORE THAN JUST A BOUNDARY  
DISPUTE:  
THE REGIONAL GEOPOLITICS OF  
SAUDI-YEMENI RELATIONS

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Thesis submitted for the degree of PhD

2012

Faculty of Law and Social Science

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(Vol. 1/3)

## **DECLARATION FOR PHD THESIS**

I HAVE READ AND UNDERSTOOD REGULATION 17.9 OF THE REGULATIONS FOR STUDENTS OF THE SCHOOL OF ORIENTAL AND AFRICAN STUDIES CONCERNING PLAGIARISM. I UNDERTAKE THAT ALL THE MATERIAL PRESENTED FOR EXAMINATION IS MY OWN WORK AND HAS NOT BEEN WRITTEN FOR ME, IN WHOLE OR IN PART, BY ANY OTHER PERSON. I ALSO UNDERTAKE THAT ANY QUOTATION OR PARAPHRASE FROM THE PUBLISHED OR UNPUBLISHED WORK OF ANOTHER PERSON HAS BEEN DULY ACKNOWLEDGED IN THE WORK WHICH I PRESENT FOR EXAMINATION.

SIGNED: FADHL AL-MAGHAFI

DATE: 1 OCTOBER 2012

**Abstract:**

This thesis questions whether the territorial solution reached with the Jeddah Treaty of June 2000 can put an end to Saudi-Yemeni disputes. The aim is not to deny that instrument's significance but to place the territorial relationship within the more wide-ranging context of Saudi-Yemeni relations as a whole. It pays particular attention to two themes anchored in Yemeni domestic politics – lingering notions of historic national territories and the enduring belief that Yemeni state territory has been lost. The boundary evolution process is scrutinised from its colonial legacy to the unequal power bases of regional relations in southern Arabia. It is argued that complex territorial aspects of Saudi-Yemeni relations can still pose a risk to regional stability today and that reaching agreement on a boundary has not and does not make necessarily for better neighbours. Hence the Saudi-Yemeni dilemma is (and always has been) more than just a boundary dispute.

The Jeddah treaty resolved a dispute that had been running for decades. Just to complicate things, the earlier Saudi-Yemeni territorial definition introduced by the 1934 Taif treaty was confirmed in the 2000 instrument. The territorial stipulations of 1934 had always been seen as unjust in Yemen. Yemeni President Saleh had himself described the 1934 arrangements in the 1990s as unjust and impossible to accept, "...the surrendering of Yemeni territories that were gained during an unbalanced conquest of war between Yemen and its stronger and wealthier neighbour". Yet the Yemeni President's role in the conclusion of the Jeddah treaty was central, Saleh clearly regarding it as one of his major achievements. Though he was widely complemented at the turn of the noughties as an enabler, criticism of the territorial outcome of June 2000 soon began to mount, even from those who had worked towards the agreement's conclusion.

## **Acknowledgments:**

Now that my thesis is complete, it is time to thank those who have helped me in carrying this extensive piece of research to fruition.

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## Note on Translations:

The following system of translation has been used<sup>1</sup>

Arabic Character	Latin Equivalent	Arabic Character	Latin Equivalent	Arabic Character	Latin Equivalent
م	m	س	s	ء	a
ن	n	ش	sh	إ	e
ه	h	ص	ṣ	ب	b
و	w	ض	ḍ	ت	t
ي	y	ط	ṭ	ث	th
a long vowel	—	ظ	ẓ	ج	j
		ع	‘	ح	ḥ
		غ	gh	خ	kh
		ف	f	د	d
		ق	q	ذ	dh
		ك	k	ر	r
		ل	l	ز	z

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<sup>1</sup> The reader may notice that there are names of persons left without any translation. It is preferred to keep them with no translation and rather to write them as they are written by the persons themselves. Likewise, certain names of places and localities have been written as they appear on modern official maps.

### Table of Abbreviations:

APRA	Acting Political Resident, Aden
BLJ	British Legation Jeddah
BNA	Boundary News Archive, International Boundaries Research Unit, Durham University
CO	(British) Colonial Office
CS	Secretary of State for the Colonies
EAN	Extract from Aden Newsletter
EEG	Extract from <i>Egyptian Gazette</i> newspaper
ELS	Extract from the Italian newspaper <i>La Stampa</i>
ETT	Extract from The Times newspaper
ESH	Extract from the Hijāzī newspaper ' <i>Saut-al-Hijaz</i> '
ESU	Extract from the Ottoman newspaper the <i>Shura-i-Ummat</i>
EUQ	Extract from the Hijāzī newspaper <i>Umm-al-Qura</i>
EU	European Union
FCO	Foreign and Commonwealth Office
FO	(British) Foreign Office (records)
FS	Secretary of State for the Foreign Affairs
GA	Governor of Aden

GCC	Gulf Cooperation Council
GPC	General Peoples' Congress party, Yemen
HCC	High Commissioner Cairo
ICJ	International Court of Justice
IOR	The India Office Records at the British Library, London.
MoFAS	Ministry of Foreign Affairs Saudi Arabia
MoU	Memorandum of Understanding 26 April 1995
OAGA	Officer Administering the Government of Aden
PRA	Political Resident, Aden
SOCAL	Standard Oil Company of California
SYCC	Saudi-Yemeni Coordination Council
TNA	The National Archives, London
U-S (CA)	Under-Secretary of State for Colonial Affairs
WWI	World War I

### **List of Dramatis Personae:**

This section presents a list to give brief details on the dramatis important personae mentioned in this thesis. It is a brief chronology of their positions that are pertinent to the Saudi-Yemeni boundary issue.

**Abdullah bin Abdul-Aziz**, (the son of Ibn Saud) the sixth king of Saudi Arabia as successor of King Fahd in August 2005 and he is still in power as the King.

**Abu Ghanem, Dr Fadhl**, Minister of Education, in the Yemen Republic (April 2001-May 2003).

**Al-Ahmar, Shaykh Abdullah Bin Hussein**, the Speaker of Parliament (1993-2007), who was also the leader of the Islah Party (1990-2007) and Supreme Leader of the powerful Hashed Tribal Confederation. His role for the conclusion of Jeddah Treaty of June 2000 and the settlement of the Saudi-Yemeni boundary dispute was prominent.

**Allenby, Edmund Henry Hynman**, first Viscount Allenby of Megiddo, army officer served in Egypt early 1920s and in June 1925 Allenby left the official residency in Cairo and returned to Britain for retirement after a long period of service as a soldier and administrator.

**Arslān, Amīr Shakib**, Lebanon's member of the Arab commission composed of a number of Arab notables during negotiations for the Taif Treaty of 1934. Arslān, "prince of eloquence," was an influential writer, poet, journalist, historian, translator and an analyst of Arab classical works, a spokesman and a politician. He was born on 25 December 1869, in Al-Shouifat, nine kilometres from Beirut. As Turkey gave up the Islamic Caliphate Arslān became a spokesman for Arab unity with his associate Rashid Ridha (see his description).

**Al-Atass, Hider Abubaker**, the first Prime Minister of the Yemen Republic (1990-1993).

**Ba-Jammal, Abdul-Qader**, the Yemeni Deputy Prime Minister and Foreign Minister (May 1998-April 2001) and became the Prime Minister (April 2001-May 2007).

**Al-Baraddūnī, Abdullah**, Well-known contemporary Yemeni prolific poet and political chronicler respected widely and considered as ‘Yemen’s Poet’. His poet and political writing represented a revolutionary insight against reactionary dictatorship and all forms of oppression. His poet and writing signifies a Yemeni patriotic vision and a pan-Arab insight.

**Bullard, Sir Reader (William)**, the British Agent and Consul, Jeddah (1923–1925), Minister in Jeddah (1936-1939).

**Chamberlain, Sir Austen**, the British Secretary of State for Foreign Affairs (Nov 1924 - Jun 1929).

**Churchill, Winston S.**, the British Secretary of State for the Colonies (Feb 1921-Oct 1922).

**Calvert, A. S.**, the (Vice-Consul according the FO index) Chargé d’Affaires (BLJ).

**Clayton, Sir Gilbert Clayton**, (Sir Gilbert Falkingham), army officer and colonial administrator famous for his achievement of several agreements with Ibn Saud most importantly was the treaty of Jeddah of 1927, which finally settled outstanding differences between Britain and Ibn Saud. His efforts with Imam Yahya after his visit to Sana’a in 1926 ended in failure.

**Creech-Jones, Arthur**, the Secretary of State for the Colonies (Oct 1946-Mar 1950).

**Curzon, Lord Earl (George)**, later Marquess of Kedleston, Secretary of State for Foreign Affairs (Oct 1919 - Jan 1924).

**Eden, Anthony**, later Sir Anthony Eden (1954) and Earl of Avon, the British Secretary of State for Foreign Affairs (Dec 1935 - Feb 1938) and (Dec 1940 - Jul 1945) and (Oct 1951 - Apr 1955).

**Fahd, bin Abdul-Aziz** (the son of Ibn Saud) the fifth king of Saudi Arabia he was the successor of King Khalid and remained in power until his death on 1 August 2005.

**Fazl-al-Din, Captain M.**, Liaison Medical Officer, Al-Hudaydah (Early 1920s).

**Ghalib, Muhammad Raghīb**, the Yemeni Minister of Foreign Affairs during the time of Imam Yahya.

**Gore, W.G.A. Ormsby-Gore**, later Lord Harlech, the Secretary of State for the Colonies (May 1936-May 1938).

**King George VI**, was King of the United Kingdom and the British Dominions, and Emperor of India, from 6 May 1910 through the World War I (WWI) until his death in 1936.

**Grey, Sir Edward**, later Viscount Grey of Fallodon, the Secretary of State for Foreign Affairs (Dec 1905 - Dec 1916).

**Al-Hajri, Al-Qadhi Abdullah**, the Yemeni Prime Minister (1970-1974), he was assassinated in London on 10 April 1977 in an incident believed to be the result of his infamous Saudi-Yemeni joint communiqué issued in Riyadh on 17 March 1973.

**Halifax, Viscount Halifax**, later 1st Earl of Halifax, the British Secretary of State for Foreign Affairs (Mar 1938 - Dec 1940).

**Hamid-Uddin**, Amīr Ahmed, the Imam Yahya's son and the successor of Imam Yahya (1948-1962).

**Hamid-Uddin, Imam Yahya**, (the first leader of Yemen following the withdrawal of the Ottomans in 1919) The title "Imam" is used here to refer to his religious position, although for the Zaydīs in Yemen (and the Muslims in general) it reflects both political and religious leaderships. When his father died in 1904, Yahya succeeded him as imam and a leader of revolt against the Ottomans in Yemen. He became the leader of the country following the Ottoman defeat in the WWI and entered Sana'a in 1918. He ruled Yemen until his assassination on 17 February 1948.

**Hamzah, Fuad**, a Palestinian, in 1928, took charge of the Ministry of Foreign Affairs in Saudi Arabia as the Acting Saudi Minister for Foreign Affairs after at the Saudi Arabia Legations, London.

**Hickinbotham, Sir Tom**, the Governor of Aden (April 1951- Jul 1956).

**Al-Husayni, Hajj Amin**, the Mufti of Al-Quds, of Palestine member of the Arab commission composed of a number of Arab notables during negotiations for the Taif Treaty of 1934.

**Ibn Saud, Abdul-Aziz bin Abdul-Rahman Ibn Saud**, the founder of the Kingdom of Saudi Arabia in 1932 and its first King since until his death on 9 November 1953.

**Al-Idrisi, Muhammad Ali (Al-Idrisi)**, the founder of the Idrisis' political rule in 1907. The Idrisis refer here to the house or the family of Al-Idrisi. Al-Idrisi was a descendant of an influential religious family. His grandfather, Sayyid Ahmed Al-Idrisi, had been the founder of the Idrisia and the Sufi Islamic School in Yemen. Sayyid Ahmad Al-Idrisi, was born in Morocco in 1758. As a Muslim scholar (*'Alem*), he was invited to Yemen to teach Sufism. This invitation was made by Abdul-Rahman Bin Suleiman Al-Ahdal, a member of a well-known family, and leader of Zabid, during a visit by the latter to Mecca in 1799. Al-Idrisi arrived in Yemen a short time later and started his religious teaching in Zabid and the surrounding area. He emigrated to Şabyā in the early nineteenth century and remained there until his death in 1837.

Al-Iryani, Al-Qadhi Abdul-Rahman, President of the Yemen Arab Republic (1967-1974).

**Al-Iryani, Dr Abdul-Kareem**, the Yemeni Prime Minister (May 1990-May1993), Minister of Planning (May 1993-October 1994), Deputy Prime Minister and Minister of Foreign Affairs (October 1994 May 1997), Deputy Prime Minister and Minister of Foreign Affairs (September 1997-May 1998), Prime Minister (May 1998-April 2001).



**Jacob, Lieutenant Colonel Harold Fenton**, Indian Army, he was appointed as the Political Agent Dhala'a in Aden Hinterland (1904–1907) and became the First Assistant Resident and Acting Resident, Aden (1910–1917); Chief Political Officer, Aden Field Force (1914–1917). Later he was the Adviser to High Commissioner, Egypt, on SW Arabia (1917–1920).

Khalid Ibn Abdul-Aziz (son of Ibn Saud), he was the head of the Saudi delegation for negotiation of the Taif Treaty in 1934. He became the fourth king of Saudi Arabia (March 1975-June 1982).

**Lloyd, George Ambrose**, first Baron Lloyd, politician and colonial administrator. High Commissioner for Egypt and the Sudan (Cairo), (October 1925- July 1929).

**Lorraine, Sir Percy Lyham**, British Ambassador at Ankara (December 1933-May 1939).

**Lowther, Sir Gerard Augustus**, the British Ambassador at Constantinople (1908-1913).

**Lyttleton, Oliver**, later Viscount Chandos, Secretary of State for the Colonies (Oct 1951-Jul 1954).

**MacDonald, Malcolm**, the Secretary of State for the Colonies (May 1938-May 1940).

**Mejuar, Dr Ali**, Minister in several governments (2003-2007) and become the Prime Minister (May 2007-November 2011).

**Al-Mutawakkal, Dr Muhammed Abdulmalik**, is a professor of political science, commentator and politician from Yemen.

**Nu'aman, Muhammad Ahmed**, he was the Deputy Prime Minister and Minister of Foreign Affairs in Yemen Arab republic (December 1972-June 1974). He was assassinated in Beirut on 28 June 1974.

**Pelham, Sir (George) Clinton**, British Ambassador at Jeddah (1951-1955).

**Al-Qirbi, Dr Abu-Baker**, in 2000 Al-Qirbi was the Deputy Chairman of the Political Department of the General Public Party and member of the Consultative Council. He is now the Foreign Minister since appointed in 2001.

**Al-Rasheed, Dr Mohamed Ahmed**, the Minister of Education, Saudi Arabia (1995-2005).

**Reilly, Sir Bernard**, he was [Lieutenant-Colonel B. R. Reilly], Political Resident, Aden (1930-1932). He became the Resident and Commander-in-Chief in the Aden Protectorate. In 1932 he became the Chief Commissioner and Commander-in-Chief and from 1934 his title as Lieutenant-Colonel changed to Sir Bernard Reilly. In 1937 when Aden became a British colony, under the control of the Colonial Office in London Sir Bernard Reilly became the Governor and Commander-in-Chief.

**Rendel, Sir George William**, a British diplomat worked in the Foreign Office.

**Richardson, G. A.**, the British Vice-Consul at Al-Hudaydah (Early 1920s).

**Ridha, Rashid**. He was an influential person through his journalistic activities as the Editor-in-Chief of *Al-Manar* which he established in 1898 and would become effective within the popular political organisation the Muslim Brotherhood established in Egypt in 1928. His journalistic activity span a number of years from 1930 to 1938, through a monthly journal of Arab political opinion *La Nation Arabe* that he established while working in Geneva, and was highly influential. More importantly, his profile was enhanced by his call for the establishment of the “Arab pact” that has been regarded as the inspiration behind the establishment of the Arab League in 1945.

**Al-Rihani, Amin Fares**, Originally from Lebanon migrated to United States and become a notable Arabic writer, intellectual and political activist.

**Rodd, Sir James Rennell**, the British Ambassador at Rome (1908-1919).

**Ryan, Sir Andrew**, Diplomat, the British Minister at, British Legation in Jeddah (1930-1936).

**Saleh, Ali Abdullah**, President of the Yemen Arab Republic (1978-1990). Following the reunification of the former North and the former South Yemen on 22 May 1990, he became the President of the Republic of Yemen (May 1990- February 2012).

**Samuel Sir Hoare**, later Viscount Templewood, the British Secretary of State for Foreign Affairs (Jun - Dec 1935).

**Al-Saqqaf, Dr Abdul-Aziz**, Editor-in-Chief and Publisher of the *Yemen Times* newspaper.

**Scott, Major General T. E. Scott**, Political Resident, Aden (1920-1925).

**Seager, Captain B. W. Seager**, he was an authority in Anglo-Yemeni relations especially following his appointment as the Frontier Officer in 1938.

**Simon, Sir John, later Viscount Simon**, Secretary of State for Foreign Affairs (November 1931 – January 1935).

**Stewart, Major-General J. M., Stewart**, Political Resident 1916-1920.

**Stewart, Major-General Sir (John Henry) Keith**, Political Resident, Aden (1925-1928).

**Sulaymān, Abdullah, a Najdi**, became head of the Treasury in 1929.

**Sultan bin Abdul Aziz**, Crown Prince of Saudi Arabia, and First Deputy Prime Minister (2005-2011).

**Taher, Abdul-Bary**, was the Editor-in-Chief of *Al-Thawry* newspaper, the organ of the Opposition Socialist Party and a member of the party. He is a notable writer and commentator.

**Wahbah, Hafiz**, an Egyptian was the advisor of Ibn Saud in 1930 was appointed as the Saudi representative in London and in 1948 the Saudi ambassador at London.

**Walton, Brigadier-General William Crawford**, Indian Army, Colonel on the Staff, Aden, 1915; commanded Aden Infantry Brigade till Nov. 1917; there is a reference to him in several documents used by this thesis as the Acting Political Resident, Aden and the General Officer Commanding, Aden.

**Al-Wazir, Abdullah**, the head of the Imam's delegation for negotiation of the Taif Treaty in 1934.

**Yassin, Yusuf**, a Syrian, was appointed Political Secretary and later became Minister of State joined Ibn Saud in 1924 published the Hijāzī newspaper the Umm-al-Qura. He was appointed as the Head of the Political Division of the Royal Court, and as State Minister and become in Charge for the Ministry of Foreign Affairs as acting Minister.

## **Chapter 1:**

### **1. More than Just a Boundary Dispute: The regional geopolitics of Saudi-Yemeni relations**

#### **1.1. Introduction**

Confrontation over land has cast a consistently long shadow over interstate relations in the Arabian Peninsula. In this part of the world, uncertainty over boundary location has proven to be one of the most problematic and time-consuming issues of recent decades. It is, in fact, probably true that the status or location of every Arabian territorial limit has been disputed at some time and at some level. Indeed, British boundary scholar John Wilkinson (1994) went so far as to comment that “[n]ot one of the states of the Arabian peninsula recognized by the international community...would be able to put up a watertight case at the International Court of Justice at The Hague to retain the territory it actually occupies”.<sup>2</sup> While times have changed, with the region’s states having done much to institutionalise the prevailing territorial framework over the past one and a half decades, Wilkinson’s comments stand as apt testimony to the ambiguous and confusing territorial legacy and regional sense of territoriality still prevailing today.

The conventional wisdom is that any territorial dispute can be viewed in two ways. Many unresolved disputes possess the potential for conflict and recent studies in political science have noted a correlation between the incidence of territorial disputes and the propensity for conflict.<sup>3</sup> Demonstrably, territorial definition continues to play a central role in a contemporary Middle Eastern context. The eight-year Iran-Iraq War (1980-1988) and the Iraqi invasion of Kuwait on 2 August 1990 are obvious manifestations of regional crises with clear territorial dimensions. Recent tragic consequences of unchecked ethnic nationalism also had a pernicious territorial

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<sup>2</sup> Wilkinson, 1994: p. 94.

<sup>3</sup> Kocs, 1995: pp. 172-173. Huth, 1996: pp. 4-5 and 1999: p. 37. Hensel, 1999: p. 124. Newman, 1999: p. 3.

ideology at their roots. The dissolution of the Soviet Union and the disintegration of the western Balkans highlight the devastating effects notions of territoriality can unleash and mobilise.

However, an argument can also be made that territorial issues can remain latent or dormant before being reactivated long after they had been consigned to history or, in some cases, supposedly settled in international law. Rather than labour over the likelihood of the recurrence of boundary disputes, it is arguably more pertinent to identify the potential dangers of regarding a settled boundary in international law as a regional problem solved.<sup>4</sup>

Experiences elsewhere, both past and present, provide solid justifications for a pessimistic outlook that sees territorial disputes as irreducibly complex affairs, and does not consider resolutions based on legal agreements to be, necessarily, guarantors of definitive regional stability, nor evidence that all aspects of the dispute had been fully addressed. A notable example is the conflict between Thailand and Myanmar over the two countries' 2400-Km-long border, which remains a critical issue for the two nations, as exemplified by frequent clashes (the last of which was in February 2001,) despite the 'Burney Treaty' of 1826, signed between Britain and Thailand during British colonial rule in Burma. Clearly, history, regardless of how distant, remains a critical factor in contemporary affairs.

Although numerous disputes were inherited upon independence all across the globe, in the wake of the withdrawal of foreign occupiers, international law ensured that boundary arrangements that had been put in place prior to the decolonisation period were respected. However, whereas African and South American countries have mostly accepted the *status quo* and boundaries they had inherited, through the institutionalised acceptance of *uti possidetis juris*, no such region-wide acceptance has been agreed-upon in the Middle East, where tensions have been particularly notable in the Arabian Peninsula. Indeed, after a decade during which not much seemed to happen, more is being heard once again of territorial disagreements in

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<sup>4</sup> Schofield, 2001: pp. 213-236.

Arabia including, for instance, the dispute between Saudi Arabia and the United Arab Emirates over the Khor al Udaid and the Shaibah oilfield.

The dispute over the Shaibah oilfield in southeast Saudi Arabia was again raised by UAE President, Sheikh Khalifa bin Zayed Al-Nahayan, during the latter's visit to Riyadh in December 2005. An agreement concluded on 21 August 1974, signed by the two countries in the Saudi Red Sea city of Jeddah, was supposed to have resolved the question at least from the Saudi point of view. And yet, it seems that the issue has been affecting relations between the two countries, despite the fact that it is less problematic than the Saudi-Yemeni case.<sup>5</sup>

Unfortunately, the Iraq invasion of Kuwait on the 2 August 1990 has been one of the worst scenarios of aggressive acts suffered by the region. This serious territorial question, believed to have been resolved by the United Nations settlement of (1991-1993), recently came back onto the fore for reasons aggravated the earlier crisis.<sup>6</sup> Again Baghdad's concerns since 2010 have been regarding access to their port of Umm Qasr, but it remains debatable whether the genuine issue was the respect to the right to navigational access in accordance with International Law, or for other historical causes.

Indeed, the territorial stability of this part of the world was presumed in part for the problem of Iraq's access to the Gulf, but this was assumed as of "less important" than the negative consciousness surrounding the Iraqis officials and public opinion alike.<sup>7</sup> Schofield was right to argue that the long-term stability will probably only come to this part of Arabia "when Iraq reconciles itself to its disadvantageous position at the Head of the Gulf, when it no longer perceives itself as "squeezed out" of this water body and when it no longer continues to expect Kuwait to compensate for its

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<sup>5</sup> See Schofield, 2011: pp. 27-51.

<sup>6</sup> It was the United Nations Iraq-Kuwait Boundary Demarcation Commission established by the United Nations Secretary-General on 2 May 1991 by which Iraq and Kuwait boundary was finally demarcated and accepted by both countries in May 1993.

<sup>7</sup> Schofield, 1993: p. 81.

geostrategic misfortune”.<sup>8</sup> The Iraqi’s attitude that blames its geo-strategic misfortune on the formation of Kuwait by a colonial conspiracy, adding to these sentiments is the fact that it had been Britain and the United States that have been defending the security and independence of Kuwait,<sup>9</sup> for the better of both countries may contradict with the international norms, However, it should not be missed that even when the issue was not Kuwaiti violations of Iraqi rights, any exaggerated use of sovereign rights would rather complicated the situation between the two neighbouring. Specifically, since the Kuwaiti government announced plans for the construction of a port in a location that Iraq was uncomfortable with. The Kuwait is supposes to take the Iraqi concerns seriously most importantly if there are other alternatives such as a different location for the planed port or some forms of cooperation between the two neighbouring countries.

For territory is not only a historically charged issue but can also serve as an emotive (and frequently contested) representation of national identity. It will take an exceptional territorial resolution for uncertainty not to prevail in this respect, even after a boundary agreement had been concluded. There is much in both political geography and studies of nationalism to guide us here. For good reasons and bad, a series of prominent political geographers have consistently questioned whether a good boundary will make for good neighbours.<sup>10</sup> This calls to mind that prescient characterisation of boundary dynamics by influential American geographer Stephen Jones who, in a famous comment in 1945, asserted that “[a] boundary, like the human skin, may have diseases of its own or may reflect the illnesses of the body”.<sup>11</sup> Perhaps he had himself been influenced by the contributions of scholars like Jacques Ancel, who had proclaimed that there “were no problems of boundaries, only problems of

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8 Ibid.

9 Schofield, 1997: pp. 137, 300.

10 See Jones, 1945: p. 3. Schofield, 1994: p. 3.

11 Jones, Op. cit.



nations”.<sup>12</sup> After Jones et al., the prominent British political geographer Gerald Blake highlighted the essential need for political goodwill in the period of post-boundary settlement, in order to maintain good interstate relations. He stated that “[u]nless neighbouring states have the political will to maintain good relations, borderland harmony and cooperation will be impeded”.<sup>13</sup>

In fact, the spread of national economic boundaries, with the purpose of limiting or restricting the movements and exchange of goods, has caused substantial concerns regarding the negative effects of national boundaries.<sup>14</sup> Here, it seems worth noting the views of the notable geographer Samuel Whittemore Boggs (1940) as he assessed the spread of national boundaries and their effects on human life. His prime concern was the boundary’s functions, considering them “negative rather than positive”.<sup>15</sup> Boggs, however, was not alone in this opinion. For instance, Jones was also not in favour of increasing boundary functions, arguing they had “made international boundaries sharp and severe barriers,”<sup>16</sup> and adding that “[i]t may prove easier to change boundary functions than to change boundaries themselves”.<sup>17</sup>

Concerns no doubt persist in certain parts of the world about the negative functions of boundaries and their potential to trigger issues between neighbouring states. However, advances in technology and communications have also given boundaries a hugely positive impact, increasing travel speeds while decreasing costs. Indeed, there remains genuine potential for greater interdependence and integration between Saudi Arabia, Yemen and the Arabian countries in general. After all, almost a century ago, Colum GilFillan (1924) in his study of the *European Political Boundaries* had argued

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12 Quoted in, (Schofield, 1994, Op. cit.). Kocs (1995: p. 160) develops an assumption of a similar nature primarily the view that “disputes over territory are not themselves the root cause of conflict, but are largely manifestations of other more fundamental conflicts”.

13 Blake, 2001: p. 1. He (op. cit., : pp. 1-2) further clarified his thought and argued that the “border issues are essentially a problem of foreign policy and that territorial borders can be a forum for political hostility between states”.

14 See Minghi, 1963. p. 408 and the general views of scholars like Lionel William Lyde 1915, Thomas H. Holdich, 1916: pp. 497-507.

15 Boggs, 1940: p. 11.

16 Ibid.

17 Jones, op. cit., p. 11.

for interdependence and made several important concluding remarks.<sup>18</sup> As he argued, cooperation and organisation on a larger scale can be the basis on which antagonisms are always more likely to be minimised. He noted “[t]he only hope hangs on a new state craft, which on the basis of wide confederations or general and strong international authority”. Significantly, he concluded that “the progress of civilisation involves a growth, not shrinkage, in the size of cooperation groups”.<sup>19</sup>

## 1.2. Issues and arguments

In the Saudi-Yemeni case, confrontation over land has been a thorn in the side of efforts to improve the relationship for almost eight decades. Thus, the news of the International Border Treaty between the Kingdom of Saudi Arabia and the Republic of Yemen, announced on 12 June, 2000, known as the ‘Jeddah Treaty’ (see Chapter 5) was welcomed in Yemen and farther afield as a great achievement and a tangible culmination of improved Saudi-Yemeni relations. Most striking of all was the reaction of those Yemenis who lined the streets of Sana’a and other Yemeni towns to congratulate former President Ali Abdullah Saleh on his return from the Kingdom (see Figure 1.1).

Of course, conventional wisdom has framed the signature of this treaty as the final act, the *dénouement*, of the boundary dispute that had been bedevilling relations between the two countries since the 1920s.<sup>20</sup> The settlement of this dispute would also represent the finalisation of the Arabian political map – arguably the most “youthful” area of the globe in terms of the establishment of lines, both on maps and on the ground, to separate contemporary state units.<sup>21</sup> However, while the long-running Saudi-Yemeni territorial boundary dispute has supposedly been resolved by the conclusion of the Jeddah Treaty, the degree to which the achieved solution can be

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18 GilFillan, 1924: pp. 458-484.

19 Ibid., p. 484.

20 In the widest sense, the Saudi-Yemeni dispute will be classified as a territorial boundary dispute. It had involved a substantial extent of territory, principally the districts of Asir, Jizān, Najrān in the west and the desert borderlands of the Rub-al-Khali in the east. See John Prescott, (1987: pp. 98-114) classification of international boundary disputes.

21 Schofield, 2001: pp. 213-236.

deemed to represent a viable long-lasting settlement remains to be seen. Indeed, this thesis holds that, for the foreseeable future, the relationship between the two countries will, as ever, remain subject to the legacies and vagaries of their shared past.

The Treaty of Jeddah, finally established an agreed boundary between the two countries (which has since been completely demarcated) after decades of disputes and uncertainty. The aftermath, however, particularly in terms of reactions within Yemen to the treaty, has been dominated by notable dissatisfaction. It is postulated therefore that the ability of the Jeddah Treaty to provide an enduring territorial settlement remains questionable. Indeed, although the treaty might have determined the boundary, it has failed, as we shall see, to completely quell the hankering in Yemen for the “lost territories” of Asir, Jīzān, Najrān and even the Rub-al-Khali (see Appendix 6.1 and Figures 6.3, 6.4, 6.5, 6.6).

This thesis argues that the fully ratified treaty constitutes no more than a short-term, urgent, surgical intervention that has merely deferred the critical condition of the patient for a few years. The patient here, of course, is the enduringly problematic nature of Saudi-Yemeni relations, whereas the surgery, in this context, is the settlement achieved by which an agreed boundary was finally delimited and demarcated, officially removing all doubts as to where Saudi authority ends and Yemeni authority commences (and *vice-versa*).

However, removing an infected organ would not rescue the patient if the remainder of the body was also seriously diseased. In other words, even though the “operation” was necessary and provided a major relief, it will only prove lastingly effective if intended as part of a carefully-planned, medium-to-long-term remedy to which the patient must submit, subject to continuous observation and care.

Of course, the “patient” - i.e. Saudi-Yemeni relations - should by now have moved beyond confrontations over territories. Resolving the territorial boundary dispute had been just a necessary step (i.e. a surgery) towards removing a key obstacle obstructing the potential for improved relations between these two neighbouring countries. However, it should be stated here that achieving a just resolution for the dispute was simply unfeasible. Indeed, one should be aware of the sensitivity of this

issue and the complexity of the questions it entails, notably with its legacy of extensively overlapping territorial claims, to the extent that achieving any of the original extreme claims of either disputant had become impossible, due to substantial new changes on the ground.

The boundary delimited by the Jeddah Treaty was, in all likelihood, the best possible settlement that any two governments in Sana'a and Riyadh could have achieved considering the circumstances surrounding the negotiations. The resolution eventually achieved (notably the agreed alignment based on the prevailing control of state territory on the ground) was probably the best that these two countries could have accomplished.

Indeed, any significant change to the territorial *status quo* that had existed prior to the Jeddah Treaty settlement would have been near impossible, an instance of that old legal adage that possession is nine tenths of the law. The Saudis would have never agreed to the more extreme Yemeni territorial claims that were put forward during negotiations in the 1990s, nor was Yemen able to entertain giving up more land than it considered it had already conceded.

In other words, the probability of reaching any other settlement was limited, in large parts because securing any significant historical territorial claims had become impossible to realise peacefully. This was certainly true in the case of Asir, Najrān and the Rub-al-Khali, which had already been under Saudi territorial control for decades, and whose reincorporation into Yemen would have been publicly unacceptable in the Kingdom, for obvious historical and political reasons. Therefore, the question that must be raised is: what made the Jeddah Treaty possible and, particularly, what made Sana'a accept such a "surgery".

Initially, Sana'a was confronted with serious economic difficulties and hoped that resolving the territorial dispute with Riyadh would help in this regard. Reaching a territorial settlement with its northern neighbour was necessary in order for Sana'a to develop natural resources such as oil and gas in its border areas (as it was also for Saudi Arabia). In fact, working towards an improvement in bilateral relations was a formal obligation of previous treaties. So the challenge to which both sides had

committed themselves was not just to fix a boundary line but to foster a cooperative context in which territorial issues could be broached and managed. It was not just a question of locating a boundary, as the post-1995 period is sometimes depicted: i.e., questions of whether it should be set northwards or southwards of previous claim lines.

Indeed, President Saleh publicly emphasised two important developments in early 1995 that led the way (see Chapter 5) for the conclusion of the Memorandum of Understanding (MoU) of 26 April 1995 (see Appendix 5.2) and, afterwards, of the Jeddah Treaty of June 2000 itself. The president pointed to the ‘Treaty of Islamic Friendship and Brotherhood’ of 1934 (the “Taif Treaty”, see Appendix 3.1) concluded between King Abdul-Aziz bin Abdul-Rahman (Ibn Saud) the founder of the Kingdom of Saudi Arabia in 1934 and its first King, and Imam Yahya Hamid-Uddin (Imam Yahya), the first leader of Yemen following the withdrawal of the Ottomans in 1918. The President drew attention to this treaty not merely for having established the western section of the Saudi-Yemeni boundary. The point was to the importance of the Taif Treaty as more than just a boundary treaty (see Chapter 3) and stressed the necessity of not only accepting the Treaty of Taif, but of implementing it “as a complete system [package] without any selectiveness”.<sup>22</sup> Most importantly, President Saleh confirmed that a similar decision had been made during a Saudi cabinet meeting chaired by King Fahd bin Abdul-Aziz in which the Taif Treaty had been accepted “as an integrated system”.<sup>23</sup>

The Taif Treaty, remains significant for presenting a vision of future cooperation, and was probably too far ahead of its time. It introduced profound and ambitious plans for economic and political cooperation, and possibly regional integration. Thus, the MoU has confirmed the validity of Taif Treaty. As such, Article 6 of the MoU stipulated the creation of a joint ministerial committee within 30 days of the signature of the

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22 President’s Speeches, 1995: Vol.5. pp. 42-45.

23 Interview with the President on, Radio London, 15 February 1995.

memorandum with duties “to develop economic, commercial and cultural relations between the two countries and to consolidate cooperation between them”.

One can argue that any settlement of territorial or boundary questions is generally a process full of twists and turns. For instance, there are some very real issues that cannot be mentioned or discussed publicly, especially as no side ever wants to show its hand prematurely. There are also difficulties in consenting to compromises when these might be read as signs of weakness, not only by the negotiating parties but also within domestic constituencies to which each party is supposedly answerable. Difficulties may often arise from matters directly unrelated to the boundary itself. A settlement can also be accommodated by the parallel conclusion of informal deals on other unresolved issues in the bilateral relationship which, for obvious reasons, often find no definition or even mention in any official boundary treaty text. Of course, negotiating such a package with settlement of the territorial boundary still awaiting was probably unfeasible.

Significantly, the Jeddah Treaty confirmed the commitment of both countries to the MoU 1995. It also affirmed the validity of the Treaty of Taif and its annexes. In so doing they have not necessarily agreed to render the 1934 Taif line permanent as has sometimes been argued.<sup>24</sup> They are also explicitly upholding their obligations to previous legal instruments governing their bilateral relationship, recognising the continuing validity in the early twenty-first century. So the Jeddah treaty in sum is much more than just an agreement fixing the position of a boundary (as we shall see in Chapter 5). Regardless, the conclusion of the Jeddah Treaty in June 2000 became a reality and the settlement would be sold as a positive breakthrough to the Yemeni people.

Again, as in 1934 with the Taif Treaty (see Chapter 3,) prominence was given to the symbolic notion of Arab unity in selling the Jeddah Treaty to the public in both countries. The potency of such a notion as a rallying call for resolving the territorial dispute would be harnessed in the context of a broader Arabian perspective that

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<sup>24</sup> The Estimate, 30 June 2000.

acknowledged the salience of historical legacy and the fact that the territorial nation-state (as we know it) was a late starter in the region.

Indeed, the Taif Treaty set a precedent for all future agreements of its kind, due to the brilliant vision it presented. Its provisions with regards to improving the two neighbouring states' bilateral relations could have eliminated the negative aspect of the Saudi-Yemeni territorial dispute. This broader vision, however, has been marginalised and only the treaty's territorial aspects have received significant attention. It would be until the 1990s (see Chapter 5) that references underlining the importance of the broader aspects, and vision, of the Taif Treaty were tackled, including important ideas such as customs agreement, freedom of movements both for goods as well as that of persons from either of the two countries. These were among the provisions of the treaty and have become of great importance today, their popularity echoed by successful regional integration experiments such as that of the European Union (EU).

What it is argued here is that Sana'a's agreement to the territorial definition introduced by treaty in June 2000 was viewed by many Yemenis as something that simply had to be part of a wider bilateral package (see Chapter 5) Optimism about the future benefits this resolution would bring had been a considerable driver in promoting the Jeddah Treaty. Resolving the territorial dispute as agreed by the Jeddah Treaty has been greeted or defended by politicians from both Saudi Arabia and Yemen - both governments and opposition, especially in Yemen.

The prime objective was not merely compensation, quite the contrary. Yet, this is not to deny the Yemenis' historic and deep attachment to lost territories, which is a crucial issue in itself, as will be illustrated in details later in this chapter. The point however, is to stress here that to consider the demarcation of the boundary as the final aim is to turn a blind eye to the dilemma that complicated the Saudi-Yemeni relationship since the 1920s. Post-June 2000 is undeniably a new era in need of a much broader plan that takes into consideration the importance of contemporary examples of regional integration and cross-border cooperation.

The Jeddah Treaty was expected to confirm each signatory's sensitivity to the interests of its counterpart. While prior to its signature in June 2000, there had been extensive promises and statements by politicians from both countries brimming with optimism about the future, immediately following its conclusion contradictory statements would materialise, questioning or disregarding previous treaties and agreements obligations both states had committed themselves to and, moreover, had renewed their commitment towards with conclusion of the Jeddah treaty (see Chapter 5).

Moreover, the Treaty of June 2000 referred solely to the boundary on land and sea, mirroring the Saudi interpretation of what occurred, whereas Yemen obviously thought its conclusion extended much wider. Hence, the final settlement and demarcation of the boundary was only a partial resolution of the Saudi-Yemeni dilemma. Disappointment in Sana'a has been palpable and has since been growing rapidly among the public and officials alike over the last decade.

Despite the conclusion of the Jeddah Treaty (and the narrowing of the territorial boundary dispute to the brink of elimination,) the chasm between Riyadh and Sana'a has, ironically, widened and their interactions, generally speaking, have continued to be dominated by the wider, long-established troubles of the past; issues that clearly had not been laid to rest back in the summer of 2000.

Since the 2000 treaty's signature, fingers in Yemen have been directed at the government's failure to fulfil the much vaunted promises it declared prior to and following its conclusion. Criticisms that blame Riyadh for breaching its treaty duties have also been heard (see Chapter 5).

Moreover, if relations continue to stall at the interstate level, and the new dawn proclaimed by the Yemeni government back in June 2000 demonstrably failing to materialise, more active references within Yemen to the 'lost territories' are bound to increase in frequency and resonance, irrespective of the fact that these territories, as part of the treaty, now constitute an integral part of the Saudi state.



### 1.3. The objectives of the study

The Saudi-Yemeni territorial boundary dispute has been the longest-standing and, in many ways, most complicated territorial confrontation in a region not short of contenders; a confrontation that had continued unabated for eight decades until the conclusion of the Jeddah Treaty in 2000. The outbreak of this dispute goes back at least to the 1920s, during the early time of Ibn Saud and Imam Yahya.

In Yemen, the territorial boundary dispute with the Kingdom was unfortunately ignored, both academically and politically, during the Imamate era (1934-1962), and has largely been a taboo subject ever since. In fact, the first public discussion of the dispute occurred as recently as 7 August 1997.<sup>25</sup> The Yemeni Authorities have always censored the circulation of any publication on this issue, even when such publications had been sympathetic to the Yemeni case. On the one hand, for preventing what might inflame unnecessary domestic reaction regarding the disputed territories with Saudi Arabia and on the other hand, the official concern in Sana'a has been generally to avoid anything that might irritate the Saudis.

A marked reluctance to antagonise the Saudis over the boundary issue had been particularly apparent in Sana'a before the 1990s. For instance, publications were banned from mentioning that territories such as Asir belonged to Yemen as part of its historic territory, a ban one would possibly expect to see enforced in Saudi Arabia rather than in Yemen itself.<sup>26</sup> Clearly, irritating the Saudis was still viewed as a practice best avoided in Sana'a.<sup>27</sup> As late as 2010, this policy had largely remained intact despite greater Yemeni press freedoms, presenting clear evidence of the extent of Saudi influence, a factor that impacted upon policies regarding the territorial dispute substantially (see Chapter 5). However, whenever relations between the two

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<sup>25</sup> Discussion Seminar of the Saudi-Yemeni Boundary Dispute, 7 August 1997.

<sup>26</sup> This was also reflected by *Al-Hikmah* the Editorial, January and May 1989. The writer of this thesis has personal experience during his work in publishing.

<sup>27</sup> The Yemeni Minister of Information, Hassan Al-Lawzai, threatened the Editor-in-Chief of *Al-Wasat* newspaper (Sana'a) for publishing articles criticises the Saudi Royal family. His fear was that the paper was harming Saudi-Yemeni relations and, most importantly, Saudi support for Yemen (*Al-Wasat*, 20 December 2006).

governments seriously soured, the situation would change completely and an articulation of a counter-reaction strategy against Saudi Arabia would be orchestrated quickly in Sana'a, so as to mobilise domestic support.

There is a case to be made that the Saudi-Yemeni relationship- and the territorial dispute in particular - has been for many years the subject of studies that have displayed a pro-Saudi bias, including, for instance, a number of publications released in the Kingdom in the 1990s.<sup>28</sup> Regrettably, confrontation over land has affected historical accounts considerably and various historians have even found themselves at odds with their own previous accounts.<sup>29</sup> In addition, when history was not the focus of several of the aforementioned publications, however, some were selective when analysing historic evidence.

The appearance of at least some of these Saudi publications could presumably be seen as a reaction to the reinvigoration of Yemeni historical territorial claims following the country's reunification on the 22 May 1990. For instance, the then Prime Minister of the Republic of Yemen, Hider Abu-Bakr Al-'Atas, announced, in his inaugural government programme, his intention of solving Yemen's territorial disputes on the basis of historical rights. On several, subsequent occasions, Yemeni President Saleh also reiterated the same call,<sup>30</sup> thus placing on the public record Yemen's readiness to solve its territorial dispute with Saudi Arabia according to international law.<sup>31</sup> In this context, there seem to be reasonable grounds for suspecting who was behind the issue of these books, as well as the timing of their publication.

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28 For example, *Lights on the History of the Arabian Peninsula* by Mohammad Ahmed Al-'Agaily, in 1992, *Saudi-Yemeni Relations (1926-1934) a documentary study*, by Saleh 'Awan Hashim Al-Ghamdi in 1992, *Saudi-Yemeni Relations* by Abdullah Saud Al-Qaba'a in 1992, *The Boundary and Saudi-Yemeni Relations* by Aid Masaud Al-Jahāni in 1994, *The Saudi-Yemeni Boundary Issue: Towards a Resolution* by Ahmed Abdullah Al-Ghamdi in 1999. *Selections from the history of Asir region*, by Ghaythan Ali Jurays in 2004.

29 See for example, Al-'Agaily, *op. cit.*, and Al-'Agaily, 1982.

30 Interview with President Saleh, (*Al-Yawm Alsaba'a* magazine, 14 July 1990).

31 *Ibid.*

The Saudi-Yemeni territorial dispute has been studied in several empirical analyses, but from a perspective close to the Saudi point of view.<sup>32</sup> Yet, in general, most of the available studies of the political geography of Arabia focus on the Gulf region, and the contributions of geographical scholars, such as John Wilkinson and Richard Schofield remain essential reading. The former covered the Saudi-Yemeni case briefly in his *Arabia's Frontiers: the Story of Britain's Boundary Drawing in the Desert*, while the latter remains widely involved in Arabian boundary questions in general, and has examined the Saudi-Yemeni dispute in a number of important articles (see List of Selected Bibliography).

Of course, this investigation builds on the works of both Wilkinson and Schofield. It gained significant understanding of the subject and benefited from their views, themes. Initially, Wilkinson examined the role that Britain played on drawing boundaries in the Arabian Peninsula during the colonial era, yet he remains precedents with ideas on how the imposed territorial organization contradicted Arabia's socio-economic traditions. Their researches have certainly shed light on the evolution of the contemporary political organization of Arabia, which is an essential aspect of this thesis. Yet, the work of Schofield in particular the volumes that he has published of edited original documents held at The National Archives in London (TNA) and the India Office Records (IOR), at the British Library, London, has been valuable.

While this investigation has been enlightened by their works, the current thesis expands current knowledge of the subject, adding important new empirical findings through analysis of primary records that have previously escaped full analysis. Such research has been conducted at TNA and the IOR with a specific focus on the view from Yemen. For instance, core issues such as colonial legacy and factors relevant to the issue of state evolution in the Arabian Peninsula with a special emphasis on the social and political categories of nation, nationalism, territoriality and national identity.

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32 Al-Ghamdi, 1996. Al-Madani, 2006.

This thesis contributes to the field of studies of boundary disputes in the Arabian Peninsula and on the Saudi-Yemeni territorial dispute in particular. It is the first academic analyses of its length to be conducted with an interest on the subject from a perspective different than those mentioned earlier. Thus, it fills a gap by consulting original Arabic and English sources, notably primary historical texts that have rarely, if at all, been used in previous works on Saudi-Yemeni disputes. It seeks to unravel some of the complexity of the Saudi-Yemeni territorial boundary dispute by providing a detailed review of the most valuable Arabic primary evidence on the subject. Furthermore, this research focuses on the period succeeding the signing of Jeddah Treaty in June 2000.

#### **1.4. The Methodology and Framework**

The chief concern of this thesis is to question whether the Jeddah Treaty of June 2000 presents a viable solution to the Saudi-Yemeni boundary dispute or whether, to the contrary, there are other, wider factors that will continue to have an adverse effect on relations between the two neighbouring countries. It is therefore concerned with Yemeni public reaction to the Jeddah Treaty and what it had achieved; however, the idea is not to undertake a survey to ascertain opinion in Yemen, although such method remains valuable for future studies. The matter is to scrutinize the role of symbolic elements in the language and ideology of nationalism and to assess how such ideas provokes nationalist ideologies in Yemen.

The main preoccupation of this thesis is therefore to examine the implications of territorial struggle for the evolution of Saudi-Yemeni relations and to address the frequently destructive role of territoriality. To that effect, it focuses on what can be classified notionally as the major bone of contention between Riyadh and Sana'a: their territorial definition. Respectively, it pays close attention to the concept of historic territory and how the ideas of the homeland may "act as a title-deed, a political claim to a specified area of land and its resources".<sup>33</sup> In particular, the

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<sup>33</sup> Smith, 2001, p. 31.

proposed plan is aimed at identifying the roots of antagonisms between the two neighbouring states and those forces that drove Saudi-Yemeni relations into a situation of hostility in the first instance. In this respect, we will critically review the oft-haroured assumption that it was the existence of the boundary dispute and the concomitant competition over land that played the major role in damaging Saudi-Yemeni relations.

This investigation embraces the disciplines of (and sub-themes within) historical studies, political geography and studies of nationalism within political science. The framework has been adopted for being ideally applicable to the Saudi-Yemeni case and divided into six chapters. However, I shall return to sources and methodology with a detailed examination of the theoretical underpinnings of the issues as well as the wider historical literature later (as part of this chapter). Yet, briefly in term of sources the work of several traditional and contemporary geographers, historians and writers from Yemen, the region and Europe are very important (as we shall see). The use of secondary sources has been inevitable, as numerous documents relating to recent boundary negotiations have not yet been made available to the public. In regards to the modern phase of the dispute, the thesis relies heavily on official press releases, press interviews, and news reports.

The media however, has been (and remains) valuable for gauging and understanding public views and reactions as well as those of opposition politicians, policy makers and academics. Published political opinions and interviews with leading protagonists have cast light upon the situation prevailing between Riyadh and Sana'a. Their comments are, of course, often coloured or distorted by the constraints of political expediency. Nevertheless, the issue of territory and Saudi-Yemeni relations in general attract considerable numbers of writers, historians, journalists, and poets and so on. It is unending story as attested here by the reference to examples of what has been published during the last few weeks.<sup>34</sup>

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34 For example, Al-Qubatai, Abdu-Radman (Aleshteraki.net, 2 January 2013). Rajeh, Abdul-Rrahman, (Alhakk.net, 14 January 2013). The Yemeni Liberal Party (Alhakk.net, 10 February 2013). Yemen and the Gulf: a common border and next to the

These patterns of journalistic writing demonstrate a continuous reproduction and reinterpretation of symbolic ideas of historic territory. It is evident that among the majority a particular emphasis of the lost historic territories as indispensable for the economic well-being of the Yemeni nation. In addition, the Saudi influence in Yemeni internal affairs through contacts that Riyadh's maintained with notable Yemeni political, tribal and military figures is deeply repudiated. Most importantly is the view that denounced the resolution of June 2000 with direct accusation to President Saleh and supporters who worked with him towards the conclusion of this accord. The treaty openly criticized (as it has been the case for many years as we shall see in Chapter 5) for being achieved through Saudi leverage upon Yemeni officials. No doubt there are unproven allegations and fabricated reports, but the majority is testifying a considerable credibility and public acceptance. They provide evidence that the issue is politically prevailing. Thus, there has rarely, if at all, been that such nationalistic interpretations are refuted in a coherent manner, apart from frequent official denouncements by which they are rejected for being harmful for Saudi-Yemeni relationship. In fact, there are to remain (as we shall see) official sources where the disputed territories are mentioned as Yemeni lost territories and thus, Imam Yahya is criticized for the defeat of his army in the short war of 1934.

A review of what has been published following the conclusion of the Jeddah Treaty makes particularly interesting reading. While the media in both countries could never be categorised as uniformly free, a fairly detailed picture of opposition to and support for the Jeddah Treaty, at least in Yemen, has now emerged. Despite its limitations, the media remains an invaluable source for charting developments in Saudi-Yemeni relations and especially for its coverage of trends in public reaction since the

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Imponderable, Almsalami, Fara'a, AssafirAlarabi.net (20 February 2013). The Youth at change squares (Alhakk.net, 21 February 2013). Faya, Muhammad (Alhakk.net, 23 February 2013). Zaid, Hassan the Secretary-General of Al-Haq party (Alkhabarnow.net, 25 February 2013) Yassin, Mahmud (Alhakk.net, March 2013). Albakhaiti, Ali (Aloulaye.com, 5 March 2013). Alahnomi, Abdul-Rahman (Alhakk.net, 10 March 2013). bin Amer, Abdullah (Alhakk.net, 10 March 2013). Nabil Subaye, Land's Heroes (Aloulaye.com, 25 March, 2013).

settlement of the territorial dispute. A reasonably comprehensive picture of the views expressed publicly by Yemenis on the issue can nonetheless be constructed and evaluated, based on the extensive reactions that have been reported in the press, as well as at conferences and seminars concerned with Saudi-Yemeni relations.

It should be noted however, that ever since this research project was embarked upon, it has not been possible to conduct a survey of Yemeni public reaction or any such similar exercise, due to official restrictions on what remains in many ways a problematic issue both in both Saudi Arabia and Yemen. Likewise, it would have been instructive to conduct field research along the borderland, but this is still not permitted (hardly a unique phenomenon either regionally or further afield). Since 2004, undertaking such research would not have been practicable in any case, as the northern part of Yemen became an arena of military hostilities between the Yemeni army and the Houthis, a Yemeni tribal group who led a rebellion against the central government (see Chapter 5). Indeed, restrictions preventing researchers from operating freely continue to be enforced, whether on issues relating to the territorial dispute or to the situation in certain localities within the disputed districts.

### ***1.4.1. Construction of nations and territorial legitimacy***

Emphasis here will be laid on the roots of Yemeni historical identity as well as upon the Yemenis' belief that they belong to a historic, culturally-defined territory. After all, the role of such matters in the contemporary treatment of territorial questions remains all too evident. The purpose of this section is thus to highlight the origins of the relevant events and episodes that are taken now to constitute the given historical record of Yemen. It will scrutinise the grounds of nationalist sentiment, including why the symbolic nature of territory has been so substantially heightened in a Yemeni context.

The significance of such an examination lies in its implication for the conventional wisdoms that post-dated the establishment of statehood and, accordingly, historical constructions of Yemen. Indeed, having adopted the nation-state model, Saudi Arabia and Yemen faced the usual set of questions about their history, territory and people. As such, the legacy of history and its dynamics in Saudi-Yemeni relations have, inevitably, been fundamental and elemental.

Indeed, in the Saudi-Yemeni case, the articulation of territorial claims has distorted history and made it hard to distinguish between fact and myth, thus encouraging the fabrication of historical information. As such, such notions and ideologies will be emphasised, as we proceed further along subsequent chapters (particularly those related to the evolution of the Saudi-Yemeni boundary,) where it will be demonstrated, with evidence, how history and geography have complicated territorial claims and issues of territoriality between these two neighbours.

Accordingly, the plan is to provide further analysis of the current literature in international boundary studies and, where relevant, theories of nationalism; exploring, in the process, possible methodologies for studying the dilemmas associated with the territoriality of Saudi-Yemeni relations. This investigation will also help establish whether there is anything unique about Arabian boundary disputes themselves. In other words, it will examine whether the circumstances and motives for struggle over Arabian territory represent a unique phenomenon or, in fact, find echoes elsewhere. This thesis will aim to show that the Saudi-Yemeni territorial



boundary dispute has differed markedly from other cases within the Arabian Peninsula itself.

#### *1.4.1.1. Aspects of territoriality*

The analysis undertaken here considers the actual motives behind the finalising of the territorial map in the Arabian Peninsula and the possible reasons for the incidence and history of territorial disputes prior to it. Accordingly, the role territoriality plays in complicating such relations will be examined and several fundamental aspects of territoriality, centring on the intrinsic significance of territory itself, will be identified. Furthermore, the general characteristics of international boundary disputes will be identified, such as the difficulties that can be involved in resolving them and the negative consequences that apparent resolution may itself present on certain occasions.

The strategic and economic dynamics of human territoriality have been recognised.<sup>35</sup> Most notably, Robert D. Sack's (1986) illustration of human territoriality considered it to be "the attempt by an individual or group to effect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area".<sup>36</sup> The concept, however, has been a subject of great interest and concern, and some scholars have even examined the possibility of an almost biological basis for the human attachment to territory, though opinions seem more divided over such a thesis.

For instance, Richard Muir (1997) argued that Sack "fails directly to mention the importance that societies attach to claims which serve to legitimise this control. Such claims may be based on tradition or on international law but they have existed since long before the codification of law".<sup>37</sup> Indeed, Muir was right in saying that the

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<sup>35</sup> Sack, 1983: pp. 55-74.

<sup>36</sup> Ibid. p. 19.

<sup>37</sup> Muir, 1997: p. 12.

“human association with land involves much more than economic and political consideration. It has powerful *emotional* and *psychological* associations”.<sup>38</sup>

In power politics, one of the main drivers of the international struggle for territory has been what one might term the ‘materialistic’ dimension.<sup>39</sup> Fred Halliday (2000) made a highly pertinent point in relation to the persistence of interstate hostilities, stating that the disputes that divide peoples and nations were not primarily about values or civilisations, but rather about material interests and tangible assets – for instance, the precise control of territory and the measurable extension of power.<sup>40</sup> This thesis, however, will demonstrate that the situation in Yemen confirms the significance of the emotional and psychological attachment to lost territories, particularly for the relationship between territoriality and national identity. Geography and history are clearly fundamental elements of national belonging and, as such, perhaps carry critical implications, particularly when infringed upon by a foreign country. Such association is a particularly vital element when part of the territory is challenged by a hostile attack or becomes the subject of counter-territorial claims. Most crucial, however, is this legacy’s substantial psychological effects on nationalist sentiments which can erupt years after the apparent settlement of a territorial boundary dispute had been reached. As such, it is a strong, deeply-felt notion for present day nationalists, in which they have invested substantially.

This is a common understanding of the importance of historic ties. As Roy Mellor (1989) pointed out, “national territory usually has a prominent place in the nation’s iconography, with the homeland personified as the ‘fatherland’ or ‘motherland’ and attachment to it expressed in poetry and song”.<sup>41</sup> On this human affection for territory, history abounds with numerous examples of those who sacrificed their lives in defence of the ‘fatherland’ or ‘motherland’.<sup>42</sup> Increasingly – and especially as the

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38 Muir, *Ibid.*, p. 12. See also Smith, 1996: pp. 453-458.

39 Diehl, 1999: pp. x-xi and Newman, *op. cit.*, pp. 5-12. Hensel, *op. cit.*, p.117. Penrose, 2002: pp. 278-279.

40 Halliday, 2000: p. 9.

41 Mellor, 1989: p. 53.

42 See Mellor, *op. cit.*, p. 53. Murphy, 1990: p. 534. Muir, *op. cit.*, pp. 6-17. Penrose, *op. cit.*, pp. 280-282.

reach of political participation widens throughout the world - it is the public (and not just political leaders) who are more “concerned with maintaining the integrity of land and will be more willing to fight”.<sup>43</sup>

Indeed, it is argued that the establishment of a distinct Yemeni state became more evident in the twentieth century than in the decades and centuries prior.<sup>44</sup> Yet the modernity of the Yemeni nation is not necessarily injurious to the belief of a solid connection between its political identity and its ancient history. Halliday, while considering the rise of Yemeni nationalism as part of the wave of Arab nationalism in general, noted significant characteristics of Yemeni nationalists’ efforts towards the construction of their national identity. He identified three factors as playing this crucial role. The reference to the ancient past “to justify the nation, ‘nation’ began with pre-Islamic civilizations”, and added that “if Yemeni nationalism has been directed against the external role in the form of British and earlier Ottoman colonialism, it has also been directed against its Arab neighbour, Saudi Arabia”.<sup>45</sup>

What is of importance however, is that while Halliday insists on the modernity of the Yemeni nation, he rated the country (in a lecture about nationalism and revolution in Yemen, delivered at the School of Oriental and African Studies (SOAS) on 9 March 2004, as among only three other nations (China, Egypt and Iran) where strong historical affiliations have long been established and continue to exist even today. In other words, Halliday maintains that, despite Yemen being considered a modern nation, legacies of the past have been influential factors.

The dynamic of history and its importance for the formation of nations have been explored on a much broader scale by scholars such as Anthony D. Smith (1996)<sup>46</sup> who, while agreeing with the view that “most nations are modern,”<sup>47</sup> did not ignore

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43 Senese, 1999: p. 151.

44 Stookey, 1978: pp. 2-3. Dresch, 2000: p. 1. Halliday, *op. cit.*, p. 63.

45 Halliday, *Op. cit.*

46 Anthony D. Smith is one of most important contemporary scholars of nationalism. He is Editor-in-Chief of the scholarly journal *Nations and Nationalism* (Cambridge University Press) and is the author of many books on the subject.

47 Smith, 1996: p. 447.

the dynamic of history. This point is highly relevant to the situation in Yemen, most importantly the comment by this notable scholar that “many nations are formed on the basis of pre-existing ethnicities, and the ethnic model of the nation remains extremely influential today” adding that “nations that lack a dominant ethnic base often have great problems in forging national consciousness and cohesion”.<sup>48</sup> Unlike most Arabian states, the present-day Yemeni nation derives its sense of continuity from the country’s golden ages. The people’s identity has thus been shaped via a compelling connection between the populace and its pride in its past. As such, its struggle has essentially been defined by the legacies of this past, and one could therefore justifiably make a case for the applicability of Smith’s “basis of pre-existence” to the Yemeni context.<sup>49</sup> This distinguished scholar argues that members of the intellectual community are usually able to use the documentary and material record to “reconstruct a picture of collective native life in earlier times, from which the present-day community could derive a sense of continuity and dignity”.<sup>50</sup> Here, again, Smith provides a significant contribution relevant to the case of Yemen and the role of historical records both in the construction of the nation as well as the idea of “historic territory”.

#### *1.4.1.2. Symbolic association and the significance of territory*

The significance of history and the legacy of the past are most evident in the dynamics these aspects continue to exert in present day issues. Indeed, they are seen as the raw materials for nationalism and nationalist ideologies. The aim, therefore, is to concentrate on those themes, debates and patterns that must be fully understood and contextualised so as to appreciate the dynamics of Saudi-Yemeni relations today. We are thus primarily concerned with the symbolic association between societies, a supremely fundamental factor in the construction of a nation’s national identity. To

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48 Ibid.

49 Ibid.

50 Ibid., p. 451.

that purpose, the ideological representations of the ethnic past and their legacy in consolidating Yemen's historic identity will be a particular focus of inquiry.

The ancient Arabian civilisation - namely the hegemony and influence of the Mā'in, Sabā (Sheba) and, most importantly, the Hamyār empires - though based primarily in the fertile lands of the south, would soon expand its influence over the region as a whole and beyond Yemen and the Arabian Peninsula into Africa and Central Asia.<sup>51</sup>

What is of importance today is that the historical achievements although mostly located in southern part of Arabia should represent the Arabians as a whole for role played by the Arabian in what must have been a prime source of the great achievements. Predominantly, scholars are in agreement that the region did experience periods of rivalry and difficult economic times, but those episodes of chaos or confrontations between tribes of Arabia are not of major significance here. However, contemporary research in the Arab World confirms that, prior to the 20<sup>th</sup> century, stable and integrated dynamic economic, social and political relations had been established between the various populations (Figure 1.2).<sup>52</sup>

For centuries, the south was the most fertile part of the Peninsula provided all Arabians with the crops needed for domestic consumption. Trading in agricultural products was also a source of wealth, most importantly through agricultural exports. The Arabians, as a whole, had greatly benefited from the trade in Yemeni produce such as frankincense and, much later, coffee. While other parts of Arabia were significant, Yemen played a hugely beneficial role for the rest of the peninsula, including as a hub connecting faraway lands such as India with Africa and Europe, both via land caravans and maritime trading routes.

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51 See Hogarth, 1905: pp. 36, 41. Hassan, 1935: Vol.1. p. 21. Kaḥalah, 1964: p. 39. Tarsīṣī, 1960: pp. 87-88. Ali, 1968: Vol.1. pp. 163-164, 329 and Vol.3. pp. 197-205. Hitti, 1970: pp. 47- 55. Kamel, 1968: pp. 5-9,130. Al-Akwa, 1971: pp. 332-333. Al-Ḥubaishi, 1992: p.12.

52 See Issawi, 1966: 295-304, 305-307, 317-322. Owen, 1981: pp. 26-56. Gharaybah,1984: p. 92. Al-Naqib, 1989. Wilkinson, 1991. Ibrahim, 1996. Al-Janḥani, 2005.

Arabians used to enjoy free movement and migration, conforming Wilkinson's important remark that "exchange and mobility were essential to existence".<sup>53</sup> Trade was one of the important activities of the region. The peninsula's population interacted within a simple commercial-business framework, with the proletariat exchanging their products with traders in return for some other goods. In their quest for basic self-sufficiency and livelihood, Arabians had embraced mobility for millennia, as it was the key to their survival.

As such, the economic activities that came to predominate throughout Arabia's history engendered a common socio-economic sense of belonging amongst its people. In this context, Yemenis are evidently part of the social fabric of the Arabian Peninsula, and one can thus argue that what takes place in South Arabia is never in isolation from the rest of the Peninsula, but actually impacts upon Arabians as a whole. Such belief is deep and profound to the extent that one sometimes fails to distinguish between what is Yemeni and what is Arabian.

Indeed, it is undoubtedly true that no sharp distinctions exist between these two notions.<sup>54</sup> Thus, the traditional Muslim historians and geographers have generally divided the peninsula into two parts: the south and the north.<sup>55</sup> The most important has been the work of Abu Al-Hassan Al-Hamdani (died-947), the famous tenth century geographer and historian who noted that the "Arabian Peninsula was Yemen and Sham, Yemen was its south and the Sham its north".<sup>56</sup> Modern archaeological discoveries have given some currency to the employment of two terms, principally the '*yamanat*' and the '*lashamat*' in ancient Arabic dialects. In ancient Arabic, the word '*yamanat*' means the 'south', and '*lashamat*' the 'north'.<sup>57</sup>

Influenced by the Arabians interactions and activities, the classical era geographers from Europe, with long-established knowledge of Arabia, branded the region *Arabia*

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53 Wilkinson, 1991: p. xi.

54 See Betroveski, 1987: pp. 315-324. Fakhri, 1988: pp. 47-61.

55 Al-Akwa, op. cit., pp. 19-20.

56 Al-Hamdani, 1983: p. 89.

57 Kamel, op. cit., p. 125. Ali, op. cit., Vol.1. p. 171 and 1969: Vol.2. p. 531. Bafaqih, 1985: p. 210. Shukri, 1986: p. 205.

*Felix* and extensively depicted it cartographically, delineating to the north with a line beginning from a point in the west, close to the port of Suez, on the Mediterranean Sea. That line runs east until it meets the Persian Gulf at a point close to the *Shat al-Arab*. *Arabia Felix* thus covers to a great extent the whole of Arabia. The *Arabia Felix* corresponds to the area depicted by the traditional Muslim historians and geographers and Al-Hamdani in particular, as the Yemen. The maps produced by these geographers remain authoritative indicators today (see Figure 1.3).

History rightly constitutes a source of pride for many Arabians; however, it also provides the modern nationalist with a dynamic malleable asset. Certainly, history can ultimately play a constructive rather than destructive role by becoming the driving force for a binding popular regionalism. However, instead of investing in the idea of unity, it has been ignored by the present states in Arabia, while the confusion over territorial or historical ambiguities has mainly been used to deny Yemen's claims over its historic territories. For their part, Saudi Arabia, Oman and several other Arabian states are distancing themselves from that shared history, most likely so as to establish a distinct identity from that of Yemen.<sup>58</sup> There is, of course, an additional purpose to their stance: namely to protect themselves from Yemeni territorial claims and to discourage Yemenis from entertaining any ideas of a historic territory that includes the whole of Oman and most of Saudi Arabia. In any case, the Yemenis' belief in being historically established has become a substantial factor, whether for the construction of their national identity or the emotional links to particular territories.

#### *1.4.1.3. Placement of the traditional boundary of Yemen*

The modern state system is organised to separately define a given territory to be under the authority of a sovereign government. Alexander B. Murphy (2002) offers a significant comparative framework for understanding some basic features of the national sense of territory.<sup>59</sup> His intention was to focus on the construction of

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<sup>58</sup> Halliday, *op. cit.*, pp. 59-70.

<sup>59</sup> Murphy, 2002: pp. 193-194.

territorial ideologies, since these “are also integral to how nations and nation-states imagine themselves and their relationship to one another”.<sup>60</sup> The aim of such an analytical perspective has been articulated through a number of important questions: “[w]hat do nations or nation-states leaders imagine their territory to be? Why? And how do those understandings reflect and shape dominant political-territorial arrangements and processes?”<sup>61</sup> He provides an analytical perspective for the historical construction of ‘peoplehood’ that explains the continuing empathy in Yemen toward lost territories.

In the context of present nation-states, history of Arabia and South Arabia in particular, provides Yemenis with ample elements to support their claim to a single identity and statehood. History provides us with several indicators of the early placement of Yemen’s traditional boundaries, as well as historical evidence of state practices and acknowledgement of a state boundary depicted on maps. The analysis undertaken in this thesis is concerned with three chronological periods in Yemen’s history. These are the *Bilād Al-Yaman*, *Al-Dwal Al-Mustaqilah*’ (the independent states) and Yemen during modern times.

### ***Bilād Al-Yaman***

For present-day Yemenis, the traditional territory of Yemen has been emphasised by terms like ‘Historical Yemen’, ‘Greater Yemen’ and, sometimes, ‘Natural Yemen’. Reference here is to the era marked by the evolution of Yemen as a geographic entity, mainly within the nascent Islamic Empire in the seventh century. Indeed, the advent of Islam enhanced the evolution of this entity, which traditional historians and geographers described carefully, thus providing sufficient information to help depict it cartographically. This was marked by the evolution of Yemen in its historical form, referred to as *Bilād Al-Yaman*.

By the 7<sup>th</sup> century, the term ‘Yemen’, which had once been actually equivalent to the expression ‘south’ and, accordingly, covered geographically the area traditionally

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60 Ibid., p. 194.

61 Ibid.



considered the south of the Peninsula (in line with the division of the Peninsula into south and north as illustrated earlier), has now come to mean only the southern part of that area (see Figure 1.4). However, despite describing a geographically smaller area, the use of the term was nonetheless important in terms of its implications for the ideas and political practices prevalent in this part of Arabia, as recorded by traditional historians and echoed by modern writers. This has been confirmed by the commonly agreed fact that Yemen, in its historical shape, had formed a single administrative district under Islamic authority, with a single *Amir* (governor) ruling it, until the demise of the Abbasid *Caliphate* around 817 AD.<sup>62</sup>

Naturally, this thesis is informed by the work of early Muslim geographers who described *Bilād Al-Yaman*, the most important source however, is the work of Al-Hamdani, who dedicated his remarkable life's work to Yemen and became an early authority on the geography and ancient history of the country (and Arabia in general).<sup>63</sup> His work can be acknowledged as an early nationalistic paean to Yemen and its history. Indeed, he named himself *Lisan Al-Yaman*, (the voice of Yemen), a name by which he has always been known, in Yemen and beyond.

Al-Hamdani was a pioneer and reference point for early Muslim geographers and historians, providing one of the earliest and most enduring geographical images of Yemen.<sup>64</sup> He described the geographic frame of *Bilād Al-Yaman* as a country bounded by the Red Sea to the west, by the Arabian Sea or Indian Ocean to the south and by the Arabian Gulf to the east.<sup>65</sup> To the north, he described a boundary line distinguishing the country from the rest of '*Jazirat Al-Arab*', the Arabian Peninsula.<sup>66</sup> This frontier ran westwards, along the northern boundaries of Oman Yabrin, separating the territories of *Bilād Al-Yaman* and Al-Yamāmāh<sup>67</sup> from those of Al-

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62 See Al-Hamdani, op. cit., p. 99. Kamel, op. cit., pp. 138-139. Al-Thour, 1985: pp. 250-263, 503. Al-Akwa, op. cit., pp. 40, 149, 180-181, 171. Al-Jirafi, 1987: pp. 83-101. Betroveski, op. cit., p. 86. Al-Shūj'a', 1999: pp. 79-80.

63 Betroveski, op. cit., pp. 66-67.

64 Al-Hamdani, op. cit., pp. 86-102.

65 Ibid., p. 90.

66 Ibid.

67 Al-Yamāmāh, is a region between Najd and Yemen (Al-Fareh, 2001: p. 664).

Hijairah and Tathlith.<sup>68</sup> It did so until it reached the Red Sea at the Kudmal Mountain, near a place known as Heimthah.<sup>69</sup> He stated that “*wa sar ma khalf Tathlith wa maqarabha ela Sana’a wa ma walaha ela Hadhramawt wa Ash Shiher wa Oman wa ma yaleyha Yemen*” (trans. “what was behind and close to Tathlith up to Sana’a and its surroundings into Hadhramawt, Ash Shiher and Oman including what was next to Oman, constitutes the geographic entity of Yemen”).<sup>70</sup>

Like Al-Hamdani, many of the aforementioned Muslim geographers, though with some differences, consistently produced geographical description of Yemen in its historic frame, *Bilād Al-Yaman*. For instance, Al-Mas’udai (died-957) in his famous work *Marūj Al-Dhāhb*<sup>71</sup> and Ibn Hauqal (died-977), in his book *Taquim Al-Buldan*.<sup>72</sup> These geographers were followed by Al-Bakri (1010-1098) in *Al-Msalik wal Māmālik*,<sup>73</sup> Yaqut Al-Hamawi (1178-1228) in *Mu’jam Al-Buldan*,<sup>74</sup> by Ibn Al-Mujāwir Al-Dimashqi (died-1291) in his books, *Tārīkh Al-Mustabsir*,<sup>75</sup> Al-Baghdadi (died-1337) in ‘*Marasid Al-Itla’a*,<sup>76</sup> and by Al-Ḥamyāri (died-1495), in *Al-Rarawdh Al-Matar fi Khabar Al-Aqtar*.<sup>77</sup>

The importance of the works of the most notable Muslim geographers and historians, mainly their description of *Bilād Al-Yaman* is in the valuable knowledge they contain

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68 Tathlith is located in the north of Sa’dah and to the east of Asir (Al-Hajri, 1996: Vol.1. p. 137). Al-Hamdani (1983: pp. 85, 86), made it the limit of the northern boundaries of Yemen. Al-Akwa, noted that it is an extension of Madhhaj the Yemeni tribe (in Al-Hamdani, op. cit., p. 85, footnote, 5). Tal’at Al-Maluk which close to this location according to Al-Hubaishi (op. cit., p.33) is located at 170 48" and 430 20" south of Mecca.

69 Al-Akwa, the editor of Hamdani’s book ‘*Ṣifat Jazirat Al-Arab*’ noted that Kudmal is a mountain within the water, of the Red Sea that came to be known as Kutanbal, close to Heimthah, a place that is still, known by the same name (see footnote 1 in Al-Hamdani, op. cit., p. 90). In contrast the Saudi historian Al-‘Agaily (1982: Vol.1. p. 62), stated that this mountain is located in the coast of the town of Al-Quḥmah.

70 Al-Hamdani, op. cit., p. 86.

71 Al-Mas’udi, 1966: p. 212.

72 Ibn Hauqal, 1938: p. 19 and 1979: p. 29.

73 Al-Bakri, 1945: Vol.1. p. 9 and 1992: Vol.2. p. 147.

74 Yaqut, 1956: p. 137.

75 Ibn Al-Mujāwir, 1954.

76 Al-Baghdadi, 1955: Vol.3. p. 1483. He described this line as running from the east in the Gulf, what he calls “Baḥr Alhand” the Sea of India, and the other in the west at the Red Sea which he calls “Baḥr Al-Yāman” the Sea of Yemen.

77 Al-Ḥamyāri, 1975: p. 164.

regarding the geographical delineation and description of *Bilād Al-Yaman*. Al-Hamdani's descriptions of the country and its traditional boundary are significant, especially in the way they are articulated and the language they used. For instance, Al-Hamdani states that "*Wadi Najrān min ardh Al-Yaman wa Makkah akhr had Al-Yaman*",<sup>78</sup> which translates as "the valley of Najrān is part of the land of Yemen and Mecca is the end of the Yemeni boundary".<sup>79</sup> The use of the word 'had' is an indication that the idea of a country's frontiers, if not boundary, was a familiar, established notion.

Al-Hamdani's accounts are immense in scope. After providing a description of the entire country, he subsequently expands and identifies its different parts including detailed delineations of the country's frontiers. Respectively, he defined each element according to whether it was a village or a district, a tribe or a valley, and explained relations between each and the country as a whole, as well as the extent of authority at the time. Concerning the position of Asir, Al-Hamdani confirmed that towns like Ṣabyā, the current capital of Jīzān, were among those towns of Tihāmah that were under the authority of Al-Janad.<sup>80</sup>

The dynamic of ideas and beliefs in a historic territory in Yemen has also been greatly encouraged by the discovery of remains belonging to ancient civilisations centred in South Arabia, within the territories of present Yemen's neighbouring countries.<sup>81</sup> Since the construction of the Yemeni national identity has been based on ancient history, the remains of the golden ages have become tangible evidence of this

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78 Al-Hamdani, op. cit., p. 64. See also Al-Thour, op. cit., p. 513.

79 The tribe of Yām in Najrān historically accounted as a section of Hāshid the Yemeni tribe (see Al-Jirafī, op. cit., pp. 57-59).

80 Al-Hamdani, op. cit., p. 99. Yemen under Islamic authority was divided into three districts Sana'a, Al-Janad and Hadhramawt. Al-Janad, in southwest Yemen, close to city of Ta'izz, was generally the seat from which Mou'ahd ibn Jabāal governed the country at time of the Prophet.

81 Archaeological discoveries of Sabāean city-settlement found near Al-'Ala, Deidan, Al-Yamāmah (a village called Al-Faw, approximately 120 km to the east of the city of Najrān) Tabuk and in Ma'ad in north Arabia, to the south of Palestine (Ali, op. cit., Vol.1. pp. 178-81, 329, Vol.2. p. 121, Vol.3. pp. 197-205. Kamel, op. cit., pp. 86-100, 110, 130. Hitti, op. cit., p. 55. Fakhri, op. cit., pp. 99-100, 105-115).

historic territory.<sup>82</sup> There are, however, important implications to all of this, especially when considering how early accounts have been frequently echoed by contemporary Yemeni historians in the era of the national-states.

The significance of such historical evidence is vital; in particular, the geographic area of *Bilād Al-Yaman* and how it has been delineated by many of the country's contemporary geographers and historians. The map they have produced depicts the entity of *Bilād Al-Yaman* as being bound by Najd and Al-Ḥijāz to the North and by the sea to the east, south and west. As a result, not only does it include the districts of Asir and Najrān, but even whole countries such as present day Oman and the United Arab Emirates as part of *Bilād Al-Yaman*. Nationalist references to historic accounts and maps of *Bilād Al-Yaman*, on which the districts they consider as lost can be still found, are included (see Figure 1.5).<sup>83</sup>

Therefore, writings of several contemporary geographers and historians from Yemen have been examined particularly for the fact they have been driven by nationalistic sentiments toward the country and its history, like those of Husain Al-Waysi (1962), Abdullah Al-Thour (1985), Abdul-Qader Bafaqih (1985), Muhammad Al-Fareh (2001) and Muhammad Al-Akawa (1971), Abdullah Al-Shamāhi (1985). In their quest for territorial symbolism, nationalists in Yemen turned to history both to defend their state's legitimate claim to the disputed territories and, most importantly, for the formation of a distinct identity. The significance and role of historical events, realities, myths and legends has clearly been manipulated to mobilise nationalist sentiments.

Significantly, Smith identifies the drives behind such poetic and historic representations of territories as components of a general process of 'territorialisation of memory' within his broader review of the impact of ethnicity and nationalism on

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82 See Al-Akwa, 1976: pp. 37-39. Al-Haddad, 1986: Vol.1. p. 46.

83 See Al-Wāsi'i, 1928: p. 34. Al-Waysi, 1962: p. 16. Sharaf Uddain, 1963: p. 10. Kamel, op. cit., pp. 138-139. Al-Akwa, 1971: pp. 33, 135-149. Al-Thour, op. cit., pp. 4, 89-90, 363, 500-529. Al-Shamāhi, 1985: p. 29. Shukri, op. cit., p. 209. Al-Jirafi, op. cit.. 41-49.

politics.<sup>84</sup> Here he provides substantial contributions in this regard, illustrating the methods that nationalist regimes have utilised to cement such human solidarity through the “use of a mass public education system to inculcate the sense that the homeland has been ‘ours’ for generations, even where it was ruled by foreigners, through a picture of poetic landscapes filled with the resonances of great events and exploits in the ethnic past”.<sup>85</sup>

The symbolic association between societies and land, both for the construction of the nation itself as well as the basis for its territorial claims, has been recognised as a factor that substantially increases the significance of territory. Smith discussed the importance of people’s association with historical places and how this could more effectively cement ideas of their national boundaries, rather than just political and economic factors. As such, he has underlined the risks of failing to recognise the continuing power and salience of ethnic and national politics.<sup>86</sup> In this regard, Smith stresses that such failures “will only impede our efforts to contain their volatile after-effects and control the conflicts they so often generate”.<sup>87</sup>

### ***‘Al-Dwal Al-Mustaqilah’***

The second significant era dates back to the ninth century, and is labelled by historians as the time of ‘*Al-Dwal Al-Mustaqilah*’ (the independent states). Yemen was, however, still under the authority of the Abbasid *Caliphate*, and several dynasties would be established over this country during a period lasting for more than six centuries. Historians thus often consider the period of the Abbasid *Caliphate* as a time when Yemen would become one of the first units in the Islamic Empire to secure independent rule, or at least rule that would only nominally acknowledge the supremacy of the *Caliph*.<sup>88</sup>

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84 Smith, 1996, op. cit., pp. 445-458.

85 Ibid., p. 455.

86 Ibid, pp. 453-458.

87 Ibid.

88 See Sharaf-Uddain, op. cit., p. 184. Al-Thour, op. cit., p. 267. Al-Shamāhi, op. cit., p. 108. Al-Haddad, op. cit., Vol.3. pp. 193-196. Al-Jirafi, op. cit., p. 105-106. Khadhiry: 1996: p. 97. Al-Mad’aj, 1988: pp. 138-218.

What is of significant today is how the history of these dynasties has been articulated by historians, and the issues or achievements they frequently contained. The significance of developments in Yemen over this period has been in fostering the evolution of a common understanding of Yemen as a geographical entity with a distinguished state people to some extent. This was politically fundamental at the time and remains so today, mainly for creating an image of the country's historic territory and a Yemeni political identity.

The power and success of a dynasty was always illustrated by the fact its control extended over the entire country or had expanded even further, bringing other territories, such as Al-Ḥijāz, under its sway; unlike others which had developed within only part of the territory. For instance, leaders like Muhammad Bin Ziyād - the founder of the Ziyādi dynasty, (distinct from the Zaydī dynasty,)<sup>89</sup> which would last for almost two centuries, until 1018 - despite being previously a loyal subordinate of the Abbasid *Caliph*, had initially led a campaign to strengthen the *Caliphate's* legitimacy in Yemen.<sup>90</sup>

Like Bin Ziyād, Muhammad Al-Sulayhi, the founder of the Sulayhi dynasty (1047-1138), and Nur al-Din Umar Bin Rasūl, the founder of the Rasūlis dynasty (1228-1454), were all seen as examples of leaders who had been successful in establishing a remarkable level of political power, and were thus able to unify South Arabia i.e. all of *Bilād Al-Yaman* itself under their control. Furthermore, the founder of the Ziyādi dynasty and his Sulayhi counterpart were both keen to be seen as being related to the rest of Yemen by virtue of being descendants of famous Yemeni tribes, such as Hamyār, Kahlan or Hamdan.<sup>91</sup>

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89 The Ziyādis were called after their leader Muhammad Bin Ziyād while the Zaydīs Imams are the followers of the Zaydī Islamic School whose era will be examined as well.

90 Ibn Al-Daiba'a [Al-Zabidi (1461-1537)], 1988: pp. 46, 299. Kamel, op. cit., p. 167. Al-Shamāhi, op. cit., pp. 121, 130-131, 145-146. Al-Thour, op. cit., pp. 275, 301-302. Al-Haddad, op. cit., pp.193-196.

91 'Amarah (died-1174), 1979: pp. 37, 47, 50-52, 99, 119-181. Al-Yemeni (died-1342), 1988: pp. 38, 72-89. Ibn Al-Daiba'a, op. cit., pp. 39, 45-50, 81-120, 173-202, 229, 299. Sharaf-Uddain, op. cit., pp. 184, 191-200, 221-226, 227-240. Kamel, op. cit., pp. 149-150, 167-171, 187-202. Ahmed, 1980: pp. 88-116, 333-460. Al-'Agaily, op. cit., pp. 92-93, 145-173, 210-251. Al-Shamāhi, op. cit., pp. 108, 121, 129-131, 145-146. Al-Thour, op. cit., pp. 145, 267-268, 275-287, 301-307, 313-320. Al-

The successful rulers, who controlled the entire historic territory, were widely praised as heroes in accounts from earlier times or those (almost certainly) written during the reign of the leader himself. Such historic accounts are important as they confirm that writers were aware of the shape of the country as it became successfully united under the control of a particular leader.

Indeed, this also supports the notion that this territory was recognised as a separate country, distinct from its neighbours. This is evident in an account by the famous 12th century Yemeni historian ‘Amarah ( -1174). Significantly, his description of his work on the history of the Ziyādi dynasty was as an account of *muluk* (kings), able to unify *Al-Yaman be-asreh* [the entire entity of Yemen]<sup>92</sup> i.e. all of *Bilād Al-Yaman* itself under their sway as *mamalik* (kingdoms). Likewise, the fourteenth century notable historian Ibn Khaldun (1332-1406), for example, described the founder of the Ziyādi dynasty as one of the “*tabābi‘ah*”,<sup>93</sup> the greatest kings of ancient Yemen. Crucially, the accolade was a reference to their success in expanding their authority over what is known as the historic territory of Yemen.

For contemporary historians, the famous leaders of the important dynasties have been greatly celebrated as ‘national heroes’. Particularly honoured were those whose lineage confirmed their ancestry from a successful Yemeni tribe.<sup>94</sup> For example, Al-Thour, noted that the Ziyādi dynasty has been historically described as the “heart of the Yemeni state”.<sup>95</sup> By the same symbolic accounts, Al-Sulayhi was considered a national leader who had united the country under his sway, and led the people towards the kind of substantial accomplishments similar to those achieved during the Hamyāri era.<sup>96</sup> Furthermore, Al-Fareh gave Al-Sulayhi himself the title the “King of

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Haddad, op. cit., pp. 77, 214. Al-Jirafi, op. cit., p. 105. Al-’Arachiy, 1939: pp.13, 24-29. Fakhri, op. cit., p. 200. Al-Qaba‘a, 1992: p.32. Khadhiry, op. cit. p. 37. Rex Smith, 1997: pp. 130-138. Al-Wajaih, 1999: pp. 93-94. Al-Fareh, op. cit., pp. 559-562. Shaker (no date): p. 127.

92 See ‘Amarah, op. cit., pp. 37, 47, 101.

93 Al-Fareh, op. cit., p. 572.

94 Al-Akwa , op. cit., p. 33. Al-Thour, op. cit., pp. 351-352.

95 Al-Thour, op. cit., p. 267.

96 Al-Fareh, op. cit., p. 572. Al-Shamāhi, op. cit., p. 130.

Yemen, the Greatest of the Arabs”.<sup>97</sup> Likewise, the Rasūli realm has been described as the greatest Yemeni domain since the collapse of the Ḥamyār Empire.<sup>98</sup> In a similar way, Al-Shamāhi, described Nur al-Din Umar Bin Rasūl, the founder of the Rasūli dynasty, as the founder of a “great Yemeni national state”.<sup>99</sup>

The material legacy of the successful dynasties was enormous and most tangibly evident in extensive infrastructural projects, building schools, roads and great mosques. Moreover, not only did they generate substantial financial income, these achievements were valuable for the benefit of the public. These were reflected by historians whose accounts confirm Yemen functioned largely as an independent entity, establishing its own international contacts with numerous countries, including China.<sup>100</sup>

## Yemen during modern times

Historians date Yemen’s modern history from the time of the first period of Ottoman rule over Yemen started in 1538, which would continue, for almost a century, to 1635. The Ottomans’ rule was actively resisted by the Qasimi dynasty (the Zaydī Imams).<sup>101</sup> Indeed, central aim for of the revolutionists was the independence of the entire country from the Porte’s control, which they would finally achieve in 1635.

While the Qasimis were in power, law and order were enforced within specific localities like Najrān and Asir, harking back to the time of the founders of the Zaydī Imamate in Yemen in the tenth century. The Qasimis’ rule was remarkable in the

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97 Al-Fareh, op. cit., p. 570.

98 Al-Thour, op. cit., p. 145.

99 Al-Shamāhi, op. cit., p. 145.

100 See ‘Amarah, op. cit., pp. 66-73. Al-Yemeni, Op. cit. Ibn Al-Daiba’a, Op. cit. Al-Wāsi’i, op. cit., p. 170. Al-‘Arachiy, op. cit. pp. 13-14. Sharaf-Uddain, op. cit., pp. 184-185, 221-226. Kamel, op. cit., pp. 149-150, 187-202. Ahmed, op. cit., pp. 88-116 and 333-460. Al-‘Agaily, op. cit., pp. 92-100, 210-251. Al-Shamāhi, op. cit., pp. 108-109, 145-146. Al-Thour, op. cit., pp. 267- 270, 301-307. Al-Haddad, Op. cit. Al-Jirafī, op. cit., pp. 105,133-137. Fakhri, op. cit., pp. 196-198, 200. Khadhiry, op. cit., pp. 37-43. Rex Smith, op. cit., pp. 129-130, 136-137. Al-Wajaih, 1999: pp. 93-94. Al-Fareh, op. cit., p. 559-562. Shaker, op. cit., p. 127.

101 Actually, the Qasimi dynasty, the descendants of Imam Yahya Bin Al- Husayn, founder of the Zaydī Imamate in Yemen. They established their power in the late tenth century and the last Imam would be overthrown by the revolution of 26 September 1962.



security it assured, and they managed to gain substantial control over a domain that extended almost over the entire territory of *Bilād Al-Yaman*.<sup>102</sup> Indeed, the approximate shape of the country's geographic entity is shown in a map (see Figure 1.6) as a geographic entity bounded by Al-Hijāz to the north and to the east the extent of authority practiced was probably not further than Dhofar (Zufār), which is now part of Oman.

The Qasimi dynasty thus played a notable role, presiding over an era generally referred to by Yemeni historians as the 'golden age'.<sup>103</sup> The endeavours of various Imams during this era are interesting mainly for their implications for present day politics. In this context, historians of the period frequently allude to Qasimi political practices.<sup>104</sup> For instance, the Yemeni historian Abdullah Al-Wazīr (died-1734) reported in the seventeenth century that the Imam of the time was pleased with regional chiefs loyal to him and greeted with honour those who guarded the border of the "country".<sup>105</sup> It was during the Qasimi rule that Yemeni central authority confirmed that its responsibility extended over a *dawlah* (a state) and a *bilād* (country).<sup>106</sup>

Another interesting historical practice with contemporary significance is that of several Imams sending military escorts to guard Yemeni pilgrims, usually as far as the traditional boundaries of *Bilād Al-Yaman*.<sup>107</sup> Mustafa Salem (2000) mentions this story in relation to Imam Al-Mu'ayyad (1620-1644)<sup>108</sup>; a story confirmed by Al-

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102 Al-Wazīr (died-1734), 1985: pp. 93-96, 121-122, 157-159, 227-232, 245-246, 279, 319-320, 335-337, 350-351. Al-Wāsi'i, op. cit., pp. 221-229. Sharaf-Uddain, op. cit. pp. 245-265. Kamel, op. cit., pp. 210-211, 217. Abazāh, 1975: p. 32. Al-'Agaily, op. cit., pp. 351-355. Al-Shamāhi, op. cit., pp. 165-166. Al-Thour, op. cit., pp. 322-325. Al-Jirafi, op. cit., pp. 115-233, 242. Fakhri, op. cit., pp. 201-204. Dresch, 1989: pp. 189-212. Al-Ghalbi, 1991: pp. 68-111, 158-167. Al-'Aydaros, 1996: p. 148. Al-Amri, 1997: pp. 15-28, 33-41, 50-57, 106. 'Amer, 1989: pp. 96-98.

103 Dresch, 2000: p. 223.

104 Al-Wazīr, op. cit., p. 231. Harazi, 1986: p. 80 (quoted in Dresch, op. cit., p. 223). Dresch, op. cit., p. 5. Al-Wāsi'i, op. cit., pp. 227-259. Al-Shamāhi, op. cit., p. 166. Al-Jirafi, op. cit., pp. 225-246. Al-Amri, 1997, op. cit., pp. 15-38, 50-68. Al-'Aydaros, 1996: p. 148.

105 Al-Wazīr, Op. cit.

106 Al-Wazīr, Op. cit. Harazi, 1986: p. 80 (quoted in Dresch, op. cit., p. 223).

107 Al-Wazīr, op. cit., pp. 121-122. Shaker, op. cit., pp. 152-158. Salem, 2000: p. 3.

108 This is the period of rule.

Wazīr who had noted that such practices were still happening during his time, continuing probably until around 1735.<sup>109</sup>

Al-Wazīr further added that Imam Al-Mu'ayyad used to order the person in charge of Jīzān or Abu 'Arish to accompany the pilgrims all the way to Ḥalay at the boundary of *Bilād Al-Yaman* before returning.<sup>110</sup> This tradition would be given additional importance thereafter; according to Al-Wazīr, successive imams would appoint a special emissary Amir to accompany the Yemeni pilgrims.<sup>111</sup>

Echoing Al-Wazīr, twentieth century Yemeni historian Zabarah documented similar remarks in relation to events taking place in the seventeenth century. For instance, he describes how the Imam, Al-Mutawakkal Ismā'īl, (1644-1676) approved of Sharif Ahmed ibn Muhammad's rule in northern Yemen. Zabarah documents how Sharif Ahmed was a successful ruler, capable of defending the country's frontiers, stating that Sharif Ahmed (*kan yatraded ela atraf albilad wayahmyha bi al-ashnah al-hidad*), which translates as "[Sharif Ahmed] was always calling on the frontiers of the country, defending them with sharp swords".<sup>112</sup>

It was during this era that a significant conflict took place, namely between the Qasimis in Yemen and the Ya'rūbis in Oman over the position of Dhofar. This issue brought the leaderships of the two powers into direct confrontation with each other. As a result of this, along with the parallel resurgence in Qasimi power, Dhofar reversed its allegiance back to the Imamate in Sana'a, who warned the Omani Sultan that any attempt to reclaim Dhofar would be met by strong resistance and a retaliatory attack on Omani territories.<sup>113</sup>

Similarly, but with greater significance, the Saudis were successfully able to both consolidate their position at home and expand in most directions. Soon, however, the Qasimis would be confronted with the first of many pivotal developments

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109. Salem, 2000, op. cit., p. 3.

110 Ibid., pp. 121-122, 293-294.

111 Ibid.

112 Zabarah, no date: p. 230.

113 Al-Jirafi, op. cit., pp. 230-231. Al-Ghalbi, op. cit., pp. 108-111, 178-179. Salem, 2000, op. cit., pp. 257-258.

transforming Yemen in the nineteenth century: the Wahhabi expansion over Tihāmah. Indeed, by the turn of the 19th century, Saudi power had grown speedily and expanded substantially beyond their homeland of Najd into most of Arabia. Wahhabi influence began to grow in the area. In 1803, Saudi influence would reach the mountainous terrains of Asir, posing a threat to Sana'a's authority both in the highlands and in the Tihāmah farther west. In fact, the Saudis aimed to incorporate Yemen as a whole into their fold and even intended to convince the Imam of Sana'a to accept this vision.

The success of the Wahhabis in Najd was welcomed in Yemen.<sup>114</sup> This was because of political alignment with Saudi interests rather than an affinity for Wahhabism as such. In fact, Sana'a was not overly worried by the religious threat the Wahhabis posed. Yemenis would instead be troubled by the evidently territorial motives of the Wahhabi Saudi realm and its apparent desire to expand into areas Yemenis believed to be theirs and which had been acknowledged previously as under the authority of Sana'a.

What is of significance here was the reaction of the Imams of Sana'a and those populations that had fallen under their authority, who became wary of the Najdis as a regional threat. The correspondence that was exchanged between local leaders in the northern coastal strip of traditional Yemen and the Imam of Sana'a following the Wahhabi attack on Al-Mikhlaḥ Al-Sulaymāni (the southern part of Asir the district of Jīzān to day) in 1803 illustrated this situation clearly. Though the Imams' authority was described as weak during the rise of the First Saudi Realm, it was still evident in the northern parts of Yemen. By the turn of the nineteenth century the Imam of Sana'a confirmed the appointment of Sharif Humūd Bin Muhammad over the Al-Mikhlaḥ Al-Sulaymāni, the coastal terrain of Asir.<sup>115</sup> Leaders from Asir subsequently complained of the threat they were facing, appealing to the Imam to support them

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114 See correspondence exchanged between Abdu-Aziz Ibn Saud and both Imam Al-Mansur and his successor his son Ahmed and the welcome of Abdul-Wahab and his success by Yemeni scholars (in Al-Amri, 1984: pp. 174-175. Al-Qaba'a, op. cit., pp. 46-49. Mahmud, 1983: pp. 113-119, 123-133).

115 See Al-Amri, op. cit., p. 131.

against the ‘Najdi’ invasion, as they put it in their letter. The reaction was similar among the local population itself in that part of the country. Evidently provoked by Najdi attempts to expand their frontiers, the people of Asir thus directed their blame against the ‘Najdis’, i.e. to the Saudi homeland, Najd.<sup>116</sup>

Imam Al-Mansūr like several other successive Imams in Sana’a did not ignore their responsibility as leaders, pledging to defend the country that they considered to be their “homeland”. Thus, they would not stoically accept their deteriorating position in Tihāmah and Asir. For instance, Imam Al-Mansūr led an unsuccessful military campaign in Tihāmah in early October 1806.<sup>117</sup> A few years later, in 1814, his son and successor, Imam Al-Mutawakkal Ahmed, would lead another campaign there.<sup>118</sup> The Qasimis and their period thus, is of significance here as well, as they coincide with the emergence in the literature of the key concepts of *watan* (homeland) and *Hudud* (boundaries) and help give context to their origins.

The Qasimis, however, experienced a drastic collapse. For Yemen, no lasting stability ensued and, consequently, the country was dragged increasingly into chaos by the 1830s as the result of increasing competition for power among the Zaydī Imams themselves, who fought each other for control of the Imamate. The country, however, had also been profoundly affected by wider Arabian and international issues, notably the conflict that broke out between the Porte and Muhammad Ali over Al-Ḥijāz and Arabia in general. Indeed, the Imam in Sana'a lost control of Tihāmah and Asir after Muhammad Ali ceded its control to Husayn ibn-Ali ibn-Ḥaidar, the clerk of the Egyptian Governor of Mocha.<sup>119</sup> Britain went on to occupy the port of Aden in 1839 and eventually, the Qasimis relinquished power to the Ottomans in 1872.

The return of the Ottomans into Yemen was of significance. It is confirmed that upon consolidation of power in 1872, the Porte re-established the *Vilayet* of Yemen (in

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116 Request for support from Al-Ashrafs the leaders of Asir to Imam Al-Mansūr bin Ali Al-Mahdī, sent with Sharif Muhammad Bin Al-Hassan who arrived in Sana’a in March 1803 (Al-Amri, op. cit., p. 131).

117 Al-Jirafi, op. cit., p. 259. Al-Amri, op. cit., pp. 136-139.

118 Al-Amri, op. cit., p. 175.

119 Macro, 1968: p. 29.

Arabic *Wilāyat* Al-Yaman, a province or main administrative division of the Ottoman Empire), which they divided into four district-based regions, largely for administrative purposes: Sana'a (as the capital), Ta'izz, Asir and Al-Hudaydah. The Ottomans' defeat in WWI of 1918 ended their second period of control of Yemen, which they had established by 1872.<sup>120</sup> Most importantly was the approximate shape of Yemen's geographic entity during the second period of Ottoman rule over this country. The map generally shows the *Vilayet* of Yemen bounded at the north by Al-Ḥijāz, and the Protectorate of Aden at the south (see Figure 1.7 and Appendices 1.1, 1.2, 1.3 and 1.4).<sup>121</sup>

What is also worth highlighting is the work of contemporary historians from Saudi Arabia, like Muhammad Al-'Agaily (1982) and Abdullah Al-Qaba'a, (1992), for having reaffirmed the success of Al-Sulayhi as one of the earliest commanders able to unify Yemen under his power.<sup>122</sup> In addition, the best description of Al-Sulayhi's success is that by Al-'Agaily, and features an account of his reign that describes the geographical area over which his political authority was extended. Significantly, Al-'Agaily stated that Al-Sulayhi, "was able in a short period of time to [*Ywaḥed Al-Yaman be-asreh taht rayateh min Aden ela Al-Ḥijāz*] unite Yemen entirely under his flag from Aden to Al-Ḥijāz".<sup>123</sup> Moreover, Al-'Agaily confirms that the Qasimis, before they lost their power, governed the country through locally appointed representatives in districts such as Lāḥj, Hadhramawt and Asir.<sup>124</sup>

These accounts are significant in that they confirm those references, in earlier versions, to particular leaders and dynasties as well as to the political practices and

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120 The Ottomans returned to Yemen, starting with the control of Tihāmah in the 1940s and expanded over the rest of the country by 1872.

121 See 'Notes on Arabia', compiled in the General Staff, War Office, June 1907. Handbook of Asir, 1 June 1916. Handbook of Yemen, 15 January 1917. Bury, 1915: p. 20. Jacob, 1923: p. 68. Al-Wāsi'i, op. cit., p. 123. Kaḥalah, op. cit., pp. 224-226. Wenner, 1967: p. 142. Kamel, op. cit., pp. 195-202. Al-Akwa, op. cit., p. 171. Abazāh, op. cit., pp. 26, 103-105. Al-'Agaily, op. cit., pp. 252-259. Salem, 1984: p. 38. Al-Haddad, op. cit., pp. 215-236. Rex Smith, op. cit., pp. 137-138. The administrative division of the Ottoman Empire between 1914-1918 (tarih ve medeniyet [history and civilization] Web site).

122 Al-'Agaily, op. cit., p. 92. Al-Qaba'a, op. cit., p. 32.

123 Al-'Agaily, op. cit., p. 150.

124 Ibid., p. 351.

geographic reach of their authority over what the Yemenis believe was their historic territory. Those early references to the historic territory are consequently strengthened by the widespread and publicly disseminated remarks of later historians and geographers in which *Bilād Al-Yaman* had been described, including its geographic boundaries.

This thesis does not subscribe to the notion that, historically, Yemen has existed as an effectively continuous, unified political entity, particularly over the area historically known as *Bilād Al-Yaman*; a notion for which, it could be argued, there is no definitive evidence. However, it should be stressed here that the political practices in Yemen can be distinguished, perhaps a little more clearly, from those taking place in other parts of Arabia. To a large extent, these practices have been historically corroborated but have, nonetheless, undoubtedly been distorted significantly for political purposes. Their legacy thus fuels contemporary nationalism in Yemen and the articulation of territorial claims. Such indications, in particular, are important due to the contemporary weight attached to the status and position of the traditional boundary.

There is a great understanding of the nature of the political power that was wielded over Yemen or beyond it, especially as some measures of state authority were rather similar to those associated with the conduct of modern sovereign states. The use of concepts such *watan* and *Hudud*, as noted earlier indicates how the country's territory was closely identified at the time and justifies why it has become deeply rooted in Yemeni consciousness, predating the emergence of the modern state and its territorial frame. Indeed, most contemporary political myths and legends originate from this context.

Mellor was right in his remark, mentioned earlier, about how attachment to the homeland is “expressed in poetry and song”.<sup>125</sup> Indeed, Yemeni poetry and songs have always represented a deep proclamation of history and historic achievements. The following quotation is from a song, one of several, in which the people's pride in

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125 Mellor, Op. cit.

their past and their ancient, golden age are powerfully expressed: “*Ana Yamani wa asāl altārīkh ‘ani ... ana kawant Me‘ain wa Şaba ... ana man shaied Ghamdan wa Marib,*” which can be translated as: I am a Yemeni, ask history about me... I who created Main and Sheba ... I who constructed Ghmdan<sup>126</sup> and Marib.<sup>127</sup>

For their part, contemporary poets are greatly concerned with loyalty, mainly to prove that they share with the rest of the nation a deep emotional attachment to the homeland of the old days. A good example is a poem called ‘*Waraqah min Al-Tārīkh*’ (A Paper from History) in which one of Yemen’s greatest and most famous contemporary poets, Abdullah Al-Baraddūnī,<sup>128</sup> recalls his country and its golden past in which towns and places such as Asir and Najrān are mentioned.<sup>129</sup> Indeed, many people continue to feel this way, particularly about these territories that are considered to have been lost.<sup>130</sup> Deep and widespread attachment to a historical past unites historians, artists and poets, who have always related profoundly to the ideas of the past, if not always the politics of the present.

#### ***1.4.2. The evolution of the Saudi-Yemeni boundary***

The second area of investigation is concerned with the origins and evolution of the modern Saudi-Yemeni boundary itself. The prime objective of this thesis is clearly neither to challenge the legality of the Jeddah Treaty, nor to focus on the legal aspect in general. The purpose of this component of the investigation is thus to examine the circumstances under which territorial definition was actually brought into effect, and to establish precisely what was decided and how this both reflected and changed realities on the ground. It is also instructive to review the strategies that had been adopted by Saudi Arabia and Yemen towards both the boundary and the wider

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126 Ghmdan, is an ancient palace built on the east of the capital Sana’a, the legends about the structure of the building and what it had contains are amassing.

127 A famous song conducted by Ibrahiem Taher. A live record of the song can be found at the official website of Radio Sana’a, [http://www.yradio.gov.ye/songs/ibraheem\\_taher.htm](http://www.yradio.gov.ye/songs/ibraheem_taher.htm)

128 Al-Baraddūnī, is a great contemporary Yemeni poet well known both in the country and abroad and possessing considerable charisma.

129 Al-Baraddūnī, 1979: Vol.2. pp. 333-354.

130 Al-Baraddūnī, 1993: pp. 115-116.

question of reconciling themselves to each other's existence and territorial extent. Like many others around the world, there is a case to be made that the Yemeni-Saudi territorial limit evolved generally in the context of an asymmetrical regional balance of power in each of its various stages. Thus, this author – obviously not immune to possible charges of bias – adopts as starting position the view that the evolution of the Saudi-Yemeni boundary has been a misshapen, unbalanced process.

For Yemen, different sets of relationships effectively produced different sections of the boundary, so coverage has been provided in four successive chapters (2nd, 3th, 3th and 5th,) with particular focus on the circumstances that influenced such an evolution. Chapter 2 will assess the position of Asir and Najrān prior to the Ottoman withdrawal from Arabia in 1919, which remains a significant issue for the Saudi-Yemeni question, especially since conventional wisdom on the subject is by no means correct. Chapter 3 considers the north-western part of the boundary (separating Saudi Arabia from what used to be the Yemen Arab Republic before unification in 1990), as initially agreed by the Taif Treaty of 1934. Chapter 4 investigates the evolution of Yemen's north-eastern borderlands (which, prior to unification, separated Saudi Arabia and the People's Democratic Republic of Yemen, and, before it, the Aden Eastern Protectorates). Chapter 5 will focus on the Jeddah Treaty, by which the two neighbouring states have finally determined and demarcated both their countries' land and sea boundaries. For having been considered as the long-lasting resolution added a substantial importance to this chapter.

As such, Chapters 2, 3, 4 aim to constitute a useful contribution, as they illustrate a number of important aspects relating to the evolution of the nation-state model of political and geographical organisation in the Arabian Peninsula. Analysis here is notably significant for the insights it provides on the early colonial context that affected the evolution of the Saudi-Yemeni confrontation, as it has been the case for the development of the territorial organisation of the Arabian Peninsula as a whole.



Historically, the tribal organisation of Arabian society was not always a sign of weakness, as some scholars may argue.<sup>131</sup> In fact, this structure was simply within the framework of state authority, particularly in Yemen. Those who ruled from a capital like Sana'a, for instance, exercised substantial authority through tribal leaderships, namely the *sheiks*. The tribal role no doubt sometime turned into a disruptive factor, especially during periods when central power was weak. Indeed, it could be argued that the political organisation this part of the world had historically experienced mirrors the establishment of statehood, since tribal organisation was, relatively speaking, an organ of state authority.

The situation was worsened by massive complications that were engendered when part of the country fell under the control of Imperialism. Yemen inherited substantial difficulties and became fragmented, in great part because of weak and incompetent Ottoman government. During their rule of Yemen, the Ottomans had failed to consolidate their authority over the entire country. Najrān and most of Asir, for instance, were among the areas controlled mostly by their tribes, like several other parts of Yemen. The colonial interventions, notably Britain's substantially increased in Yemen since the occupation of Aden in 1839 and exacerbated political struggles by concluding Treaties of Protection, encouraging tribal *sheiks* to join such agreements mainly to secure British colonial interests at the expense of Yemeni unity. In return the *sheiks* (or chiefs of tribe) who joined received annual payments from Britain.

Stability in South-West Arabia would be seriously tested by the outbreak of the WWI. The situation was complicated further, particularly because of the involvement of the Ottomans in the WWI and the collapse of their rule in the region as the result of their eventual defeat. This accelerated the emergence of conflicting interests, further complicating the evolution of the present nation-states in the Peninsula. Both local parties and international powers were involved in this developing rivalry. Interaction between Arabian leaders was dominated by each leader's struggle to enhance his political status at the expense of the other. This was aggravated by

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131 See Lewis, 1998.

colonial interventions, notably British, which conducted a policy driven by growing economic interests in this part of the world, thus complicating the Saudi-Yemeni conflict over Asir and heightening competition between these two neighbours over territories in general.

There is evidence to suggest that Britain, the main colonial power in Arabia, manipulated existing local rivalries among the inhabitants. Colonial interventions, notably Britain's, substantially affected the political developments in Yemen during WWI and post-War era. Certain Arab leaders, however, including Ibn Saud the Sharif Husain and Muhammad Al-Idrisi, joined Britain in fighting the Turks. For their part, Imam Yahya, the Al-'Aāidhs and Al-Rashid of North Arabia, who had all sympathised with the Ottomans, paid a heavy price after the defeat of their ally. Imam Yahya had been himself asked to join Britain against the Turks. He had sided with the Ottomans during the War and not only rejected the offer for financial subsidies, but also rejected the presence of Britain in the southern part of Yemen, territory he considered his (see Chapter 2 and Appendices 1.5 and 1.6).<sup>132</sup>

For Imam Yahya, his relationship with London after the WWI would remain fraught. Indeed, due to the occupation of part of the country by Britain, Anglo-Yemeni relations were complicated to the advantage of the Imam's enemies, who had allied themselves with London, such as Ibn Saud and the Idrisis. Instead, London favoured Al-Idrisi considerably in the post-WWI arrangements over Imam Yahya and the

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132 See Arabia, Subsidies to the Rulers, 1915. 'British Policy in the Yemen' by Major General G. J. Younghusband and Lieutenant Colonel H. F. Jacob, 23 September 1915. Walton, Acting Political Resident, Aden (APRA) to the Secretary to Government, Political Department, Bombay, 'Note on the present political situation in our Hinterland and beyond the Border' 14 March 1916. William C. Walton, the General Officer Commanding Aden to the Secretary to Government of India in the Foreign Department, with two enclosures of notes by Colonel R.A. Wauhope and by Lieutenant Colonel Jacob, 13 May 1916. Note on the 'political situation in the Hinterland, Political Department, India Office, 25 August 1917. Imam Yahya to Major General J. M. Stewart, Political Resident, Aden (PRA), 22 December 1918. FO Memoranda entitled 'British Commitment to Al-Idrisi', and 'Supplementary British commitments to the Idrisi regarding the Farasan Islands', 1918 and 7 January 1919. 'Memorandum by Colonial Cornwallis on the Future Policy of His Majesty's with Regards to Subsidies to Chiefs of the Arabian peninsula', 16 December 1920. Summary of events leading up to the despatch of a mission under Lieutenant Colonel Jacob to Imam of Yemen, 27 January 1920. PRA to the Secretary of State for the Colonies (CS), 15 April 1922. The Governor of Aden (GA) to W.G.A. Ormsby Gore (CS), 23 June 1937. The Officer Administering the Government (OAGA), Aden to Malcolm MacDonald (CS), 14 November 1938. Memorandum by the CS, 14 April 1952.

traditional leaders of Asir, the Al ‘Aāydh family (see Chapter 2). These factors played a serious role in Yemeni politics at a time when the Imam was engaged in serious efforts to consolidate his authority.<sup>133</sup>

Britain had not been directly involved in drawing the western section of the Saudi-Yemeni boundary, as it had been elsewhere in the Peninsula, but it has been blamed with a position, at the time of this dispute, that was seen as biased to the advantage of Ibn Saud.<sup>134</sup> Indeed, it is argued that Ibn Saud benefited from the difficult circumstances that Imam Yahya had been confronting domestically. It is thus one of the aims of Chapter 2 to examine this period for indications that support or undermine such a thesis, including the impact of colonial rule.

The significance of Chapter 2 is for the fact that the findings of this thesis run counter to prevailing general understandings currently of the status of Asir within the Ottoman Empire prior to 1919. It is widely commented that Asir had been detached from the *Vilayet* of Yemen prior to WWI though there are grounds for believing this may be mistaken. The importance of both Chapter 2 and 3 lies in the Taif Treaty’s history as a treaty signed in the aftermath, and under the shadow, of the short Saudi-Yemeni war that took place in the spring of that same year (1934). This was one of the problematic aspects of the treaty, notably the land transfer it decrees. Such examination is thus necessary of the consequences relating to the loss of territory after a war and, most importantly, for the conventional wisdom regarding the role the colonial legacy. Of particular concern today about the Taif Treaty is its implications for Yemeni nationalism.

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133 Bury, op. cit., p. 17. Jacob, op. cit., pp. 173-177, 232. Al-Rihani, 1924, op. cit., pp. 200-202 and 1930: pp. 166-167. Al-Wāsi‘i, op. cit., p. 138. Philby, 1930: p. 239. Wahbah, 1935: p. 535. Hurewitz, 1956: Vol.2: pp. 12-13. Wenner, op. cit., pp. 142-143. Macro, op. cit., pp. 45-46. Al-Zirkili, 1970: Vol.1. pp. 284-249, 532-534. Al-Akwa, op. cit., p. 344. Abazāh, op. cit., p. 207. Al- Shahari, 1979: p. 74. Al-‘Agaily, op. cit., Vol.2. pp. 112-117 and 1992: p. 96. Salem, 1984: pp. 224-228. Al-‘Adhm, 1985: p. 51. Al-Khatrash, 1987: pp. 36-38, 42-43. Fakhri, op. cit., p. 214. Wilkinson, Op. cit., pp. 158-160. Al-Qaba’a, 1992: pp. 161-162. Kostiner, 1993: pp. 8-9, 172-175. Al-Aydāraws, 1996: pp. 368-671. Mutahar, 1998: pp. 135-179, 249-285. Al-Wajaih, 1999: pp. 227-228. Dresch, op. cit., pp. 21, 30-31.

134 Al- Baraddūnī, 1977: pp. 53-54. 1988: pp. 369-371 and 1993: pp. 81, 113-114. Al-Jirafī, op. cit., pp. 310-311, 320-322, 342-343. Mutahar, op. cit., pp. 323-324. op. cit., pp. 337-338. Iother words, en Ibn Saud and Imam Yahya. the unbalnce engments.

Indeed, an understanding of how issues were perceived at the time of its conclusion and the evolution of such perceptions over the course of its history is crucial, particularly among Yemenis. Knowledge that the conquest of territory by the use of force is a cause of serious implications, namely, nationalistic sentiments, is also unlawful. Subsequently, the recent Law of Treaties (Vienna Convention on the Law of Treaties) also states in Article 52 that “[a] coercion is void if its conclusion has been procured by the threat or use of force”. This was the case between China and the United Kingdom when the former challenged the status of the United Kingdom in Hong Kong. China considered the treaty in which this Island was ceded to Britain as invalid. Their argument was that a treaty concluded between unequal states is not lawful.<sup>135</sup>

Chapter 4, illustrates how oil interests have exerted a considerable effect on the establishment of effective state authority in otherwise completely barren borderland terrain. Therefore, rather than just examining the evolution of the boundary lines themselves, these chapters carefully review the changing status and characteristics of key borderland localities, notably settlements such as Al-Wadia‘ah and Shārwrāh and Al-‘Abr in the central stretches. In doing so, it is hoped any residual issues that could hinder the success of the concluded boundary settlement of 12 June 2000 may be identified.

A major area of concern, addressed in Chapter 5 the viability of the Jeddah Treaty as an enduring solution to the Saudi-Yemeni dispute. In particular, it will question whether the Treaty’s conclusion would prove capable of eliminating Yemenis’ empathy with their lost territories and, subsequently, improving bilateral Saudi-Yemeni relations, which had been, after all, the prime aim of resolving such a long-lasting dispute in the first place.

As such, the chapter will examine the environment within which the settlement of June 2000 had developed. Emphasis will be given to situations in which a state may propose a solution for a boundary question with the intention of improving political

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135 See Hillier, 1998: p. 146.

and economic relations with a neighbouring country. The significance of this chapter is in its suggestion that the negotiations that finally produced the Jeddah Treaty lacked a proper balance of power. Indeed, among the factors that made the conclusion of the Jeddah Treaty practical were undoubtedly the difficulties that Sana'a had faced in the 1990s, namely the repercussions of Iraq's 1990 occupation of Kuwait,<sup>136</sup> the costly impact of the unification of the two parts of Yemen achieved that same year as well as the war for Yemeni unity, in the summer of 1994 (see Chapter 5).<sup>137</sup> Therefore, the effects of such difficulties on Yemen's negotiating position are essential, most importantly regarding concerns that the agreed-upon line most likely served the interests of Riyadh better, at the expense of Sana'a, rather than serving both parties' interests equitably.

The modern history of boundary conflicts reveals that many states, before the case of Yemen, had adopted similar policies and negotiations to stop further erosion of their territory by a stronger neighbour. However, comparable cases under similar circumstances remained critical, despite having been officially resolved. For instance, Prescott has made important studies of similar issues, and discusses the weakness of agreements over a boundary dispute when negotiated between states of incomparable strength. The best examples are those of Mexico and the United States in 1848 and, a quarter of a century later, Afghanistan with Russia.<sup>138</sup> Prescott's central claim is that a problem arises when a stronger state gains sovereignty over areas not previously held, which hitherto belonged to a weaker neighbour.<sup>139</sup> He clarified the situation further with the example of an agreement between China and Russia, concluded in 1858 and 1860, when the latter forced the former to cede the trans-Amur and trans-

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136 See Overseas Development Institute, Briefing Papers (March 1991). International Monetary Fund (3 May, 2002). Burrowes (1999: pp. 187-214). Boucek (2009). Swaidan and Nica (2002: p. 72).

137 In late April 994 Yemen went into internal war lasted until 7 July 1994. President Saleh estimated the financial cost of this war at about 11 Billion US dollar (speech on the Third Conference of Yemeni Expatriates, Sana'a, October 2009). See Hudson, 1996: p. 21. El-Rayyes, 1998b. Zabarah, 2001: pp. 272-278.

138 Prescott, op. cit., p. 60.

139 Ibid.

Ussori territories.<sup>140</sup> The Chinese Government was weak at the time and was forced by the Russians to conclude the arrangement under enormous pressure, in the form of internal rebellion and external threats.<sup>141</sup> However, as China was, by 1949, in a position to challenge her neighbours, including the Soviet Union, India and, in 1975, Thailand, it rejected previously-concluded agreements and demanded renegotiations. The Chinese alleged that the relevant treaties had been forced on their country at a time of weakness.<sup>142</sup>

Of course, although the territorial boundary dispute has been officially resolved, Chapter 5 will show that Saudi-Yemeni relations in the post-Treaty period still predominantly depend on the policies they adopt towards one another. The policies conducted since June 2000 by both governments are already worthy of analysis. Although a decade is a short time, hints and signs of the likely success of the treaty as a durable territorial settlement can be perceived through Saudi and Yemeni policies and attitudes toward each other in the period since.

This thesis has been informed by the problems that the relationship between Riyadh and Sana'a has been experiencing in the period of post-territorial resolution. It will consequently analyse several aspects of Saudi-Yemeni relations during the post-settlement era and, most importantly, reactions that have been expressed openly in Yemen with disappointment regarding the resolution achieved. The aim of such an analysis would be to address possible future threats to the territorial settlement of June 2000.

Despite the optimism noted after the treaty's conclusion, it is crucial, nonetheless, to note the feeling of disappointment that has grown ever since in Yemen. Indeed, the Jeddah Treaty has been portrayed as a marker of failure and a symbol of territorial surrender by corrupt Yemeni politicians. Chapter 5 provides a detailed analysis of mounting public unease in Yemen over the lost territories of Asir, Jīzān, Najrān and

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140 Ibid.

141 Ibid.

142 Ibid., p. 101.

the Rub-al-Khali, as well as criticisms directed at those who concluded the treaty, who have been blamed for having surrendered Yemeni territory.

The chapter will also aim to illustrate and highlight this increasing disappointment within the Yemeni population in the decade since the treaty's signature. Clearly, a viable future for the Jeddah Treaty requires that the policies of both governments towards territorial and other connected issues ought to be closely scrutinised and considered. In particular, it is important to identify the areas that must be managed to safeguard the concluded boundary resolution and to promote Saudi-Yemeni relations in general.

### ***1.4.3. The future of the Jeddah resolution***

Chapter 6's prime objective is to tease out the findings of this thesis. This is essential to achieving a better understanding of the Saudi-Yemeni territorial dispute and to comprehend the complexity of the process through which the boundary between these two countries has evolved. It will illustrate why this thesis reaches the conclusion that the situation must continue to be monitored and managed carefully, as nationalistic sentiments remain prominent in Yemeni public discourse despite the territorial settlement of June 2000. After all, the clear definition, through delimitation and demarcation, of a state's boundaries is usually a mere first step towards promoting boundary security and regional security in more a general sense. This echoes the fourth stage of Stephen Jones' boundary evolution classification that of administration. This stipulates that the way in which a settlement (and the boundary itself) is maintained can tell us a lot about the prevailing relationship between the states themselves.

It is not the precise territorial outcome of the June 2000 settlement that is of major concern here but the basic nature (and thereby the future) of the Saudi-Yemeni territorial relationship itself. This has been, however, a twofold context: on the one hand, a vision has emerged out of the treaty that offers a radical rethinking of how these neighbouring countries relate to each other. On the other hand, the success of

the Jeddah Treaty as a long-lasting resolution for the territorial dispute was based on the expectation that it would provide a genuine fulfilment of such optimistic notions.

Of course, the reactions elicited by the conclusion of the Jeddah Treaty, particularly in Yemen, are also important in themselves. From the start, there were those who were optimistic and those who were nonplussed and sceptical at such an achievement. A point of great significance, which will be advanced in the conclusion, is that such negative reactions are partly the result of the withering away (if not the complete death) of the ambitious promises of better Saudi-Yemeni bilateral relations. In particular, what made the conclusion of the Jeddah Treaty, and its acceptance by the public, possible (as argued in Chapter 5) particularly in Yemen, had been the promise that Yemeni workers would again be offered those privileges they had been enjoying in the Kingdom until their withdrawal in 1990 as a result of Yemen's position with regard to the Iraqi military's invasion of Kuwait that same year.

It can be argued that the initial optimism had enhanced the people's enthusiasm for a new arrangement in their country's relationship with Saudi Arabia and the other states in the Peninsula. As a result, nationalistic sentiments have been demoted, with reduced interest in the location of the agreed line. In other words, one might argue that a wise vision has become widely accepted, especially in Yemen as Chapter 5 emphasises. The rationale behind it was to strive for a better Saudi-Yemeni relationship, no matter the location of the boundary, whether to the north, to Yemen's advantage, or further south, to the Saudis' benefit.

Eradicating the legacy of decades of competition over territory and the sometimes extreme use of national sentiments will never be an easy task. The approach of the historian Oscar Martinez (1994) to borderlands interaction can be valuable in analysing the future of Saudi-Yemeni relations, not just over their emergent territorial limits but in a more general sense too.<sup>143</sup> In this approach, four different models for the assessment of conditions in borderlands have been applied to cross-border movement and the forces that produce it. This 4-stage typology comprises *alienated*

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143 Martinez, 1994: pp. 1-15.



*borderlands, co-existent borderlands, interdependent and integrated borderlands.*<sup>144</sup>

While it was premised on the conditions of asymmetrical interdependence prevailing over the US-Mexico international boundary, it is proposed that Martinez' typology can help in structuring a framework for analysing Saudi-Yemeni relations.

Since Yemen and Saudi Arabia have resolved the territorial dispute, they are supposedly engaged in carefully constructing their new relationship, step by step, to achieve what is envisaged in Martinez's paradigm as the idealised borderlands evolution model. Although there is no idyllic situation in politics, a relationship is classified as such when it ensures the productive development and promotion of interstate relations and interests. Once such a level of interaction is attained, it is considered likely to endure and, in effect, prove irreversible. Ultimately, this is deemed successful if it leads the two parties to consider an alternative based on better relationship paradigms, such as interdependence and regional integration.

As such, the benefits that states can gain when they systematically attempt to remove all sources of alienation from their relationship must be highlighted. This is especially crucial in a period of post-territorial resolution, most importantly within a context inspired by the new millennium's trends of international relations. The intention is thus to present an informed scenario by proposing, in the conclusion, a prospective insight into future Saudi-Yemeni relations based on the identification of current trends as well as bilateral and trans-boundary networks and connections. The idyllic situation would feature a plan involving the Arabian Peninsula as a whole, inspired by the prosperity enjoyed by the region during the previous successful periods of its history.

Thus, one might raise the question of how many of these visions have seriously been designed to promote interdependence, cooperation and integration. Naturally, the adoption of such a political approach would, theoretically, alleviate the more adverse aspects of national ideologies and rivalries. Furthermore, the resonance of contested

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<sup>144</sup> Ibid.

nationalities, sovereignties and territorial lines might well be reduced if an inter-state relationship genuinely leaned more toward cooperation than conflict.

The quest here is to identify those (if any) realms in the bilateral relationship that have emerged from a state of alienation or, looking at the glass as 'half-empty', those that remain in a distinct state of alienation. In other words, what are those deleterious elements in the Saudi-Yemeni relationship operating to hinder the attainment of genuinely improved relations? Their identification remains of such importance since it is postulated - as was the case with Martinez's original scheme - that a relationship may move in reverse from coexistence to alienation, with all its itinerant dangers.

## 1.5. Concluding remarks

Of course, nation-states are a relatively recent phenomenon in the Peninsula, a significant factor that ought not be overlooked. However, the strength of the present nation-states in the Peninsula is beyond doubt, and this thesis thus accepts that such a mode of political organisation has become a fact.<sup>145</sup> Indeed, this thesis agrees with the view that the “nation state remains the sole acceptable form of political organization” as, suggested by Smith.<sup>146</sup> As such, the territorial consciousness is developing, even in the micro-states of the western Gulf littoral, many of which contain majority non-national populations. Here, the national interests and the individual benefits have been considered as significant reasons behind the strength of the present nation-states.<sup>147</sup>

In the Arabian Peninsula today, the perceived loss of economically or strategically important land is provoking a strong public reaction that has been greatly complicated as the nation-state system becomes strengthened further. In other words, as a result of imposing the territorial boundary system in the region, materialistic interests have become of critical relevance in motivating nationalism. Penrose made a significant point in this respect, noting that “the creation of territories gives physical substance and symbolic meaning to notions of ‘us’ and ‘them’ and ‘ours’ and ‘theirs’”.<sup>148</sup>

Thus, all of the illustrated characteristics of territorial disputes are present to varying degrees in the Peninsula and the Saudi-Yemeni example. In other words, while this thesis accepts Smith and Muir’s, as well as Murphy’s, views and recognises that an emotional association engenders powerful dynamics, it also understands the importance of Sack’s as well as Halliday’s point about the role of materialistic interests.

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145 Schofield, 1997: pp. 133-168.

146 Smith, 1994: p. 706.

147 See Schofield, *op. cit.*, pp. 133-168.

148 Penrose, *op. cit.*, p. 280.

Historically and contemporaneously, Arabia has conformed to a materialistic mode of territorial confrontation, particularly in the states' quest to ring-fence natural resources. Attempts to harness natural resources (such as oil and water reserves, as well as those limited fertile lands with agricultural potential), and the desire to establish additional inhabitable areas have been a constant feature. It is however, this author's proposition that progress in transforming highly regionalised Arabian states into more typical units, according to the Western model of the nation-state, has not been accompanied by a qualitative improvement in inter-state relations within Arabia - if anything, these relations have become much more complicated. Relations between the newly established territorial states in the Peninsula were thus confronted with complex questions, in particular that of Yemen and its neighbours, especially Saudi Arabia. As the nation-state system is consolidated further, the prime sources of conflict are those arising from competition over land where the overlapping claims are over specific territories and based upon historical association.<sup>149</sup>

Indeed, it is worth pointing out some recent incidences of rising state rivalries in the peninsula, such as the recently-resolved territorial dispute between Qatar and Bahrain – settled by a judgement of the ICJ in March 2001. This may have been more of a dynastic squabble than a territorial expression of national rivalry, but there is some evidence to suggest that the citizens of these politically-immature states are increasingly identifying with the shape and sizes of the state territories they inhabit (and not just the resources they contain).

Nationalism, therefore, in the context of Saudi-Yemeni relations, has been the cause of deep and crucial discomforts. Geography and history have been fundamental elements of national belonging and, as such, perhaps carry critical implications, particularly for the popularity of the belief that significant part of Yemen's historic territory had been incorporated by Saudi Arabia. Viewed in such a context, it could be argued that solving the Saudi-Yemeni territorial dispute only marked the possibility of ending one problem to inflame a fresh one.

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<sup>149</sup> See Schofield, 2001, pp. 213-236 and 2011: pp. 27-51.

The question that has complicated Saudi-Yemeni relations, according to this thesis, is thus mostly a consequence of ignoring the traditions of the Arabian people, notably through imposition of the nation-state system upon the Peninsula and its subsequent acceptance. The significance of the historical evidence is that it provides nationalists in Yemen - as is probably the case elsewhere - with fertile ground for arguing that the lost territories belong to 'us'. Thus, in Yemen sentiments of lost territory remain potent in the post-June 2000 settlement period (see Chapter 5). In a context of present nation-states in Yemen, many have turned back to the history of South Arabia where ample evidence exists to support the belief in a single Yemeni identity, including the practice of statehood.

Images and ideas of historic territorial claims are deeply integrated in history. However, although they have been necessary to unify the Yemeni population and consolidate the process of state-building, they are also reminders to the people of those lost territories. Notions of historical ties and the purification of culture have thus been fundamental for enhancing Yemen's national unity as well as its territorial claims. Considering how deep running these notions and feelings run, for any government to rewrite history would amount to igniting a battle with its own people. Not to mention the fact that, in internal politics, the territorial issue is a crucial political instrument.

Indeed, as we proceed further along subsequent chapters, particularly those relating to the evolution of the Saudi-Yemeni boundary, elements that have contributed to intensifying the public feelings towards lost territories will be highlighted. Competition over land in Arabia since the 1920s has traditionally been either settled through military domination and supremacy, or influenced by interference from the Imperial powers during the colonial era. This probably justifies questioning the current organisation of nation-states in Arabia and the degree of justice involved in the establishment of the current states in the region.

Jeffery Reiman (1989), for example, from the American University, argues that nations have no moral rights, even though the notion has become legally instituted. He states that "...occupation amounts to something like 'first come, first served'

which is an egalitarian principle”.<sup>150</sup> Thomas Baldwin (1992) has a similar view, arguing for a fairer distribution and confirming the view, mentioned above, that the contemporary political organisation is either a consequence of military success, or influenced by extreme interference from the colonial powers during the colonial era.<sup>151</sup>

Ultimately, this is why it is argued here that the Saudi-Yemeni dilemma is more than just a boundary dispute. In addition to the actual implications in terms of territorial losses and gains, imposing the territorial lines in the Peninsula has been very problematic, particularly for Yemen where a mounting feeling of being squeezed out since the transformation of the Peninsula into several nation-states, has been palpable (see Figure 6.2). This Eurocentric organisation brought with it the territorial liners dividing the newly established states with constructed fences, similar to the one Saudi Arabia is building along its boundary with Yemen (see Figures 5.8 and 6.7).

Obviously, it is in Yemen rather greater to any of the Gulf Cooperation Council (GCC) countries where the perception of the nation-state model is primarily that it is at odds with the broader Arabian context, where coexistence was the essential norm in the Peninsula for centuries, as illustrated earlier. As such, it is seen in contradiction to Arabian historical organisation, notably its traditions and customs that Arabia had enjoyed. Looking at the variety of challenges that the present Arabian states are confronting, these have been definitely been complicated by modern notions of sovereignty (see Chapters 5 and 6). In other words, experience confirms that contemporary and future challenges are not isolated from the struggle for territories, but there are indications of critical and problematic issues at the root of numerous major conflicts. As mentioned at the outset, that the Iraq-Kuwait serious territorial question, believed to have been resolved in the 1990s, recently came back onto the fore for reasons aggravated the earlier crisis. Notably, since the Iraqi government has

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150 Reiman, 1989: p. 167.

151 Baldwin, 1992: pp. 209, 214-227.

been uncomfortable with its disadvantageous position at the Head of the Gulf an issue complicated with blames of colonial legacy.

Moreover, uncertainty as to the historical evolution of the Saudi state and, particularly, its geographical expression over time, had to give way to certainty in promoting a new state ethos. To some (arguably different) extent, the same applies to Yemen. Yet, the Saudi state will always be more of an amalgam of regions than Yemen is, and will certainly be open to such charges more readily. Within the kingdom, even today, it remains doubtful whether the old regional affiliations of the Najdi, Ḥijāzī and Asiri tribes have coalesced into a more genuinely national Saudi state identity.<sup>152</sup>

Of course, it remains possible that historic or tribal attachments between these districts and those within Yemen are revived again. Such sectarian alignments have recently become a particularly worrying issue, especially when provoked by regional politics, such as the sympathy and support the Houthis in northern Yemen have received from the other Shī‘aīhs in the Gulf, and from Iran in particular (see Chapter 5).

In other words, it is clearly important for states to consider policies not simply in terms of their national impact but also for the implications they might entail for neighbouring states. Indeed, while changing the present political map has become unfeasible, one should never underestimate the task of managing territorial accommodation, even when the dispute in question has supposedly been finally resolved.

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152 Mai Yamani, 2000. Halliday, *op. cit.*, pp. 55-87, 171. Al-Falah, 2002. Al-Hassan, 2003. Niblock, 2006: p. 11.





## **Chapter 2:**

### **2. Saudi-Yemeni rivalry over Asir and Najrān**

#### **2.1. Introduction**

In our attempts to anatomise the fraught relationship between Saudi Arabia and Yemen, and in pointing to likely future sources of antagonism, it is necessary to characterise the evolving political situation in southern Arabia over the course of the last century at least in some detail. This chapter traces the genesis of the Saudi-Yemeni dispute and the territorial competition it entailed, with a particular focus on the developments of the boundary dispute over Asir, Jīzān and Najrān (see Figures 2.1 and 2.2).

It is part of this chapter's remit to examine the outbreak of the Saudi-Yemeni conflict and to highlight the substantial role of the colonial legacy in this context. The significance of such an examination of such a role is for three reasons: First, its implications for the evolution of Yemen as a sovereign state. Secondly, it is of importance to note that colonial interference seriously intensified the Saudi-Yemeni confrontation over territories. Thirdly, the legacy remains significant for its impact in intensifying Yemeni nationalism and sentiments.

This chapter is divided into four sections. The first part of the chapter assesses the position of Asir and Najrān prior to the withdrawal of the Ottomans from Arabia in 1919. The second part examines the developments of the Idrisis' power following the withdrawal of the Ottomans from the region in 1919. This approach is not aimed at producing a comprehensive historical account of the Idrisis' era, but to examine both the foundations of the Idrisis' political rule and the geographic expansion of their authority. The significance of such an examination is in exploring the implications of the agreements concluded by the Idrisis, most importantly those with Ibn Saud. Indeed, the incorporation of Asir into Saudi Arabia would be based on the agreements the Saudis had concluded with the Idrisis since the 1920s, as we shall see. This was while the Idrisis' legal ability to conduct international relations, whether with Italy or,

subsequently, with Britain and Ibn Saud, had remained questionable particularly as far as Asir is concerned. In fact, the extent of their power was quite limited, particularly over Asir.

The third section will consider Saudi-Yemeni interactions and challenges over territory, clearly important in several aspects, so as to examine the reasons behind the failure of negotiations that had been embarked upon in 1927, and the ensuing escalation in hostilities that eventually led to the war of 1934. The fourth section will examine the emergence of the idea of temporarily postponing the boundary settlement for a period of twenty lunar years. This is an important element of the narrative (as we shall see in Chapter 3) especially as the Taif Treaty of 1934 would include a similar provision. Evidently, each party was playing for time over their extensively overlapping territorial claims and found it difficult to arrive at a negotiated resolution of their territorial boundary dispute, hence the recourse to a temporary provision. Finally, the short military confrontation the two parties became engaged in early that year (1934) was significant in leading to the conclusion of the Taif Treaty, the subject of the following chapter.

## **2.2. The roots of the Saudi-Yemeni dispute over Asir and Najrān**

It has been illustrated in Chapter 1 that the Imam inherited from the Porte a fragmented country, as the Ottomans had failed to consolidate their authority over all of Yemen. Their authority was mainly concentrated over the principal cities, while substantial authority was exercised through tribal leaderships, namely the *sheiks*, often beyond any Ottoman control. Najrān was one of those places controlled mostly by its tribes, like several other parts of Yemen. Likewise, significant parts of Asir were also beyond the Ottomans' authority, who encountered substantial difficulties in the district despite giving it extra attention for the strategic assets and economic importance it possessed. The Ottomans thus saw their control concentrated over the main cities along the coastline. Their failure to extend their authority over the entirety of Yemen had given a reason, not just to Saudi Arabia but also to Britain to challenge Imam Yahya, and Yemen's, claims to these territories.

### ***2.2.1. Uncertainty regarding the legal and political status of Asir***

The issue of Asir and Najrān has remained a significant obstacle because claims over these districts (as well as the rest of the disputed territories) by both parties were framed, as early as the 1920s, along historic and national connections grounds. Indeed, nationalism had begun to materialise on a large scale ever since the 1920s, a pattern which would get further intensified, at least in terms of escalating claims and counter claims over territory. Most importantly, Imam Yahya, since the dispute erupted with Ibn Saud in the 1920s, always claimed Asir was an integral part of Yemen's historic territory (see Appendix 2.25), an argument that retains currency in Yemen even after the conclusion of the Jeddah Treaty of June 2000 (see Chapter 5).

The position of Asir prior to the Ottoman withdrawal from Arabia remains a pertinent element to the Saudi-Yemeni question, especially since conventional wisdom on the subject is by no means correct. It is thus important to question the reasons behind this prevalent uncertainty over the position of Asir. As noted in Chapter 1, various historians have contradicted their own previous accounts especially writers from Saudi Arabia. Saudi arguments (and British ones before them) rejecting the historical

connections between Asir and Yemen have (see Appendix 2.26) infiltrated the historical mainstream. No doubt elements of uncertainty surround many details of Yemeni claims to Asir, but the stated view that Asir was a district that enjoyed political independence itself, or that it had been close to the Saudis at one time or another actually find scant support on closer examination.<sup>1</sup>

Despite the fact that collections of British diplomatic reports in TNA, the IOR and the edited Ottoman documents as well as studies focusing on the political history of this part of Arabia have provided hugely important information on this subject. The contradictions and uncertainty noticed within British diplomacy itself, notably carries considerable implications for such a situation. An over-dependence on the British diplomatic record and Saudi claims has thus been to blame for views evident, for example, in the work of Leatherdale (1983) on the status of Asir, where he concluded that “[i]n 1910 Asir was detached from Yemeni administration and reconstituted as a completely a separate administrative unit, without the status of a *vilayet*, but directly under the central government at Constantinople”.<sup>2</sup> As a result, Asir was occasionally referred to as *mutasarrifiyah*.<sup>3</sup>

Part of the findings of this thesis is that Asir had retained a continuous association with the *Vilayet* of Yemen. This runs counter to the general understanding currently accepted about the status of Asir within the Ottoman Empire prior to 1919. Indeed, by the time the Ottomans left, they had failed to implement any of their plans to detach this district from the rest of Yemen. It is certainly the case that there had been an intention to create such a separation, but the matter never progressed beyond these intentions.

It seems a matter of fact that, (as illustrated in Chapter 1) prior to the outbreak of WW1, Asir was, for the Ottomans, still an administrative district within the *Vilayet* of Yemen (see Figure 1.7 and Appendices 1.1, 1.2, 1.3 and 1.4), even though the notion

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1 See for example, Al-‘Agaily, 1992: p. 22. Al-Jahāni, 1994: pp. 80-85, 109-117. 130,139.

2 Leatherdale, 1983: p. 137.

3 See Wenner, 1967: p. 142.

of Asir as a separate entity was part of a plan for the division of the *Vilayet* of Yemen. This was part of a reform process of the *Vilayet* that had a principal objective: namely to resolve what was known at the time as the ‘Yemeni Question’. In particular, security was a key dilemma for the Ottomans in Yemen and in Asir as part of it.

In the face of the difficulties facing the Ottomans in Yemen during the late nineteenth century, a division of the *Vilayet* into four districts (*vilayets*) was proposed, though remaining under the government of one *wali* (referred to as the premier *wali*) (in Arabic *wali* an administrative title that was used during the Ottoman Empire).<sup>4</sup> A set of minutes dated 28 August 1899 confirms that such a suggestion was presented to the Sultan, who approved it (see Appendix 2.1). According to the plan, the *Vilayet* of Yemen would remain governed by a *wali* based in Sana’a, its capital, assisted by four *mutasarrif* under his authority in each of the four district-based regions, which included Asir.<sup>5</sup>

The Ottoman plan to divide the *Vilayet* of Yemen was not unprecedented. In fact, credible sources seem to date such an idea to the time of the first period of Ottoman rule over Yemen in the sixteenth century.<sup>6</sup> There are also a number of examples of similar initiatives, where localities were detached from an administrative district to be attached to another one for administrative purposes. For example, the centre of *qadha* Ghāmed, which was part of the *sonjok* of Asir, was attached to the village of Şeaia‘er following a request from the *Wali* of Yemen in 1889 (see Appendix 2.2).<sup>7</sup>

This was a plan for reform that the Porte had intended to extend to the *Vilayet* of Yemen, primarily out of administrative concerns. The motive behind the move, however, was not for social or domestic reasons or because of political hostilities, either in Ta‘izz or in Asir. Instead, the intention was to address the problems the Ottomans faced, through administrative reform of the *Vilayet* of Yemen as a whole. Part of the plan, as indicated in the recommendations presented to the Porte, was to

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4 Yemen During the Ottoman Times, 2008: pp. 280-285.

5 Abazāh, 1975: pp. 104-105.

6 See Amer, 1989: pp. 96-98.

7 Yemen During, op. cit., p. 278.

divide the Yemen into several administrative districts, of which Asir would have been one. The prime purposes were administrative, such as standardising a fair tax distribution, reforming judicial procedures, and promoting education. The aim was also to give greater authority to those in charge of administration, but as part of the *Vilayet* of Yemen. For the Ottomans, such changes were no doubt necessary to strengthen their control over Yemen. Several recommendations had thus emerged within the Ottoman apparatus, publicly through the media, and through the efforts of some prominent individuals (see Appendix 2.3).<sup>8</sup>

Farouq Abazāh (1975), who has studied the Ottoman rule of Yemen extensively, confirms that for administrative reasons the Porte was probably intending to create a position similar to that in other Arab *mutasarrifiyah* which were connected directly to the Ottoman capital.<sup>9</sup> His research, however, highlights a level of uncertainty, stating that no administrative change took place, either in the *Vilayet* of Yemen, or in any other Arab districts within the control of the Porte after 1904. It is clear from his point of view, and the subject he is elaborating on, that he seems confident that, “since 1904 no change has been made on the administrative divisions regarding the Arab countries”.<sup>10</sup>

The point that Abazāh put forward was correct. However, while no decision had been made regarding the plan to rearrange the *Vilayet* of Yemen, suggestions of proposals did continue. The issue would remain on the agendas’ of several important Ottoman apparatus for years to come prior to the WWI, for instance in 1906 in the face of mounting revolts in Yemen, particularly those led by Imam Yahya.<sup>11</sup> In April of that year, a commission of inquiry was sent to Yemen, headed by Ferik Ferid Pāshā, and

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8 Farah, 2002: pp. 292-293.

9 Ottoman administrative organisation of the Arab countries was not consistent. There were countries, like the Yemen, formed of *Vilayet* divided into several *mutasarrifiyah*. Other countries or districts like Jabal Lebanon, Al-Quds, Dear-al-Zawar, Benghazi were set up as *mutasarrifiyah* connected direct to the Porte, but not governed as part of a vilayet under the control of a wāli (Abazāh, op. cit., p. 104).

10 Abazāh, Op. cit.

11 The division of the *Vilayes* into three administrative districts was repeatedly, and publicly, discussed by the Editor-in-Chief of Al-Manar magazine, Rashid Ridha. This issue was also highlighted by Nazieh Mūaied Al-‘Adhm the Syrian historian (see Al-Amri, 1987, op. cit., pp. 12, 35-38, 64-67).

including Husnu Effendi, head of the inspection court, as well as another unspecified person.<sup>12</sup> Almost a year later, on 7 April 1907, the commission of inquiry came back with several recommendations. One of these was to divide the *Vilayet* of Yemen into three new administrative districts (*vilayets*), Sana'a, Ta'izz and Asir (see Appendix 2.4).<sup>13</sup> No decision was reached in Istanbul and the Porte invited a number of Yemeni scholars, *sheikhs* and dignitaries to visit Istanbul in June 1907 (see Appendices 2.5 and 2.6).<sup>14</sup> Furthermore, Imam Yahya would present his own proposal for reform (see Appendix 2.7).<sup>15</sup> It seems, however, that the rise of the Idrisi would finally lead to complete suspension of the idea.

### ***2.2.2. End of the plan for Asir as a separate administrative district***

The Porte was alarmed by the situation in Asir, particularly following the rise of Muhammad Ali Al-Idrisi, in 1907 from Şabyā (in Jīzān) (see Figure 2.3). Unlike his predecessors, whose role was mainly that of influential religious scholars, Al-Idrisi emerged with a political agenda as a leader of the rebellion, declaring himself 'Imam' in 1908.<sup>16</sup> Such a development was a major concern due to the challenges the Ottomans had already been facing in this part of Arabia, and also because of the connections the Al-Idrisi had established with colonial powers, as he did with Italy in Cairo, in 1905. Indeed, as will be shown, Al-Idrisi benefited considerably from his relationship with Italy, to the dismay of both the Porte and Imam Yahya.

The discussion of the issue of Asir would remain unresolved by the Porte for the whole of the following year of 1907. However, the idea of detaching Asir from the rest of Yemen eventually became impractical for the Ottomans. The Council of the State debated the situation in Yemen on 3 December 1908, and among the outcomes of the meeting, a recommendation regarding Asir stated that, being far from Sana'a, the *sonjok* of Asir should be detached and established as a separate *mutasarrifiyah*

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<sup>12</sup> Farah, op. cit., pp. 256-257.

<sup>13</sup> Ibid., pp. 292-294.

<sup>14</sup> Yemen During, op. cit., pp. 375, 389.

<sup>15</sup> Farah, op. cit., pp. 294-295.

<sup>16</sup> Abazāh, op. cit., pp. 196-205. Al-Shahari, 1979: pp. 21-35. Bang, 1996: pp. 84-88.

(see Appendix 2.8).<sup>17</sup> This plan remained unresolved when the Istanbul Chamber of Deputies considered reform in Yemen once again in its February 1909 session (see Appendix 2.9).<sup>18</sup>

A further attempt was made in August 1909 by Hilmi Pāshā, who had previously been *wali* (governor) of Yemen for seven years.<sup>19</sup> He had suggested that the idea of converting Asir into a separate *vilayet* should be discarded, and proposed instead the division of Yemen into two provinces: one considered as mainly Zaydī, comprising the districts of ‘Amrān, Hājjah, Ṭawilah, Dhamar, Yārim and Jabal Anis, which were to be presided over by Imam Yahya. The other province, comprising Sana’a, southeast Yemen, and the Tihāmah (or littoral), would be under the administration of Ottoman officials. Also, according to this proposal, Asir would be included in the second province. However, when the case of Yemen was brought back into debate at the Chamber of Deputies in February 1910, no significant progress was achieved on the subject.<sup>20</sup>

In fact, the *Vilayet* of Yemen would suggest, on 25 August 1910, that *qadha* Abu Arish be detached from the *sonjok* of Al-Hudaydah and, instead, attached to the *sonjok* of Asir, due to its close proximity to the latter. Such development is important for this research because it confirms that Asir was a *sonjok* like Al-Hudaydah part of the *Vilayet* of Yemen (see Appendix 2.10).<sup>21</sup>

In fact, as stated earlier, the plan to establish a *vilayet* in Asir had begun to fade away from 1909 onward. Indeed, during that period, Sir Gerard Lowther, the British Ambassador to Constantinople declared that Ṭala‘at Bey, the Turkish Minister of the Interior, had “prorogued, determined to drop the whole scheme of autonomy until the

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17 Extract from Shura-i-Ummat (ESU), 3 December 1908 (Sir Gerard Lowther, the British Ambassador (Constantinople), to Sir Edward Grey the Secretary of State for Foreign Affairs (FS), 8 December 1908). Farah, op. cit., pp. 261, 354.

18 Farah, op. cit., pp. 261, 295-296.

19 Lowther (Constantinople) to Grey (FS), 27 August 1909.

20 Press reports (cited in Farah, op. cit., pp. 269-270).

21 Yemen During, op. cit., p. 305.



province shall have been reduced to a state of submission".<sup>22</sup> By 1910, a deal for the containment of Al-Idrisi's revolt was proposed to Al-Idrisi himself by Said Pāshā. This was the Treaty of Al-Ḥafāyir, named after the village where it was concluded.<sup>23</sup> According to the deal, Al-Idrisi was promised the position of *Qaim Maqam*. However, his authority was not to extend over the entire territory of Asir, but merely Ṣabyā and its surrounding area, stretching from a Ṣāmaidah in the south, to Ḥaliy in the north.<sup>24</sup> Yet, not only was the promise given to Al-Idrisi by Said Pāshā in 1911 not approved by Constantinople (see Appendix 2.11),<sup>25</sup> the plan for detaching Asir was not achieved either (see Appendix 2.12).<sup>26</sup> As a result, Al-Idrisi expressed disappointment that no agreement was implemented by the Porte (see Appendix 2.13).<sup>27</sup>

Improvements in the Porte's relations with Imam Yahya as well as the Aāydh in Asir had been noticeable since Hilmi Pāshā's aforementioned recommendations in 1909.<sup>28</sup> Confidence on the Imam was evidence on the *wail's* proposal for the division of the *Vilayet* into two parts and primarily his suggestions to evacuate Ottoman troops from the districts he proposed to be under the Imam, apart from small garrisons with their head-quarters at Sana'a to be maintained in the principal centres of the second province.<sup>29</sup> Furthermore, the evidence was the truce agreement that would be eventually concluded between the Porte and Imam Yahya, known as the Treaty of

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22 Lowther to Grey, 27 August 1909, Op. cit.

23 See Abazāh, op. cit., pp. 205-214. Al-Shahari, op. cit., pp. 40-43.

24 Abazāh, op. cit., pp. 207-209. Al-Aydāraws, 1996: p. 371.

25 Kaḥalah, Op. cit. Abazāh, op. cit., p. 320.

26 See the British Vice-Consul at Al-Hudaydah G. A. Richardson to Charles M. Marling the British Embassy Constantinople, 13 January 1911. Lowther (Constantinople) to Grey (FS), 25 January 1911. 'Memorandum respecting Rebellion in Asir', M. Cheetham to Grey (FS), 28 July 1912.

27 Translation of letter sent from Al-Idrisi to the Turkish Minister of Interior, 27 November 1910 (C. M. Marling, Constantinople to Grey (FS), 4 January 1911. Al-'Agaily, 1982: Vol.2. pp. 750-751. This was also in the form of public declarations he distributed in Yemen and abroad (see Abazāh, op. cit., pp. 466-474. Al-'Agaily, op. cit., pp. 444-447. Bang, op. cit., pp. 143-188.

28 See Al-Zirkili, 1970: Vol.1. pp. 248-252.

29 Farah, op. cit., pp. 269-270.

Da‘ān of 8 October 1911 (see Appendix 2.14).<sup>30</sup> The Ottomans recognised the Imam’s strength, considering him the most powerful man in Yemen, and dealt with him accordingly. Through this agreement, the power and authority of the Imam had been recognised, even though he had been given only a shared authority (with the Ottomans). Nevertheless, their relations strengthened further, notably after the Imam, and Yemenis at large, sided with the Ottomans against Italy during the Turko-Italian conflict over Tripoli in Libya in 1911-1912.<sup>31</sup>

Unlike Imam Yahya, Al-Idrisi allied himself with the Italians during the 1911-1912 war. Rome perhaps intended to distract the Ottomans, particularly in the Red Sea, during this war, and saw Al-Idrisi’s rebellion against the Porte as strategically favourable, and it is irrefutable that Italy provided Al-Idrisi with arms and financial assistance.<sup>32</sup> G. Wyman Bury raises a significant point, noting that the Italian support for Al-Idrisi had obviously provided him with “...more prominence than he could have hoped to attain unassisted”.<sup>33</sup> The impact of such a relationship on the Ottomans was considerable.<sup>34</sup> In particular, a greater role would be subsequently given to Imam Yahya in resolving the difficulties the Ottomans had been facing in Asir.

The Porte started to trust the Imam and began to depend on him. He was even allowed to have one of his men, the Scholar Qasim Al-‘Azzi, among those who accompanied the Ottoman *Wali* of Yemen in his mission to meet Al-Idrisi in March

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30 Wenner, op. cit., pp. 47-48. Salem, 1971: pp. 516-518. Abazāh, op. cit., pp. 254-258. Al-Shahari, op. cit., pp. 28-29. Bang, op. cit., pp. 82-84. Mutahar, 1998: pp. 249-250.

31 See FO Memorandum entitled ‘the seven independent Arabian states’, by Mr W. J. Childs in 1916 (which would be updated in May 1935). Lowther (Constantinople) to Grey (FS), 11 October 1911. Richardson (Al-Hudaydah) to Lowther (Constantinople), 25 October 1911. Richardson (Al-Hudaydah) to Lowther (Constantinople), 28 March 1912. Al-Wāsi‘i, 1928: p. 320. Al-Shahari, op. cit., pp. 72-73. Bang, op. cit., pp. 100-101.

32 Richardson to Lowther, 28 March 1912, Op. cit. Richardson (Al-Hudaydah) to Lowther (Constantinople), 22 June 1912. Cheetham to Grey, 28 July 1912, Op. cit. FO Memorandum, by Childs, spring 1916, Op. cit.

33 Bury, 1915: p. 23.

34 Grey (FS), to Sir R. Rodd the British Ambassador (Rome), 15 October 1911. Lowther (Constantinople) to Grey (FS), 11 and 25 October 1911, Op. cit. Cheetham to Grey, 28 July 1912, Op. cit. Bury, op. cit., p. 17.

1913.<sup>35</sup> His assigned role, which was to “watch the Imam Yahya’s interests in the negotiations that will take place”<sup>36</sup> between the Ottomans and Al-Idrisi, was of significance. For the Porte to send the *Wali* of Yemen implies that Sana’a had been in charge of the administration of Asir, hence the high profile nature of the mission. Furthermore, the company of envoys representing the Imam not only confirms this view further, but also proves the higher status gained by Imam Yahya.<sup>37</sup>

As noted earlier the plan to establish a *vilayet* in Asir seems to have been completely dismissed in Istanbul. Instead, destroying the Idrisi’s power became an evident aim after efforts toward a peaceful solution collapsed. This resulted from the failure of the efforts, prior to WW1, by Mohammad Nadim Bey, the *Wali* of Yemen, to put an end to Al-Idrisi’s revolt in March 1913. This failure was arguably due to unacceptable demands made by Al-Idrisi regarding the geographic area he coveted as well as his request for certain sovereign rights.<sup>38</sup> It is thus not surprising that the destruction of Al-Idrisi’s revolt would become an objective for the Ottomans in the same way it had been for the Imam.<sup>39</sup> The involvement of the Turks in WW1 resulted in significant developments. By this time Al-Idrisi had acquired a notable political role in Asir and further south, particularly as a British ally, as we shall see.

### 2.3. Complexity of the Issue of Asir

The historical evidence shows that several factors played a role in complicating the Saudi-Yemeni conflict over Asir. For instance, imperial interests, regional power struggles and expansionist policies. The idea here is to question the creation of an *emirate* for the Idrisi in Asir. The significance of such examination is to assess why

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35 Richardson (Al-Hudaydah), to Lowther (Constantinople), 25 March 1913. According to Al-Wāsi’i (op. cit., p. 322) the Wāli , accompanied by Judge Husayn Kamal, Judge Abdul-Kareem Ahmed Mutahar, and Scholar Ahmed bin Yahya Amer, in addition to Scholar Qāsim Al-‘Azzai.

36 Richardson to Lowther, 25 March 1913, Op. cit.

37 Macro, op. cit., p. 43. Al-Khatrash, 1987: pp. 36-38. Al-Wāsi’i, op. cit., p. 322.

38 Richardson to Lowther, 25 March 1913, Op. cit. Richardson (Al-Hudaydah), to Lowther (Constantinople), 25 April and 28 June 1913. See Abazāh, op. cit., pp. 328-329.

39 Governor General in Khartoum to Sir Gilbert Clayton, Cairo, 5 October 1915. See Bury, op. cit., p. 196. Jacob, 1923: p. 150. Abazāh, op. cit., pp. 305-306. Al-Shahari, op. cit., p. 67.

in Yemen this was regarded as part of British policy in the Peninsula, and was maintained by direct political and financial support from London. Britain had adopted this policy despite being aware that sustaining Asir as an independent entity under the rule of Al-Idrisi was problematic,<sup>40</sup> due notably to the latter's relative weakness. It seems, moreover, that Britain gained no genuine benefit from the role played by the Idrisis, and the plan for the creation of an Idrisi Emirate would ultimately end in failure as the Idrisis were weak yet attempted to extend to areas even beyond his actual influence.

What is of concern therefore is to highlight the colonial legacy, not only that inherited from the time of the second period of Ottoman rule, but also Britain's legacy as the occupying power of the southern part of Yemen and, most importantly, its colonial interference in the aftermath of WW1. The point is that Imam Yahya's position concerning relations with foreign powers differed than any other Arab rulers, thus colonial policy accounted here as a factor in the Saudi-Yemeni territorial dispute.

### ***2.3.1. Creation of the Idrisis' Emirate***

Once again, international events moved to Al-Idrisi's advantage, mostly because he had played his cards 'right' in siding with Britain against the Porte during the WWI. The Al-Idrisi was weak and therefore ready to ally himself with any power, just to save his own. Indeed, he had depended largely on the assistance of Italy (as noted earlier) and thereafter with Britain during the War and post-War era.

The Anglo-Idrisi relationship was consolidated by the conclusion of the 'Treaty of Friendship and Goodwill' of 30 April 1915 (see Appendix 2-15). The main concern of this treaty was the war against the Turks. Indeed, Article 2 states that the Treaty's "main objects are to war against the Turks and to consolidate a pact of friendship between the British Government and the Idrisi Saiyid".<sup>41</sup> Moreover, Article 3 gives Al-Idrisi the right "to expand his territories at the expense of the Turks". Despite his

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40 Jacob, *op. cit.*, p. 183.

41 The CS to PRA, 6 April 1925.

weakness, he was encouraged to venture into areas far beyond his stronghold and the borders of Asir like Luḥayyah.<sup>42</sup>

The Anglo-Idrisi Treaty of 1915 did not establish any recognition of territory or acknowledge Al-Idrisi as sovereign. As such, the interpretation of Al-Idrisi's domain as part of Yemen must be obvious. Article 3 states that "the Idrisi commits himself to fight the Turks and that he would endeavour to remove them from their positions in Yemen," significantly referring to "Yemen" rather than "Asir". In fact, there is no mention for Asir in the whole treaty. What is of importance in the eyes of a Yemeni nationalist is Article 7. Here it is confirmed that the "British Government has aided him with both funds and munitions".

Notably, as noted in Chapter 1 that post-WW1 Anglo-Yemeni relations were complicated to the advantage of the Imam's enemies, Al-Idrisi and Ibn Saud (see Appendices 1.5 and 1.6). No physical boundary delimitations could be said to have existed before the twentieth century. In fact, the only boundary that had been defined legally in Arabia before WW1 was the one between the Ottomans in the *Vilayet* of Yemen and the British authorities in the Aden Protectorate. This was the only territorial limit ever to be directly negotiated between the two powers, and was finally delimited in May 1905 (see Figure 4.1) finally ratified namely in 1914 (as we shall see in Chapter 4). Britain would seek recognition of the aforementioned Anglo-Turkish Conventions by successive Yemeni governments, in the hope of extending their remit over the area determined by the Anglo-Ottoman arrangements of 1905 and beyond.<sup>43</sup>

Although Imam Yahya succeeded the Porte over Yemen, he avoided asserting his power based on being a successor to the Ottomans. This was partly to evade having to

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42 Al-Idrisi would capture the port only following the Turks' retreat on 18 February 1917, as the town came under heavy bombardment from sea by the British Royal Navy and land by his supporters (Macro, op. cit., pp. 46-47. Wilkinson, 1991: pp. 158-160).

43 See 'British Policy in the Yemen' by Younghusband, 23 September 1915, Op. cit. Extracts from diary of Captain M. Fazl-al-Ddin, 20 April 1919. Cabinet Memorandum circulated by the CS on 'Negotiations with the Imam of Yemen', 8 February 1926.

recognise international arrangements that had been concluded during the Porte's rule of Yemen. Instead, the Imam preferred to lay his claims based on being a successor to his ancestors, Imams who had ruled the country before the Ottomans and the British. His aim was thus simply to distance himself from any commitments that the Ottomans or the British had established.

Imam Yahya's rejection of obligations made by the Ottomans was not solely motivated by his awareness of how risky such an acceptance of inherited arrangements, mainly those with Britain, would be. He had also been warned in advance about popular concern regarding the occupation of parts of the country by a foreign power. His responsibilities were also seen to include the liberation of those occupied regions. Indeed, regardless of whether Imam Yahya or someone else had succeeded the Ottomans, the ending of foreign occupation, an aim the Ottomans had failed to achieve, would remain the prime desire of the people.

The growing British interests in South-West Arabia following the defeat of the Ottomans would work for the advantage of Al-Idrisi. Yet, although the understanding in the Foreign Office (FO) as confirmed by W. J. Childs (in a very important memorandum he prepared for the FO in 1916 which would be updated in May 1935), was that in 1914 Asir formed the fourth district of the *Vilayet* of Yemen (see Appendix 2.16).<sup>44</sup> Likewise, it is not surprising that like, Childs' assertion, the position of Asir was confirmed by the reference, in British official publications issued in Cairo in June 1916 and January 1917 (see Appendices 1.1, 1.2 and 1.3),<sup>45</sup> to Asir "which is considered a *sanjak* of the *vilayet* of Sana'a".<sup>46</sup>

Childs' account is crucial in that it confirms both that Asir had not been detached from the *Vilayet* of Yemen and that Al-Idrisi had not been granted any authority by the Porte. However, Childs questioned the position of both Al-Idrisi and the Ottomans in Asir, arguing that the Al-Idrisi had authority only over part of Asir and

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44 FO Memorandum, by Childs, spring 1916, Op. cit.

45 Handbook of Asir, Op. cit., Handbook of Yemen, Op. cit.

46 Handbook of Yemen, Op. cit.

that the status of Asir as part of the *Vilayet* of Yemen, “was little more than a theory”.<sup>47</sup> London can perhaps question the Ottoman’s authority, but what was unjustifiable was the recognition of Asir as an independent entity under Al-Idrisi’s political influence. This was for the same reason, since his authority had only extended over part of Asir with the assistance of Britain, as confirmed by Childs and the other British official documents.<sup>48</sup> Indeed, the Idrisis’ stronghold was in Şabyā, which remained militarily within the control of the Ottomans until after WW1. Evidently, however, by this time were the efforts made for the creation of Asir as an independent Al-Idrisi *emirate*.

The emergence of Asir as an entity that was independent from the control of the Porte, probably for the first time during the post-WW1 era, was noted in the memorandum prepared by Childs for the FO in 1916 which remains useful here. It would be updated in May 1935, resulting in an intriguing document confirming that, from a British point of view, the Peninsula was, in fact, divided into seven entities. It argues that this was the case at the time of the uprising against the Turks. In the title of this memorandum, the seven entities were termed the ‘seven independent Arabian states’. Among them were the Imamates of Yemen, Al-Ḥijāz, Najd, Kuwait and Asir (under the rule of Al-Idrisi). According to this document, “[a]t the time of the outbreak of the war in 1914 these seven States were more or less autonomous areas,” adding that each area was vaguely defined, peopled by a group of loosely united tribes, governed by a personal ruler who received a varying degree of allegiance, with a distinct political history and political aspirations.<sup>49</sup>

### ***2.3.2. Efforts toward the recognition of Asir as the Idrisis’ territory***

In the context of imperial interests, Al-Idrisi’s role as a proxy was needed, with a view to protect and enhance British interests in the region. Furthermore, Al-Idrisi was needed for further strain upon Imam Yahya, most importantly to force the latter to

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47 FO Memorandum, by Childs, spring 1916, Op. cit. See also Handbook of Asir, Op. cit. Handbook of Yemen, Op. cit.

48 Ibid.

49 FO Memorandum, by Childs, spring 1916, Op. cit.

recognise the frontier of the Aden Protectorate, as defined by earlier Anglo-Ottoman agreements of 1903-1905 and 1914 (see Appendix 1.5).

The Farasan Islands (see Figure 2.4), for instance, would become the subject of a new agreement between Al-Idrisi and the British Government on 22 January 1917 (see Appendix 2.17). This deal was concluded in spite of the natives' position against any undertakings Al-Idrisi would offer to Britain as a foreign power.<sup>50</sup>

Britain would force the last Ottoman Commander in Ṣabyā to hand over his arms and political position to Al-Idrisi in 1919, rather than to Hassan Ibn 'Aāydh, to whom the Ottomans had handed over the capital of Asir, Abhā, who had supported the Turkish commander, and *mutasarrif* of Asir, Sulaymān Shafaiq Kamali, during the war, particularly siding with him against the Idrisis. Ibn 'Aāydh was thus not allowed to replace the Ottomans, notably in the capital of the district, Abhā, although he was still holding power in Asir at the time.<sup>51</sup> In fact, he was mentioned among several reports on the situation in Asir during 1920-21 by British officials as the as the "Chief of Abha [Abhā]"<sup>52</sup> The significant move in the creation of Al-Idrisi's political domain was the appearance of Asir in an international map as a separate entity from Yemen (see Figure 2.5). The map in question was titled the 'Mandates in the Arabian Peninsula' as part of the Peace Treaty of Versailles of 28 June 1919 (see Figure 2.6).

Furthermore, British forces had been in Al-Hudaydah since they landed into the port to force the withdrawal of the Ottomans from the area upon their defeat in WW1. Another development would take place on 13 December 1920, when London gave Al-Idrisi the green light to incorporate the rest of Tihāmah and Al-Hudaydah into his domain (see Appendix 2.18).<sup>53</sup> Al-Idrisi duly expanded into the town with British

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50 See W. C. Walton, Brigadier-General to Al-Idrisi, 28 February 1916. 'Anglo-Idrisi correspondence resulting in further agreement of January 1917 regarding the Farasan islands and other matters 1916-17'. FO Memoranda entitled 'British Commitment to the Idrisi', 1918 and 7 January 1919, Op. cit.

51 Al-Sa'id, 1964:Vol.1. pp. 72-73. Al-Zirkili, Op. cit. Al-Shahari, 1979: pp. 99-102. Al-'Agaily, 1982: Vol.2. p. 737 and 1992: pp. 23-24. Al-Qaba'a, 1992: pp. 160-161. Bang, op. cit., pp. 112-113. Mutahar, op. cit., pp. 188-191.

52 See Extract from Aden Newsletter, (EAN), 28 July 1921.

53 Lord Earl Curzon (FS) to Major General T. E. Scott, PRA, 13 December 1920.



“concurrence and encouragement,” as was recorded by British observers.<sup>54</sup> In Al-Hudaydah, Britain was ready to conduct an agreement with him for economic interests that extended into Ṣālīf, west of the port.<sup>55</sup> All of this was despite Britain being aware that presence of the Idrisis in the Tihāmah (including at Al-Hudaydah) was only occupation of a territory claimed by Imam Yahya.<sup>56</sup>

The consequences of the expansion into Al-Hudaydah for the Idrisis’ position were substantial, since it was beyond their capabilities, both in terms of power and resources. The actual aim was to force the withdrawal of the Yemeni forces from localities they had captured in 1919 that Britain claimed as part of Aden Protectorate. This was not achieved either (see Appendix 2.19).<sup>57</sup> This British policy in South-West Arabia would be later criticised by prominent figures within its own official ranks.<sup>58</sup>

The plan for an emirate for the Idrisis would only lead the region into unfortunate difficulties, causing enormous harm, as a result of a decision that was ostensibly aimed at preserving independence and autonomy, but which proved to be an instrumental part of policies intended to secure colonial interests. Without British assistance, the Idrisis would certainly have failed at the first hurdle, notably after the end of WW1. Indeed, when British support was withdrawn, London had effectively “abandoned the Idrisis to their fate”.<sup>59</sup> Contacts with the colonial powers would only protect the Idrisis for a short time, before they lost Tihāmah to Imam Yahya and Asir eventually fell into the hands of the Saudis.

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54 ‘Note on the political situation in the Yemen’, by Major B. R. Reilly, then the Assistant Political Resident, Aden, 20 April 1923.

55 In 1922, the Eastern General Syndicate Limited from the United Kingdom negotiated with Sayyid Mustafa Al-Idrisi to get rights to the Ṣālīf salt mines on the Red Sea coast (CS to PRA, 4 May 1922).

56 See Note on the political, by Reilly, 20 April 1923, Op. cit. Sir Austen Chamberlain, FS to Lord Lloyd, High Commissioner, Cairo (HCC), 18 November 1925. Al-Rihani, 1924, op. cit., pp. 199-200. Wenner, op. cit., p. 143. Al-‘Agaily, 1982: Vol.2. pp. 112-117. Al-Khatrash, op. cit., pp. 25, 43. Mutahar, op. cit., p. 167.

57 See Cabinet Memorandum, circulated by the CS, on ‘Relations with the Imam of Yemen’, in June 1927.

58 Enclosing Aden News, Brigadier General L. N. Beatty, APRA, to Curzon (FS), 21 May 1919. Jacob, op. cit., pp. 242-244.

59 Dresch, 2000: p. 31.

Facing up to the Idrisis' in Tihāmah would become a priority for Imam Yahya, though he had also been concerned with confronting the occupation of the southern part of the country. The Yemeni forces entered Al-Hudaydah, the main Yemeni port on the Red Sea, on 27 March 1925 and reached Jizān's frontiers before the end of March (see Figure 2.7).<sup>60</sup> Such developments marked the outbreak of hostilities between Ibn Saud and Imam Yahya, thus seriously inflaming their relations.

#### **2.4. The intensification of the Saudi-Yemeni dispute over land**

The prime task that Imam Yahya confronted at the beginning of his reign was to unite under his authority the territories he claimed belonged to Yemen and, as he regained control over Tihāmah by the end of March 1925, his next target would become Asir. However, movement of Yemeni forces beyond Jizān's frontiers to the north would be delayed for several reasons. When they reached the frontier of Asir, they were faced by Ibn Saud supporters instead of those of the Idrisis'. Indeed, the Saudis had been in Asir at least since they concluded with Al-Idrisi an early arrangement, namely the Treaty of 1920 (see Appendix 2.20). Evidently, their presence was not for the protection of the Idrisis but seemingly to pursue their own ambitions.<sup>61</sup>

The Red Sea was of great strategic importance for imperial interests and Britain was against any European power to establish itself on the Arabian shore of the Red Sea and particularly, over the Kamran and the Farasan Islands as much as it opposed the fall of these Islands into the hands of any unfriendly Arab ruler. Significantly, Ibn Saud like the Idrisis was considered a friend, but Imam Yahya, was unfriendly Arab ruler and had been an ally with Italy the rival power in the region.<sup>62</sup>

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<sup>60</sup> EAN, 31 March 1925.

<sup>61</sup> See Wilkinson, *Op. cit.*, p. 12.

<sup>62</sup> See FO Memorandum, by Childs, spring 1916, *Op. cit.* Chamberlain (FS) to Wingfield (FO), 13 September 1926. Reilly to CS, 10 November 1926. Oliphant (FO) to the Secretary of the Admiralty, 20 December 1926. Chamberlain (FS) to Clayton, 27 January 1927. Chamberlain (FS) to Clayton, 28 December 1926. Notes of meetings held in the Palazzo Chigi, 17 January and 7 February 1927. Chamberlain to Clayton, 27 January 1927, *Op. cit.* Lloyd (HCC) to Chamberlain (FS), 18 November 1927. George William Rendel (FO) to Ryan (BLJ), 21 February 1934. Sir Eric Drummond the British Embassy (Rome) to

As stated above, British policy towards Asir had supported the establishment of an allied independent entity. Yet, the continuing deterioration of Idrisis power caused anxieties, as it prejudiced the transformation of Asir into the independent autonomous unit that London favoured.<sup>63</sup> Indeed, London did not actually favour the absorption of Asir, by either Ibn Saud or Imam Yahya, but the advance of Yemeni forces on the southern frontiers of Asir in 1925 had altered the picture, and the weakness of the Idrisis soon caused concern to British officials.<sup>64</sup>

Indeed, Preventing the Imam from capturing Asir became an interest for Britain as it was for the Saudis. The weakness of the Idrisis, left Asir heavily under the influence of either Imam Yahya, or for that matter, Italy. Thus, after the Yemeni forces encircled Jīzān's frontiers in March 1925, Imam Yahya concluded with Italy Treaty of Amity and Commerce of 2 September 1926 (see Appendix 2.21).

The earlier policy most likely was changed and probably Saudi control of Asir was the favoured alternative. Concerning Asir Ibn Saud concluded with the Idrisis the Treaty of Mecca of 1926 (see Appendix 2.22). Thus, it was evident that in the absence of British support the Idrisis would “almost certainly select to lean on Ibn Saud”.<sup>65</sup> Yet, although the conclusion of the Saudi-Idrisi Treaty of Mecca raised a few eyebrows among certain British diplomats, particularly its implications for the oil concession that the Idrisis had granted to a British firm in the Farasan Islands,<sup>66</sup> London was satisfied with the news of such developments.<sup>67</sup>

Of course, the Imam's ambitions regarding his position in relation to the Protectorate of Aden were enhanced following victory in Tihāmah. He could have become a great national hero if he had recaptured Asir and remained in territories considered as part

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Fulvio Suvich Minister at the Royal Ministry of Foreign Affairs (Rome), 19 April 1934. Ryan (BLJ) to Simon (FS) enclosing Annual Report on Saudi Arabia for 1933, 28 April 1934.

63 See Al-Khatrash, *op. cit.*, pp. 193-195.

64 See Minute by L. D. Wakley 25 March 1925. Notes by Clayton of meetings, 17 January and 7 February 1927, *Op. cit.* Leatherdale, *op. cit.*, pp. 141, 162.

65 Reilly to CS, 10 November 1926, *Op. cit.* FO to BLJ, 26 July 1933.

66 Acting Consul Mayers to Chamberlain (FS), 19 January 1927.

67 Lancelot Oliphant (FO) to the Under-Secretary of States, CO, 20 January 1927.

of the Aden Protectorate. Imam Yahya's claims to Historic Yemen included not just Asir, but the Protectorate of Aden. These were the subject of discussions among British officials, especially when Anglo-Yemeni relations were deteriorating by the end of 1926. The Imam's success in the Tihāmah followed Britain's failure to induce him to sign a proposed treaty and recognise the frontier of the Aden Protectorate, as defined by earlier Anglo-Ottoman agreements, as noted earlier.<sup>68</sup>

For Imam Yahya the situation became complicated for other difficulties delayed movement of Yemeni forces beyond Jizān's frontiers. In Tihāmah he confronted with a revolt by the Zarāniq tribe in Bait Al-Faqaih to the south of Al-Hudaydah, which would take him until the end of 1928 or probably early 1929.<sup>69</sup> Moreover, Anglo-Yemeni relations deteriorated severely since no solution had been reached concerning the boundary of Aden Protectorate. Consequently, the use of force against Imam Yahya was contemplated.<sup>70</sup>

Eventually several Yemeni towns were bombarded in 1928. The positions attacked were to the north of Aden Protectorate (considered part of the British sphere of influence), but were under Yemeni control, and several Yemeni towns and cities like Ta'izz, Dhamār, Yārim and Qa'atabah would be under air strike in 1928 causing a severe damage and casualties. This attack resulted in forcing the withdrawal of the Yemeni Army from localities they captured in 1919 that Britain claimed as part of Aden Protectorate. Air bombardment would become an important instrument for Britain during hostilities with Sana'a (see Chapter 4).<sup>71</sup>

The impetus for the rebellion in Tihāmah was attributed to British support.<sup>72</sup> This and the policy of the air attack of Yemeni towns by British forces provided the necessary justification, for suspecting Britain and the imperial ambitions behind the Saudi

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68 See Cabinet Memorandum circulated by CS, 8 February 1926, Op. cit. PRA to the CS, 4 March 1926. Chamberlain to Wingfield, 13 September 1926, Op. cit. Major-General J. H. Stewart, PRA to CS, 19 January 1927.

69 Dresch, op. cit., p. 32. Peterson, 1982: pp. 58-59. Al-Jirafi, 1987: p. 311.

70 Stewart to CS, 19 January 1927, Op. cit. Cabinet Memorandum on relations with the Imam, June 1927, Op. cit.

71 See Reilly, 1960: pp. 20-21. Wenner, op. cit., p. 154. Peterson, op. cit., p. 61. Dresch, op. cit., p. 39.

72 Al-Baraddūnī, 1993: p. 81. Al-Jirafi, op. cit., p. 311. Mutahar, op. cit., pp. 323-324.

campaign over Asir.<sup>73</sup> Indeed, it is a common understanding in Yemen that the enmity between Imam Yahya and Britain thus tilted the balance of power in the region toward the Saudis, especially in light of the good relationship that Ibn Saud established with Britain, securing their support in many important issues as a result.

#### **2.4.1. Early Saudi-Yemeni negotiations**

As noted earlier the Yemeni forces had been positioned south of Jīzān while Ibn Saud had become responsible for the protection of the Idrisis, according to the Treaty of Mecca of October 1926.<sup>74</sup> Notable attempts had been made between the Saudis and Yemen in the late 1920s, and especially during the early 1930s, to arrive at a negotiated resolution to their territorial boundary dispute. Telegraphic messages were exchanged between Ibn Saud and Imam Yahya and negotiations were held. Representatives of both leaders met several times in both countries. Negotiations had started in Sana'a in June 1927, following a stalemate that had lasted a year.<sup>75</sup> The situation would remain delicate and complicated for years because of the complex historical and nationalistic factors involved (see Appendix 2.24).

The Saudi argument consisted of two contradictory elements: they stressed that the annexation of Asir had involved the use of force and substantial cost, claiming that Al 'Aāydh in Asir Al-Surratt had joined Najd. This part of Asir, they maintained, had thus been united with Najd through a process of *indhimām*, i.e. the merging of the two regions, since 1920.<sup>76</sup> In parallel, however, they also claimed that their legitimacy over the rest of Asir had been established after the Treaty of Mecca of 1926, which was concluded with the Idrisis.<sup>77</sup>

The Saudis counter argument rejected any historic connection between Asir and Yemen. They were in agreement with the idea of Yemen as a geographic entity, but

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73 See Al- Baraddūnī, op. cit., 1977: pp. 53-54 and 1993: pp. 81, 113-114. Al-Jirafī, op. cit., pp. 310-311, 320-322, 342-343. Mutahar, op. cit., pp. 337-338. Iother words, en Ibn Saud and Imam Yahya. the unbalnce engments.

74 It was only promulgated on 8 January 1927 (BLJ to FO, 8 January 1927).

75 The Saudi Green Book, 1934: pp. 6-11.

76 Green, op. cit., pp. 7-8.

77 Ibid., pp. 8, 413.

stressed that Yemen was only a term for what lay to the south of Mecca (see Appendix 2.25).<sup>78</sup> They denied the existence of any cohesive political experience over that entity, rejecting Yemen's territorial claims as based on historical arguments. The country possessed no historically-continuous political unity, the Saudis argued.<sup>79</sup> According to them, it was never governed by a single authority but was, rather, divided amongst several local governments. In contrast, they made extensive historical claims following the first round of negotiations held in Sana'a during June 1927. They stressed that they had "explained by historical and scientific proofs to the [Yemeni] representatives that the territory of the Idrisis was part of the Tihamat [Tihāmat] Asir and that Asir was not part of Yemen, that the Zaidi [Zaydī] Imams had no right in it whatever".<sup>80</sup>

The aforementioned Saudi explanation about the joining-up of the northern part of Asir with Najd, was a rebuff to those, notably Britain, who were monitoring the developing situation in the peninsula. The British authorities in Aden had referred to the case as the "annexation of the territory of Al-'Aāidh to Najd".<sup>81</sup> This was doubtless a misinterpretation of a Saudi declaration, but clearly highlights an alternative interpretation. Indeed, northern Asir was captured by force and the Aāydh remained defiant for several years, as noted earlier.<sup>82</sup> Their resistance to both Ibn Saud and the Idrisis was reported in British documents, especially from the 1920s onwards. These accounts are highly important in that they include a number of close intelligence assessments of the developments in the region.<sup>83</sup>

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78 Ibid., pp. 213-215.

79 Ibid., p. 215.

80 Ibid., p. 9.

81 Ibid., p. 413.

82 See Al-Sa'id, op. cit., Vol.1. pp. 72-73 and Vol.2. pp. 95-97. Wenner, op. cit., pp. 142-143. Al-Zirkili, Op. cit. Al-Shahari, op. cit., pp. 99-108. Al-Sayyid, 1989: p. 171. Bang, Op. cit. Mutahar, op. cit., pp. 352-353, 418.

83 See Schofield, 1993: Vol.4. pp. 401-437. For example, EAN, 10 June 28 July 28 September 1921. Captain M. Fazl-al-Ddin (Al-Hudaydah) to the First Assistant Resident, Aden, 12 November 1922.

Over seventeen rounds of negotiations held in Sana'a in June 1927, the Yemeni delegations continuously claimed Asir as Yemeni territory,<sup>84</sup> finding neither the purported unity with Asir Al-Surratt nor the protection agreement acceptable.<sup>85</sup> The Imam's representative thus rejected claims of Idrisi legitimacy over Asir.<sup>86</sup> This would remain the passionately-disputed focal point even when the Saudi delegation returned to Sana'a on 15 December 1927 for a new round of negotiations.<sup>87</sup> Until the end of negotiations on 24 January 1928, their position remained focused on the association between Yemen and the disputed area, whereby the "boundaries of Yemen are known from histories and geography".<sup>88</sup> In fact, this was the position of Imam Yahya himself as he informed the Saudi delegation that his clear goal had been to restore the frontier to its original position.<sup>89</sup> In other words, he rejected the Saudi claims and emphasised Yemen's historic territory.<sup>90</sup> Most importantly, the Imam strongly rejected the Saudi claims to Najrān.<sup>91</sup>

The Saudi objective in laying claim to Najrān was probably to test Yemen's position, possibly as a tactical move to extract compromises over Asir. Nevertheless, they were cautious not to reveal their ambitions over this district, as they had not secured control over it. Indeed, Ibn Saud's ambitions over Najrān can be traced to the Saudi-Idrisi Treaty of 1920, in which the tribe of Yām (of Najrān) was included among those the treaty considered to be Saudis. Yet, the *Akhwan*, Ibn Saud's supporters attacked the tribes of Najrān in 1921.<sup>92</sup> Obviously, the Saudi delegations did not mention this agreement at this time, although they would use it as proof of title to Najrān later, in 1934.<sup>93</sup> Important developments concerning Najrān would take place

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84 Green, op. cit., p. 8.

85 Ibid., pp. 8-9, 413.

86 Ibid., pp. 8-9.

87 Ibid., pp. 11-15.

88 Ibid., pp. 13, 416.

89 Ibid., p. 414.

90 Ibid.

91 Ibid., p. 15.

92 Fazl-al-Ddin, report on his visit to the Idrisi at Jīzān in April 1921, 3 April 1921.

93 See Green, op. cit., pp. 178-184.

in 1932, and the case of Najrān would become subject to difficult negotiations, which saw uncompromising claims and counter-claims, as we shall see.

Correspondence continued between Ibn Saud and the Imam without any development.<sup>94</sup> The Imam finally requested of Ibn Saud to receive a delegation on his behalf in the hope of achieving a settlement of the territorial dispute.<sup>95</sup> A new round of negotiations was duly held in Mecca around six weeks after the failure in Sana'a, but nothing was achieved and the delegates returned to Yemen empty-handed on 23 June 1928.<sup>96</sup> The Imam was unable to accept the *status quo*, insisting on claims of Yemen's historic territories, while the Saudis endeavoured to turn the *de facto* frontier they had established into a *de jure* position.<sup>97</sup> The idea of a *status quo* boundary would thus start to gain credence, particularly for Ibn Saud.

Important developments in late 1930 complicated the situation further. The beleaguered Idrisi leader would announce that the administration of Asir had been handed over to Ibn Saud on 9 October 1930 (see Appendix 2.26). Ibn Saud explained that he took over the administration of the Idrisi domain following requests from them, after they had proven increasingly unable to carry out their duties.<sup>98</sup> Likewise, he justified his move by invoking requests he had received from the tribes of the region.<sup>99</sup> In effect, the Idrisis completely surrendered their political authority to Ibn Saud, though in 1931 they broke ranks with the Saudis and fled to Yemen for their safety. Immediately following the proclamation of the creation of the Kingdom of Saudi Arabia in September 1932, the Idrisis would revolt on 3 November of the same year against the annexation of their domain by the Saudis, turning to Sana'a for help.<sup>100</sup>

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94 See *Ibid.*, pp. 414-415.

95 See *Ibid.*, pp. 15-22.

96 Consul F. H. Stonehewer-Bird (BLJ) to Chamberlain (FS), 26 June 1928.

97 Green, *op. cit.*, pp. 19, 421.

98 Ibn-Saud to Imam Yahya', 14 and 16 November 1930.

99 Imam Yahya to Ibn Saud, 12 September 1931.

100 Sa'id, 1959: p. 85 and, 1964, *Op. cit.*



A further disagreement with the Saudis erupted when the Imam sent administrators north into Jabal Al-‘Arw (the Mount of Al-Arw) probably in late August or early September 1931.<sup>101</sup> Delegates from each country subsequently met on 27 October 1931 to negotiate a settlement but failed to secure a breakthrough. They remained in Abu ‘Arish, concluding the agreement, known as Al-‘Arw Treaty, on 15 December 1931 (see Appendix 2.27). Both Ibn Saud and Imam Yahya approved the resulting treaty of Al-‘Arw by telegraphic messages, the former on 29 December 1931 and the latter on 23 January 1932.<sup>102</sup> It is surprising that the treaty made no specific mention of territory, security being its predominant concern. Indeed, the treaty concentrated mainly on issues related to the treatment of criminals on the borderlands. Interestingly, any other individuals were regarded as ‘political criminals’ and it was agreed that they too should be handed over when apprehended.

The Saudis would henceforth refer to the treaty as an agreement that had delimited a boundary, an argument the Yemenis rejected. They would insist that the Treaty of Al-‘Arw was a final settlement of the Asir dispute because the Mount of Al-‘Arw is located to the south of Asir. In fact, a review of the development of events at the time of the Al-‘Arw Treaty confirms the Yemeni view to a great extent. Imam Yahya certainly accepted the treaty, but in the same message he also requested that Ibn Saud resend delegations to complete negotiations for a solution to the dispute.<sup>103</sup> This invitation was welcomed by Ibn Saud who promised to send such a delegation to Sana’a.<sup>104</sup> The plan was to continue efforts for a peaceful resolution to the disagreement over Asir, which had stalled after difficult negotiations a few years prior.

However, on-going progress via telegraphic communication would be interrupted by difficulties over Najrān. Available evidence indicates that early discussions with

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101 Note by Rendel (FO) entitled ‘King Ibn Saud’s relations with the Imam of Yemen’, 4 September 1931. Green Book, 1934: pp. 22-30.

102. Ibn Saud to Imam Yahya, 29 December 1931 and Imam Yahya to Ibn Saud, 23 January 1932.

103 Imam Yahya to Ibn Saud, 23 January 1932.

104 Ibn Saud to Imam Yahya, 12 February 1932.

British diplomats on the Saudi-Yemeni conflict show that the Saudis had distanced themselves from any ambitions over the district at that time. For instance, during a conversation between Hafiz Wahbah, an Advisor of Ibn Saud, and Lord Lloyd, the High Commissioner based in Cairo, in November 1927, the British diplomat was informed that Ibn Saud had no territorial designs over the district of Najrān.<sup>105</sup> Instead, any ambitions were confined to maintaining the independent status of the tribes of Najrān, thus denying both Ibn Saud's authority over the district and that of the Imam.<sup>106</sup> Likewise, Ibn Saud was quoted as subscribing to the view that the tribes of Najrān exercised "virtual independence".<sup>107</sup>

The Saudi position towards Najrān would change in July 1928 when Ibn-Saud revealed his ambitions over the district during a meeting with Sir Gilbert Clayton, from the Colonial Office, London, during which he declared Najrān part of his inherited domain.<sup>108</sup> However, as noted earlier, the Saudis had not subjected the district to their control, particularly since it was reported that Ibn Saud had agreed, in 1932, not to interfere in the affairs of the Yām.<sup>109</sup> The developments in 1932 were serious. In May of that year, the *Umm-al-Qura* the Ḥijāzī newspaper, reported "that certain Najran [Najrān] notables had submitted to Ibn Saud a document given to their forbears by his ancestor, Saud the Great, which Ibn Saud subsequently confirmed".<sup>110</sup> Receiving the notables from Najrān clearly complicated negotiations further and would accelerate hostilities between Yemen and the Saudis.

#### ***2.4.2. Defensive convention or request for ultimate recognition of the status-quo?***

Although several stumbling blocks in the path of efforts towards improving relations between Ibn Saud and Imam Yahya had not been resolved, Ibn Saud did suggest a

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105 Lloyd (HCC) to Chamberlain (FS), 18 November 1927, Op. cit.

106 Ibid.

107 Ibid.

108 CO to the FO, 16 July 1928.

109 Annual Report on Saudi Arabia for 1933, 28 April 1934, Op. cit.

110 Ibid.

defensive convention to the Imam, on 8 October 1932 (see Appendix 2.28). The symbolic association between the two countries was emphasised extensively and foreign threats identified. These were considered justifications for the necessity of a defensive pact. However, the main intention was the “drawing up of a clear agreement in which, first of all, boundaries should be specified in a distinct and plain manner which should not be liable to misinterpretation or doubt”.<sup>111</sup> The second aim was cooperation against any aggression, and the third was the management of relations between officials along the frontiers.<sup>112</sup> The Imam welcomed the proposed treaty but, as far as he was concerned, the supposed prime issue of disagreement, namely the territorial boundary dispute, had not been given appropriate consideration in Ibn Saud’s proposals for a draft treaty.<sup>113</sup> Therefore, the Imam requested that Ibn Saud send a delegation to Sana’a to negotiate a settlement of the territorial question (see Appendix 2.29).<sup>114</sup>

Eventually, the new delegation arrived in Sana’a on 30 May 1933, and included Ibn Saud’s Lieutenants Khalid Abu Alwalid, Hamid Al-Sulaymān and Turki Ibn Madhi. Their mandate was a plan to negotiate with Imam Yahya a ‘Treaty of Friendship and Fraternity’. The new delegation brought with it a new draft treaty, which contained eight articles aimed specifically at establishing proper relations with Yemen. It also proposed arbitration as the obligatory route for solving any future disputes between the two countries (see Appendix 2.30).<sup>115</sup>

Negotiations would not start until 9 July 1933, but the delegation went back empty-handed on 2 August 1933.<sup>116</sup> During negotiations, the Saudis regarded the territorial dispute as having been resolved and rejected any request from their Yemeni counterparts for a discussion of this issue, referring to the Al-‘Arw Treaty as the final

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111 Ibn Saud to Imam Yahya, 8 October 1932.

112 Ibid.

113 Imam Yahya to Ibn Saud, 4 January 1933.

114 Ibid.

115 Official Communiqué, Extract from Umm-al-Qura (EUQ), 26 May 1933. Al-‘Agaily, 1982: Vol.2. pp. 1036-1044 and 1992: pp. 257-262.

116 Al-‘Agaily, 1982: Vol.2. pp. 1042-1050. Green, op. cit., pp. 42-71.

settlement of the issue of Asir. In addition, they claimed that the case of Najrān had been resolved during the first round of negotiations held in Sana'a in late 1927, although what took place there was no more than a presentation of claims, which Yemen had rejected there and then. It was also evident that these negotiations had ended in failure (as we have seen). And yet, such claims were repeated continuously.<sup>117</sup> For their part, the Saudis rejected any Yemeni claims over historic territory as well as the argument for the presence of historic state practices in Yemen.

Concerning the effects of the Al-‘Arw Treaty, the Saudis failed to convince even their British friends of the merits of this argument. Accordingly, London admitted to a complete lack of accurate knowledge as to what had been concluded.<sup>118</sup> Indeed, London was right to view the Treaty of Al-‘Arw as a “vague one” and as being “not clear”. It would be recalled that “no reference to a settlement on this point is contained in the official Saudi proclamation regarding the result of the negotiations of 1931”.<sup>119</sup>

## **2.5. The failure of negotiations**

While attempts for a negotiated resolution of the territorial boundary dispute would continue, representatives of both leaders (as we have seen) met several times in both countries. However, the most famous encounters would be by the turn of 1934 not just for being ended in failure nonetheless, it was coinciding as it did with a serious intensification of the dispute over land. By this time, the idea of the postponement of the settlement over boundaries for twenty lunar years had become increasingly prominent in Yemen. Indeed, the Anglo-Yemeni Treaty (the Sana'a Treaty), which would be concluded in February 1934 would set a precedent for the postponement of the resolution of the territorial dispute for future arrangements (see Appendix 4.1).

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<sup>117</sup> Green, *op. cit.*, pp. 39-40. Ibn Saud to Imam Yahya, 25 November 1933.

<sup>118</sup> See Ryan (BLJ) to Simon (FS), 2 June 1933. FO to A. S. Calvert the British Chargé d’Affaires (BLJ), 27 July 1933. Ryan (BLJ) to Simon (FS), ‘Memorandum respecting Saudi-Yemeni Relations’, 30 September 1933. Ryan to Rendel, 1 December 1933.

<sup>119</sup> FO to Calvert, 27 July 1933, *Op. cit.*

### ***2.5.1. Postponement of the resolution of the territorial dispute***

Faced with seemingly insurmountable obstacles, Imam Yahya would eventually get over the deadlock by seeking a time-limited agreement. After the collapse of the last round of negotiations in Sana'a, in a dispatch he sent with the Saudi delegation upon their return on 2 August 1933, informed Ibn Saud that regarding the territories of Tihāmah and Asir the situation should remain as it was.<sup>120</sup>

Ibn Saud was seeking a permanent recognition of his authority over Asir, and particularly Jizān. This was the prime objective of the aforementioned defensive convention he proposed and he insisted that he had been granted international recognition to that effect from Britain (as it had surrendered its treaty with the Idrisis), Italy and several other states.<sup>121</sup> For Imam Yahya, however, he would not accept the *status quo* that Ibn Saud was after, but rather a postponement of the final agreement (see Appendix 2.31).<sup>122</sup> Indeed, Imam Yahya stated explicitly that he would never accept surrendering any part of Yemen, but suggested a treaty regulating the two countries' "brotherly relations" and institutionalising the *status quo* for twenty years (see Appendix 2.32).<sup>123</sup> To support this he referred to the difficulties that had hindered his efforts towards an agreement with Britain in south Yemen, where Britain wanted him to recognise its position in a dispute that had been on-going for twenty years without a solution. He confirmed that an agreement with Britain had been proposed which stipulated a postponement of the territorial issue "subject to review upon the period of the treaty".<sup>124</sup> Subsequently, he asked Ibn Saud to consider a similar proposal as a possible solution to their dispute.<sup>125</sup>

Imam Yahya repeated his plea for a treaty that would postpone the final agreement on the question over Asir, preserving the *status quo*. This came as part of an effective

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120 Imam Yahya to Ibn Saud, 2 August 1933.

121 Ibn Saud to Imam Yahya, 18 August 1933.

122 Hamzah (MoFAS) to the British Chargé d'Affaires in Jeddah, 17 August 1933.

123 Imam Yahya to Ibn Saud, 28 August 1933.

124 Ibid.

125 Ibid.

series of telegraphic communications between the Imam and Ibn Saud in late 1933 (Appendix 2.33).<sup>126</sup> The Imam told Ibn Saud openly that his hopes were for a treaty that established and regulated brotherly relationships. He proposed that such an urgent objective had to be divorced from the immediate complexities they confronted, namely over boundary definitions. It was precisely this complicating issue he proposed they set aside for twenty years, noting that by the stated time the next generation might be able to bring about an acceptable resolution.<sup>127</sup>

The Imam informed Ibn Saud that he was in agreement with the latter's aim of concluding an overall religious treaty of amity and peace, and made it clear that it should last for twenty years and, in the meantime, each of them would remain in control of the territory he currently held. The Imam added that he might die before the end of the proposed twenty year period, and therefore expressed a wish that he would be in harmony with Ibn Saud for the remainder of his life.<sup>128</sup> The latter accepted the Imam's suggestion, though his reply implied an assumption on his part that the boundary was actually already fixed, with the twenty year period relating only to dealing with resolving other enumerated aspects of bilateral relations.<sup>129</sup> Ibn Saud articulated his reply in a way that framed the agreement as establishing a final agreement over the disputed territories (see Appendix 2.34).<sup>130</sup> Such contradictory views regarding the proposed treaty would become a thorny issue that significantly contributed to the failure of any subsequent efforts towards peace.

Despite Ibn Saud's acceptance of the Imam's proposal for deferring territorial resolution, the Saudis characterised the proposed agreement erroneously. The Saudi attitude towards the Imam's suggestions for postponing settlement of the territorial dispute indicates that Ibn Saud was attempting to impose his own claims. Imam Yahya clearly had agreed to postpone resolution of the territorial issue but not to

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126 Imam Yahya to Ibn Saud, 17 December 1933. Sa'id, 1959: p. 90. Al-Khatrash, op. cit., pp. 173-174. Al-'Agaily, 1992, pp. 298-299.

127 Imam Yahya to Ibn Saud, 17 December 1933, Op. cit.

128 Ibid.

129 Ibn Saud to Imam Yahya, 19 December 1933.

130 Ibid.

abandon his territorial claims altogether.<sup>131</sup> Counter-accusations from both sides were exchanged, and the Saudis in particular blamed Imam Yahya for wasting their time.<sup>132</sup>

The views illustrated here show how the Imam's suggestion was perceived among British and Saudi officials as well as the media. They all confirmed that the design for a twenty-year treaty agreement was meant as a temporary resolution of territorial disagreement. Most importantly was the understanding of the agreement among Saudi officials. For instance, Fuad Hamzah, the Saudi Acting Minister for Foreign Affairs, informed Sir Andrew Ryan the British Minister in Jeddah, on 28 December 1933, that an agreement had been reached between Ibn Saud and Imam Yahya and, in addition, confirmed that it had been proposed that the treaty would last for twenty years (see Appendix 2.35).<sup>133</sup>

Therefore, it is also important to refer to the negotiations leading to the Sana'a-Treaty of 1934, a few months earlier than the Taif Treaty. Indeed, in approaching the latter agreement, the Imam explicitly wanted a similar approach to the Treaty of Sana'a, which would be concluded with Britain in February 1934, i.e. one that postponed the final settlement of the boundary question for forty years. However, Ibn Saud had been against the idea because his aim was a final and permanent agreement on the boundary. And yet, this was the understanding the British Minister had of the matter. Indeed, when the Sana'a Treaty had been mentioned as the example, he stated that the proposed treaty "would resemble projected Anglo-Yemen treaty inasmuch as it would be concluded for twenty years".<sup>134</sup> Sir Bernard Reilly, who had almost certainly been in Sana'a to negotiate and sign the Anglo-Yemeni Treaty (the Sana'a Treaty), confirmed the agreement on such an accord.<sup>135</sup>

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131 Al-Khatrash, Op. cit.

132 Message from Hamad Al-Sulaymān member of the Saudi delegation to the negotiations held in Sana'a in 1933.

133 BLJ to FO, 26 and 29 December 1933.

134 BLJ to the FO, 29 December 1933, Op. cit.

135 FO to BLJ, 17 January 1934.

However, the aforementioned report by the British Minister may bring into question the view that the agreement was the postponement of the settlement over boundaries for twenty lunar years, given that he added “but according to Fuad it would preclude Imam from contesting Ibn-Saud’s rights in ‘Asir at any future time’”.<sup>136</sup> By the same token, the Royal Legation of Saudi Arabia in London announced, on 7 February 1934, that the agreement had been reached, adding that it was “agreed to fix the boundaries between the two countries” and confirmed that it had been agreed upon to conclude “a treaty of friendship to be maintained for 20 years”.<sup>137</sup>

The contradiction in Hamzah’s statement does not invalidate the claim that the Saudis accepted the idea of postponement, but rather confirms that Ibn Saud saw the plan as the only possible option at the time. He intended to inform the British diplomat who was representing a friendly government that during the twenty years circumstances would change to the Saudis’ favour. Their intention according to his point was thus to prevent the Imam from contesting them over Asir at any future time. This is not, however, what the Saudi Legation in London issued. Their published account shows they had provided the press with inaccurate information, or that they were possibly misinformed, since we know that no finalised agreement was concluded.

Furthermore, news of this proposed treaty had been circulated widely since the turn of 1934. It was broadcast publicly in *Umm-al-Qura*, on 16 January 1934 (see Appendix 2.36). The paper stated that Imam Yahya had “agreed that the frontier between the two countries should be delimited and that a Treaty of Friendship and Fraternity should be concluded between the two parties for a period of twenty years”. It also maintained that the question of Najrān “remained unsettled”.<sup>138</sup> Likewise, the Italian newspaper *La Stampa* reported, in January 1934, that a settlement had been reached and that the two leaders were about to conclude a treaty of friendship for a period of twenty years. The paper confirmed that it had been agreed upon to recognise the “*status quo* of Asir”. According to the same newspaper, a defence pact

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136 BLJ to the FO, 29 December 1933, Op. cit.

137 Extract from The Times (ETT), 8 February 1934.

138 EUQ, 16 January 1934.



to safeguard the independence of the Arabian Peninsula and a treaty to establish economic and commercial relations between the two countries were also in an advanced state of preparation.<sup>139</sup>

### ***2.5.2. The Abhā Conference***

It had been agreed that delegations from Saudi Arabia and Yemen would meet with the aim of securing an acceptable resolution to their differences. To that end, a conference was organised in Abhā, the capital of Asir. The Saudi Government nominated Hamzah as president of its delegation.<sup>140</sup> Imam Yahya applauded Saudi willingness to negotiate and confirmed that his delegation would be headed by Abdullah Al-Wazir,<sup>141</sup> with the conference being scheduled to take place in February 1934.<sup>142</sup>

Ultimately, the proposed treaty did not materialise, though the positions and objectives of both Ibn Saud and Imam Yahya had been clear from the correspondence they had been exchanging since at least since the turn of 1934. Ibn Saud wanted the Imam to finally recognise the position he had established over Asir, whereas Imam Yahya continued to regard the issue as a disputed one. Thus, as far as the Saudi delegation was concerned the Abhā meeting was proposed to finalise already-agreed matters, repeating their view that agreement had already been reached in Sana'a in the late 1920s, by the Al-‘Arw Treaty of 1931, and through correspondence between the two leaders.<sup>143</sup>

The Yemeni delegation, however, insisted that negotiations must tackle the whole dispute.<sup>144</sup> The Yemeni delegation at Abhā insisted that the whole of Asir and Najrān belonged to Yemen.<sup>145</sup> The Saudis, for their part, stressed the historical ties existing

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139 Extract from La Stampa (ELS), 26 January 1934.

140 Imam Yahya to Ibn Saud, 20 January 1934.

141 Ibid.

142 Ryan (BLJ) to the FO, 19 February 1934. Ryan (BLJ) to the FO, 17 March 1934.

143 Minutes of Negotiations in Abhā (Green Book, 1934: pp. 110-132).

144 Ibid.

145 Ibid.

between Najd and Najrān since the time of Al-Dir‘ayyah.<sup>146</sup> Najrān was claimed on the basis of ties relating to what historians identified as the Saudi First Realm, when they had successfully expanded over most of the Arabian Peninsula by the turn of the nineteenth century, including Najrān and Asir, a period that lasted a few years until the first realm was ended in 1818 by Muhammad Ali’s campaign.<sup>147</sup>

No solution emerged, due to the wholesale disagreement remaining over Asir and Najrān.<sup>148</sup> Efforts were consequently suspended by mid-March, pending the outcome of direct communications between the King and the Imam.<sup>149</sup> Neither Saudi-Yemeni negotiations nor “direct communication between the King and Imam had produced any result”.<sup>150</sup> Unfortunately, the situation in South-West Arabia had already reached breaking point as negotiations ground to a stalemate in Abhā. This deadlock was due to the uncompromising claims presented by both parties. The Saudi Government was, however, more media savvy and was thus able to effectively circulate its own interpretation of the Imam’s position, making him shoulder the blame and responsibility for the collapse of peace efforts.<sup>151</sup>

### ***2.5.3. Peace efforts at stake***

As explored earlier, Ibn Saud had been consolidating his control over Asir ever since the agreements of 16 and 20 November 1930, when the Idrisis had finally surrendered the affairs of their domain completely to the Saudis. Furthermore, Ibn Saud had, at least since 1931, been requesting formal international recognition of his authority over Asir. Imam Yahya was no doubt aware of such developments, especially with regards to the British position, partly from official Italian sources. The ultimatum was not enough to convince the Imam to terminate his claims and accept a resolution

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146 Ibid. Ibn Saud to his delegates to the meeting in Abhā, February 1934 (cited in, Al-‘Agaily, 1992: pp. 324-326).

147 For this period of Saudi history see (Philby, 1955: pp. 128-146. Sa‘id, Op. cit. Winder, 1965: pp. 6-7. Abu ‘Alāiah, 1969: p. 94).

148 Ryan (BLJ) to the FO, 17 March 1934, Op. cit. Extract from Egyptian *Gazette* (EEG), 24 March 1934.

149 Ryan to the FO, 17 March 1934, Op. cit.

150 ‘Minutes on a telegram from Ryan (BLJ) to the FO, 23 March 1934

151 ETT, 23 March 1934.

along Saudi lines. Imam Yahya understood that such proposals for a treaty were only meant as a play for time until the Saudis consolidated their control over Asir. He thus became adamant about capturing the district before it was too late, especially because the creation of the Kingdom of Saudi Arabia in September 1932 included Asir as part of it. Furthermore, the Idrisis were now on his side since their revolt against the absorption of their territory into the Kingdom of Saudi Arabia.

In fact, by the time the Saudi-Yemeni delegation arrived in Abhā, the two states had already been set on a collision course, with preparations for the use of force already in motion. Several items of correspondence between Ibn Saud and Imam Yahya attest to this reality with information that the Yemeni army had moved north since May 1933 and that by August; they had reportedly advanced into Najrān with the assistance of the Idrisis.<sup>152</sup>

However, the war is officially deemed to have started on 22 March 1934, when it was formally declared by a Saudi announcement.<sup>153</sup> For any report dates confrontations to an earlier date this is plausible, since the Saudi engagement had now become defensive, attempting to stop the advance of the Yemeni army, if not actually pushing it back. However, the start date of 22 of March reflects the fact that, up until then, negotiators were still in Abhā, although military engagements had already started. Subsequently, events unfolded rapidly, notably at the beginning of April 1934 when Saudi forces were reported to have carried out attacks on Yemeni positions along the frontiers of Jīzān with Ḥarad (see Figure 2.7). Then the Yemeni forces withdrew from

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152 See BLJ to the FO, 25 August 1933 December 1933. Ibn Saud to Imam Yahya, 9 January 1934. Ibn Saud to Imam Yahya, 23, 24, 25 January and 31 February 1934. Imam Yahya to Ibn Saud, 27, 28 January 1934. Ryan (BLJ) to Hamzah (MoFAS), 23 January 1934. FO Memorandum to Mr Johnston, 5 May 1934, Op. cit. EEG, 6 September 1933. Al-Shahari, op. cit., pp. 206-207, 221-234.

153 See MoFAS, press communiqué, 22 March 1934. Ryan to the FO, 23 March 1934, Op. cit. ETT, 23 March 1934, Op. cit. Sa'id, 1959, op. cit., p. 92. Al-Shahari, op. cit., p. 221. Al-'Agaily, 1992: p. 337.

Ḥarad and the Saudis took control of the town and captured the port of Midi on 26 April, arriving at Al-Hudaydah by 5 May 1934.<sup>154</sup>

As mentioned in Chapter 1 and at the outset of this chapter, relations between Britain and Imam Yahya had been at odds ever since he succeeded Ottoman rule over Yemen in 1919. It has also been argued that Britain sympathized at the time with Ibn Saud and the Idrisi. The former's power position improved relative to the latter, enabled partially because Imam Yahya faced great domestic and external challenges at the time. It took the Imam almost up to 1930 before he could expand his authority over the territory he inherited from the Ottomans. He confronted domestic opponents and most importantly the interference of London such as was the case in Al-Hudaydah. In the regional geopolitical competition between Britain and Italy, London committed itself to lending considerable political, financial and military support to Ibn Saud (see Appendix 2.23).<sup>155</sup>

What had changed the balance of power between Ibn Saud and Imam Yahya, was most likely the result of several foreign powers acting along and off the western coast of Yemen following the outbreak of the 1934 war. Indeed, at the time of the battle of Ḥarad, Britain had deployed some of her marines off the coast at Midi and while Ibn Saud was informed of such activities by Britain, Imam Yahya was kept in the dark. Furthermore, Al-Hudaydah became a regular destination for British warships, as well as those from France and Italy. The European powers not only sent warships, but also landed personnel at Al-Hudaydah. Moreover, Britain even used the display of air

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154 EUQ, 27 April 1934. ETT, 28 April 1934. FO Memorandum to Mr Johnston, 5 May 1934, Op. cit. Reports of proceedings in Al-Hudaydah by the Commander of the British ship the *Penzance* covering the period from 29 April to 8 May 1934, 8 May 1934.

155 See correspondences between the British officials concerning the anti-Saudi intrigues by Al-Dabbagh family in, Ryan (BLJ) to Fuad Hamzah, the Saudi Under-Secretary for Foreign Affairs, Saudi Ministry of Foreign Affairs (MoFAS), 24 January 1934. Ryan to the FO, 23 March 1934, Op. cit. Ryan (BLJ) to Simon (FS) enclosing 'Memorandum respecting the Saudi-Yemen Situation', 25 March 1934. FO, to Ryan (BLJ), 28 March 1934. For more details see (371/12233, 12238, 17930, FO 967/52 and FO & FO 406/59-60, The National Archives in London (TNA).

superiority from Aden at this time, inflaming rivalries still further.<sup>156</sup> This having been said, the defeat or step-down of Imam Yahya can be explained more by his aversion to the prospects of direct Western intervention than any momentary military superiority of the Saudis. After all, the Yemeni military was in a position to encircle the Saudis on the Tihāmah and dig deep into Asir but this was a path not taken.

## **2.6. Concluding Remarks**

### ***2.6.1. Evidently, boundaries were not meant as permanent and final***

This chapter provides further evidence in the quest to ascertain whether boundaries in the Peninsula are, or were ever meant to be, permanent and final. There are several factors that are relevant, not least the fact that the Saudi-Yemeni boundary is not the only territorial limit to have proved resistant to a final settlement.<sup>157</sup> Actually, prior to the establishment of the modern nation-state in the Arabian Peninsula, such Eurocentric concepts had never been applied to this part of the world, which had generally operated in such a loose, informal manner that no physical boundary delimitations could be said to have existed before the twentieth century.

Ibn Saud wanted more than just consolidating the status quo boundary which they would agree upon in 1934, as we shall see in Chapter 3. With this in mind, this chapter scrutinised the history of Saudi-Yemeni agreements that aimed to postpone the final settlement of the boundary question. Considering notions of territorial boundaries as well as international norms were new to the region, one can clearly argue that the agreements between the Saudis and the Yemenis were never meant to be final for both sides. The point is that although the Saudis rejected the Imam's proposal in this regard, evidently both sides were aiming to gain time, with no final agreement in prospect. This was the case at time of Ibn Saud and Imam Yahya, yet it

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156 Britain sent to the western coast of Yemen (mainly the coast of Al-Hudaydah) several warships like the 'Hastings', the 'Enterprise' and the 'Penzance'. Italy sent two warships 'Magnaghi', 'Azio' and the 'Ostia' (see correspondences from the British warships, the BLJ, the British Embassy Rome, the PRA to the Admiralty, the CO as well as the FO, April-June 1934.

157 See Schofield, 1997: pp. 90-105.

would become the norm for any Yemeni government thereafter, including the Jeddah Treaty of June 2000 (see Chapters 3, 4 and 5).

### **2.6.2. A question of nationalism**

The current investigation is not concerned with the legality of the boundary location per se, nor with assessing the comparative merits of the rival claims presented by either party. Although, there is a reason to accept the view that “the Saudi modern state was forged by conquest 1901 and 1925”.<sup>158</sup> Expansion was, after all, the norm for the acquisition of territory in the Saudi experience, and this was an explicit part of the Saudi argument defending the taking of the contested territories. For example, Saudi delegates to the negotiations in Sana’a in 1933 argued that the territories they had conquered had been captured only “after a great sacrifice of fortune and men”.<sup>159</sup> Therefore, it should not be surprising that the insistence of the Saudis in 1927 (noted earlier) that Asir Al-Surratt had peacefully merged with Najd in 1921 through a process of (*indhimām*) was interpreted as annexation. It is significant, that the English Interpretation repeatedly misunderstood the exact meaning of the Arabic word (*indhimām*). Instead of its meaning as to join, it was interpreted as annexed. Plausibly, the interpreter reflected the reality that the Saudis annexed Asir, rather than their claims of unity.<sup>160</sup> In fact, Wahbah admitted to Lord Lloyd during their meeting in Cairo in November 1927 that a claim to Najrān based on ancestral arguments, whether from Ibn Saud or the Imam, “was quite irrational”.<sup>161</sup>

It seems clear that Ibn Saud would have been in a better position relative to Imam Yahya when it came to articulating territorial boundary claims with respect to prevailing legal standards and we will hear more of this in chapter three. As Troeller notes, while Ibn Saud was nowhere near so well versed in these matters as Britain, he had a real relative advantage with a small number of skilled advisors on sovereignty

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158 Lloyd to Chamberlain, 18 November 1927, Op. cit.

159 Green, op. cit., pp. 50-51.

160 The interpreter at the BLJ (Green, op. cit., pp. 7-8, 412-413).

161 Lloyd to Chamberlain, 18 November 1927, Op. cit.

matters.<sup>162</sup> By this stage, the Saudis must have been aware of the glaring weaknesses in the Anglo-Saudi Treaty of 1915.<sup>163</sup> For with its replacement agreement, the Anglo-Saudi Treaty of 1927, Britain recognized the full independence of Ibn Saud. Yet, by 1949 the Saudis obtained proper advice on their sovereignty rights from lawyers.<sup>164</sup>

Approaching this case from a legal perspective would however, be an inadequate way to represent the persisting feelings and emotions surrounding the lost territories in Yemen. Indeed, looking beyond the legality of claims, this chapter is concerned with the causes of such long-lasting unease in Yemen, often aggravated by the inappropriate or unsuited processes that this section of the Saudi-Yemeni boundary had been subjected to. Indeed, the view put forward in this thesis is that ensuring a long lasting resolution of such a long-lasting conflictual situation will not be achieved by denying substantially-supported historical evidence, about the positions of Asir and Najrān and their association with Yemen. Although one can argue that confrontation over Asir and Najrān represents, in many respects, a classic territorial boundary dispute, it has nevertheless been a classic Arabian power struggle, rather than a necessarily nationalistic one.

It is however, evident that Imam Yahya's historic claims were to a great extent based on sound geographical, cultural and political grounds, and strengthened his position as national leader. As the nation-state system was further strengthened, the Saudi-Yemeni confrontation over territories would ultimately develop into a question of nationalism (as will be demonstrated in the next chapters). The Imam's continuous appeals to historic ties would become the driving force for his claims over the historic territory of Yemen against Ibn Saud (see Appendix 2.24). Having played the nationalistic card and presented his cause with a prime objective (reunifying Yemeni people and territory), the Imam gained considerable support for his cause and achieved control over a substantial area of the country within only a few years despite

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162 Those who joined the Saudi Government such as Fuad Hamzah, Abdullah Sulaymān, Hafiz Wahbah, and Yusuf Yassin (see Troeller, 1976: p. 237. Wilkinson, 1994: p. 96).

163 Wahbah, *op. cit.*, p. 277.

164 Wilkinson, 1991: p. x.

the fact that he had inherited from the Ottomans a fragmented country and was challenged at the start of his reign by internal and international rivals.

The Imam's struggle and the Yemenis in general would later be empowered to a great extent by nationalist feelings against both the presence of Britain in the southern part of Yemen and during confrontations with Ibn Saud, although there had been indications of such attitude since the time of the Ottomans, at least since he rejected the 1905 Anglo-Ottoman Agreement. Such nationalist connections would be intensified when the use of force was introduced as a means of enforcing demands that were not achievable peacefully, most notably after the Saudi-Yemeni war of 1934.

### ***2.6.3. Aspects of continuous colonial legacy***

It is immaterial whether the Ottoman plan for Asir had been implemented or not, since what mattered was the question of the international status intended for Asir, particularly after the Ottoman withdrawal from the region in 1919. Even if Asir had been detached from the *Vilayet* of Yemen; such an act would not have carried any legal importance according to the plan illustrated by this chapter. The aim, from the Ottomans' perspective, was to improve security through administrative reform, and thus did not intend to give this district any international status, but to keep it within the Porte's sovereignty over Yemen. Most importantly, Ryan argued that Asir had been detached from the *Vilayet* of Yemen yet confirms that this was merely "for administrative purposes".<sup>165</sup>

This chapter provides evidence for the argument an imbalance existed between Ibn Saud and Imam Yahya. Concern surrounding the legitimacy of the agreements concluded at a time when neither Ibn Saud nor the Idrisis had become sovereign over Asir is thus warranted (Appendix 2.37). Tellingly, the international recognition the Arabian leaders had secured acknowledged their position only as "tribal" leaders.<sup>166</sup>

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<sup>165</sup> Memorandum by Ryan, 22 November 1933.

<sup>166</sup> Hurewitz (1956: Vol.2. pp. 12-13), noted that Al-Idrisi was "more of an allied than a protected territory".



Indeed, as had been the case with Al-Idrisi, the Anglo-Saudi Treaty of 1915 recognised Ibn Saud only as a tribal leader. However, despite the Idrisi's weakness, and though even his status as sovereign had not been acknowledged, the agreements Al-Idrisi conducted with Britain would be used by Ibn Saud as evidence to deny Imam Yahya's claims over Asir (see Appendix 2.38). Similarly, the agreements the Idrisis concluded with the Saudis were seen as grounds for the Saudi position in international law (Appendix 2.39).<sup>167</sup> Indeed, they were used to deny the Imam's while Ibn Saud himself in the agreements he concluded with Idrisis had never recognised for them any authority over Asir.

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<sup>167</sup> Simon (FS) to Sir Drummond, Rome, 15 January 1934.



## Chapter 3:

### 3. Treaty of Islamic Friendship and Brotherhood (the Taif Treaty) at work

#### 3.1. Introduction

This chapter scrutinises at length the *'Treaty of Islamic Friendship and Brotherhood'* between the Kingdom of Saudi Arabia and the Kingdom of Yemen (Commonly known as the 'Taif' Treaty of 1934, see Appendices 3.1, 3.2, 3.3), with a focus on its effectiveness and appropriateness as an international boundary treaty. In particular, it seeks to question the degree to which the Taif Treaty can be considered a final boundary agreement. In this context, one needs to be mindful of the process leading up to the Taif Treaty and its approval, and to remind oneself of the text of the treaty itself. After all, the Treaty had only introduced a *status quo* boundary imposed after a war, and thus lacking in finality. It notably included an item stipulating the time-limited nature of the Taif Treaty and indicating it would not serve as a long-lasting settlement.

This chapter comprises three sections. The first scrutinises the reasons why, after more than eight decades, aspects of the treaty remain contentious and unclear. A critique of the treaty is also investigated, especially as it exhibited all the hallmarks of a conflict-ending treaty. Furthermore, the Taif Treaty and its provisions are assessed in terms of their impact on improving bilateral relations between the two neighbouring states and reflecting the popularity of the notion of 'Arab unity'; as the treaty had set a precedent for all future agreements of its kind in terms of the ambitious vision of unity that it presented.

The second section will concentrate on how the treaty's detailed territorial definitions were reached. Naturally, there are grounds for questioning the validity of the Taif Treaty as a final boundary settlement, making the precise context of the Treaty's conclusions an issue still worthy of serious investigation. The inclusion of a demarcation of the boundary section has been crucial to the success of this agreement. Questioning the treaty's legitimacy is significant, since the border

established by this treaty has been found to be lacking the finality of an international boundary and has consequently been re-demarcated following the conclusion of the Jeddah Treaty of June 2000. Nevertheless, the advent of the aforementioned latter treaty is arguably an indication of the failure of the Taif Treaty itself to act as a durable and permanent solution of the Saudi-Yemeni dispute.

The third section assesses why the Taif Treaty as a boundary settlement had remained an object of contention. Article 22 limited the treaty to a period of twenty years, and although it was subject to renewal or possible modification at the end of the period, it could also be terminated altogether. As such, it is important to scrutinise why such a provision for renewal, despite being rejected prior to the 1934 war, was subsequently applied. One irony worth mentioning - revealed by the findings of this thesis - is that many indications seem to confirm that Article 22 was in fact principally concerned with the territorial issue more than to any other matters addressed in the Treaty.

The renewal provision has always presented the potential for problems, especially as differing perceptions have often deeply aggravated nationalistic sentiments. These are, of course, powerful, durable sentiments regardless of any discussions of merits under international law. The galvanising nationalistic repercussions of Article 22 on the Yemeni people have been deep-running, heightened by the widespread belief that Asir and Najrān will be returned one day. Such perceptions of the Taif Treaty as a temporary agreement lasting twenty lunar years have been deepened extensively as a consequence of both the 1953 renewal of the treaty as well of the Al-Hajri Communiqué issued in Riyadh on 17 March 1973, as will be illustrated in this chapter.

## 3.2. More than a boundary settlement

This section will explore those provisions of the treaty that are dedicated to the bilateral relationship. In particular, a better understanding is needed of the reasons behind their inclusion in a treaty nominally concerned with settling a territorial dispute. Indeed, in terms of their remit and objectives, aspects concerned with improving bilateral relationships are usually handled within separate agreements. Furthermore, it is important to note that the agreement did at least stipulate that the parties would resort to arbitration as the means of settlement for any future dispute, arguably a significant achievement. It is thus important to question whether the inclusion of such bilateral relationship provisions has been beneficial to the parties, and whether they had been successfully achieved.

### 3.2.1. A peace treaty

The Taif Treaty has often been characterised as falling short of a proper boundary agreement.<sup>1</sup> In particular, considerable criticism has been levelled at its effectiveness as a peace treaty. After all, the leaders of these two neighbouring countries had gone to war because they had failed to achieve a territorial settlement peacefully and the treaty marked the end of the short Saudi-Yemeni military hostilities of 1934.

The Taif treaty was certainly perceived by observers as a ‘Peace Treaty’,<sup>2</sup> and characterised as a “peace settlement”,<sup>3</sup> and this very fact would become one of the major points of criticism for those judging its success.<sup>4</sup> And yet, it was principally a boundary agreement that included a transfer of land after a war. Indeed, the genesis of the treaty emerged from disagreement over territory, which had caused a military confrontation. Logically, therefore, unless the territorial arrangements introduced by

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1 See Al-Shahari, 1979: pp. 16-17. President Saleh (Speeches, 1995: Vol.5. pp. 42-45. Discussion Seminar of the Saudi-Yemeni Boundary Dispute, 7 August 1997. President Saleh (cited in, El-Rayyes, 1998: p. 140). Almaghafi, 1999. Abdul-Kareem Al-Iryani, the Yemeni Prime Minister at the time, speech before the Yemeni Parliament after the conclusion of the Jeddah Treaty of June 2000. Al-Ummah, 20 June 2000. Al-Wahdawi, 20 June 2000. *Al-Ayyam*, 3 July 2000.

2 See MoFAS to Ryan, 19 June 1934. Ryan (BLJ) to Simon (FS), 27 June 1934.

3 See Ryan (BLJ) to Simon (FS), 3 July 1934.

4 Al-Iryani, Op. cit.

the treaty proved lastingly satisfactory to both parties, the basis for peace was questionable and potentially a source of future conflicts.

Naturally, the conclusion of a treaty in the aftermath of a war, particularly when there was disagreement over territory, is bound to have a crucial impact on its nature. Clearly, important aspects of the treaty would be determined by the victors, whose conditions can be imposed upon the defeated. Such an agreement would necessarily be entwined with - and shaped by - the imperfect and problematic context of its conclusion. Thus, not only would its authority as a final settlement of the boundary become problematic, but the inclusion of a transfer of land after a war, at least from a Yemeni perspective, complicated the situation considerably.

Indeed, the Taif Treaty in particular was largely viewed in Yemen as a mistake and its outcome as a defeat for which Imam Yahya had been responsible. The common perception has been that Imam Yahya had accepted the Saudis' terms and Asir, Jizān and Najrān were ceded to Saudi Arabia. For instance, Al-Shahari (1979) agrees that the conclusion of the Taif Treaty was considered a defeat for the Imam.<sup>5</sup> For his part, Al-Baraddūnī (1988) points the finger at both "Imam Yahya and British imperialism for having colluded and handed over Yemeni districts".<sup>6</sup> It was even regarded as an "insult on the national dignity".<sup>7</sup>

The sensitivity of the issue arose from this compromise over territory and even encouraged army officers to launch a plot against the Imam, seen as a weak leader who had "surrendered parts of Yemen's territory in the north to the Kingdom of Saudi Arabia, and brought to an end his claims of the southern Yemeni territory".<sup>8</sup>

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5 Al-Shahari, 1979: pp. 16-17.

6 Al-Baraddūnī, 1988: p. 369.

7 Al-Ṣaidi, 2004: p. 158.

8 *Ibid.*, p. 121.

This would become part of the drive for reform against Imam Yahya and the Imamate rule in Yemen in general.<sup>9</sup>

This has been significant, notably in terms of how the treaty continues to be perceived, particularly in Yemen, where the ceded territories has always been regarded by most Yemenis as ‘lost’ to Saudi Arabia as the result of the 1934 war. Such unease over the lost territories of Asir, Jīzān and Najrān, as well as those claimed in the Rub-al-Khali continues notable even after the conclusion of the Jeddah Treaty (as we shall see in see Chapters 5 and 6).

### ***3.2.2. A pact of unity***

In symbolic terms, the representational importance of Ottoman rule was evident. It had embodied, to a large extent, Muslim unity under the rule of one *Caliph*. Unity under the Ottomans was thus regarded as necessary for the protection of Muslim lands and, above all, Islam itself. The enduring popularity of such notions fascinated Arab intellectuals and supporters of Arab unity.

Indeed, the Yemeni and Saudi leaders were visited by Amin Al-Rihani in the early 1920s, who invested substantial efforts towards persuading Ibn Saud and Imam Yahya to avoid hostilities and work instead for the noble aims of unity.<sup>10</sup> Likewise, in 1933 they were visited by Muhammad Kamel Al-Qassab and Haiaty Bek from Syria, representing the Arabian Society.<sup>11</sup>

Indeed, the Imam Yahya-Ibn Saud struggle took place at a crucial moment for the Muslim Brotherhood and pan-Arab movements, when the nationalistic desire for Arab unity had been reawakened following the collapse of the Ottoman Empire. When tension was high, with signs that war between them had become inevitable, the Muslim Brotherhood was more influential in the region and its position had, in all

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9 See Wenner, 1967: pp. 111-123. Al-Shahari, op. cit., pp. 16-18, 221-234, 270-282. ‘Afif, 1982: pp. 67-68. Al-Shamahi, 1985: pp. 248-274. Douglas, 1987: pp. 23-30. Al-Baraddūnī, 1993: pp. 9, 25-29. Al-Madhagi, 1996: p. 17. Al-Wajaih, 1999: pp. 129-131. Dresch, 2000: p. 47. Al-Şaidi, op. cit., pp. 50-81, 121, 240-242.

10 Al-Rihani, 1924.

11 Mutahar, 1998: pp. 444-446.

likelihood, been of interest to both Ibn Saud and the Imam, especially the latter as the Muslim Brotherhood was popular in Yemen.

Obviously, both Imam Yahya and Ibn Saud were concerned about Arab and Muslim activists fascinated by the idea of unity. Both leaders were inspired by the notion of unity due to its domestic popularity and its potency in rallying their supporters and Arabs in general. As the principal visionary leaders of their era, Ibn Saud and Imam Yahya were called upon to claim the *Caliphate* position when Turkey gave it up in 1924.<sup>12</sup> This clearly had an effect on them, especially considering their substantial political ambitions.<sup>13</sup>

However, unlike several other Arab leaders (including Ibn Saud), who had allied themselves with Britain against the Ottomans during WWI, Imam Yahya sympathised with the Porte. He was therefore seen as a potential *Caliph*,<sup>14</sup> a status that he might have wished to secure, as seen in the fact he liked to be addressed as *Amīr Al- Mumīnin* (Commander of the Faithful).<sup>15</sup> Against expectations, however, the Imam did not take the matter seriously, either due to his age or to avoid conflict with those with ambitions for that position. In fact he opted to focus his desires on the nationalistic goal of re-establishing the Yemeni state, losing the sympathy of those who had initiated the idea of him becoming the new Caliph as a result.

Those fascinated with notions of Arab Unity were not primarily interested in national sovereignty and paid little attention to the transformation of the Arabian Peninsula into nation-states, thus failing to distinguish between idealistic aims and actual disputes over the ownership of territory. Their general views and judgements thus tended to lean to the side of the leader who best embodied their hopes for Arab Unity. As such, the conflict with Ibn Saud would work against the Imam's popularity among Arab activists. His endeavours to defend Yemen's territorial claims came to be seen as almost a separatist act against the unity of the Arab nation. The Imam's claims

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12 See Al-Manar (cited in Al-Amri, 1987: pp. 536-541). Al-Baraddūnī, 1993: p. 48. Dresch, op. cit., p. 51.

13 See Al-Zirkili, 1970: Vol.1. pp. 155-158.

14 See Salem, 1985: pp. 313-314. Al-Baraddūnī, Op. cit. Dresch, Op. cit.

15 Al-Baraddūnī, op. cit. p. 80.



were seen as narrowly patriotic, his ambition being only for a Yemeni identity, and consequently less attuned to the ultimate aim of Arab unity. Ibn Saud, on the other hand, was seen as struggling for the unity of the Arabian Peninsula, and did in fact successfully bring most of it under his authority, a feat seen as a great achievement across the Arab world.<sup>16</sup>

Such admiration was expressed openly by the media at the time, for instance by the Al-Arab newspaper of Jerusalem.<sup>17</sup> As such, the efforts to settle the dispute in the early 1930s were seen as an important test of Arab unity (see Appendix 3.4). The opinions of both intellectuals and the media attest to this.<sup>18</sup>

Declaring war thus put Ibn Saud and Imam Yahya under extensive pressure and criticism from influential politicians and journalists in the Arab world who disapproved of such a display of Arab infighting, and the 1934 resolution was seen in the Arab world from precisely such a perspective. The recurrent mention of ‘brotherhood’ in the text of the Treaty was welcomed widely. Titled the "*Treaty of Islamic Friendship and Brotherhood*", the agreement clearly echoed the popularity of the notion of ‘Arab unity’. This is explicitly affirmed in its introduction, which states that the two rulers were “desirous ... of uniting the Islamic Arab nation and raising its condition and maintaining its prestige and independence”. Furthermore, in Articles 16 and 20, the peoples of the two “countries” were characterised as one ‘nation’. Such an understanding was confirmed in the terms of the Treaty, which deemed the contracting parties to have achieved a move towards unity. In reality, the two neighbours had simply introduced an international boundary establishing their respective territorial borders.

It is indeed believed that the mention of ‘brotherhood’ and unity in the text of the Treaty was inspired by the Arab commission who contributed significantly in the conclusion of this treaty. It was composed of a number of Arab notables including

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16 See Al-Manar, Op. cit.

17 See Extract from ‘Saut-al-Hijaz’ (ESH), 2 January 1933.

18 EUQ, 4 November, 1932, Op. cit. EUQ, 17 February 1933. ELS, 26 January 1934, Op. cit.

Hajj Amin Al-Husayni, the Mufti of Al-Quds, of Palestine, as well as Hāshim Al-‘Atāsi and Amīr Shakib Arslān of Lebanon, and Mohammad Ulūbah and Aziz Pāshā of Egypt.<sup>19</sup>

Indeed, it was recognised that members of the commission played a significant role through their active conciliation efforts, not just in facilitating negotiations, but also as intellectuals coming up with a proposal for a settlement.<sup>20</sup> For instance, it was noted that the term “one nation” was “a favourite catchword” of Arslān.<sup>21</sup> The commission members were famous for their pan-Arab beliefs and for propounding Arab and Muslim unity among those who called upon Muslims to replace the Ottoman *Caliph*.<sup>22</sup>

The Taif Treaty was concluded at a time when the notion of the lined boundary was very new to the Arabian Peninsula. For both parties to the agreement and the peoples straddling the region, the idea of nationality had not yet really taken hold either. The very concept of nation-state was an odd notion for the Peninsula as it was completely at odds with the way of life that Arabians had hitherto enjoyed throughout their history. It was also contrary to existing notions of ‘unity’, whether as the *ummah*, or, to a lesser extent, Arab unity. The notion of unity was, however, highly symbolic.<sup>23</sup> It is thus unsurprising (as noted earlier) that editorials in the Egyptian newspapers *Al-Balagh*,<sup>24</sup> *Al-Manar*,<sup>25</sup> as well as *Umm-al-Qura* welcomed the Taif Treaty and regarded it as a move towards the dreamed-of unity.<sup>26</sup>

Indeed, although the appeal of unity was popular among all Arabians and Arabs in general, it was mostly considered a matter of rhetoric as far as governments were

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19 Ryan to Simon, 27 June 1934, Op. cit. Al-Jirafi, 1987: p. 315.

20 Al-Jirafi, Op. cit.,

21 Ryan to Simon, 27 June 1934, Op. cit.

22 The caliphs were the early leaders of the Islamic religion and people, appointed after the death of Muhammad in 632 CE, the Ottoman Caliphate position was given up on 3 March 1924.

23 See Ryan (BLJ) to Simon (FS), 10 July 1934.

24 EUQ, 30 June 1934.

25 Al-Manar (cited in Al-Amri, 1987: pp. 607-616).

26 EUQ, 6 July 1934.

concerned. One can argue that there were no political implications, in the sense that the treaty did not present a pact for the merging of the two countries. Indeed, Sir Andrew Ryan, who had witnessed at close quarters the Saudi Yemeni conflict and the negotiations for the Taif Treaty, was realistic when he reflected on the realities at the time. One cannot thus underestimate his awareness of the rhetoric of Arabism when held the sensible view that such symbolism was important but was “not used so as to imply any political unity. It refers rather to the ideal unity of Moslems and Arabs which it is [was] the present fashion to acclaim”.<sup>27</sup> He further made the point that “whether the treaty can be regarded as in any sense an alliance is a more difficult question. I myself am inclined to think that it amounts to little or nothing of the kind”.<sup>28</sup>

Reference to unity (in the treaty) lacked sincerity because introducing a boundary line following military hostilities over territory contradicts the stated vision of unity and belonging to one putative wider nation. The Treaty of Taif merely paid lip-service to the concept, each of the two leaders had his own political ambitions and one cannot assume that either of them was genuinely prepared to give up on such desires for the benefit of the other. The expansion over greater lands was an obvious aim, as shown in the Saudi expansion into Asir, occupation conducted without any consideration for the wishes of the inhabitants of this district who had lost life and property prior and during the war of 1934.<sup>29</sup>

However, in terms of the boundary dispute, the use of the unity doctrine was politically important, facilitating the acceptance of the Taif Treaty particularly in Yemen. In other words, affirming the idea of ‘unity’ in the text of the Taif Treaty was

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<sup>27</sup> Ryan to Simon, 27 June 1934, Op. cit.

<sup>28</sup> Ibid.

<sup>29</sup> The Saudi expansion into Asir resulted in serious human massacres for the Akhwan Ibn Saud’s religious supporters fanatical understanding of Islam tended to force their views on others even by the use of force. Moreover, this was also for the activities committed by ordinary bedouins not necessarily for a religious belief, rather recruited as fighters in return of payment and the benefits of plunders (Captain Fazl-al-Ddin reported extensively in this matter and the Aden News, early 1920s. Likewise, similar activities were noticed during the 1934 short war with implications resulted from the activities of Ibn Saud’s supporters (see correspondence between the British Navy in the coast of Al-Hudaydah and the Admiralty, 6, 7, 9 and 10 June 1934.

most likely meant to appease those in Yemen who felt defeated and depressed over the loss of part of their territory. For the Imam, a return to his people with a treaty concluded with an Arab leader would be seen as a victory, especially one that represented a blow to ‘imperial conspiracies’, most importantly those of Britain in south Yemen and in addition to this the activities of Italy and France in Al-Hudaydah and the western coast of Yemen since the outbreak of the war, as analysed in Chapter 2.

The famous Yemeni poet Al-Baraddūnī (1993) gave an account of two views; the first is of those who intended to exploit the 1934 war against the Imam, whereas the other rallied around him. In the eyes of the latter group the agreement with the Saudis, a brotherly neighbouring country, was a victory and a wise move towards defeating colonial policies, most importantly those of Britain in south Yemen.<sup>30</sup> In contrast, those who sympathised with opposition to the Imam’s rule considered the Imam to have been defeated because of his failure to strengthen his military with the necessary arms and skills.<sup>31</sup>

Actually, this flattering interpretation of the agreement enabled the Imam to market the treaty as a step towards Arab unity, rather than a surrender of territory or a defeat. In this respect, regardless of whether there had been a genuine plan for unity or whether it was merely a catchphrase used for marketing the eventual treaty, the warring leaders benefitted considerably from their peoples’ desire for unity. Those who sympathised with the Imam saw the peaceful outcome as a victory and as a wise move towards defeating imperialism.<sup>32</sup> Retrospectively, the notion of unity was far more of a priority for Imam Yahya than it was for Ibn Saud. In other words, the Imam felt it necessary to cloak his cause in rhetoric extolling idealistic values regardless of the actual reality. He had been facing domestic opposition to the treaty, perceived as a surrender of territory. The idea of Arab unity in such a context proved extremely valuable.

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30 Al-Baraddūnī, 1993: pp. 9, 25, 29.

31 Ibid.

32 Ibid .

Today, boundaries are, of course, universal features in Arabia, as everywhere else. And yet, mentions of unity continue to be prominent whenever boundaries are negotiated. The nation-state has come under heavy criticisms even though unity is far from being a tangible prospect. In such a context, it is perhaps unsurprising that similar views continue to be heard despite nation-states becoming inconvertible and lasting realities. Here also Al-Baraddūnī made an interesting point, motivated by nationalistic sentiments, when he expressed sorrow at Saudi Arabia's incorporation of "districts we [the Yemenis] consider ours until the Arab nation is unified".<sup>33</sup> In other words, his empathy is that these territories are ours until Arab unity has been achieved.<sup>34</sup>

The former Iraqi President, Saddam Hussein, during a tense period between Iraq and Kuwait in the early 1980s, exclaimed "[w]hy do we need to solve the border issue. Kuwait's borders extend as far as Baghdad and ours reach as far as Kuwait [City]".<sup>35</sup> Similarly, but for a different reason, President Saleh, when asked about the situation over the boundary with Saudi Arabia at a time when relations with Riyadh were tense, did not answer the question and instead expressed his belief in the unity of the Arabs and their homeland, adding that the homeland had been "divided by colonial artificial boundaries".<sup>36</sup>

Whereas the Iraqi President's statement was intended to hide hegemonic ambitions over Kuwait, the Yemeni President's intention was merely to avoid a direct answer that might aggravate an already tense situation regarding lost territories to Saudi Arabia. The power of these slogans, however, was significant and played a vital role in dampening any domestic criticisms of the repercussions of the Taif Treaty. The notion of unity was used, due to its popularity, in a manner that continues to the present day, with history repeating itself more than seven decades after the original

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33 Al-Baraddūnī, 1988: p. 369.

34 Ibid., pp. 369-371.

35 Quoted in Schofield, 1997: pp. 135, 300.

36 Interview with the President Saleh on (*Al-Husam*, the Lebanese magazine, 4 July 1990 and *Al-Musawar*, the weakly Egyptian magazine, 6 July 1990).

Taif Treaty as both Saudi and Yemeni politicians played the unity card as a symbol of the Jeddah accord, particularly in Yemen. Alas, no realistic portrayal of the true realities behind the treaty has emerged yet (see Chapters 5 and 6).

### ***3.2.3. The treaty and its provisions relating to bilateral relations***

In addition to provisions concerning the establishment of territorial borders (which will be illustrated later) between Yemen and Saudi Arabia, the rest of the Taif accord was dedicated to setting in stone the Saudi-Yemeni bilateral relationship. This section analyses and scrutinises the provisions relating to this aspect and the subsequent developments in Saudi-Yemen bilateral relations in the period following the conclusion of the treaty. While there is necessarily a good deal of description in this chapter, deeper and less tangible issues will also be examined in the next one. After all, while the treaty successfully brought the military confrontation to an end, we argue that, in the long run, it bequeathed a negative legacy, as we shall see.

Certainly, the Taif Treaty presented a vision for an integration scheme, setting an early trend in international relations, particularly in this part of the world. Although never achieved, such a vision purported to set a framework for bilateral co-operation, security and the settlement of disputes by peaceful means. Actually, Ibn Saud had already proposed most of the treaty's provisions in the aforementioned proposed treaty of 1933 (see Chapter 2).

Provisions aimed at improving bilateral co-operation heavily dominated the Treaty's context, even leading to suggestions that the two sides were about to merge or that one country might fall under the protection of the other.<sup>37</sup> Of course, one can only thank the conciliation efforts of the commission of Arab intellectuals who, in all likelihood, were behind the important articles charged with potent symbolism, such as references to 'Arab Unity' (as noted earlier), and whose influence strongly facilitated the conclusion of the treaty. Most of the provisions, even the symbolic

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<sup>37</sup> See The Times, 4 July 1934. Salem, 1984: p. 424-428.

ones, reflected a wise thinking of future mutually-beneficial interests for both countries and had been proposed by both rulers even prior to the outbreak of the war.

In Article 3, for instance, the two parties agreed to grant each other preferential treatment in any relevant matters, ahead of any third party. The article states that “[t]he two high contracting parties agree to conduct their relations and communications in such a manner as will secure the interests of both parties and will cause no harm to either of them, provided that neither of the high contracting parties shall concede to the other party less than he concedes to a third party. Neither of the two parties shall be bound to concede to the other party more than he receives in return”.

This same spirit was evoked in more than one article. In Article 16, for instance, the parties agreed to being “bound by Islamic brotherhood and Arab origin” and that “their two peoples are (*ummah waahidah*) one nation”. It was on these grounds that they undertook to maintain to “do their best to promote the interests of their nation”. Most importantly, in Article 17, they did not simply adopt the principle of benevolent neutrality in the event of the other party being the victim of external aggression. Rather, as part of this item, they confirmed their will “[t]o co-operate mentally and morally as far as possible”. In this regard, Article 19 was also significant. Here, the intention was not just to expand interactions between the two countries in terms of trade, but rather to endeavour to achieve a ‘customs agreement’.

The Taif Treaty impressed numerous observers, including Ryan, who highlighted, in particular, the article on “the possibility of an ultimate customs union”, though he argued “that need not, I think, be taken very seriously at present”.<sup>38</sup> In fact, twenty years later, the Taif Treaty was still prized for the importance of this article. In 1953, the British Ambassador in Jeddah, G. C. Pelham, like Ryan twenty years previously, was also impressed by Article 19.<sup>39</sup> The article speaks for itself regarding what the contracting parties were most probably aiming to achieve, regardless of whether these

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<sup>38</sup> Ryan to Simon, 27 June 1934, Op. cit.

<sup>39</sup> G. C. Pelham, British Ambassador (Jeddah) to Anthony Eden (FS), 1 April 1953.

objectives had been sincere or merely propaganda. According to the article, the parties agreed to improve and enhance communication and trade and “to increase the exchange of agricultural and commercial products between the two countries”. This Article remains particularly significant for its stipulation of the need “to conduct extensive negotiations to reach a customs agreement by which the economic interests of both parties are preserved through common tariff on both countries”.

The idea of not changing the tradition of population mobility was wise considering the impact that territorial lines would have on the populations they affect. This remains important, particularly because it was clearly put forward by the Saudi negotiators. In 1934, any imposed boundary would have had impacted negatively on Saudi interests and would probably have generated popular opposition to the country’s newly established authority. In other words, those populations who would suffer the most, by experiencing adverse economic changes, would react against the Saudis, to the advantage of Imam Yahya. Moreover, territorial lines were still seen as representing a new system that contradicted the Arabian tradition of mobility, and Yemen had long been the source, rather than recipient, of the economic benefits of such mobility.

Interestingly, during negotiations for the Taif Treaty the negotiators had been in accord that movement of nationals of the two countries would remain unchanged until the completion of an agreement to regulate such matters. Indeed, Saudi negotiators requested assurances from their Yemeni counterparts that the movement of nationals, whether for trade, Hajj (pilgrimage) and any other interests, would remain as before until any further agreement. Subsequently, a positive response was given by Abdullah Al-Wazir, the Yemeni envoy. In his reply, he assured his counterpart Prince Khalid Ibn Abdul-Aziz, the head of the Saudi delegation to the negotiations of the Taif Treaty, that the Yemeni government would respect this agreement (see Appendix 3.5).<sup>40</sup> Criticism of the establishment of boundaries invariably results when states impose unnecessary boundary mechanisms that prevent

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40 Correspondences between Prince Khalid and Al-Wazir on 20 May 1934 annexed to the Taif Treaty.



movements of goods and people between them (see Chapter 1). However, to varying degrees of success, customs co-operation had been achieved in other parts of the world, allowing free movements of goods and people or waving high duties on products exported from one country to the other. The Taif Treaty set a precedent, by introducing the interesting intention to eliminate barriers, even established ones. The contracting parties of the Taif Treaty spelled out their aim explicitly, making cooperation their objective, through which exports and imports are conducted via proper procedures and an agreement over common custom duties for any import from one country to the other.

The importance of this constructive arrangement would become evident after it had been formally approved; as the ordinary movement of trade and tribes resumed between Asir, Najrān and Sa‘adah.<sup>41</sup> It is interesting that this comment was made so soon after the conclusion of the Taif Treaty, representing a strong indication that it was the view of the authorities that ordinary movements of both trade and people should not be prevented. The contracting parties clearly intended to ensure freedom of movement for goods and people.

This was an integration plan, but it was not implemented effectively and no agreement (as it had been proposed) has been signed. This plan was a significant initiative and remains so: had it been implemented, the difficulties faced since 1934 could have been avoided. Hence, the significant free movement of goods and people between Saudi Arabia and Yemen, witnessed especially in the 1950s, 1970s and 1980s, was a golden era. Indeed, the 1970s and 1980s would witness significant movement, especially of Yemeni labourers to the Kingdom, though this would be affected by changes in political relations between the two states. The 1960s and the 1990s were an exception, as relations deteriorated severely during these two decades. Riyadh would eventually retreat from the agreement, probably once its economy was progressing and its control over its state frontiers was completed. Most importantly, following the Iraqi invasion of Kuwait in 1990, the Saudi government terminated the

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41 Ryan (BLJ) to Simon (FS), 19 June 1934, Op. cit. ESH, 6 August 1934.

privileges it had granted Yemenis of entering the Kingdom without permits (see Chapter 5).

Today Yemen needs freedom of mobility across international land boundaries while back in 1934 it was Saudi Arabia. However, the freedom of movement catered for in the 1934 Taif Treaty (or the annex elaborating a regime) does not find an application today, despite the recognition of the continuing validity of the 1934 treaty and its annexes in the Jeddah treaty. Tellingly, when Saudi Arabia unilaterally filed the 1934 Taif Treaty at the United Nations Secretariat in 2006, this agreement was not supplemented by the annex relating to border mobility (see Appendix 3.3).

Article 20 introduced a significant aspect of cooperation, where the parties to the treaty promised to place at one another's disposal the services of their respective diplomatic missions in foreign capitals. The Article states that “[e]ach of the two high contracting parties declares his readiness to authorise his representatives and delegates abroad, if such there be, to represent the other party, whenever the other party desires this, in any matter or at any time. It is understood that whenever representatives of both parties are together in one place they shall collaborate to unify their policy to promote the interests of their two countries, which are one nation”.

This is significant, as Imam Yahya had “adopted a policy of nearly absolute isolation”, as noted by Wenner (1967),<sup>42</sup> and rarely allowed foreign representatives in the Yemeni capital. For instance, the only British official allowed to reside permanently in Yemen was a ‘Political Clerk’ stationed in the Yemeni port of Al-Hudaydah, and this remained the case even after the conclusion of the Anglo-Yemeni Treaty of Sana’a in 1934.<sup>43</sup> The Treaty of Taif, and its Article 20 in particular, would eventually become useful during the World War II when the Royal Legation of Saudi Arabia to London represented Yemeni interests for the duration of the conflict.<sup>44</sup>

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42 Wenner, *op. cit.*, p. 141.

43 See Reilly, 1960: p.20.

44 *Ibid.*

Although the Treaty included general security arrangements, there were, however, specific provisions that concerned actual threats to security. To prevent any border confrontations, the two powers agreed not to construct any fortifications within five kilometres of either side of the frontier (Article 5). The specifications underpinning Articles 9 and 18 had been of concern to both sides ever since the Treaty of Al-‘Arw in 1931 (see Appendix 2.28) and were thereafter part of the treaty proposed by Ibn Saud in 1933 (see Appendix 2.31).

Another aim of the agreement was to lessen the prospects for internal revolts in either country. Accordingly, each government was to prevent preparations in its own territory for rebellions and strife against the other. In the 1930s it was the Saudis who had been concerned that opponents and activists, like the Idrisis and the Al-Dabbagh, who were engaging in anti-Saudi activities, enjoyed a safe haven in Yemen (see Chapter 2).<sup>45</sup> Moreover, one can appreciate the importance of such provisions in recent developments. In the 1960s, Yemen wished to prevent Saudi support for the Royalists in their fight against the Republicans.<sup>46</sup> Later, Yemen took issue with Saudi support for the southerners who attempted to split from the unified Yemen in 1994 (the significance of this event is examined in Chapter 5). Views may differ regarding any breach of such a provision. There are, however, other useful advantages of such a provision, given the importance of security challenges currently facing both countries. For instance, Saudi Arabia has been complaining in recent years of items seized in the border regions by its security forces, including drugs, arms and explosives for use by potential terrorists.

Of course, the fact that an additional convention was added to the treaty implies that the contracting parties were very serious about finding a settlement in the event of future disagreement. Indeed, Article 8 introduced such a detailed mechanism for solving disputes. The contracting parties entered into a mutual pledge to refrain from all resorts to force in settling future difficulties, and to seek arbitration. The

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<sup>45</sup> The Saudi Green Book, 1934: pp. 32-34.

<sup>46</sup> Saudi Arabia justified its support to the Royalists on the Treaty of Taif as well considering the Royalists as the legitimate government (see Al-Haisami, 1988: pp. 154-157).

convention attached to the treaty laid out the basis for arbitration to arrive at a settlement through bilateral negotiations in the event of future problems (Appendix 3.6).

For a settlement of this type, such sophisticated dispute mechanisms were very rare at the time of its conclusion. In its first Article, the parties “were obliged to put before arbitration any dispute they may fail to solve by negotiation within a month”. The convention was quite detailed, especially on the idea of arbitrators and the basis on which they would be selected, as well as the conduct of their work. Such a committee, according to the treaty, should be composed of equal numbers selected by each party, and decisions would be made based on a majority vote. It was even agreed to share the cost of the committee’s work.

Like his view regarding Article 19, Ambassador Pelham observed in March 1953 that, “undoubtedly the most interesting aspect of the Treaty of Taif is Article 8 which, together with its appendix, provides in detail for a resort to arbitration in any dispute which may arise between the two parties, whether resulting from the Treaty or from any other cause”.<sup>47</sup>

This dispute settlement mechanism, however, has never been applied by the two countries. Rather, the mention of Article 8 of the Taif Treaty had been, prior to the conclusion of the Jeddah Treaty of June 2000, a cause of significant unease. It is most likely that the Saudis were not in favour of arbitration, even with Yemen. Indeed, Pelham, as part of his aforementioned comments on the Taif Treaty, felt surprised that the Saudis had accepted the mechanism, especially as Riyadh would later reject a similar request from the British government to accept arbitration to resolve disagreements with its eastern neighbours.<sup>48</sup>

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<sup>47</sup> Pelham to Eden, 1 April 1953, Op. cit.

<sup>48</sup> Ibid.

### **3.3. The evolution of the Western Section of the boundary**

This section will underline the difficulties posed by the precise issue of delimitation. All political boundaries are artificial, but those in Arabia were perhaps the most so, as notions of boundaries, and of the nation-state itself, were new to the Peninsula and the borderlanders had never been divided traditionally, culturally or politically.

Moreover, no physical division had existed between the tribes straddling the two states. Indeed, both nascent nations, Saudi Arabia and Yemen, in terms of societal make-up contain a mix of overlapping tribal communities. This is why this thesis is in agreement with the view that drawing boundaries in the Peninsula has proved problematic on a number of fronts.

#### ***3.3.1. The territorial arrangements***

##### **Saudi title to Asir and Najrān legitimised**

Several articles of the Taif Treaty deal with definitions of territories. In this section, both Articles 2 and 4 will be examined, while an assessment of the quality of the territorial arrangement will be addressed in the final section of this chapter. The significance of Article 2 was in its introduction of a formal recognition of each other's sovereignty and territory - an act that took place for the first time since the evolution of their political authority.

For the most part, Article 2 was significant for establishing clearly that “[e]ach of the two high contracting parties recognises the full and absolute independence of the kingdom of the other party and his sovereignty over it”. The last part of Article 2 makes the Taif Treaty give merit to its parties; despite the fact it came to end the military hostilities that had erupted between them.

Following the recognition of each other's sovereignty, each of the parties returned its forces into the territory that had accordingly become recognised as its own. “[e]ach of them gives up any right he claimed over any part or parts of the country of the other party beyond the frontiers fixed and defined in the text of this treaty”. Ostensibly, it has been assumed that the Imam had accepted a surrender of Asir and Najrān in

return for the withdrawal of the Saudis from the territories they had occupied during the war. Article 2, however, states that “His Majesty the Imam King Abdul Aziz abandons by this treaty any right of protection or occupation, or any other right, that he claimed in the country, which, according to this treaty, belongs to the Yemen and which was (formerly) in the possession of the Idrisis and others”.

Furthermore, Ibn Saud dropped any right to the land he had occupied during the war. In return, “His Majesty the Imam Yahya similarly abandons by this treaty any right he claimed in the name of Yemeni unity or otherwise, in the country (formerly) in the possession on the Idrisis or the Al-Aidh [Aāydh], or in Najrān [Najran], or in the Yam [Yām] country which, according to this treaty, belongs to the Saudi Arabian Kingdom”. Imam Yahya pledged to refrain from renewing his claim to the “Historic Territory”. In taking this line, the Imam also acknowledged the legitimacy of the authority that Ibn Saud had established over Asir and Najrān.

It was nonetheless interesting that the mention of the Saudi relinquishing of rights over Tihāmah was linked to the right of protection mentioned in the Treaty of Mecca that had previously been concluded with the Idrisis in 1926. Perhaps the treaty here highlights the generosity of Ibn Saud, who agreed to relinquish territory despite the right of protection they claimed. In contrast, the treaty claimed that the occupier of what had been the Idrisis’ territory in Tihāmah was Imam Yahya. In fact, such reference to these agreements with the Idrisis was of great legal significance.

This proved to be a remarkably astute move. The Saudis established their title over Asir using legal arguments and not based on their conquest of territory, although this was in fact the case. This was most likely one of the Saudis’ advantages, in using skilled and educated advisers as noted earlier (see Chapter 2). For his part, the Idrisi had no legitimacy and no international recognition apart from that granted by Britain which had given him a lifeline before the southern part of Tihāmah was recaptured by the Imam and Asir fell into the hands of the Saudis.

This article is noteworthy in referring to both Ibn Saud and Imam Yahya as sovereign Kings. Reportedly, during negotiations for this treaty Imam Yahya asked to be addressed as *Amīr Al-Mumīnin*, but Ibn Saud rejected the idea, as noted earlier.<sup>49</sup> Therefore, the compromise was that Imam Yahya and Ibn-Saud would be addressed as ‘Imam’ and ‘King’ respectively.

Evidently, Ibn Saud had politically intended to deny the Imam recognition as the sovereign over Yemen and as its head of a state. Ibn Saud, as the examined correspondence exchanged prior to the Taif Treaty shows, had never addressed the Imam as a ‘king’ or even as the ‘Imam’ in correspondence he exchanged with him. Rather, he addressed him as ‘brother’. In fact, Imam Yahya himself was not keen on the title ‘His Majesty the King’, especially during the early part of his reign, favouring being called the ‘Imam’.<sup>50</sup> Ryan commented on this Article, pointing out that it was “significant in the connection that the Imam figures in it as ‘His Majesty the King of the Yemen’ a title never given to him in Saudi official language before this treaty was drawn up”.<sup>51</sup>

For its part, Najrān presents an interesting story. The territory was legitimised in a way that had been distanced from the outcomes of the war. In fact, Imam Yahya offered Ibn Saud the power to decide the ownership over Najrān, exactly as he had done in the case of Jabal Al-‘Arw in 1931.<sup>52</sup> Perhaps this was not merely due to lack of proper knowledge of legal procedures related to territory; but rather further provides evidence that it was the Imam’s plan to appease domestic sensitivity. He had rejected the idea of the province of Najrān to become a demilitarised buffer zone, but instead put the case before Ibn Saud for ruling it. He turned to tradition, expecting that by submitting the case to Ibn Saud the latter would not rule in his own favour. The Imam’s tactic was unfortunate in terms of the loss of territory, however: Ibn Saud, who had previously rejected the suggestion, now accepted the Imam’s idea and

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49 Sir Reader Bullard the British Minister (BLJ) to Viscount Halifax (FS), 9 March 1938.

50 See Dresch, *op. cit.*, pp. 43-44.

51 Ryan to Simon, 27 June 1934, *Op. cit.*

52 Ryan (BLJ) to the FO, 12 April 1934. ETT, 13 April 1934.

ruled that Najrān belonged to Saudi Arabia. Najrān was duly incorporated according to this arbitration, and not as the result of the war itself.

### ***3.3.2. Primitive boundary demarcation***

The delimitation of the Saudi-Yemeni frontier in 1935-36 was conducted by two committees.<sup>53</sup> It had been more than a year since the ratification of the Taif Treaty before the two joint committees were formed and got to work, in conformity with Article 4 of the Treaty. One of the joint committees was responsible for the delimitation of the frontiers in Tihāmah, whereas the other carried responsibility for the delimitation of the frontiers in the mountains. It is however interesting that both committees produced reports annexed to the Taif Treaty (see Appendix 3.7).<sup>54</sup>

Work in Tihāmah started first, and after a meeting in Jīzān in late November 1935, the team headed west towards Al-Muwassam (a village on the Saudi side of the borderland).<sup>55</sup> This committee divided the border, and accordingly their work, into three sections. In December 1935, after less than a month, they reported details of the locations of 68 border markers that they had established. The demarcation process of the first section began at the coast, with the location of the first point identified as “[a]ll the sea quay Ras Almiwaj of Radeef Qarad outlet” [this is an ending point on the shore]. The distance between each marker was about a kilometre, but several markers were spaced at less than that.

The second report was produced on 22 January 1936, defining about 64 markers divided by an equal distance of one kilometre. A similar third report was produced on 15 February 1936. The committee for the mountains held its first meeting at Dhahran on 22 November 1935, and its only report, containing details of 90 markers (without giving the distances between them), was produced on 16 January 1936. The area was heavily populated in comparison with the coastal borderland and the boundary ran

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53 EUQ, 22 November 1935. ‘Jeddah Report for November 1935’, Calvert (BLJ) to Sir Samuel Hoare (FS), 1 January 1936.

54 The discussion and quotations in these paragraphs draw on the mentioned committees reports annexed to the Taif Treaty.

55 See EUQ, 22 November 1935, Op. cit. ‘Jeddah Report for November 1935’, 1 January 1936, Op. cit. ‘Jeddah Report for December 1935’, Ryan (BLJ) to Eden (FS), 2 January 1936.



according to the distribution of tribes. It was announced, on 21 February 1936, that both committees had completed their task, as laid down in Article 4 of the Taif Treaty.<sup>56</sup>

The time the two committees had spent in the field was extremely short, taking almost three months from the end of November 1935. One should also take into account that 27 November 1935 was the start of Ramadan, the month of fasting under Islamic law, when work would normally be carried at a lesser intensity. In addition, Ramadan is followed by the *Eid* holiday, the celebrations of which probably lasting around a week. This is not to forget the fact that the committees lacked any proper kind of modern transport - travelling mostly on horseback or on foot.

In the 1930s, the notion of boundary liners was an outlandish system imposed upon the tradition and daily life of the people of the Arabian Peninsula. Indeed, along the borderlands divided by the line established by the Taif Treaty, as in several other places in the Peninsula, personal properties belonging to inhabitants between the two or more emerging sovereign states were divided on both sides of the border. As a result, a man and his tribe might lie in the newly-defined territory of one state, while land that he owned was now part of its neighbour's territory. This was also the case for one single family divided between the two neighbouring states. This was not in accordance with the wishes of individuals or the traditional social structures of the tribe or community, where territory was traditionally divided according to alliances of the tribal leadership with the leader of the country they considered themselves to be part of.

An example was provided in the border of Jabal Wawa-Sukhaira, Madfa Alhinka (i.e. Ras Bin Mualla) and Kagil Altaffa, where the boundary cut through some properties, leaving part of these on one side of the line and the rest on the other side. The delimitation committee's report confirmed that "villages under dispute with intermingled farms divided by the border line firstly such as Almagbadh and Almalaheedh and then between Mabrouka, Almajham and Majda'a, those farms shall

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<sup>56</sup> Ryan (BLJ) to Eden (FS), 4 March 1936.

belong to their villages and the Zakat Tax shall be paid to the Government of that village of Almueen and entered into the borders of Ubaid Janada village belong to King Abdul Aziz, the Zakat Tax of those lands shall belong to Almueen”

The process of delimitation and demarcation during 1935-36 was characterised not only by intergovernmental, but also by tribal disagreement. Definition of stretches of the borderland where the committees had failed to reach a solution was left for future consideration. The first border marker was placed at Ras Jabal Al-Tha'r, not because it was necessarily the right place but rather because the place where the marker might ideally have been sited was under dispute between the tribes of Wailah and Yām.

Significantly, the Wailah / Yām dispute revolved around a water source. This can be deduced from references to specific localities, namely the ‘*Sāilah*’ and the ‘Wasteland’. The *Sāilah* is a valley where rainwater flows periodically. Such a landscape was taken into consideration, since the territories were divided at the edge of *Sāilah*. The Wailah tribe was given the land south of the valley in Yemen, while the Yām tribe received the land to the north, in Saudi Arabia. Despite taking into consideration the physical nature of the landscape for the location of the border line, the *Sāilah* and the share of rainwater was not clear. However, the tribe of Wailah (which became part of Yemen) was allowed access into Saudi territory to use its traditional source of water. Conversely, the Yām tribe was granted access to the water available at Haso Jakheemi, in Yemen, as had been its custom. Difficulties over water resources in this area had not been an issue in the past. There is, however, a possibility that imposing stronger border controls, as has been the case since the present demarcation by the Jeddah Treaty of June 2000, would provoke clashes between tribes over water.

The work aimed at separating the newly defined state territories of Saudi Arabia and Yemen was not perfect, and the line introduced was by no means a sophisticated demarcation. Indeed, although the reports talk of markers, a close look into the actual specifications indicates this was more of a frontier delimitation than a boundary demarcation.

Furthermore, the constitution of these committees made it likely that the boundary that had been established would be problematic and that future difficulties were probable. For instance, members of the committees were, in the main, chosen from the tribes along the borderland, mostly because of their status as tribal leaders (*sheiks*) or because of their influence over the borderlands. The line was thus based on the division of tribes and that traditionally overlapped.

Delimitation was based mainly on the “famous and unchangeable names of mountains, hills and valleys”, and the committees had “put stone markers along the border line every other kilometre”. The boundary that evolved was thus an artificial one, reflecting neither a social/historical divide nor the borderlands’ landscape; their geographic accomplishment was “more in the nature of sketches than of real maps” (as will be discussed as part of Chapter 5). Although this was hardly unusual in the realm of boundary demarcations, not one map was subsequently produced following completion of the reports of the committees.<sup>57</sup>

Clearly, the joint committees simply lacked the expertise and knowledge necessary for a mission of this kind. For instance, it is interesting to discover that those conducting the delimitation and demarcation of the boundary in 1935-36 made a judgment regarding a part of it that had strictly been beyond their remit, an anomaly worthy of note; they thus “decided that whatever falls to the North and West of the above mentioned drawn borders belongs to the Government of Saudi Arabia and whatever falls to the South and East of the drawn borders belongs to the Government of Motawakiliya [the Yemeni Government]”. This wording could be understood to indicate that the section of the border east of Al-Tha'r was considered as a straight line. Subsequently, an effort was needed to establish the basis for extending the boundary further east of Jabal Al-Tha'r. As such, despite the fact the 1935-36

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<sup>57</sup> Since no map was produced it seems interesting to refer here to a perception among local inhabitants. The understanding was that from the ending terminate of Jabal Al-Tha'r the territory of Rub-Al-Khali was divided by a line run eastwards thus what was to the south of the line belongs to Yemen and what was to the north belonged to Saudi Arabia. Yemen. Sheikh Muhammad Bin Shaga'a one of the tribes leader told the present writer about this perception. He added that the tribes were surprised to see, just a short time after the conclusion of the Treaty, some Saudi troops in the region. Imam Yahya, when informed by the tribes, did nothing to stop the Saudis as they began to search for oil there.

demarcation was carried with manifestly good intentions, the difficulties witnessed later, in the early 1990s in particular, demonstrate the weakness of the work of the 1935-36 committees (see Chapter 5).

### ***3.3.3. Finality of the Taif Line***

One of the prime objectives for any territorial agreement is usually to introduce a basis for a final and permanent settlement. Yet, for a variety of reasons, the Taif Treaty lacked any convincing basis as a final settlement. The finality of the boundary was not achieved mainly because efforts towards the separation between Saudi Arabia and Yemen were not as perfect as they might have been in other parts of the world. This was evident in the short amount of time spent on the delimitation and demarcation during 1935-36. The line established by the Taif Treaty was even left, in some localities, as a subject for future consideration. Experience along the borderlands after the boundary demarcation of 1936 would largely prove how insufficient the demarcation work had been. It is however logical that modification and future negotiations over the boundary were not precluded completely.

The joint committees reported that the “borders were determined, defined and distinguished”. The finality of the boundary line they established, however, was not achieved. Several localities were left out of the consideration of the committee, especially some problematic locations disputed between the tribes of Wailah and Yām.

The committee operating in the mountains also faced difficulties in reaching agreement; its work therefore left for future adjustment. For example, the aforementioned first border mark placed at Ras Jabal Al-Tha'r. Here the committee's report states that no agreement was achieved, thus this area was left without a decision being made specifically as to what would belong to Saudi Arabia and what would be left for Yemen. Nevertheless, it was confirmed that in the case of any “dispute thereupon in the future, it should be settled in accordance with God's Sharia and the provisions of the Taif Agreement”.

The Treaty established a boundary, but did not resolve the dispute over territory. The work of the committees which demarcated the boundary in 1935-36 was not perfect and doubts regarding their reports have been apparent. The “listed place names and tribal names were difficult to equate with existing maps, geographical knowledge of the border zone being still at a premium at this point”.<sup>58</sup> The line delimited in the 1930s was inefficient as “the eastern terminus of the Taif line was in itself an active problem”.<sup>59</sup> Furthermore, “the precise location of the coastal terminus of the boundary was disputed, raising issues of maritime sovereignty”.<sup>60</sup> Issues experienced thereafter were extremely complicated, causing serious military clashes. Critics describe it as a fragile agreement which “had not brought a final and complete settlement for the boundary dispute”.<sup>61</sup> There has even been doubt over whether the demarcation itself had taken place.<sup>62</sup>

Indeed, two separate committees were established by the MoU of 1995 (see appendix 5.2). One committee was established according to Article 2 with the “duties of renewing the border marks”. Meanwhile, according to Article 5, a joint high-level military committee consisting of representatives from both parties would be formed “to ensure that no installations are emplaced along the borders of the two countries and also to ensure that no military movements take place along the border zone”. Eventually, it seems that border marks established according to the reports annexed to the Taif Treaty had vanished, leading to difficulties due to disagreements on the location of the boundary line of the 1930s. Regrettably, no progress would be achieved, although both committees were formed and commenced their meetings (see Chapter 5).

Article 2 of the 2000 Jeddah Treaty agrees that the line demarcated in 1935-36 was not final. The treaty thus purported to establish the “final and permanent borderline

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58 Schofield, 2000: p. 15.

59 Ibid., p. 14.

60 Ibid., p. 19.

61 Al-Iryani, speech, Op. cit.

62 El-Rayyes, op. cit., p. 137.

between the Republic of Yemen and the Kingdom of Saudi Arabia”, including the stretch of the borderlands that “had been stipulated in the Taif Treaty” (see appendix 5.2). Accordingly, one of the treaty’s significant future tasks was to finalise the “identity of villages situated on course of this part of the borderline”. Consequently, it was recognised that the “course of the borderline will be modified accordingly, while fixing the border signs”. This was made “in case any of the coordinates is located in position or positions of a village or villages of one of the parties, the reference for proving to which party this village or villages belong, will be their affiliation of one of the two parties”.

### **3.4. A questionable boundary agreement**

The Taif Treaty’s renewal provision - due every twenty lunar years according to Article 22 - was highly unusual and has been characteristic of the Treaty’s weaknesses. In effect, limits to state territory were introduced within a general treaty of friendship that itself required renewal. Many scholars agree with the view that this represented a weakness of the Taif Treaty, although they may not favour the idea that Article 22 (which contains the renewal provision) applies to the boundary established by this treaty.<sup>63</sup> Schofield (1997) noted that this article became a "grey area" that may be misinterpreted and manipulated by each state in future decades.<sup>64</sup> The issue of renewal would subsequently cause continuing dispute, thereby placing the permanence of the boundary in doubt.

The analysis here demonstrates why the idea of renewal has been of significance for its role in intensifying the popularity, in the eyes of the Yemenis, of the view that the disputed territories had only been temporarily ceded to Saudi Arabia. The main effect of Article 22 is regarded to have been primarily on bilateral relations, since it excluded from the provision of renewal those articles relating to the boundary established in 1935 and 1936. For the Yemenis the whole treaty was viewed as subject to the twenty year time limit. The Taif Treaty was considered a temporary

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63 See Schofield, 2000: pp. 7-20.

64 Schofield, 1997: p. 92.

agreement, and as a result, for many Yemenis the disputed lands were expected to be returned or be renegotiated at a future point, as we shall see. As such, the treaty failed to deliver one of the essential conditions for lasting boundary arrangements: to introduce a final and permanent delimitation.

### ***3.4.1. An unusual clause: the provision for renewal after a term of 20 years***

It seems necessary to examine the history of the Saudi-Yemeni dispute to understand the origins of the temporary boundary agreement, and establish when it was articulated for the first time. In the year preceding the war of 1934, a proposed treaty was put forward based on the territorial *status quo*: each party was to hold on to what had been under its control with a final agreement deferred for a period of twenty years. This proposal was introduced by Imam Yahya, as we have seen in Chapter 2. Since no agreement could be reached on a boundary, it was proposed to leave such a problematic matter for future arrangements.

It is important to note that this earlier treaty, as mentioned above, contained a similar clause to that of the eventual Taif treaty of 1934, clearly indicating that the Imam was comfortable with the notion of postponing final agreements over territory. Perhaps Imam Yahya proposed a time-limited agreement because he was not able to accept an agreement that conceded a surrender of territory. Indeed, at this stage, he sought to avoid making any unacceptable compromises that would be resisted domestically. This was politically crucial in Yemen, both with regards to the northern boundary with Saudi Arabia and the southern boundary with the Aden Protectorate. As stated in Chapter 2, the Imam wanted a treaty similar to the Treaty of Sana'a, which he concluded with Britain in February 1934 that postponed the final settlement of the boundary question for forty years.

Significantly, the idea of a temporary treaty to effectively postpone consideration of the territorial boundary dispute was raised again immediately after the outbreak of military operations in 1934. It seems that the outbreak of military confrontations in

1934 had changed the situation, as new factors must have developed. Obviously, this plan had resurfaced when neither Ibn Saud nor Imam Yahya could (or was prepared to) impose his will. The *status quo* was accepted because neither side was able to face the mounting costs of the conflict. There is evidence to suggest that the difficulties they faced during the war convinced them of the wisdom of such measures. There is also a possibility that Article 22 was accepted because neither party was able to impose its terms on the agreement as it wished. Indeed, both leaders were aware of the likely serious dangers if the war had continued. Thus, a treaty constrained with a renewal mechanism was the only acceptable option, albeit one producing a weaker agreement.

Apparently, the Saudis in particular faced enormous difficulties as the result of the 1934 war and particularly, both in the coastal terrain and in the mountainous area further east. Meanwhile, London was monitoring closely the situation and how serious the challenges the Saudis confronted in Tihāmah and the port of Al-Hudaydah. As with the situation in Tihāmah, there was no clear picture about what was happening further to the north-east in Najrān. The main factor for such difficulties was lack of financial resources, and because the Saudi army was mainly formed of tribal groups their main source of income was from plunder and what they gained during battles. The Saudi capability for achieving victory in 1934, therefore, would become subject to substantial doubts. Even when the Saudis had quickly advanced down to Al-Hudaydah in May 1934, observers tended to maintain these estimates during the Saudi Arabia occupation of the town. Thus Riyadh was made aware of the dangers it could expect to face, both from local groups and from the European powers, should it not withdraw from Al-Hudaydah.<sup>65</sup>

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<sup>65</sup> See Reports from the Commanding and Senior Officers at the British warships at the coast of Al-Hudaydah, of the events in connection with the Saudi occupation of the port to the Admiralty and the FO, April, May and June 1934. See also Ryan (BLJ) to the Political Resident at Bushire, 28 May 1934. Ryan (BLJ) to Simon (FS), 29 May 1934. Ryan (BLJ) to Hamzah (MoFAS), 30 May, 1934. Ryan to Simon, 27 June 1934, Op. cit. Minutes on a despatch from Calvert (BLJ) to Rendel (FO), 5 December 1934.



The immediate comment was that of Philby, when negotiations for the Taif Treaty were still on-going. He collaborated on the finer points of a draft of the Saudi-Yemeni treaty, and confirmed that Ibn-Saud had accepted in April 1934, after the outbreak of military hostilities, what he had rejected previously.<sup>66</sup> He also provided an important corroboration that remains valuable because it confirms that Ibn Saud had accepted a treaty “as a reasonably satisfactory solution and as a basis for a 20 years’ treaty regarding the frontier.”<sup>67</sup>

Renewal aimed at the modification of land settlement. It seems sensible then to highlight the changing views of the Taif Treaty, and particularly the reactions expressed at the time of its conclusion, including commentary from diplomats and journalists. The aforementioned comment by Philby remains useful specifically for confirming that the treaty was for 20 years and was concerned with the territorial dispute.<sup>68</sup> Furthermore, views of foreign diplomats were couched in similar terms, and they were probably better versed in such issues. As the treaty was finally approved and ratified by both countries, Ryan informed London that, by concluding the Taif Treaty, Ibn Saud had established his title to both Asir and Najrān, “for twenty years”.<sup>69</sup> Very soon, international focus on the treaty was centred on Article 22. As *Al-Ahram* in Cairo reported, “[f]or many years he [Ibn-Saud] has tried to come to an agreement with the Imam Yehia, [Yahya] on the basis of maintaining the *status quo* for twenty years, and at last he has succeeded”.<sup>70</sup> Likewise, Sydney N. Fisher, (1959) argues that “[i]n the treaty of al-Taif peace was established magnanimously on the basis proposed before the fighting”<sup>71</sup>

However, there is no doubt that renewal was a key weakness in a treaty that aimed at establishing a final boundary. It was also a highly irregular aspect, as has been stated. An important question, however, is: why did Article 22 not state clearly that the

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66 The Times, 16 April 1934. Philby, War Cloud in Arabia (The Japan Times &Mail, 7 May 1934).

67 Ibid.

68 The Times, 16 April 1934, Op. cit. Philby, War, Op. cit.

69 Ryan to Simon, 27 June 1934, Op. cit.

70 Extract from the Egyptian Press, 16 June 1934.

71 Fisher, 1959:p. 578.

territorial agreement was meant to be permanent and final, especially considering the significance of the transfer of territory that it involved?

Indeed, the postponement of any permanent agreement on the territorial issue had been the subject of a number of messages exchanged between Ibn Saud and Imam Yahya prior the 1934 war. The latter aimed for a postponement of the permanent agreement, while Ibn Saud endeavoured to achieve a final acceptance of the *status quo* he had established over the disputed territories. This issue had been the stumbling block that hindered the conclusion of a peaceful resolution to the negotiations held in Abhā in early 1934, thus provoking the war later that same year (see Chapter 2).

Article 22 of the Taif Treaty was articulated so that several clauses of the treaty were specifically excluded from its remit. It dealt with a number of issues, such as ratification, and when the treaty would come into force, and for how long it would continue to stay in force. What is noteworthy, however, is that this article specifically mentions that “... as regards what has been laid down in Article 1, relative to the ending of the state of war immediately after its signature” the treaty “shall continue in force for period of (20) complete lunar years”. Yet, the further military hostilities they hoped to forestall had been caused by challenges over territory. In other words, the rest of the treaty’s provisions remained subject to this article and its renewal in twenty lunar years.

Of course, the termination of the war and the avoidance of deeper conflict was a major aim. Thus, it was stated clearly that Article 1 would come into effect upon the signing of the treaty. Yet, significantly, what was added to Article 22 regarding the cessation of hostilities was not necessary, and not only from the point of view that the actual purpose of the agreement was to end the state of war and institute peace between the two neighbouring countries.

Thus, upon the peace treaty being signed, military operations must cease regardless. Indeed, the Article states that “[t]he state of war existing between the Kingdom of the Yemen and the Kingdom of Saudi Arabia shall be terminated as from the moment of signature of this treaty, and there shall forthwith be established between Their Majesties the Kings and their countries and peoples a state of perpetual peace, firm

friendship and everlasting Islamic Arab brotherhood, inviolable in part or whole”. In other words, what was specified about war in Article 22 was, in fact, a mere repetition of what had already been laid down in Article 1.

One might reasonably wonder why, if the boundary agreed upon had been meant to be final and permanent, such a crucial clarification had not been explicitly stated in Article 22 itself. In other words, why was it not stated in Article 22, in a definitive and unambiguous manner, that Articles 2 and 4 were excluded from the renewal provision because they dealt with issues of territory? In fact, if such a permanent deal had actually been agreed, realistically one assumes that the parties to the treaty and those attending negotiations would be well aware that the territorial issue was the major cause of the war, and thus of the conclusion of the Taif Treaty itself. In other words, if any articles of the treaty were meant to be excluded from the twenty year renewal provision, this should have been stated, instead of leaving Article 22 to be read in the way it is.

The question that needs answering today is whether those articles relating to territory were deliberately excluded from the twenty year renewal provisions? The answer is no. The line established during 1935-36 was not a final and permanent one for the obvious reason that judgements had to be deferred on several border localities where the committees had failed to agree on boundary alignment. Thus, the treaty’s signatories were far-sighted in specifying, in Article 8, that they agreed to “undertake to resort to arbitration” in the event of future difficulties. The aim was to oblige the parties to avoid resorting to force. Instead, they were bound to settle any dispute peacefully, “whether caused by this treaty or the interpretation of all or any of its articles or resulting from other cause”. Indeed, the articles related to territory were not excluded from the twenty year renewal provision, hence the Treaty of Taif would be renewed in 1953 (as we shall see).

Rationally, one might deduce that the resumption of military activities was not intended to be an option when the treaty came up for renewal twenty years later. Once such a renewal would be due, one can argue that any of the treaty’s provisions might be renegotiated for whatever reason, including those parts concerned with

territory. Article 22 suggested such a possibility of any modifications with the explicit mention that the treaty “may be renewed or modified”. Those aspects of the treaty relating to bilateral relations would thus become the object of further arrangements, depending on the status of the relationship between these two neighbouring countries.

It could be argued that Imam Yahya had in fact agreed to abandon claims to the districts he fought over. However, one can argue that the provision of renewal primarily reflects the reality of the region at the time, as history proves. These two rulers were not familiar with the notion of respecting territorial lines as permanent. Article 22 was not a slip or the result of a lack of understanding. Rather, neither of the two leaders saw the treaty as a long lasting agreement. The wise policy for both sides was to accept such provision until an appropriate, later stage, when circumstances had changed to their benefit in the future. The history of this conflict and several others in the region proves that on different occasions, when under pressure, leaders often accepted agreements, even over territory, as just a ‘piece of paper’ that one can tear apart, once the balance of power is again ideal for completing the task that had been delayed. Indeed, the Saudi expansion over Asir was despite agreements concluded with the Idrisis (see Chapter 2).

It was notable that during the reigns of Ibn Saud and Imam Yahya they had both continued to respect the Taif Treaty. However, a number of accounts suggest that the Imam’s claims to the districts disputed with Saudi Arabia remained unchanged during his era.<sup>72</sup> Such a reality was reflected in the publication of school textbooks during his reign. Yemeni school textbooks of 1940 depicted a country with three occupied regions: those under British rule in the south and east, and the region under Saudi occupation in the north.<sup>73</sup> For Wenner (1967), this suggested that “Imam Yahya seems to have still believed that ‘Asir belonged to him’”.<sup>74</sup> It is not surprising that, during this era, the disputed territories, with Saudi Arabia in particular, were

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72 Wenner, *op. cit.*, pp. 41-60, 147.

73 Lambardi, *Divisioni amministrative del Yemen*, p.143 (cited in Wenner, *op. cit.*, p. 147).

74 *Ibid.*

explicitly characterised as being ‘under occupation’. Perhaps more importantly this applies to more than school textbooks. Imam Yahya continued to use the same ideology and language he had adopted during the dispute with Saudi Arabia in the years following the treaty, notably in his latter dispute with Britain over south Yemen (see Chapter 4).

The Imam continued to express his ambition to ‘unify Yemen for the Yemenis’ and, as he argued, Asir and Najrān were integral parts of Yemen.<sup>75</sup> Paul Dresch (2000) points out that the Imam’s “claims to all Yemen were never formally surrendered - the treaty with the British was to run for forty years and that with the Saudis for only twenty at a time”.<sup>76</sup> Such explicit nationalistic statements were reflected in *Al-Hikmah*, a high-profile Yemeni magazine established in the late 1930s, which espoused the popular historic view of the rightful geographic frame of Yemen.<sup>77</sup> This was one of several matters that dominated the interests of the magazine. In addition, historians at the time of the Imam (and thereafter) such as Hussein Al-‘Arachiy (1939) remained attached to nationalistic sentiments, arguing that Asir and the other disputed provinces had been occupied by Saudi Arabia.<sup>78</sup> Thus, it has been recognised that during his reign the Imam reflected a view of the Taif Treaty as not being final and permanent, and that his desire was to unify Yemen over its historic territory that included all of these regions.

Imam Yahya, however, was not in a position to achieve his nationalistic desire for a Greater Yemen, but he could not formally abandon this goal, either because of the material importance of the disputed land or, more importantly, because of crucial domestic sensitivity. Likewise, it is probable that Ibn Saud accepted the idea of a

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75 Al-Madhagi (1996: p. 17), commented that “neither the imam nor the Yemeni people were satisfied with the 1934 peace treaty of Taif, which was concluded at the end of the war”.

76 Dresch, op. cit., p. 35.

77 It is significant that the magazine has such interests on the territorial issue especially by recalling the historic territory that included Asir, Jizān and Najrān. The territorial issue remains dominant matter for the interests of its editorial. For instance, “Yemen was encircled by sea from the west, south and east. All that was included within these boundaries up to the tip of southern Hijāz was the cradle of Yemen. Hadhramawt was not an island in the Indian Ocean so as to consider Shabwah as part of Hadhramawt and not of Yemen” (quoted in, Dresch, op. cit., p. 43).

78 Al-‘Arachiy, 1939: p. 108.

temporary agreement because he too was confronted with difficulties in areas where the expanded during the war (as discussed earlier), and their control of Asir or Najrān had not yet been sufficiently consolidated, at least we know that the Idrisis now in 1934 were fighting with the Imam.

### ***3.4.2. The renewal of 1953***

Interactions between Saudi Arabia and Yemen have generally been shaped by the gap between an extremely strong Saudi economy (not depending in foreign support) and its relatively less fortunate Yemeni counterpart. Consequently, it is part of the scope of this section to scrutinise this pattern which, from the 1950 onwards, had begun to characterise Saudi-Yemeni relations. Naturally, there have been times when reasonable interactions took place, even in relation to the territorial boundary dispute. For instance, results will be presented of the investigation into whether the renewal in 1953 of the Taif Treaty was the result of a rational vision intended for the benefit of both countries and based on the treaty's provision or, instead, merely an extension of the agreement.

The aim of such an investigation is to ascertain the prime drive for renewal, given the position of Imam Ahmed (the successor of Imam Yahya) regarding the Treaty and the decision that Imam Yahya took during the war of 1934. Certainly, the aim is to also examine whether other factors that had led Imam Ahmed to renew the Treaty of Taif reflected constructive improvements in Saudi-Yemeni relations. Given that it can be argued that Imam Ahmed agreed to renew the Taif Treaty because he confronted domestic challenges and was in no position to continue his stand against it. But the circumstances surrounding his reign and the poor economy must have been advantageous to Saudi Arabia. Indeed, by contrast, in the 1950s Saudi Arabia had begun to benefit from oil revenue. The Imam probably relaxed his stance on the Taif Treaty in order to win the Saudi government as an ally, whilst internal opposition against his authority continued to grow.

The developments of the relationship between the two neighbours would be tested following the assassination of Imam Yahya in 1948. Interestingly, Riyadh sided with

Prince Ahmed following the assassination of his father,<sup>79</sup> despite the perception that Ahmed was a hardliner in the run-up to and during the war of 1934, and that he had been against the conclusion of the Taif Treaty.<sup>80</sup> Ibn Saud did not object to Ahmed's succession and firmly condemned the assassination of Imam Yahya.<sup>81</sup> He had also detained an Arab League delegation in Riyadh, delaying their onwards journey to Sana'a.<sup>82</sup> It had been thought that the Arab League mission to Sana'a might provide the revolt with a new international dynamic, so the Saudis denied the revolutionaries the support they had requested. Instead, Muhammad Al-Zubairi, who had been sent to Riyadh as a special envoy from the leader of the plot in Sana'a, was detained by the Saudis, preventing him from making contact with any other government.<sup>83</sup>

Imam Ahmed, the successor of the assassinated Imam Yahya, was not in a position to challenge Britain in South Yemen and Saudi Arabia in the north as his father had done, and a marked retreat in the Yemeni position would become obvious during his reign, notably his attempts to normalise relations with both London and Riyadh. After the period of mourning for his father, Ahmed encountered substantial difficulties and did not assume his position of leadership by adhering to the tradition of the Zaydī School by which the Imam is elected. Instead, he argued that he had achieved his position "with his sword," defeating those who had assassinated his father.<sup>84</sup>

Thus, members of his own family were among the opponents to his succession. This was not only because they had their own ambitions, but also because they were against Ahmed's attitudes and rule. Indeed, Ahmed was known to have a somewhat cruel streak which was notably highlighted following his victory, when he allowed the tribes to enter the capital Sana'a and loot it wantonly. His epoch was infamous for the slaughter of revolutionaries and the imprisonment of political opponents.

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79 Stookey, 1978: pp. 216-217, 222. Al-Şaidi, op. cit., pp. 214-233.

80 Record of Conversation between Ryan (BLJ) and Yusuf Yassin, 25 May 1934. 'Jeddah Report for June 1935', Calvert (BLJ) to Samuel (FS), 1 July 1935. Fakhri, 1988: p. 36.

81 Stookey, Op. cit. Al-Jirafī, op. cit., pp. 333-340. Al-Jahāni, 1994: p. 286. Al-Şaidi, op. cit., pp. 213.-81, 121, 203.

82 Stookey, op. cit., p. 222. Al-Jirafī, Op. cit.

83 Stookey, Op. cit.

84 Al-Baraddūnī, op. cit., p. 499.

The most important factor Imam Ahmed faced was the opposition lead by the ‘Yemeni National Movement’ (as they have been known), which he had inherited from the time of his father.<sup>85</sup> Indeed, Imam Ahmed appreciated the importance of Aden under British rule, since it was in Aden that those behind his father’s assassination in 1948 had hatched their plot. The Aden-based opposition had become louder, especially since they had established their organisation, the ‘Free Yemeni Party’, in 1944 and founded the *Saut Al-Yaman* newspaper as its organ in 1946.

Upon his ascension to power, Ahmed was, unsurprisingly, keen to normalise relations with Britain, sending his brother, Prince Abdullah, (then serving as Foreign Minister), to London in 1949.<sup>86</sup> Soon after, the two governments exchanged diplomatic representatives for the first time, an exchange of notes regarding relations between the two governments, was concluded in London on 20 January 1951 (see Chapter 4). However, the 1950s was a time of substantial growth in terms of the movement’s numbers and the opportunities they would be presented with in Yemen and outside the country; and those became real factors in Yemeni politics. The revolution in Egypt in 1952 loomed large over those who challenged the Imamate in Yemen, with Cairo and Aden serving as their bases.

Also worth noting is that it was during the reign of Imam Ahmed, while Ibn Saud was still in power in Saudi Arabia, that the Taif Treaty was renewed for a further twenty year period on 19 March 1953 (its first renewal, see Appendix 3.8).<sup>87</sup> Imam Ahmed’s willingness to renew the Taif Treaty may be seen as surprising as he was known to have opposed the Treaty when it was first concluded. However, Imam Ahmed was confronted with rapidly increasing resistance to the Imamate rule in the 1950s, which finally succeeded in bringing its reign to an end. More importantly, the opposition

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85 See Wenner, op. cit., pp. 113-117. ‘Afif, op. cit., pp. 290-297. Peterson, 1982: pp. 43-45, 63. Al-Baraddūnī, op. cit., pp. 28-29, 498-499. Dresch, op. cit., pp. 53-57, 65-66, 70-79, 86-89. Al-Şaidi, op. cit., pp. 58-61.

86 Ingrams, 1963: pp. 81-82. Macro, 1968: pp. 93-94. Bidwell, 1983: pp. 49-50.

87 Official communiqué published in Jeddah and Sana’a (Sana’a newspaper, 31 March 1953. M. B. Jacomb, British Minister (Ta’izz) to Eden (FS), 25 March 1953. Pelham to Eden, 1 April 1953, Op. cit.



was strengthened by the growing role in the 1950s of military officers who eventually led the 1962 revolution and overthrew the Imamate rule.

Imam Ahmed's acceptance of a renewal of the Taif treaty – a treaty whose original signing he had opposed - was a change that was probably linked to the internal difficulties he was confronting at the time. Most importantly, the reign of Imam Ahmed was also troubled by disturbances in Tihāmah in the late 1950s led by a tribal *Shaykh* known as Abdullah 'Amaoh, with suspicions circulating that Riyadh had lent him support.<sup>88</sup> Perhaps this remains mere speculation, but learning that sources in the *Maqam* (the Imam's palace) pointed fingers towards Saudi Arabia indicates that the belief in Saudi involvement was present, regardless of whether Riyadh was actually implicated or not. Certainly, the significance is in that there had been a disturbance at the time in Tihāmah by the aforementioned tribe and Riyadh was suspected by the palace. Thus, one cannot rule out that Imam Ahmed was influenced by domestic difficulties in the 1950s.

The renewal in 1953 was not welcomed publicly in Yemen, however. Indeed, Ambassador Pelham in Jeddah reflected on the link between the treaty and the Yemeni feelings towards lost territory which they believed would be returned, noting that “the Yemenis, grumble about it [the treaty] from time to time”.<sup>89</sup> Certainly, it seems evidence that renewal was primarily aimed at avoiding any difficulties over the part of the treaty relating to the boundary. Such a move confirms the interpretation that Article 22 referred to the territorial issue in particular. Certainly, it was notable that renewal took place even though none of the aspects of co-operation raised by the Taif Treaty had been improved or regulated by bilateral agreements, as had been proposed in the original treaty. In other words, there had been no other matter that might have necessitated the renewal of the treaty other than the provisos related to territory, thus confirming they were not final.

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<sup>88</sup> Al-Baraddūnī, op. cit., pp. 26-27, 97.

<sup>89</sup> Pelham to Eden, 1 April 1953, Op. cit.

Such speculation was reflected at the time of the renewal by the British Legation in Ta'izz and the British Embassy in Jeddah, as illustrated by the views of Ambassador Pelham regarding Article 19.<sup>90</sup> Pelham referred to the original announcement of renewal, but found that the official communiqué had not been very specific, nor were the news of renewal in either Riyadh or Sana'a, beyond announcing the extension of the Taif Treaty for a further twenty years. His comments indicate that the main drive for renewal was to extend the agreement on the boundary established by the Taif Treaty. This "proved satisfactory to both parties", he argued.<sup>91</sup>

The other evidence that territory remained of importance is the fact that renewal was dealt with by the two heads of state. If trade, customs, or any of the other issues had been the ones that necessitated renewal, they could have been discussed at a lower level. But since the issue was territory, renewal was therefore tackled at the highest level. Other matters covered by the Taif Treaty for regulating neighbourly relations were of customary concern or mostly initiated plans in need of specific agreements.

The Treaty's provisions set out general guidelines for future agreements, such as Article 19 which initiated a 'customs agreement'. The parties would probably be interested in improving the movement of goods and people between their countries and, if such intentions receive interest, a new agreement is required so that the two countries could go ahead with the development of a free trade zone or even full integration.

The renewal of the Taif Treaty in 1953 indicated that Saudi Arabia was aware of the necessity for renewal of the 1934 treaty, including its territorial specifications. However, a different policy was adopted thereafter. Indeed, renewal post-1953 would be avoided yet its legality would be affirmed in several Saudi-Yemeni treaties thereafter, as we shall see in Chapter 5. Indeed, having agreed to a renewal of the Taif Treaty in 1953 for a further twenty year period provides evidence for this thesis' view that Article 22 covered the boundary agreement. It was likely that the Saudis

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<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

requested the renewal at least to avoid disagreement with the Imam Ahmed, especially considering his earlier opposition to the treaty.

Conversely, it can be argued that the Kingdom thenceforth adopted a policy by which the Taif Treaty was regarded as a final boundary agreement. It seems that Riyadh endeavoured to remediate the weaknesses of the treaty, mostly in its own favour. Obviously, the main objective was based on consolidating the interpretation that the Treaty had established a final and permanent line.

Indeed, territorial agreements usually establish permanent boundaries and this was possibly the advice the Saudi government had received at this point. Thus, this was the first and only renewal of the Taif Treaty. The Saudi policy regarding renewal would change soon after it took place. Al-Shahari notes that, according to reports in 1959, it was claimed that King Saud Bin Abdul-Aziz, the successor to Ibn Saud upon the latter's death in 1953, had rejected the idea that the Taif Treaty was subject to renewal.<sup>92</sup> This was justified by the King on the grounds that the Kingdom was not in need of the production of any legal evidence to support Saudi ownership claims over Asir and Najrān.<sup>93</sup> One should take into consideration that by this time Saudi Arabia had begun to benefit from oil revenue and subsequently its understanding of international norms would further improve. As noted in Chapter 2 the Saudis by 1949 obtained proper advice on their "sovereignty rights from lawyers hired by the Arabian American Oil Company (Aramco)".<sup>94</sup>

### ***3.4.3. The change in the Saudi policy and the Al-Ḥajri communiqué of 17 March 1973***

An event that caused a great deal of trouble was the infamous joint communiqué issued in Riyadh on 17 March 1973 (see Appendix 3.9). This was during a visit by Al-Qadhi Abdullah Al-Ḥajri, the Yemeni Prime Minister to the Kingdom, following a brief Gulf tour. The significance of this infamous communiqué resides in the fact it

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92 Al-Shahari, 1979, p.17.

93 Ibid.

94 Wilkinson, 1991: p .x.

provides evidence that like the 1920s the 1950s witnessed intensified role for the domestic situation, primarily in Yemen, which has been a significant effect on the state's position regarding the territorial dispute. It also confirms the change of policy in Saudi Arabia regarding the Taif Treaty. The idea was that Article 22 has either been ignored or treated as divorced from the contents of Articles 2 and 4. Evidence examined here, of official Saudi actions as well as the written work of most Saudi writers, is illuminating.

Difficulties troubling Yemen in the 1960s would lead to a deterioration in the country's position concerning the territorial boundary dispute. Riyadh consequently exploited these difficulties to either ignore the treaty or accept some of its provisions selectively. For instance, Article 4 would increasingly be viewed as exempt from the renewal. The 1960s would show the complicated nature of the role of the territorial dispute in Saudi-Yemeni relations. The Imamate rule in 'North Yemen' was overthrown in 1962 and South Yemen gained its independence from Britain in November 1967. Egypt supported the revolution, while Saudi Arabia sided with the Imamate struggle to regain power.<sup>95</sup>

This change in Saudi Policy was highlighted by a number of observers. For instance, the Yemeni politician Abdul-Hafidh Bahran recently wrote of a request for modification of the Taif Treaty, according to which Article 22 was submitted by Saudi Arabia to Imam Muhammad Al-Badr, the last Imam of Yemen and the successor to Imam Ahmed following the death of the latter in 1962.<sup>96</sup> The request was to modify the treaty, thus bringing to an end the uncertainty of its provision regarding the boundary: in other words, to make it state that the boundary established by the Taif Treaty was permanent. This request came during the time when Imam Al-Badr sought refuge in Saudi Arabia, following the revolution of 26 September 1962.

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<sup>95</sup> For more information on the conflict and its impacts on the territorial boundary dispute see O'Ballance, *Op. cit.* Peterson, *Op. cit.* Bidwell, *Op. cit.* Al-Haisami, *Op. cit.* Gause III, 1990.

<sup>96</sup> *Al-Tagamū'a* Newspaper, 27 July 1998.

Al-Badr refused to accede to this request, ultimately opting for Britain as an exile destination over Saudi Arabia.<sup>97</sup>

Subsequently, Yemen became an arena of international rivalry in the 1960s, with the Yemenis paying a heavy price.<sup>98</sup> The civil war would become the concern of the United Nations, and international observers were sent to Yemen, arriving on 13 June 1962.<sup>99</sup> Furthermore, the districts of Najrān and Jīzān in particular would become the political and military rallying stations for the Royalists.<sup>100</sup> The Revolutionists and their main supporter, Jamal Abdul-Nasser, the President of the United Arab Republic<sup>101</sup> [Egypt] were not happy with the fact that Saudi Arabia had started to back the deposed Hamid-Uddin family. Therefore, Najrān, Jīzān and some parts of Asir, would become the target of air strikes and rockets fired from Yemen. According to Bidwell, on 11 October 1962, Egyptian aircraft shelled fortresses inside Saudi Arabia, while Edgar O'Ballance (1971) dates the first attack to 4 November 1962.<sup>102</sup> The latter noted that five small villages near Najrān were bombarded.<sup>103</sup> The series of bombardments on Najrān would continue, as another attack was reported on 12 January 1963, followed by others on 6 June and 17 June of the same year and another on 14 October 1967.<sup>104</sup> Jīzān was also bombarded on 8 June 1963 and on 14 October 1967,<sup>105</sup> while Abhā was bombarded on 17 June 1963.<sup>106</sup> It was evident that several attacks had taken place, but there is a possibility that some reports were based on mere allegations, as not all of them were independently confirmed. The damage was

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97 Ibid.

98 The Imamate was led by Muhammad Al-Badr the successor of Imam Ahmed and several others members of the family, most importantly Prince Muhammad Bin Husayn. Peterson (op. cit., p. 89) notes that estimates for those killed in combat range up to 200,000.

99 O'Ballance, 1971: pp. 101-105, 117. Al-Haisami, op. cit., p. 164.

100 O'Ballance, op. cit., p. 84. Bidwell, op. cit., pp. 195-219.

101 This was the official name of the country since the unification with Syria.

102 O'Ballance, op. cit., p. 88. Bidwell, op. cit., p. 199.

103 O'Ballance, Op. cit.

104 Ibid., pp. 96, 113, 114, 169.

105 Ibid., pp. 113, 169.

106 Ibid., pp. 114.

not serious, according to O'Ballance, but there were some casualties.<sup>107</sup> Yet, by the end of May 1963 the United Nations' Security Council become concerned with the developments along the border area established by the Taif Treaty.<sup>108</sup>

The difficulties along the borderlands grew serious as Egyptian leaders invoked the Yemeni claims to Najrān, Jīzān and Asir as part of the conflict. Leading Egyptian figures such as Anwar Sadat even declared that they would support Yemen in regaining the lost territories.<sup>109</sup> Furthermore, President Nasser delivered several speeches in which he publicised Yemen's rights to the disputed territories.<sup>110</sup> On 1 May 1965, Nasser threatened to occupy Najrān and Jīzān,<sup>111</sup> and the Yemeni Republican government was very quick to provide him with a pretext, issuing a statement on 4 May, laying claims to the disputed districts of Najrān, Jīzān and Asir.<sup>112</sup> Although the Republican Council of the former 'Yemen Arab Republic' recognised the continuing validity of all international treaties and agreements concluded under Imamate Rule prior to the 'Revolution', Al-Shahari confirmed that, in a communiqué of 1965, the Council excluded the Treaty of Taif of 1934 with Saudi Arabia from any such recognition. They stated that "Yemen remained with its complete and absolute hold to the title to the territory, people, history, and destiny of Asir and Najran as part of Yemen".<sup>113</sup>

The developments in the 1960s and the rejection of the Taif Treaty by the Presidential Council in Yemen were part of the reaction against Saudi support for the Royalists. This, however, remains the object of speculation, though there is evidence that Sana'a would work toward reconciliation with Riyadh, which it succeeded in securing by the 1970s.

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107 Ibid., pp. 113, 117, 119,

108 Correspondence related to such developments, May-June 1963 (Schofield, 1992: Vol.20. pp. 681-689).

109 Bidwell, Op. cit.

110 Al-Shahari, Op. cit.

111 O'Ballance, op. cit., p. 159.

112 Ibid.

113 Al-Shahari, Op. cit.

However, in 1972, the territorial issue was brought back into Yemeni politics, despite the reconciliation between Riyadh and Sana'a. This was attributed to the fact that the Taif Treaty was due for its second renewal the following year (1973).<sup>114</sup> In late 1972, students demonstrated in the streets of the capital Sana'a and the main city of Ta'izz, calling for the return of the lost territories of Asir, Jizān and Najrān.<sup>115</sup> No doubt this was part of the conflict of interests between the political factions within Yemen itself, notably those who were not in favour of normalising relations with Riyadh. It was after Al-Ḥajri became Prime Minister that the Yemeni government agreed in 1973 to declare, in a joint communiqué with Saudi Arabia, the finality of the Taif Treaty's boundary agreement.

As mentioned earlier, the treaty was in fact due for renewal in 1973. However, Riyadh was keen to confirm the finality of the boundary agreement according to Articles 2 and 4, thus ending any remaining debate on the issue. The Saudis however, "had tactlessly insisted on a public renewal of the Treaty and a public affirmation of the frontier. If they had been sensible they would have automatically renewed the Treaty for a further twenty years without any publicity or fuss".<sup>116</sup> Riyadh had "appeared to obviate the need for renewal", Schofield argues.<sup>117</sup>

As noted earlier the only renewal was in 1953 and since no extension of the Taif Treaty for a further twenty years, neither in 1973 nor thereafter (i.e. in 1993). Indeed, such a request would only have aroused within the Yemeni public the idea the lost territories of Asir, Jizān and Najrān were would be due when the Taif Treaty terminate. Consequently, the joint declaration was articulated in a way that was meant to dispose of any remaining questions regarding its renewal. It was stated in the joint communiqué that the two countries had agreed, "that the boundary between their countries is permanent and final according to Articles 2 and 4 of the Treaty of Taif".

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114 See 'The Northern Frontier of the Yemen Arab Republic', March 1973.

115 Ibid.

116 A.D. Parsons to Mr R.M. Hunt at the Middle East Department, FCO, 19 April 1973.

117 Schofield, 2000: p.16.

This was meant to signify an official Yemeni confirmation that the Taif boundary line was indeed, “permanent and final”.

The statement has been described as “[a] rather obscure” communiqué.<sup>118</sup> The crucial part was “the two sides’ reaffirmation of their complete agreement that the borders between their two countries are finally and permanently established as provided by Articles 2 and 4 of the Taif Treaty”. And yet, to the present day, the Al-Ḥajri statement (as it has since become known) has never been confirmed by any Yemeni leader, nor ratified by any legitimate institution in Yemen. The communiqué was regarded as illegitimate and legally void because it was not ratified by the proper elected constitutional institutions with the right to represent the Yemeni people.<sup>119</sup> Mistakenly, however, several writers considered it as a renewal of the Taif Treaty.<sup>120</sup>

The communiqué, however, was never ratified. Because it purported to amend an international treaty, the communiqué has been subject to a strict procedure. The Yemeni constitution of the time confirmed the methods available for treaty renewal and Article 89 decrees that only the “President of the Republican Council is responsible for endorsing treaties”. The constitution states further that treaties between Yemen and any other governments “must be ratified by the Presidential Council, the Ministerial Council and Consultative Council”.<sup>121</sup> No renewal was agreed, nor was the communiqué developed to become part of any new treaty.

The statement by Al-Ḥajri resulted in serious political disturbances over his reaffirmation that the Taif line was final and permanent. Al-Ḥajri was sympathetic to Riyadh’s position and, as Halliday (1974) commented, he had effectively agreed to waive Yemeni’s claims to the provinces annexed by Saudi Arabia in 1934.<sup>122</sup> For others, Al-Ḥajri had been compelled to utter such a statement under Saudi

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118 Ibid.

119 Al-Shahari, *Op. cit.*, p. 18.

120 See El-Azhary, 1984: p. 196. Al-Amri, 1987, *op. cit.*, p. 188. Al-Ghamdi, 1999: pp. 60-61.

121 The Permanent Constitution of 1970 in the ‘Yemen Arab Republic’ Article 89.

122 Halliday, 1974: p. 147.



pressure.<sup>123</sup> As Prime Minister, it was vital for him, many argued, to think of the importance of ending the conflict with Riyadh to improving relations with the Saudis and thus secure greater assistance from them. No doubt it is more likely that Riyadh wanted to exploit the difficulties in Yemen to settle in its favour the weaknesses of the Taif Treaty.

This move revealed the dynamics of the territorial issue on Yemeni domestic politics, reflecting that the territorial dispute had remained latent, as indicated by the virulent public reaction, the contradictory positions among officials and, most importantly, the success of the communiqué in rallying the masses against it. Moreover, the issue intensified hostilities between Sana'a and Aden and created a serious wedge between the two governments. After all, one of the reasons that Yemen was separated into two independent states was political division. Relations between Aden and Sana'a were complicated by ideological challenges and the struggle for power. Such interactions created a serious rift between the two governments leading to the boundary issue with Saudi Arabia being exploited by one against the other on several occasions.

News of the communiqué of 17 March 1973 provoked strong anger, both in Yemen and abroad, to the extent that the government in Sana'a was on the verge of collapse as a consequence. There were demonstrations by students, political activists and by the general public in several Yemeni cities and abroad. In 'North Yemen', activity took place in the Yemeni capital Sana'a and important cities including Ta'izz and Al-Hudaydah.<sup>124</sup> In Aden, opponents of the communiqué included the general public and various popular movements, as well as being formally rejected by the ruling coalition, the National Movement.<sup>125</sup> Students in several other capitals abroad showed their rejection of this move by the Yemeni government.<sup>126</sup> In Cairo the offices of the Yemeni Embassy were occupied by Yemeni students who seized the Ambassador, Yahya Al-Mutawakkal, in protest against the communiqué, which they regarded as a

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123 El-Azhary, Op. cit.

124 See Parsons to Hunt, 19 April 1973, Op. cit. Al-Shahari, op. cit., p. 13.

125 See Hunt (FCO) to Parsons, 30 April 1973. See Al-Shahari, Op. cit.

126 Al-Shahari, Op. cit.

surrender of Yemeni territories to Saudi Arabia.<sup>127</sup> PM Al-Ḥajri's move "caused considerable consternation here [in Yemen] both at ministerial and lower levels" among "the young officers". Consequently, the Prime Minister and his Deputy (and Minister for Foreign Affairs), Muhammad Ahmed Nu'aman (who had signed the statement on behalf of the Yemeni government,) were subject to widespread and open accusations "for selling part of Yemeni territory for Saudi gold".<sup>128</sup> The PM would not have "a particularly easy time politically" after this communiqué.<sup>129</sup>

Nonetheless, contrasting views persist on this issue, even among governmental officials. For instance, the Yemeni President, Al-Qadhi Abdul-Rahman Al-Iryani, had repeatedly commented that "the border would remain as demarcated" by the Taif Treaty,<sup>130</sup> during a press interview on 19 January 1973.<sup>131</sup> However, the President responded to the public reaction and, because of the sensitivity of the issue, changed his position,<sup>132</sup> pledging that the communiqué would not be put before the Consultative Council for ratification. This, according to the aforementioned Yemeni politician, was stated during a presentation by the President to a committee of unofficial politicians formed as a reaction against the communiqué.<sup>133</sup>

According to Muhammed Al-Akwa, a former minister of interior in Yemen, Al-Qadhi Al-Iryani told the committee that the dispute was over territories and that when Yemenis would become capable of recapturing what they had lost no one would be able to prevent them from doing so. He added that land would remain where it was located on the geographic map while in his view the communiqué or any agreement would remain a piece of paper.<sup>134</sup> In other words, he did not deny the Yemeni claims to the disputed territories; but rather made two important points. On the one hand, his

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127 News from the BBC, 9 April 1973, FCO 8/2148 (278710), TNA.

128 British Embassy (Sana'a) to FCO, 20 March 1973. See Schofield, 2000, op. cit., pp. 7-20. Al-Shahari, Op. cit.

129 Hunt to Parsons, 30 April 1973, Op. cit.

130 'Treaty of Taif and Asir Claim', D. E. Tatham, Middle East Department (FCO) to British Embassy (Sana'a), 9 March 1973. *The Northern Frontier*, March 1973, Op. cit.

131 'Treaty of Taif and Asir Claim', 9 March 1973, Op. cit. *The Northern Frontier*, March 1973, Op. cit.

132 British Embassy (Sana'a) to FCO, 20 March 1973, Op. cit.

133 *Al-Tagamū'a*, 27 July 1998.

134 Public lecture in Sana'a in 1997.

statement indicates the way that both the Riyadh and Sana'a governments had taken advantage of their populations, leaving the public in both countries with an ambiguous sense of the situation. On the other hand, from the president's statement the danger behind such an uncertain situation could become critical, i.e. competition over territories. He assured the committee that there was no impact on the role of legal evidence, unlike what had happened when King Saud in 1953 (as illustrated earlier) undermined the importance of any legal evidence. Both the King and the President seemed to stress the value of possessing the necessary might: for the King this was required to defend his control over these territories. For the President it was vital for recapturing them.

A contrary view (one that echoes the current position held in Sana'a) was that espoused by the Yemeni ambassador to London, (the former Prime Minister) Muhsin Al-'Aini, who insisted the Taif Treaty "had originally been for twenty years, renewable. It had been renewed for a further twenty years [in 1953] and had expired in March [1973]".<sup>135</sup> A rather more extreme view was held in Aden, and stated that when the Taif Treaty "expires in April this year [1973] the provinces [Asir, Jizān and Najrān] should revert to Yemen".<sup>136</sup> This was attributed to interest in Aden "in stirring up bad blood between the YAR and Saudi Arabia".<sup>137</sup> Indeed, relations between Sana'a and Aden were tense in the early 1970s, while Al-Ḥajri was in the cabinet. It was commented that such a territorial dispute remained "a sensitive issue which the PDYR [South Yemen] will no doubt do its best to inflame".<sup>138</sup> Due to the divide between Sana'a and Aden over the issue, the on-going unity negotiations in Yemen were affected by Al-Ḥajri's move.<sup>139</sup>

Interestingly, the Yemeni interpretation of Article 22 was not shared by British diplomats when the Al-Ḥajri communiqué was discussed internally in London at the

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135 Parsons to Hunt, 19 April 1973, Op. cit.

136 See Note on the 'Saudi-Yemen Arab Republic Border', Tatham (FCO), 27 March 1973.

137 Ibid.

138 Hunt (FCO) to J.M. Edes (British Embassy, Sana'a), 8 May 1973.

139 British Embassy (Sana'a) to FCO, 20 March 1973, Op. cit.

end of March 1973. The Yemenis apart, the general understanding has been that, by signing the Taif Treaty, Yemen had surrendered the territories of Asir, Jīzān and Najrān. Asir was regarded a province that Yemen “ceded to Saudi Arabia after a brief war between the two states in 1934”, according to the account of the situation as seen in the Foreign and Commonwealth Office (FCO) in London.<sup>140</sup> In fact, from a legal point of view, the “boundary once fixed is permanent, i.e. it continues until changed”, as FCO Legal Advisers had commented in 1973.<sup>141</sup> The latter was in agreement with the point made by the Middle East Section in the Research Department at the FCO that “the Treaty will continue in force until such time as either party indicates a desire to modify it”.<sup>142</sup> Nevertheless, in the 1970s during the aftermath of the Al-Ḥajri communiqué, the Secretary General of the Arab League, reportedly told the French Ambassador in Sana’a that the disputed territories were still recognised by the Arab League as part of Yemen.<sup>143</sup>

The Yemeni Deputy Prime Minister (and Minister of Foreign Affairs), Muhammad Ahmed Al-Nu‘aman, was assassinated in Beirut on 28 June 1974 and the Prime Minister Al-Ḥajri himself was also assassinated in London on 10 April 1977.<sup>144</sup> The assassination of both politicians was blamed on their involvement in surrendering Yemeni territories to Saudi Arabia by the aforementioned communiqué.<sup>145</sup> It has been commonly believed that Aden was behind the plotting of the assassinations of Al-Ḥajri, and Nu‘aman. Not only Aden was against the concession, its relations with Sana’a at the time were tense. Indeed, political antagonism between Aden and Sana’a was running high, with each government presenting itself as caring for Yemenis interests. The virulently nationalist ideology of the regime in Aden was clearly a key motivation; though it is also likely that Aden exploited the sensitivity of the territorial

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140 J.H.A. Emck in the Guidance & Information Policy Department, FCO, 28 March 1973.

141 Notes on the Taif Treaty prepared by R.K. Batstone, Legal Adviser, FCO, 2 March 1973.

142 Treaty of Taif and Asir Claim, J.P. Bannerman at the Middle East Department, FCO to Mr Tatham at the Middle East Department, 17 January 1973.

143 Treaty of Taif and Asir Claim, P.R.H. Wright, 8 January 1973.

144 Al-Ḥajri’s wife and the Minister of Plenipotentiary, Abdullah Al-Hamami, a diplomat in Yemeni Embassy in London also lost their lives as they were with the Prime Minister.

145 Al-Haisami, *op. cit.*, pp. 289-290.

issue as part of a wider political game against both Sana'a and Riyadh, aggravating public anger against the government in Sana'a, and presenting the Aden government as the defender and protector of Yemeni national territory.

### **3.5. Concluding Remarks**

#### ***3.5.1. The territorial issue and domestic politics***

Part of the findings of this chapter identifies a pattern of Saudi-Yemeni relations with a substantial impact on the territorial boundary dispute, namely the uneven power balance to the advantage of the Saudis. Imam Yahya accepted the Taif Treaty with the intention that the land would remain where it was located on the geographic map while any agreement would remain a piece of paper. Like his predecessor again Imam Ahmed would accept the first and only renewal of the Taif Treaty to date, after finding himself in no position to do anything else. Despite his initial stand against the treaty, by the time of the renewal he had recognised it and, significantly, by agreeing to its renewal had further enhanced opposition against his own rule and that of the Imamate in general. It was during the same period that Ahmed agreed to normalise his relationship with Britain too and agreed to what his predecessor had rejected (see Chapter 4). The impact of domestic affairs on the territorial boundary dispute would become a crucial factor from the 1950s probably more than it had been in 1920s and 1930s (see Chapters 4, 5 and 6).

Time would not be to Yemen's advantage for those who used the treaty as one of their rallying elements against the Imamate and renewed claims to the lost territories when in power in the 1960s. Due to the difficulties with which they were confronted, they too had to accept a Saudi attempt, not for renewal as was the case in 1953, but rather to utterly eliminate any effect of Article 22 on the boundary. Al-Ḥajri communiqué of March 1973, provided the Saudis with confirmation that the boundary was final and permanent as confirmed. Reconciliation with their rich neighbour was the most prominent objective, despite the obvious opposition to renewal. Renewal was probably a better idea than the Al-Ḥajri declaration for the Yemeni Government, but the situation in Yemen in the 1960s was critical, as the country went through civil war for several years, and it was in such a context that Yemen was requested to recognise the boundary established by the Taif Treaty as final.

It is important to note the fact that Saudi Arabia played a prominent part in the military activities that took place in Yemen throughout the 1960s. The significance of such developments is that Saudi Arabia has since gradually garnered extensive influence upon Yemen while domestic difficulties have substantially affected the country's position regarding its territorial issue with Saudi Arabia since the 1950s. This was the birth of a pattern of Saudi-Yemen relations, for the fact that Riyadh has been involved in Yemeni internal affairs ever since has enhanced criticism that Riyadh favours a weak Yemen for its own stability and out of fear of a possible renewal of the Yemeni territorial claims.

### ***3.5.2. Renewal also meant the territorial issue***

Riyadh accepted the addition of the renewal provision in 1934 and is likely to have been the party who worked for the treaty's renewal in 1953. Neither country was in a position to change the *status quo* or force an amendment to the treaty. For the Saudis, particularly before the Jeddah Treaty of June 2000 had been concluded, the Taif Treaty had been important for being the agreement that established the boundary with Yemen. This point is demonstrated by the fact that the Taif Treaty has only been mentioned whenever there was an issue over territory.

In Yemen the situation worsened critically during successive republican governments following the Revolution of 1962, which overthrew the Imamate rule in Yemen. The common understanding, regarding the renewal provision, has been that Asir, and Najrān were only abandoned to Saudi Arabia for twenty years. Al-Shahari argues "that it was obvious that the Imam did not surrender the territories of Asir and Najran eternally". His view is based on Article 22, namely the belief that the treaty was made subject to renewal and readjustment.<sup>146</sup> Interestingly in this respect, Al-Baraddūnī notes that Imam Yahya agreed to leave the disputed territories under Saudi influence for twenty years but that the inhabitants would then be free to choose Yemen or Saudi

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146 Al-Shahari, op. cit., pp. 16-17.

Arabia.<sup>147</sup> Indeed, in 1990, for example, the Yemeni Foreign Minister said in a newspaper interview that the treaty was renewable every 20 years - implying that for it to be in force it was due for renewal.<sup>148</sup> This was obvious during the incident between Riyadh and Sana'a over the ownership of Kharkhayr in 1992, when it was noted that, "[i]n 1934, the two countries signed a renewable 20 year agreement".<sup>149</sup>

In this respect, one can recall here the understanding among foreign observers of the Taif Treaty and its territorial effects. Comments made by contemporary scholars and observers of the Saudi-Yemeni conflict, and the effects of the Taif Treaty in particular, echo the Yemeni understanding. In general there are those who regard the Taif Treaty as having produced only a temporary boundary. In addition, it is common among scholars to consider that the disputed provinces were occupied by Saudi Arabia and, most importantly, that Yemen had been defeated and forced to surrender the disputed territories.<sup>150</sup>

In fact, observers assumed that by 1990 renewal would become a prelude to bargaining positions for both Riyadh and Sana'a.<sup>151</sup> This is a matter that remains significant today, despite the conclusion of the Jeddah Treaty of June 2000. Such uncertainty regarding the effect of renewal on the established boundary remains unaddressed. Recently, Askar Al-Enazy (2005) underlined the issue from a legal point of view and argued that "the presence of this rather unusual clause [Article 22] in a treaty involving territorial settlement would have important legal implications for the status of the Treaty of Taif".<sup>152</sup> These recurrent views continue to inflame Yemeni nationalistic feelings substantially, especially when uttered by neutral parties and observers. The role of the Taif Treaty as a focalising point for nationalistic feelings of

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147 Al-Baraddūnī, 1993: p. 25.

148 *Al-Quds Al-Arabi* (London), 24 October, 1990.

149 Boundary News Archive, International Boundaries Research Unit, Durham University (BNA), 24 May 1992.

150 See Wenner, op. cit., pp. 111-123. Little, 1968: p. 20. Synge, 1979: p. 231. O'Ballance, 1982: p. 92. Peterson, op. cit., p. 59. Douglas, Op. cit. Lindsey, 1991, p. 181. Dresch, op. cit., p. 47. Schofield, Op. cit. The Estimate, 30 June 2000.

151 Whitaker, 2009; p. 93. See Murphy, 2006.

152 Al-Enazy, 2005: p. 15.



surrendering lost historic territory among Yemenis remains significant (as we shall see in Chapters 5 and 6).

What might provide evidence of the problematic nature of the territorial issue is that conflicting views regarding this question have spread beyond the politicians into reviews of the treaty in Saudi Arabia. Al-Ghamdi (1999) was brave in his comment on the uncertainty regarding the implications of Article 22. He argued that the Taif Treaty was purposefully negotiated to establish the Saudi Yemeni boundary, and views Article 22 as subject to debate, without really telling us why.<sup>153</sup> Generally, in Saudi Arabia the boundaries between Saudi Arabia and Yemen established by the 1934 Treaty have been perceived as permanent and final. And yet, even in their assessment of the Taif Treaty and its many provisions, mentions of Article 22, or of any uncertainty about its implications, have remained conspicuously absent.<sup>154</sup>

The popular interpretation commonly reflected in news reports and accounts dealing with Saudi-Yemeni relations, has been that no final permanent boundary had been drawn. The prevalence of such an interpretation has been regarding the effect of the Taif Treaty by which the annexed territories were due to return to Yemen. Indeed, it is not the legality of the claims, but rather the public understanding of them that matters. Indeed, it is maintained the public mass emotional sentiment that matter in issues related to territory.<sup>155</sup> The popularity of the belief that the Taif Treaty was subject to renewal or modification intensifies the feeling in Yemen of having been defeated, and of having lost territory. Such feelings have deepened further, especially when the Saudis attempted, since 1973, to change the general understanding of Article 22 to their advantage.

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153 Al-Ghamdi , *op. cit.*, pp. 55,63-65.

154 See Al-'Agaily, 1992: pp. 388-409. Al-Qaba'a, 1992: pp. 192-197. Al-Jahāni, *op. cit.*, pp. 232, 242.

155 Hensel, 1999: p. 119. He refers to the dispute between Bolivia and Paraguay over Chaco as an example.

### ***3.5.3. An advanced bilateral agreement***

Ultimately, such difficulties resulted from the Saudi-Yemen territorial issue, most importantly it provides evidence for this thesis argument that the dilemma of Saudi-Yemeni relations amounts to more than a territorial boundary dispute. Most importantly, the Taif Treaty set a precedent for all future agreements of its kind, and presents an ambitious vision for successful Saudi-Yemeni relations. In other words, the two neighbouring countries were confronted with a territorial dispute yet were determined to transform such an antagonistic relationship into an *idyllic* one. Had the initiatives proposed by the Taif Treaty been taken seriously since the 1930s, the conflict and its implications would have been forgotten and these neighbouring countries could have showcased to the rest of the world their precedent for implementing ideas of regional integration and common markets.

Indeed, one may confidently argue that, had implementation of the Taif Treaty and its provisions been effected for the entire twenty-two articles without any selectiveness, better neighbourly relations could have been secured between Riyadh and Sana'a many decades ago. It is thus rather regrettable that no genuine efforts had been made since 1934 towards the ambitious goals represented in the treaty. Had that been the case, these neighbouring countries could have reached the stage of being a free market or even a common market. Instead, Saudi-Yemeni relations have always been conducted without reference to the Taif Treaty or its advanced provisions.<sup>156</sup> The focus has been only on the Taif Treaty as an agreement by which the boundary was established, while the rest of its provisions have been ignored. Thus, the full detrimental effect of territoriality has since become fully apparent, especially in recent years, as the notion of the nation-state has become more fully entrenched in the Arabian context.

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<sup>156</sup> The Author of this thesis informed by a Yemeni official who participated on negotiations for an agreement on economic cooperation between the two countries in the 1990s, the Saudis rejected any reference to the Taif Treaty in this agreement as the Yemenis had proposed.



## **Chapter 4:**

### **4. The Eastern Section of the Saudi-Yemeni Boundary**

#### **4.1. Introduction**

The focus of this chapter will be on the problematic evolution of the eastern section of the Saudi-Yemeni boundary, which is the borderline established by the Jeddah Treaty of June 2000. Starting from the junction point of the borders of the two countries with that of the Sultanate of Oman (at 19° north 52° east,) this section runs, in a westerly direction, to its end at Al-Tha'r Mountain (at 17° 26 north and 44° 21 58 east, see Figure 5.1). The longest part of this boundary section had been negotiated by Britain solely with Ibn Saud, because it formed the north-eastern boundaries of the Aden Protectorate with Saudi Arabia.

The aim of this chapter is to scrutinise, at length, the causes of continuous national yearning in Yemen for this lost territory in south-east Arabia, with blame notably directed towards the colonial legacy of both the Ottomans and Britain. This chapter scrutinises several aspects believed to be responsible for generating such feelings. It questions the effects on Saudi-Yemeni relations of the colonial legacy.

Therefore, it is divided into three parts, the first of which will assess the motives behind territorial competition in the southern part of the Arabian Peninsula. The second examines aspects of Anglo-Yemeni relations, particularly the impact of territorial disputes that had remained unresolved despite the conclusion of the Anglo-Yemeni Treaty of Sana'a of February 1934 (see Appendix 4.1). The last section considers Anglo-Saudi disputes over territories in this part of Arabia, with particular attention to the implications of their outcome for the present question.

The importance of this chapter is in understanding the actual motives behind competition over territories. Although materialistic interests clearly featured highly as motives for territorial challenges, this has not been solely the preserve of local players and rivalries but, to the contrary, was mainly involved the conflicting interests of

local, regional and international players. The disagreement over the boundaries of the Aden Protectorate was thus only part of a greater issue.

At the turn of the century, the most important players had been Britain and the Ottomans. Additional external interests in Arabia in the 1930s complicated the picture even further, especially since the interests of countries such as Italy and the United States were not necessarily aligned with those of Britain. This had its effect on the conduct of domestic and regional politics, as each player backed one local actor against another. As seen in previous chapters, Italy was often blamed for provoking Imam Yahya, while Britain was accused of supporting Ibn Saud. This continued over the post-war period. For instance, in November 1969, during hostilities with Riyadh over territories, the South Yemeni Government accused Washington of supporting the Saudis.<sup>1</sup>

Thus, policies supposedly aimed at territorial expansion should be subjected to close scrutiny; and overlapping territorial claims in this part of the Peninsula should therefore be understood as essentially based on artificial features, geographical or otherwise. The evidence illustrated in the course of this thesis shows that conflict over territories arose from competition over economic resources and strategic locations. In this context, the advent of hydrocarbons considerably affected the evolution of boundaries in Arabia. In fact, this factor is crucial in evaluating the intensification of the Yemenis' desire to recapture lost territories, since they represented the loss both of economic opportunities as well as strategic locations.

While Imam Yahya based his arguments primarily on historical factors that invoked a Greater Yemen, the Saudi endeavour, for its part, was expansionist, aiming at controlling the whole of the Peninsula under the banner of unity. When such an objective appeared to be impossible, Saudi claims were reduced, but only slightly. Nevertheless, Anglo-Saudi negotiations over Arabia's territorial limits involved concessions and compromises over territory within what Yemen claimed as its

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<sup>1</sup> Aden to FCO, 27 November 1969.

historic territory. This has no doubt engendered problematic implications, and aggravated the yearning for lost territory in Yemen.

## 4.2. The roots and motives of confrontation

The colonisation of much of the non-European World was justified by an imperial mind-set that regarded entire regions, such as those in Africa in particular, as *terra nullius*: territories that could be acquired by any state.<sup>2</sup> Imperial hegemonic objectives originally led Britain to occupy Aden in 1839 because of the position the port occupies on the route to India and the East.<sup>3</sup> The occupiers were fully aware that Aden belonged to Yemen, yet its territory was easily infringed upon because of the weak nature of Imamate rule at the time. However, a different, factually unsubstantiated, justification for occupation was later advanced.

In an India Office memorandum of 1916, Britain justified its occupation thus: “in 1839 when Aden was captured by the British, the Abdali Sultan, who then held it, was independent of the Imam and had extended his influence over the adjoining tribal territory”.<sup>4</sup> Yet, this document confirms the story, widely accepted in Yemen, that “the sovereignty of the Imam was ignored” by the occupation of Aden.<sup>5</sup> Accounts from the period reflect that the Imam in Sana’a prior to the turn of the nineteenth century had refused to grant the British the interests they had requested in the port of Mocha. They consequently turned to the Sultan of Lāḥj, Ahmad Abdul-Kareem Al-Abdali, concluding a treaty of friendship with him on 6 September 1802. Due to the growing imperial interests at the time, Aden was subsequently occupied.<sup>6</sup>

Consolidation of imperial control was thus secured through annual payments made to the sheiks concerned (see Appendices 1.5 and 1.6). In South Yemen, Britain granted

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2 Res nullius is a Latin term derived from Roman law where res means objects in the legal sense, anything that can be owned. Such items are considered ownerless property and are usually free to be owned. It has an application in public international law, more specifically called terra nullius, whereby a nation may assert control of an unclaimed territory and gain control when one of its citizens (often an exploratory and/or military expedition) enters the territory.

3 See ‘Abstract of Correspondences and Memorandum respecting the Yemen’, January 1873. Macro, 1968: pp. 4-5, 17-20. Abazāh, 1976: pp. 85-86. Fakhri, 1988: p. 208.

4 Note by Colonel R. A. Wauhope, Political and Military Intelligence Officer, Aden, entitled ‘The Boundary of the Aden Protectorate’ 1916.

5 Ibid.

6 Macro, op. cit., pp. 18-25. Abazāh, op. cit., pp. 85-86. Leger, 1983: p. 12. Al-Šarraf, 1992: p. 28. Al-Madhagi, 1996: p. 12.

such payments to Al-‘Abdali and other tribal leaders.<sup>7</sup> Such payments were also necessary in order to empower the authority of those allied to the tribal leadership, like that of Al-‘Abdali. The British Government was thus “responsible for the stipends paid by him to the Fadhli, Yafai, Haushabi and Amiri tribes for safeguarding the routes to Aden”.<sup>8</sup>

Eighty years later Britain looked further afield toward establishing a geographically-extended Protectorate of Aden. The Hadhramawt had been under Turkish protection and,<sup>9</sup> taking advantage of the increasing weakness of the Ottomans, London made its first significant move east of Aden in 1886, in the shape of a treaty concluded with the Sultan of Socotra and Qashan.<sup>10</sup> The Sultan concluded a further treaty in 1888 in his capacity as the head of the Mahri tribes and in respect of Kishan and its dependencies.<sup>11</sup> Furthermore, the littoral part of the Hadhramawt became party to a protectorate treaty with Britain in 1888, following a treaty concluded with the Al-Qu‘aiti Sultan of Shiḥer and Al-Mukallā.<sup>12</sup>

#### ***4.2.1. The genesis of boundary demarcation in Arabia***

The situation in the Peninsula was further complicated when the imperial powers started to draw linear boundaries in order to divide spheres of influence among themselves. In the colonial world, distinguishing spheres of influence often predated any precise agreement on boundaries. The first plan for a boundary line in the vicinity of Aden had been raised in 1892 by Lieutenant-Colonel Harold Jacob, First Resident Assistant in Aden,<sup>13</sup> but its implementation was delayed as attempts by the British

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7 Britain introduced the method in 1802 according to the treaty concluded with Al-‘Abdali. By this agreement the latter was granted with stipends paid to him and through him to other tribal leaders, mainly to preserve British interests in the region (Note by Colonel R. A. Wauhope, 1916, Op. cit.

8 Ibid.

9 Wilkinson, 1991: p. 159.

10 ‘Report on the political situation of the Hadhramawt’, FO, 11 November 1932.

11 Ibid.

12 Ibid. The interior part of the Hadhramawt would follow three decades later when Al-Kathiri Sultan would agree in 1918 to abide by the terms of the 1888 treaty.

13 Macro, op. cit., pp. 38-40.



authorities to survey the Protectorate's proposed borderlands ran into local resistance.<sup>14</sup>

Due to such local resistance against British ambitions which extended into localities that Britain claimed as parts of its sphere of influence, the Ottomans were themselves reluctant to draw a final boundary with Britain in the Peninsula.<sup>15</sup> Indeed, these British plans were rejected by Imam Yahya too, who at the time was leader of the revolt in the North against the Ottomans. Efforts to delimit the boundary were thus postponed until the early years of the twentieth century.<sup>16</sup>

The only Anglo-Ottoman boundary ever negotiated, and the first to be officially determined in Arabia, was agreed upon in 1905 over the short stretch of territory between the Ottoman Province of Yemen and the British Protectorate of Aden (see Figure 4.1). In March 1914, the Violet line was defined, linking up the southern terminus of the Blue line (the eastern limit of the Anglo-Ottoman settlement of Persian Gulf questions, concluded on the 29 July 1913) with the aforementioned line of 1905 (see Figure 4.2). The 1905 line was confirmed in the Anglo-Ottoman Convention signed at London, 9 March 1914. Only this Convention was finally ratified namely in 1914, but the Anglo-Turkish Convention, of 1913 was not ratified.<sup>17</sup>

Economic motives clearly played a major role in influencing the shape of these Anglo-Ottoman territorial arrangements of 1913-14. In August 1913, prior to the ratification of the 1914 Convention, the British Secretary of State for Foreign Affairs, Sir E. Grey, had been concerned by the Ottoman offer on the extension of the Blue line. This was the plan according to which the line established by this convention was

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14 Ibid.

15 Macro, *op. cit.*,

16 Wenner, 1967: p. 44. Macro, *op. cit.*, pp. 38-40, 50. Dresch, 2000: p. 11.

17 For more information on the Anglo-Turkish arrangements (see Cabinet Memorandum circulated by the CS on 'Negotiations with the Imam of Yemen', 8 February 1926, *Op. cit.* FO 'Memorandum respecting the Boundaries in Arabia: Anglo-Turkish Arrangements' by Hugh K. Grey, 30 April 1934. Reilly (GA) to Imam Yahya, 6 July 1937. The GA to W.G.A. Ormsby Gore (CS), 1 September 1937. Bury, 1911: pp. 3-5. Hickinbotham, 1958: pp. 55-58. Kelly, 1964: pp. 107-108. Wenner, *Op. cit.* Macro, *op. cit.*, pp. 38-40. Wilkinson, 1991. Schofield, 1994: pp. 19-20. Dresch, *op. cit.*, p. 10.

linked up with that of 1903-1905. The idea was originally raised by Haki Pasha, possibly the Ottoman representative during negotiations over the mentioned Anglo-Ottoman agreement, who pointed out to his British counterpart, Sir Arthur Hirtzel, the desire for such an extension.<sup>18</sup>

Significantly, what had intrigued the Secretary of State was the ability “to confine the counter-concessions, which His Majesty’s Government should request from the Ottoman Government in return for the further concessions which Turkey now desires, to commercial ones”.<sup>19</sup> As such, the Ottomans were driven by commercial interests while London, in accepting the Ottoman offer, was doing so based on an optimistic outlook toward the significance of the area, driven by the prospect that “Hadhramawt and the adjoining region contain oil deposits”.<sup>20</sup> The evolution of boundary demarcation in Arabia provides evidence that this process was largely the product of colonial interventions.<sup>21</sup>

#### ***4.2.2. Uncompromising imperial interests***

The defeat of the Ottomans and the ensuing termination of their supremacy over Arabia were crucial, circumstances had changed enormously, with Britain becoming the major power in the Peninsula. By the 1920 Britain began to define the Aden Protectorate as the area bounded to the east by Oman and to the north by the limits of the Anglo-Ottoman Conventions of 1913-1914.<sup>22</sup> London would become adamant, without genuine flexibility, and reflecting the optimism toward the economic prospects of the region, which were growing substantially in the 1930s. Thus, after

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18 Louis Mallet (FO) to the Under-Secretary of State India Office, 23 August 1913.

19 Ibid.

20 Ibid.

21 See Amin, 1972: p. 523. Weiner, 1972: p. 64. Shaukat Ali, 1979: pp. 10-12. Prescott, 1987: p. 269. Al-Naqib, 1989. Wilkinson, Op. cit. Schofield, 1994. Anderson, 1996: pp. 77-105. Baldwin, 1992: p. 209.

22 See Cabinet Memorandum, ‘Negotiations with the Imam of Yemen’, 8 February 1926, Op. cit. Reilly to Imam Yahya, 6 July 1937, Op. cit. K. W. Blaxter (CO) to Lacy Baggallay (FO), 15 September 1937. CO Memorandum for Committee of Imperial Defence, 5 December 1938.

several years of continued pressure from London, Imam Yahya accepted the Sana'a Treaty.<sup>23</sup>

The Sana'a Treaty however, was supposed to end confrontation over the territories, at least for its duration, while Britain and Yemen were prevented from improving their respective positions by changing the *status quo*. In fact, the Treaty represented a feeble agreement between two unfriendly governments, a temporary device that aimed at preserving the *status quo* and postponed a final agreement on the boundary for forty years. In fact, Article 3 mentions a question of the southern frontier of the Yemen, which was deferred pending future arrangements, however, no geographic setting was defined appropriately even as where approximately this disputed frontier was located. Although the Governor of Aden (GA) would suggest that the line introduced by the Anglo-Ottoman Conventions as the Treaty's geographic context,<sup>24</sup> no reference to any of the Anglo-Ottoman Conventions had been made in the Treaty of Sana'a of 1934, simply because Imam Yahya avoided any recognition of the Anglo-Ottoman agreements or any other colonial arrangements (as illustrated in Chapter 2).

London had been aware of the Imam's territorial interests in re-forging a Greater Yemen, at least since his reaction in 1907 against the Anglo-Ottoman agreement to draw the northern boundary of the Aden Protectorate with the northern part of Yemen. This aim was conceived at the time of the Ottoman presence in Yemen, and was expressed by the Imam at the time during early contacts with Britain. For instance, in a reply the Imam sent to the Resident in Aden, he reiterated his claim to Greater Yemen. This was also evident in his correspondences with King George V the King of England, where the Imam pointed out that Yemen had been under the rule of his ancestors, the Zaydī Imams, for more than ten centuries (see Appendix 2.25).<sup>25</sup> Nevertheless, after his meeting with the Imam in Sana'a in 1926, Sir Gilbert Clayton

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23 See Blaxter to Baggallay, 15 September 1937, Op. cit.

24 The GA to Gore, 1 September 1937, Op. cit.

25 Imam Yahya to Major General J. M. Stewart (PRA), 22 December 1918, Op. cit. Summary of events leading up to the despatch, Op. cit. The PRA to the CS, 15 April 1922, Op. cit.

reported the Imam's intention of establishing good relations with Britain, and also confirmed how politically crucial his claims over Yemen's historic territory were.<sup>26</sup>

Most importantly, for the importance of the Aden Protectorate, Britain was ready to use what was necessary to protect the imperial interests in this part of Arabia. Unsurprisingly, London would maintain that the Blue and Violet lines that had been previously agreed upon with the Porte as spheres of influence constituted the legal basis of its territorial claims in Arabia.<sup>27</sup> Despite the eventual firm legal stand, a serious debate was being entertained in London over the issue. Wilkinson (1991) was first to come across the famous dissension by W. E. Beckett, Legal Advisor at the FO, in which he had protested that Britain's defence of the Blue and Violet lines during the Anglo-Saudi frontier negotiations, which we shall come back to, would not stand up in international law.<sup>28</sup>

Britain clearly intended to impose spheres of influence, even though these had no standing in international law. London adopted a policy intended to consolidate control within the area considered as lying within the British sphere of influence, despite the fact that Article 3 of the Treaty of Sana'a, explicitly forbids such actions, obliging both parties to "maintain the situation existing in regard to the frontier on the date of signature of this treaty".

We have seen in Chapter 2 the occupation of Al-Hudaydah and when this main Yemeni port on the Red Sea was handed over to Al-Idrisi instead of being returned to Imam Yahya. These actions were defiantly part of the policy intended to force the Imam's acceptance of the Anglo-Ottomans arrangements. Thus, London used armed forces to defend its position here forcing the Imam withdrawal under Air bombardment in 1928 an action, which would become a policy as noted in Chapter 2.

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26 PRA to the CS, 4 March 1926, Op. cit.

27 The GA to Gore, 1 September 1937, Op. cit.

28 Memorandum by W. E. Beckett, Legal Advisor (FO), 29 August 1934.

### **4.3. The complexity of Anglo-Yemeni disagreements**

Britain was naturally concerned with how to preserve its supremacy over the region (see also Chapter 2). After the end of the WW1, at a time when states in the Peninsula were evolving, Arabia gained a newfound importance because of the potential for oil deposits, the new era's key economic resource. Again economic implications were a significant factor in establishing the territorial limits of states, and attempts were thus made to spatially delimit. New actors became involved in the region and oil would shape the future of this part of the world.

Clearly, the American entry into Arabia in the 1930s was a matter of concern for Britain, but so was the rivalry from Italy. The Standard Oil Company of California (SOCAL) was granted an oil concession by Ibn Saud in July 1933. As would be expected, the FO treated these American interests in the Peninsula very seriously.<sup>29</sup> On the one hand, for the development of the Anglo-Saudi frontier disputes in Eastern and Southern Arabia (as we shall see) and on the other for the fact that prospect of finding substantial oil reserves in Shabwah was increased, along with the interest of American companies.<sup>30</sup> However, practical steps to explore Shabwah for oil would not take place until the late 1940s.<sup>31</sup> This was a concession that the Government of Aden had granted to a British company, Petroleum Concessions Limited, a partner of the Iraqi Petroleum Company, whose operations extended into the 1950s.<sup>32</sup>

#### ***4.3.1. The rebirth of old colonial policies***

The expansion of the Government of Aden into places where it had previously had no influence constituted a change from the *status quo*, and was thus a breach of the

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29 Sir P. Loraine, British Ambassador (Ankara) to Simon (FS), 13 February 1934. Simon (FS) to Loraine (Ankara), 22 March 1934. Simon (FS) to Ryan (BLJ), 27 March 1934. Ryan (BLJ) to Hamzah (MoFAS), 28 April 1934.

30 BLJ, 3 March 1949.

31 Ibid. The Petroleum Concession Limited to the Under-Secretary of State for the Colonies, 25 November 1949. Petroleum Concessions Limited to GA, 16 December 1949.

32 The GA to the CS, 7 April 1954. Petroleum Concessions, 16 December 1949, Op. cit. These operations were at that time confined to Jabal Habashiya area south of Thamud Latitude 16 degrees 45 Minutes north Longitude approximately 50 degrees east.

Sana'a Treaty. Imam Yahya was provoked, and decided to retaliate through the use of force to the expansion of British interests in Al-ʿAbr, Shabwah and other parts of South Yemen, sending Yemeni tribal forces into Shabwah as a reaction against British policy.<sup>33</sup> Yemeni claims to a Greater Yemen involved substantial tracts of disputed territory that had not been addressed by the Sana'a Treaty. Britain lacked any real authority over most of the area considered to be its sphere of influence, as we shall see. In consequence, its preferred policy was to extend its control through new binding agreements with tribal leaders and chiefs whose countries were lying within the British sphere of influence in Southern Arabia.

Imam Yahya had consistently maintained that his goal was to unite Yemen under his rule, covering the historic territory that his predecessor Imams had ruled over.<sup>34</sup> He certainly continued to stress that the disputed territories were “attached to us [the Yemenis] and are part of us and belong to us”.<sup>35</sup> By the end of 1937, the FO had confirmed this stance, stating that Imam Yahya “consistently refused to agree that his kingdom is a succession State or to admit the validity of the convention. On the contrary, he claimed, and still claims, that large sections of the Aden Protectorate ought to belong to Yemen, not only in law, but on the grounds of the racial affinity of their inhabitants with the Zeidis [Zaydī]”.<sup>36</sup>

He would clarify such a position a few years later, stating that in respect to “the compacts and agreements made with the usurping and vanished Ottoman Government ... for nearly 20 years, ... we have neither accepted nor acknowledged any decision or dealing made by the Ottomans”.<sup>37</sup> On the contrary, he insisted, we “refused and objected to it in every paper, letter and communication sent by us”.<sup>38</sup> He continued to thwart British ambitions, and to reject any notions that he was bound by the early

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33 Al-Jirafi, 1987: pp. 320-323.

34 For example, Imam Yahya to Sir Bernard Reilly (GA), 1 August 1937. Imam Yahya to GA, 5 June 1938. Imam Yahya to King George VI, 29 June 1939.

35 Imam Yahya to Reilly (GA), 7 June 1937.

36 FO ‘Memorandum Respecting the Frontiers of the Aden Protectorate’, 15 December 1937.

37 Imam Yahya to Reilly, 1 August 1937, Op. cit.

38 Ibid.

twentieth century Anglo-Ottoman boundary arrangements or any counter-argument based on them.

The Government of Aden continued to expand and consolidate its territorial control beyond Aden, notably in the north-eastern reaches of the Protectorate, which had become an essential target in order to preserve the, mainly economic, British interests there. Thus, Britain in the 1930s returned to the tradition of binding treaties in order to expand its control into areas in South Yemen. Such a policy (as we shall see) notably reflects how internal and external factors played a crucial role, and how imperial economic interests were decisive. Indeed, there was no doubt that oil prospects along the area considered as part of the Protectorate borderlands were the main driving force, generating growing interest, for Britain and Ibn Saud as well as any other domestic or international players.

It can be argued however, that by such treaties there was a certain degree of recognition, but it was not for preserving the interests of the indigenous people. Rather, legitimacy over the parts that attracted imperial interests was, according to imperial tradition, introduced by Britain in south and east Arabia through a series of binding agreements with domestic tribal leaders (*sheiks*). Such leaders were treated as independent (see Figure 4.3), not because they actually merited such international recognition, but because doing so suited colonial interests and preventing rival powers, such as the Ottomans or Italy later, from making similar agreements. As a result, the authority of Sana'a over south Yemen was also denied.

Consequently, states like Yemen tend to fall apart as a result of such unjustified recognition through which a subsection of the society, in this case tribal, was encouraged to break away from the homeland, the case of Al-Idrisi in Asir provide evidence here (see Chapter 2) . In the case of the former Aden Protectorate (as noted in Chapter 1), what would become South Yemen, Britain was directly involved in the creation of around 23 *sheikhdoms* and *sultanates* in South Yemen alone. Although these were tribes, they were treated by Britain as independent states (see Figure

4.4).<sup>39</sup> Two crucial cases are worth analysing in this context (namely the case of Hadhramawt and Shabwah-Ḥuṣn Al-‘Abr) due to their relevance and their implications for the territorial issue.

#### *4.3.1.1. The case of Hadhramawt*

The recommendation adopted in respect to Hadhramawt was the appointment of a Political Adviser in Al-Mukallā.<sup>40</sup> In the meantime, it was suggested that a new treaty be concluded with the Sultan of Al-Mukallā.<sup>41</sup> With the proposal for such an overture being received in London with some enthusiasm (especially by the CO),<sup>42</sup> the old policy of concluding treaties with local leaders appeared to be in vogue again. According to one proposal, the anticipated Political Adviser would be “required to watch over the oil prospecting parties, inter alia”.<sup>43</sup> The CO was certainly concerned that it was “very necessary that our [British] influence over the local rulers should be strengthened”.<sup>44</sup> Subsequently, further binding treaties were duly concluded with local leaders, with the main purpose being the consolidation and expansion of British strength and control over the north-eastern Protectorate borderlands.<sup>45</sup>

The new treaty regarding Al-Mukallā imposed a British Adviser upon the Sultan, whom the latter would be committed to consult on all matters except those concerning religion and local customs.<sup>46</sup> In order to persuade the Sultan to sign on the dotted line, Britain officially offered him a financial grant.<sup>47</sup> The aim was not only to consolidate the British position in representing the Sultan’s foreign relations, as extended in previous treaties, but also to secure control over state resources.<sup>48</sup>

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39 See Memorandum by the CS, 14 April 1952, Op. cit. FO Memorandum, by Grey, 30 April 1934, Op. cit.

40 Minute Sheet, 3 February 1937.

41 Minute Sheet, 20 April 1937.

42 Ibid.

43 Minute Sheet, 3 May 1937. The offer was a grant for a loan of (Indian Ropes, Rs) 300,000.

44 Minute Sheet, 15 May 1937.

45 Ibid.

46 Reilly (GA) to Gore (CS), 31 March 1937.

47 Ibid.

48 Minute Sheet, 15 May 1937, Op. cit.



However, the Sultan of Shiḥer and Al-Mukallā, Saleh bin Ghalib Al-Qu‘aiti,<sup>49</sup> proved reluctant to accept the new British treaty, even though he evidently needed the offer of development loans.<sup>50</sup> According to Sir Bernard Reilly, the GA, the Sultan was reluctant to “conclude a treaty of the nature suggested” and “to bind himself to accept the guidance of a British resident adviser”.<sup>51</sup> Concluding that the Sultan was unwilling to “sacrifice his independence”,<sup>52</sup> the Aden Resident recommended the Sultan not be “forced into signing a treaty and to accept a British Adviser against his will”.<sup>53</sup> He emphasised that the Sultan’s difficulties did not signal the end of the story. A display of tact and patience towards the Sultan was seen as a more likely means of projecting British influence, rather than a more unsubtle and forward policy that might lead to harmful rumours of annexation.<sup>54</sup>

The dynamics of British policy desiderata changed in time. Unlike Al-Qu‘aiti Sultan, Al-Kathiri may have been counting on possible British assistance as he was in need of such support to quell continued troubles with the Sultan of Al-Mukallā. Al-Kathiri Sultan thus responded positively to the British over terms and lent his approval to the appointment of a British political adviser.<sup>55</sup> This was in spite of Al-Kathiri Sultan having accepted the suzerainty of Al-Qu‘aiti Sultan in their agreement of 1918.<sup>56</sup>

The Kathiris were keen on improving their circumstances. Their territories were actually landlocked, lacking a maritime connection to the outside world, and consequently depended on Mukallā for their imports, though they were troubled by its levy of a heavy customs duty.<sup>57</sup> The informal alternative they developed for the imports of goods was clearly never going to go down well in London, as the area controlled by Kathiri became commercially dependent on Yemen as a transit State by

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49 The Sultan Saleh bin Ghalib Al-Qu‘aiti, Sultan of Shiḥer and Al-Mukallā.

50 Reilly to Gore, 31 March 1937, Op. cit. Minute Sheet, 15 April 1937.

51 Reilly to Gore, 31 March 1937, Op. cit.

52 Reilly to Gore, 31 March 1937, Op. cit. Minute Sheet, 15 April 1937, Op. cit.

53 Ibid.

54 Ibid.

55 Minute Sheet, 3 May 1937, Op. cit.

56 The political situation of the Hadhramawt, 11 November, 1932, Op. cit.

57 Sir George William Rendel (FO) to Sir Cosmo Parkinson, 30 May 1935.

the 1930s.<sup>58</sup> London indeed became very concerned at the Kathiris' growing relations with Imam Yahya, even though they had been predominantly commercial.<sup>59</sup>

The interrelated regional and international dimension of the situation seriously aggravated relations between the Kathiris and the Qu'aitis, to the extent that Al-Kathiri's offer to accept a political advisor was ultimately rejected in London.<sup>60</sup> The main objective at the time was to avoid further worsening relations with the Sultan of Mukallā, whose territories were regarded by Britain as being of greater importance than those under the control of Al-Kathiri Sultan.<sup>61</sup>

It would not take Sultan Saleh Al-Qu'aiti long to adjust his position. Behind this change was his lust for power and rule. The Sultan sought British support in order to facilitate the succession of his son 'Awadh to the throne. According to family tradition, the successor should have been his cousin Muhammad Bin Omar (see Appendix 4.2),<sup>62</sup> a move to which London initially had no objection.<sup>63</sup> Instead, by agreeing to the installation of a British Political Adviser in his capital, Al-Mukallā,<sup>64</sup> the Sultan concluded a new treaty with Britain on 13 August 1937 (see Appendix 4.3) and gained London's support for his son's succession.

The GA welcomed the agreement and congratulated the Sultan on this achievement.<sup>65</sup> As with similar protectorate-style arrangements elsewhere in Arabia, the authority of the Ruler in internal affairs was maintained.<sup>66</sup> Moreover, it was stipulated that in matters of foreign relations the Sultan became bound, "both by treaty and by force of circumstances, to follow the advice of the Protecting Power".<sup>67</sup> Yet, as a result, the Sultan finally accepted a permanent British Adviser, albeit reluctantly. In return for

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58 Ibid.

59 Ibid.

60 Minute Sheet, 3 May 1937, Op. cit.

61 Ibid.

62 Al-Saqqaf, 2005: pp. 188-190.

63 H. R. Cowell (CO) to Reilly (GA), 4 April 1937. Minute Sheet, 3 June 1937.

64 Cowell to Reilly, 4 April 1937, Op. cit. Minute Sheet, 3 June 1937, Op. cit.

65 Reilly (GA) to Sultan Al-Qu'aiti, 13 August 1937.

66 Ibid.

67 Ibid.

his volte-face, Britain recognised the right of the Sultans of Shiḥer and Al-Mukallā to nominate their own successors. Henceforth, the nominations of future successors became subject to the approval of London (see Appendix 4.4).<sup>68</sup>

The treaty was widely unacceptable to the public, and hostility in Hadhramawt was further aggravated as news of the agreement began to spread following the Sultan's visit to London in August 1937. To try to placate public opposition, the Sultan distributed a public notice completely denying any contemplation or likelihood of foreign interference. He described the news as "entirely false and unfounded" (see Appendix 4.5). This was followed by a similar notice, issued by the GA, in which it was stated that the rumour was "utterly unfounded" (see Appendix 4.6).

It is obvious in the diplomatic correspondence between Aden, London and India that dispossessing Muhammad Bin Omar from the heir was likely to provoke troubles.<sup>69</sup> Thus, his return to Hadhramawt from Hyderabad in India, where he had been was blocked. Such developments were recounted by a number of historians, all of whom condemned the Sultan for what was regarded as a sinful act against his people's wishes. In the meantime, Ingrams was blamed for devising a British conspiracy that led the Sultan to accept such a treaty.<sup>70</sup>

Eventually, to distance Al-Kathiri Sultan from Imam Yahya successfully reconciliation was achieved between him and Al-Qu'aiti Sultan convincing them to subsequently reconstituted, their agreement of 1918. Indeed, this was in a form of any agreement they agreed upon by the end of February 1939 (see Appendix 4.7). Then, Sultan Al-Kathiri followed suit and also accepted a similar treaty in March 1939, according to which he accepted, as had Al-Qu'aiti, the appointment of a British adviser (see Appendix 4.8). Due to public opposition to this act, usually these leaders requested that Britain did not disclose them.

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68 Reilly (GA) to Gore (CS), 18 August 1937.

69 See Reilly (GA) to Gore (CS), 16 June 1937. The Acting Governor, Aden to Government of India, 3 November 1937. The Resident Hyderabad to the Government of India, 13 November 1937.

70 Al-Saqqaf, Op. cit.

#### 4.3.1.2. *The case of Shabwah and Ḥuṣn Al-‘Abr*

The issue of the loyalty of tribes such as the Karab, the Sāi‘ar and the Ashqas was argued over between Sana’a and Aden, as both parties claimed legitimacy over them.<sup>71</sup> Interaction between them intensified, as had been the case in Hadhramawt, and it was recommended that further treaties along the lines of the one concluded with the Sultan of Al-Mukallā should now be concluded.<sup>72</sup> A similar scheme for binding treaty arrangements was put forward by the GA in his letter to W.G.A. Ormsby Gore, the Secretary of State for the Colonies.<sup>73</sup>

Several tribes, including the Kathiris, ‘Aulaqis and Beihanis, were already bound by treaties with Britain,<sup>74</sup> although the Governor had become evidently in favour of the conclusion of an agreement that specified “the tribes of Shabwa [Shabwah] and its vicinity”.<sup>75</sup> This was a tactical phrase employed when the tribes in question were not in treaty relations with Britain, or when they were not covered by any existing agreement with another bordering tribe.<sup>76</sup> For example, it was clarified that the Balharith and ‘Aulaqi tribes, which bordered Shabwah, were not covered by any existing arrangements with Britain.<sup>77</sup> Likewise, Britain lacked any real authority in places such as Shabwah and Al-‘Abr, with Reilly admitting that the British “position there had not been made effective”.<sup>78</sup> However, once again the GA referred to the Anglo-Turkish boundary delimitation of 1903-05 as evidence of loyalty of those tribes that had been considered to lie on the British side of the sphere of influence.<sup>79</sup>

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71 Imam Yahya to Reilly, 7 June 1937, Op. cit. Reilly to Imam Yahya, 6 July 1937, Op. cit. Imam Yahya to Reilly, 1 August 1937, Op. cit.

72 Minute Sheet, 20 April 1937, Op. cit.

73 The GA to Gore (CS), 23 June 1937, Op. cit.

74 Ibid.

75 Ibid.

76 Ibid.

77 Ibid.

78 Reilly to Imam Yahya, 6 July 1937, Op. cit.

79 Ibid.

Such a situation was of concern to Britain because Shabwah “constitutes a weak area easily accessible from both the Yemen and Najran”.<sup>80</sup> In London, the CO, impressing the importance of Shabwah upon the FO and the Air Ministry, took the lead, and strongly recommended that the Treasury sanction the expenditure now proposed by the GA.<sup>81</sup> The Lord Commissioners duly approved the Governor’s recommendation and sanctioned the requisite expenditure.<sup>82</sup> No matter that Britain had “no control or even influence over this north-eastern area”.<sup>83</sup>

Britain thus concluded treaties with several Arab chiefs. These agreements included, for instance, those with the leaders of Al-Musellem Al-Sāi‘ar on 13 December 1937 (see Appendix 4.9), and the leaders of the Ḥatims of the Sāi‘ars of 5 March 1938 (see Appendix 4.10). By doing this, these tribes leaders agreed to be bound by these undertakings with Britain where the Sāi‘ar tribe put on record to the British Government that they favoured peace, and promised to help in its maintenance. Accordingly, they accepted the fairly standard stipulation that the British Government would conduct their “external” affairs, rather than stating their refusal of any foreign government interference with them. In addition, they confirmed that they had no existing relations with any other foreign government. Furthermore, they accepted Britain’s appointment of a Shaykh to represent them in the Hadhramawt, who would be responsible for taking the necessary actions when any matter concerning Al-Sāi‘ar should arise. It was also stipulated that these tribes agreed to give the British Government the right to station soldiers at Al-‘Abr, or any other places, and promised to help them if necessary. The soldiers’ task was acknowledged as being to guard the road and the country under the protection of the British Government, and to provide assistance to travellers.

An important provision however, had been the directive “to place six hostages one each on behalf of Bin Jerbu’s and bin Muhli and four on behalf of Abdulla bin ‘Aun

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80 The GA to Gore, 23 June 1937, Op. cit.

81 Cowell (CO) to the Lords Commissioners of the Treasury, the Air Ministry and the FO, 28 July 1937.

82 The Treasury Chambers to the Under-Secretary of State (CO), 4 August 1937.

83 The GA to Gore, 1 September 1937, Op. cit.

at Seiyon as our pledge for the maintenance of the peace and fulfilment of our undertakings”. The treaty also asserted that, “[w]e understand that the hostage may be exchanged at such intervals as we wish with the approval of the Great British Government providing the hostages offered in exchange are considered suitable by the British Government”. In signing this treaty, not only did Britain continue its tradition of concluding binding treaties with tribal chiefs in order to consolidate its colonial interests, but also, hostages were held to ensure the tribes’ adherence to these agreements.<sup>84</sup> The case was complicated further when Aden decided to take military control of the Ḥuṣn Al-‘Abr in early 1938, as we shall see.<sup>85</sup>

#### ***4.3.2. Search for a peaceful compromise***

The option of peaceful compromise had clearly been overshadowed by the threat to use force and Britain’s apparent reluctance to take the Imam’s claims seriously. In fact there is evidence that further binding agreements with the heads of the tribes was recommended in May 1938, as a kind of pressure upon the Imam to accept the Protectorate’s boundary line (see Appendix 4.11).<sup>86</sup> This and the aforementioned treaties prove that Britain continued such tradition of treaties in 1930s and probably thereafter.<sup>87</sup> According to Dresch (2000) the last treaty was concluded in 1954 with “Bu’si Shaykh of Upper Yafi”.<sup>88</sup> Surprisingly, probably it was a slip that in April 1952, the British Government was told that the last of these treaties was with the ‘Audhali Sultan in 1914.<sup>89</sup>

The search continued for any possibility of compromise as disagreements between the conflicting parties were quite stark by the beginning of May 1938. To that end, Captain B. W. Seager, the frontier officer (Aden), led a mission to Sana’a to negotiate

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84 In fact, the Imamate in Yemen has been criticised for holding hostages from certain tribes mainly to ensure their abidance with their rule and state authority.

85 Reilly (GA) to MacDonald (CS), 21 December 1938. ‘Frontier dispute between the Yemen and the Aden Protectorate; Shabwah and Ḥuṣn Al-‘Abr’ by Baxter (FO), 1 February 1939.

86 The GA to the CS, 9 May 1938.

87 Ibid.

88 Dresch, op. cit., pp. 10, 224.

89 Memorandum by the CS, 14 April 1952, Op. cit.

a resolution, but ultimately made no progress, returning to Aden empty-handed in June 1938.<sup>90</sup> Indeed, Seager carried an uncompromising message from London, to the Yemeni Government that Yemeni troops would be expelled by force from Shabwah in the event they were not withdrawn peacefully.<sup>91</sup> Despite the personal relaying of this message to Imam Yahya, the latter showed no intention of retreating even if Britain meant to enforce its plan to consolidate control of the Aden Protectorate hinterlands by force.<sup>92</sup> Britain, however, remained firm in its demands that Yemen must first withdraw its troops from Shabwah, sending the Imam a further threatening message through the Acting Governor in Aden, on 25 October 1938.<sup>93</sup>

Britain's aim in all this was to assert the relevance of earlier Anglo-Ottoman arrangements over south Arabia.<sup>94</sup> The pretext for achieving this aim was based on the notion that the establishment of a front at Al-‘Abr had been mainly to "stop raiding by the Seiar [Sāi‘ar] tribes into the Hadhramaut [Hadhramawt]".<sup>95</sup> In reality, Britain's intention was to physically strengthen its position, before any final settlement to resolve the frontier issue was reached, by addressing the policing of Al-‘Abr.<sup>96</sup> Control of the area had only ever been originally contemplated because of its position, lying as it did close to the northern limit of Britain's sphere of influence (as agreed with the Ottomans). A desirable objective subsequent materialised of persuading the "King of the Yemen to open negotiations with Aden for a boundary settlement".<sup>97</sup> The Saudis were also of concern by this, as Britain was keen to get them to accept similar arrangements (as we shall see). London, interestingly,

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90 See Reilly (GA) and MacDonald (CS), 2, 3, 26 May, 22 June 1938.

91 Gore (CS) to the GA, 30 April 1938.

92 Imam Yahya to the GA, 7 November 1938.

93 The GA to MacDonald (CS), 30 November 1938.

94 See Frontier dispute, by Baxter, 1 February 1939, Op. cit. FO to Bullard (BLJ), 1 February 1939. FO, 'Minutes about the history of the question of Shabwah', 15 August 1939.

95 Frontier dispute, by Baxter, 1 February 1939, Op. cit.

96 Ibid.

97 Ibid.

remained set on granting binding recognition to the Anglo-Turkish Conventions of 1913-1914 (the so-called 'Violet and Blue lines').<sup>98</sup>

There is, however, sufficient evidence to indicate that London and the Government of Aden would clearly not allow sufficient time for efforts for a peaceful settlement. Most likely it was difficult that Imam Yahya convinced to drop his claim. On the one hand, the British Government proposal to evacuate both Shabwah and Ḥuṣn Al-‘Abr, destroying the fort at the latter place, and to treat these two areas as neutral zones would end in failure.<sup>99</sup> On the other, the idea of mediation was unsuccessful either.

The evidence seems to suggest that Imam Yahya had probably not been informed of the neutral zone proposals for Shabwah and Ḥuṣn Al-‘Abr prior to the military action in Shabwah on 29 November 1938. Indeed, the offer relating to the neutralisation of Ḥuṣn Al-‘Abr was only made on the very day when Yemeni troops were forcefully expelled from Shabwah.<sup>100</sup> Meanwhile, the Government of Aden, until 30 November, was still requesting authorisation for a plan to send Colonial Seager to Ta‘izz with the aim of transmitting details of the scheme to the Imam.<sup>101</sup> Meanwhile, correspondence continued between Aden and London though the CO did not issue Aden with any instructions until 6 December.<sup>102</sup> Nevertheless, the order ran contrary to the previous plan. Setting up a neutral zone had been specified for both Shabwah and Ḥuṣn Al-‘Abr, yet London now re-sanctioned the plan only for Shabwah, and postponed it for Ḥuṣn Al-‘Abr.<sup>103</sup> The Aden Government was informed that there could be no "offer for neutralisation of Al-‘Abr and withdrawal therefrom".<sup>104</sup> The neutralisation of Al-

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98 FO to Bullard, 1 February 1939, Op. cit. Frontier dispute, by Baxter, 1 February 1939, Op. cit. Note on the frontier dispute, 'R.J. Bowker, FO to Sir Maurice Peterson, Baghdad, 2 March 1939.

99 The OAGA to the CS, 29 November 1938. Draft telegram proposed by the CO, 1 December 1938.

100 FO to the British Embassy Rome, 6 December 1938.

101 The OAGA to the CS, 30 November 1938.

102 The CS to the OAGA, 6 December 1938.

103 Ibid.

104 Ibid.



‘Abr was thus postponed and had evidently only been entertained as a last resort possibility.<sup>105</sup>

The mediation was unsuccessful for several other reasons besides insufficient time being allowed for peaceful efforts to be fully pursued. London had revealed its intentions during mid-November 1938 to both Ibn Saud and Italy.<sup>106</sup> Indeed, it is evident that a British strategy to encourage Ibn Saud to act as a mediator had been developed in November 1938,<sup>107</sup> although the British Government, as late as 21 November 1938, had remained unsure about offering Ibn Saud such a role.<sup>108</sup> Imam Yahya did not officially accept the role of Ibn Saud as mediator until February 1939, more than ten weeks later.<sup>109</sup> Sir Reader Bullard, the British Minister in Jeddah had been strongly urging his government to make such a move only a few days prior to the military action at Shabwah, but despite his imploration that his government “delay action to allow time for mediation”,<sup>110</sup> the decision to use force had already been taken. The CS would maintain that it had been impossible for the British Government “to cancel the arrangements”,<sup>111</sup> i.e. recapturing Shabwah by force on 29 November 1938.

Understandably, for most Yemeni leaders involvement in such arrangements related to a peaceful settlement was usually avoided, for fear of adverse domestic reactions from political opponents and the public at large. For his part, Imam Yahya was arguably not serious about a peaceful solution for a number of reasons and seemed not to favour a stalemate and then himself to an ultimate surrender of claims.<sup>112</sup> The Imam was reluctant even to accept several useful compromises, such as the proposal that Shabwah and Ḥuṣn Al-‘Abr should be made neutral zones. This position was

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105 Draft telegram by CO, 1 December 1938, Op. cit. FO to the Embassy Rome, 6 December 1938, Op. cit. FO to BLJ, 6 December 1938. FO to Bullard (BLJ), 14 December 1938.

106 FO to the Earl of Perth, Rome, 17 November 1938. FO to Bullard (BLJ), 17 November 1938.

107 Frontier dispute, by Baxter, 1 February 1939, Op. cit.

108 Bullard (BLJ) to FO, 21 November 1938.

109 Frontier dispute, by Baxter, 1 February 1939, Op. cit.

110 Bullard to the FO, 21 November 1938, Op. cit.

111 FO to the Embassy Rome, 6 December 1938, Op. cit.

112 See Al-Jirafi, op. cit., p. 323.

held at a time when the disputed piece of territory was not even under his control. In fact, the context of domestic Yemeni politics has meant Imam Yahya's extreme stance was inextricably bound with territoriality. He was afraid to respond positively in the case of Najrān with similar offer from Ibn Saud, because it would have been necessary for him to recognise the position established by Ibn Saud over Asir and Jizān. A similar condition was made by Britain, namely that the Imam should recognise British presence in South Yemen as legitimate, in return for Shabwah becoming a neutral zone. In effect, Imam Yahya was playing for time even when signalling willingness to negotiate if Britain evacuated Shabwah, Ḥuṣn Al-‘Abr and their surrounding districts.<sup>113</sup> This remained the case even when the Imam demonstrated a slight change of position, in accepting for instance that Shabwah be treated as a neutral zone,<sup>114</sup> a move he made conditional upon Ḥuṣn Al-‘Abr being included at the same time.<sup>115</sup>

The Imam aggressively rejected Britain's interpretation, which viewed neutral zones as subject to a final resolution of the territorial dispute, and its argument that Ottoman treaty conventions should be upheld. In articulating this change of tack, he drew upon his deep emotional attachment to territory. Captain Seager would attest to this, reporting that the Greater Yemen notion was “an obsession in the mind of the King”.<sup>116</sup> Not only that, but in interviews he had held with the Imam, Seager saw him “[display] an unusual violent state of agitation and impatience”.<sup>117</sup> Such strong indications of an intransigent, unchangeable position persuaded Seager that efforts to find an acceptable compromise to remedy Yemeni grievances should be stepped up.<sup>118</sup>

The sensible proposals put forward by Seager and Reilly seemed substantial and well-suited to the region. However, Anglo-Yemeni relations had been deteriorating

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113 Imam Yahya to the King George VI, 21 July 1939. See Reilly (GA) to MacDonald (CS), 21 June, 1939.

114 Bullard (BLJ) to the FO, 13 January 1939.

115 Ibid. Frontier dispute, by Baxter, 1 February 1939, Op. cit.

116 Reilly to MacDonald, 21 June 1939, Op. cit.

117 Ibid.

118 Ibid.

seriously in 1939, especially after reports in March that Yemeni troops were gathering in the borderlands. The most important of which was on Al-‘Araif, a borderland locality, which was carried out by the Mas‘abi tribe, supposedly protected by the Beihan Protectorate Treaty.<sup>119</sup> Consequentially, air action was suggested to forestall future Yemeni attacks, despite hesitance in this regard noticed among British records.<sup>120</sup> Although air action was ultimately sanctioned even against Yemeni villages near the border from which raiders emerge,<sup>121</sup> London came under international pressure to desist from air bombardment.<sup>122</sup> Thus, new round of negotiation was accepted by the Official Committee for Questions Concerning the Middle East, in its meeting of 29 November 1939.<sup>123</sup> This was after a request from Imam Yahya to open negotiations, which he had sent to King George VI, on 22 November 1939.<sup>124</sup> However, with another world war starting, nothing significant would take place until the Imam’s successor began his reign in the late 1940s.

As illustrated in Chapter 3, Imam Ahmed faced enormous difficulties upon his ascension to power in 1948. Thus, he was, unsurprisingly, keen to normalise relations with Britain, sending his brother, Prince Abdullah, (then serving as Foreign Minister), to London in 1949 (as he did with Saudi Arabia).<sup>125</sup> Soon after, the two governments exchanged diplomatic representatives for the first time, as a new *modus vivendi* was reached. This was an exchange of notes regarding relations between the two governments, concluded in London on 20 January 1951 (see Appendix 4.12). The agreement included an Anglo-Yemeni statement of co-operation on economic development, culture and education, as well as a British pledge to provide the Imam with technical assistance. Furthermore, the two governments resolved to take

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119 Reilly (GA) to MacDonald CS, 6, 8, 9, 11 March, 13, 15 June and 11 and 13 July, 1939. The GA to CO, 22 and 24 October 1939.

120 The CS to the GA, 14 June 1939. ‘Minutes on a telegram from the Governor of Aden’ to CO, 23 October 1939.

121 The CS to the GA, 23 October 1939. Major General R.H. Dewing in the War Office to Sir John Shuckburgh (CO), 29 October 1939.

122 Reilly to MacDonald, 21 June 1939, Op. cit.

123 Official Committee for Questions Concerning the Middle East, 29 November 1939.

124 Imam Yahya to King George VI, 22 November 1939.

125 Ingrams, 1963: pp. 81-82. Macro, op. cit., pp. 93-94. Bidwell, 1983: pp. 49-50.

appropriate action against any domestic voices raised against the agreement. Vitaly, they also agreed to set up a joint commission to solve their persisting dispute over frontiers.

The dispute over the district of Shabwah thus became an important priority for the newly established Yemeni diplomatic mission in London. In February 1954, the Yemeni Minister to London called at the FO to discuss the question of oil prospecting in Shabwah, following reports of British concerns regarding oil exploration in the district.<sup>126</sup> Indeed, the Aden government confirmed that oil exploration by Petroleum Concessions Limited was ongoing,<sup>127</sup> and that the company had been working in the area since 1949.<sup>128</sup> The Yemeni Minister in London expressed his government's opposition to this, and his concern about any new developments in a "disputed area according to the Treaty [of Sana'a]".<sup>129</sup>

Sana'a argued against exploring "in any area before frontier settlement, as mentioned in the Treaty [of Sana'a]".<sup>130</sup> In addition, Sana'a was opposed to the "construction of roads and the establishment of military camps",<sup>131</sup> moves that would obviously alter the regional *status quo*. Subsequently, it was agreed that a "joint Anglo-Yemeni commission" would be set-up to visit Shabwah and to establish where, exactly, oil prospecting had been carried out.<sup>132</sup> The FO also requested the formation of a commission on the basis of the 1951 understanding between London and Sana'a.<sup>133</sup>

#### **4.4. A mismanaged boundary evolution**

Over the course of the twentieth century, and until very recent times, competition over land in Arabia became increasingly intense, turning into a thorny issue in

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126 L.A.C. Fry (FO) to Reilly (CO), 'Minutes of Meeting with the Yemeni Minister to London Mr Hassan Ibrahim, 18 February 1954, London).

127 The GA to the CS, 7 April 1954, Op. cit.

128 See The Petroleum Concession Limited to the Under-Secretary, 25 November 1949, Op. cit.

129 Fry to Reilly, 18 February 1954, Op. cit.

130 Ibid.

131 Ibid.

132 Ibid.

133 Ibid.

relations between Arabian states, powerfully driven as it was by political and economic motives. This section is concerned with establishing a fuller understanding of the circumstances that have affected the establishment of the eastern section of the Saudi-Yemeni boundary. It is concerned with the implications of several aspects that can historically be traced to the turn of the twentieth century, but which have nonetheless affected the evolution of the eastern section of the present Saudi-Yemeni boundary. Of particular pertinence in this regard are the aforementioned Anglo-Ottoman territorial arrangements of 1913-14 and the subsequent developments in the aftermath of the Ottoman Empire's collapse.

It was crucial as noted earlier that Britain had negotiated the north-eastern boundaries of the Aden Protectorate solely with Ibn Saud. Most importantly, because this section of the boundary is mainly a *de facto* border that South Yemen inherited upon its independence in 1967. It is a line defined as incorporating the Violet line in its western reaches but, in the east, adopting another territorial limit proposed by Britain, namely the 1935 Riyadh line, as we shall see. Although no boundary had been established during the colonial era, Yemeni claims in the 1990s were affected by the *status quo* position inherited from colonial times.

#### ***4.4.1. The complex economic motives***

It is therefore, illuminating to review some of the difficulties that complicated the Anglo-Saudi negotiations, notably the questioning of the legality of the Anglo-Turkish Conventions of 1913-14. This move is not only in question, but the main source of difficulties was also the issue of whether Ibn Saud could be considered to be the successor to Ottoman sovereignty to the West and North-West of the Blue and Violet lines. The irony, however, is that present day problems are deeply linked to those of the past in terms of bringing the peninsular territorial configuration into question, though they are arguably much more vital and more likely to cause critical problems today. As a result, this type of issues persisted as a matter of contention and uncertainty between Saudi Arabia and Yemen, including during negotiations for the Jeddah Treaty of June 2000 and post-treaty era (see Chapters 5 and 6).

Of course, American interests would prove to be of considerable importance, especially for the development of the Anglo-Saudi frontier disputes in Eastern and Southern Arabia. This factor caused unease in London, especially the related question of the boundaries of Najd. London probably realised that once Ibn Saud had granted an oil concession to SOCAL in July 1933, this might set off a whole raft of conflicting territorial claims.<sup>134</sup> The issue of this concession was a delicate one, not least because its Southern and Eastern limits were always likely to come up against the lines negotiated with the Ottomans in 1913-14 to define the British sphere of influence in Eastern and Southern Arabia.<sup>135</sup>

London was mindful that such questions “may in any event have to be faced before long”.<sup>136</sup> As Britain was in constant disagreement with Imam Yahya, its priority was to secure Saudi agreement that the ill-defined Ottoman responsibilities, namely the 1913-14 Conventions, would fall to Ibn Saud, thus making Saudi Arabia, in effect, a Turkish succession State.<sup>137</sup> Thus, in April 1934, London famously announced that the Anglo-Ottoman arrangements of 29 July 1913 and 9 March 1914 together established and defined the frontier between Saudi Arabia and the British spheres of influences in South-Eastern Arabia,<sup>138</sup> and the Saudi Government was thereby notified of this understanding.<sup>139</sup>

This argument based on the Anglo-Turkish Conventions was in spite of the fact that its own legal advisers had ruled (as noted earlier) that these lines would simply not stand up in international law. Beckett argued that a substantial portion of the territory east and south of the Blue and Violet lines was, in his view, *res nullius*. Accordingly, London possessed “no legal right to object to steps being taken by Ibn Saud in the

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134 Simon to Loraine, 22 March 1934, Op. cit.

135 Ibid.

136 Simon to Ryan, 27 March 1934, Op. cit.

137 Rendel (FO) to G. Millard, United States Embassy, London, 24 April 1934. See also FO Memorandum, by Grey, 30 April 1934, Op. cit.

138 Rendel to Millard, 24 April 1934, Op. cit. Ryan to Hamzah, 28 April 1934, Op. cit. FO Memorandum, by Grey, 30 April 1934, Op. cit.

139 Ryan to Hamzah, 28 April 1934, Op. cit.

direction of acquisition of sovereignty by occupation, even if he has not at present done enough to acquire a definitive title".<sup>140</sup> Beckett's key point was a reminder that spheres of influence, despite their undoubted geostrategic importance, in fact have no status whatsoever in international law.<sup>141</sup>

Moreover, the notion of territorial lines was not the only one meeting legal doubts. In fact, by the early Anglo-Saudi rounds of negotiations over their territorial dispute, an evident incompatibility had emerged between Arabian traditions and spatial organisation on the one hand, and the Eurocentric system on the other. Many geographic and social criteria routinely adopted in Europe to determine frontiers seemed to negotiators in Arabia to be irrelevant.

The actual Anglo-Saudi contacts over their frontier dispute date to 3 April 1935, as we shall see (see Figure 4.5). Riyadh, however, was diplomatic in its reaction to the British *diktat*, realising the dangers of becoming embroiled in hostile relations with Britain, thus it had been in May 1934 when reluctantly it had agreed to enter into discussions with a view "to defining the frontiers".<sup>142</sup> According to the Saudi view, there was a "great difference between the position at the time of the signature of the two conventions..." and "the position which came after, and of the great developments which have taken place in Arabia itself and which led to the alteration of the frontier line established in the convention of the 29 July, 1913".<sup>143</sup> The Saudi government's arguments stressed the changes that Arabia had undergone since the conclusion of the Anglo-Turkish Conventions and that, as a consequence, Saudi Arabia was unable to consider as a serious proposition the frontier line established according to those two earlier conventions.<sup>144</sup> The Saudi view was that any establishment of frontiers must take into consideration the current conditions on the

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140 Memorandum by Beckett, 29 August 1934, Op. cit.

141 Ibid.

142 Hamzah (MoFAS) to Ryan (BLJ), 13 May 1934.

143 Ibid.

144 Ibid.

ground, and thus ought to take into account their rights and those of neighbouring territories on the coast and in the South of Arabia.<sup>145</sup>

In order to support its point of view, Riyadh drew attention to an example of previous modifications, namely the alterations effected to Anglo-Ottoman territorial arrangements over Kuwait's boundaries, as laid down in the convention of 29 July 1913.<sup>146</sup> For its part, Britain refused to acknowledge that any changes had taken place in Southern Arabia since the conclusion of the Anglo-Turkish Conventions of 1913 and 1914.<sup>147</sup>

Unsurprisingly, the Saudi claims in South-Eastern Arabia were described as covering almost the whole of the desert of South Arabia. The Saudi Government presented the basis of its minimum claim, namely the Hamzah line of 3 April 1935 (this was also known as the Red line, (see Figure 4.6). The area contained within this minimum claim line encompassed most of the desert of South Arabia.<sup>148</sup> The Hamzah line would be criticised by Ryan, who described it as “artificial, inasmuch as it was a straight line defined by geographical co-ordinates”.<sup>149</sup>

Further difficulties confronted negotiators over the criteria for determining frontiers. Three principles for determining frontiers were articulated by the Aden authorities: the first was that tribal affiliations, where known, ought to be proposed as a basis for delimitations; for instance, the limits of tribal areas over which the local sovereigns concerned exercised jurisdiction. The second guideline deemed that permanent physical features should be employed where appropriate. The last guideline urged the negotiators to bear in mind the strategic importance of any territory under consideration.<sup>150</sup>

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145 Ibid.

146 Ibid.

147 Ryan (BLJ) to Hamzah (Mecca), 15 June 1934.

148 Ryan (BLJ) to Simon (FO), 6 April 1935. Statement handed to Ryan (BLJ) by Hamzah (MoFAS), 3 April 1935.

149 Anglo-Saudi negotiations held at the FO, 2 July 1935.

150 The CO approved such principles (CS to the PRA, 24 September, 1934).



Drawing boundaries in Arabia according to any of these factors presented obvious difficulties. Evidently, the dominant geographical feature of South-Eastern Arabia, where the Anglo-Saudi disputed territories were located, was a mostly-uniform desert landscape was internally debated in London. This was taken into consideration, and a suggestion was debated for the area in question to be the subject of a special ‘desert regime’.<sup>151</sup> However, London disregarded the idea out of concern over possible difficulties “of working out its details and of imposing it on Ibn Saud”.<sup>152</sup> The strategy was instead “to abandon the whole idea of desert zones or of special servitudes in this area”.<sup>153</sup> London’s objective was to achieve a final agreement with Ibn Saud, yet the important factor, which we shall come back to, was applying bargaining over territories as a negotiating method. Indeed, the instruction to Ryan was to proceed “direct to offers of further limited concessions in full sovereignty”.<sup>154</sup>

Furthermore, during the Anglo-Saudi negotiations, held at the FO in London, which commenced on 24 June 1935, Fuad Hamzah, the Saudi negotiator, put forward a statement that would clearly contradict Arabian traditions by attempting to give grazing areas a territorial character. Saudi claims, he insisted, were “based upon the most important factor in the desert, namely the recognised grazing grounds (*diras*) of the various nomadic tribes.”<sup>155</sup> He was convinced that it was “impossible to draw the frontier on anything but a tribal basis of this kind.”<sup>156</sup>

The counter-arguments adopted by British negotiators were interesting. Sir George William Rendel (FO) observed that “it would be difficult to base a line on purely tribal consideration”. He enlisted for his objection to the Saudi claim the geographical features of the area concerned, of which the greater part “consisted of an immense expanse of featureless desert more comparable to a sea than to any ordinary land

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151 Simon (FS) to Ryan (BLJ), 1 May 1935.

152 Ibid.

153 Ibid.

154 Ibid.

155 Anglo-Saudi negotiations held at the FO, 24 June 1935.

156 Ibid.

area”.<sup>157</sup> The British negotiator added that “the various tribes wandered very widely over this area”, and insisted that it was thus “impossible to base territorial claims on the extent of these wanderings”. He was right that many of the Arabian tribes were of “uncertain and shifting allegiances”,<sup>158</sup> but nevertheless, such groups were also traditionally against the issue of ownership.

In this regard, it is important to point out that the arguments and counter-arguments - primarily those exchanged between Saudi and British negotiators. In fact, negotiators failed to demonstrate a convincing argument that they were concerned about the role of the region’s traditions simply because with what they were after, namely the establishment of territorial limits was an odd notion to the inhabitants. During negotiations, it was evident that parties were sometimes engaging in mere manoeuvring by invoking objections to the principles upon which certain territorial claims had been based, despite concerns over their implications.

Out of these exchanges, a rather messy spatial picture emerged, especially as the Saudis alleged that the limits of *diras* were fixed and could be definitively ascertained by experts.<sup>159</sup> However, they failed to present a map showing the limits of the *diras* of the specific tribes they claimed as their own.<sup>160</sup> Moreover, instead of providing their own concrete statement, the Saudis put the ball back into the British court, asking for a detailed criticism of the line they had proposed.<sup>161</sup> The situation was complicated further as the result of bargains and concessions negotiations had involved.

#### ***4.4.2. Offers of compromise***

During the Anglo-Saudi negotiations held in Riyadh in December 1935, Ryan reviewed the compromises offered to Saudi Arabia and established that the earliest

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157 Ibid.

158 Ibid.

159 Anglo-Saudi negotiations, 2 July 1935, Op. cit.

160 Ibid.

161 Ibid.

deal had been an offer to the Saudis that was made through him on 9 April 1935.<sup>162</sup> This was proposed to Riyadh as a sign that London was “willing to meet the views of the Saudi Government by not insisting strictly on the legal position resulting from the Anglo-Turkish Conventions of July 29 1913 and March 9 1914”.<sup>163</sup> The Saudis were offered a strip of territory to the east of the Anglo-Turkish Arrangement of 1913, namely the Blue line.<sup>164</sup> A Green line submitted to Hamzah by Ryan on 9 April 1935 (see Figure 4.7).<sup>165</sup>

The Government of Aden had been concerned at the idea of British territorial frontier offers to the Saudis the onset of Ryan’s negotiations in early 1935.<sup>166</sup> Prior to the submission of this offer to Hamzah, Aden had in fact prepared its own plan for acceptable northern limits for the Aden Protectorate north of Hadhramawt.<sup>167</sup> The line it proposed would run at least 20 miles north of the southern edge of the great sands (so as to leave a strip of desert within the Protectorate), but not along the edge itself.<sup>168</sup> The Chief Commissioner in Aden had been fearful of any effects on the tribes extending from Hadhramawt to the north, such as in the areas of the ‘Awamier and Maframaut. Their objection was to the possible offer of a frontier south of the line and drawn from the intersection of parallel 18 with the Violet line to the intersection of parallel 20 with meridian 55. Instead, the tribes suggested a line with a position to the north of this line, and running straight between the same intersections.<sup>169</sup>

The Saudis did not accept Ryan’s offer of 9 April 1935, although it was evident that they were enthusiastic about the prospect of bargaining with the British. Hamzah rejected this offer during negotiations held in London in June because, in his opinion,

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162 Ryan (BLJ) to Sir Samuel Hoare (FS), 10 December 1935.

163 Aide Memoire, Ryan (BLJ) to MoFAS, 9 April 1935.

164 Ibid.

165 Ibid.

166 The Chief Commissioner in Aden to CO, 29 March 1935. CS to the APRA, 25 July 1935.

167 Simon (FS) to Ryan (BLJ), 22 March 1935.

168 Ibid.

169 The Chief Commissioner, 29 March 1935, Op. cit.

the claimed line “was not based upon any relevant material facts.”<sup>170</sup> However, the Saudi negotiator subsequently proposed a new line, which he indicated on a map that ran eastwards and south-eastwards from Dohat-as-Salwa.<sup>171</sup> Since this was not acceptable to London, a new British concession toward Saudi Arabia was proposed the next day. The Saudis were informed of possible further concessions of territory to the south and east of Banaiyan, in addition to the Green line which had been proposed by Ryan in April.<sup>172</sup> A Brown line on a map submitted to Hamzah by Rendel during the first meeting held between Saudi and British officials in London, on 24 June 1935, depicted this concession (see Figure 4.8).<sup>173</sup>

Despite having yet to accept any of the British offers, the Saudis were keen to emphasise their desire to avoid causing a breakdown of the negotiations. They further clarified the picture, stating that they had taken into consideration an Anglo-Saudi agreement “to put aside the legal question so long as it was possible to reach an honourable agreement as it was preferable to try to draw a new line for the frontiers which would be acceptable to all parties concerned”.<sup>174</sup> No solution was achieved, however, although another offer had been handed to Hamzah, in Riyadh, on 25 November 1935 by Ryan, which was known as the ‘Riyadh Line’. This offer proposed a line along the area covered by the Anglo-Turkish Convention of 1913 to a point on the 1914 Convention, starting from a point on the coast of the Dohat-as-Salwa and running due south until it meets the Violet line (see Figure 4.9).<sup>175</sup>

Despite no agreement being reached, fears of further retreats to the advantage of the Saudis concerned the Aden Protectorate, due to the possibility that part of the territory controlled by the Hadhramai tribes might end up being surrounded by Saudi Arabia. Indeed, Britain had pressurised the Government of Aden to drop a portion of

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170 Anglo-Saudi negotiations, 24 June 1935, Op. cit.

171 Ibid.

172 Ibid.

173 Ibid.

174 Hamzah at the Saudi Arabia Legation, London to Rendel (FO), 2 July 1935.

175 Note handed by Ryan to Hamzah in Riyadh, 25 November 1935. FO minute by R. C. Blackham, 3 March 1954. FO to the Bahrain Residency, 2 June 1955.

territory in return for a similar concession by the Saudis in the Gulf area. Aden reiterated its position that the ‘minimum’ Saudi claim proposed by Hamzah had precisely such an effect to an even greater degree, as it cut through the tribal territories of the Mahra, Manahil, ‘Awamier and Sāi’ar tribes.<sup>176</sup>

As offers continued, Downing Street asked the Resident at Aden “whether some further concession can be made.”<sup>177</sup> The purpose was to avoid any repercussions on issues classified as important imperial and international issues. These included the difficulties that Britain was facing in Palestine, as well as the possibility of Italian activities in Arabia.<sup>178</sup> In March 1937, the Government of Aden reluctantly agreed to a proposal put forward to it by the CO, whereby a 20-mile strip of land would be conceded to the Saudi Government, running parallel to and south of the Riyadh line for 300 miles between longitudes 48 and 52 (see Figure 4.9).<sup>179</sup>

The search for oil brought territorial issues back to the top of the political agenda. London had been keen on reaching a settlement with the Saudis, an aim they regarded “as very desirable” as early as 1935, most particularly because of concerns regarding rivalries they confronted in the Red Sea.<sup>180</sup> With regards to the Red Sea and the issue of Asir,<sup>181</sup> it also became necessary for Britain “to forestall a possible move by the Italians”<sup>182</sup> into places southeast of the Peninsula (see Chapter 2). These concerns escalated following news of oil exploration companies beginning to prospect in the area.<sup>183</sup> Britain would continue to observe Italian activities for possible infringements of what it regarded as the territories of Ibn Saud and those of the Aden

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176 The PRA to the CS, 19 March 1936.

177 Gore (CS) to the PRA, 4 March 1937.

178 Ibid.

179 Ibid.

180 CS to the PRA, 9 October 1935.

181 Petroleum Department Memoranda entitled ‘Petroleum in Arabia’ and ‘Note on Petroleum developments in the Arabian Peninsula’, 5 August 1933 & June 1938.

182 Minute Sheet, 15 May 1937, Op. cit. See Memorandum on British Policy in the Aden Protectorate, 6 January 1937. Minute Sheet, 8 May 1937.

183 Minute Sheet, 15 May 1937, Op. cit.

Protectorate.<sup>184</sup> London was concerned by the Italian view - based on the Rome Understanding - that “a large area of ‘no man’s land’ existed between the territories of Ibn Saud, the Aden Protectorate and the territories of the Persian Gulf States”.<sup>185</sup> For its part, Italy considered the extension of British “effective control up to the limits of territory under Saudi Arabia control”<sup>186</sup> from the date of Rome Understanding, to have been a “breach of that Understanding”.<sup>187</sup>

Of course, the Italian point of view regarding a ‘no man’s land’ was completely unacceptable to Britain.<sup>188</sup> The FO was concerned by the matter, and in conjunction with the CO, worked towards the construction of a case to ultimately impede any Italian intentions in the region.<sup>189</sup> However, the Italian perspective was interesting in that it raised an argument similar to that invoked by Beckett in 1934 concerning a *res nullius* portion of the territory east and south of the Blue and Violet lines. In the meantime, the case was similar to several others, though complicated because of existing ambiguity about boundaries and the geographical division of the various internal regions of Arabia. In particular, questions were raised in the 1930s concerning the area of the Aden Protectorate and the expansion of this entity into the limits of the British sphere of influence.

Further complicating the situation was the increasingly competitive oil exploration efforts in the region, which were themselves hindered by the rising political instability and lack of security.<sup>190</sup> The “indeterminate nature of the Saudi-Aden Protectorate boundary”, was extremely important, according to the GA’s comment,<sup>191</sup> who stressed the necessity of “have[ing] the Saudi-Aden Protectorate boundary

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184 Baggallay (FO) to Cowell (CO), 26 August 1937.

185 Ibid.

186 Ibid.

187 Ibid.

188 Ibid.

189 Ibid. Blaxter to Baggallay, 15 September 1937, Op. cit.

190 T. Hickinbotham (GA) to Oliver Lyttleton (CS), 23 January 1953.

191 Ibid.

defined”.<sup>192</sup> The urgency of resolving the dispute with Ibn Saud was looming, and not only because of growing Saudi interests which Britain had tried to delay in the 1930s.<sup>193</sup> The American exploration work in the area was also becoming a crucial point of concern,<sup>194</sup> as such activities necessitated the presence of a defined boundary.<sup>195</sup>

#### ***4.4.3. Evolution of the boundary***

The FO eventually came to embrace the idea of claiming a frontier with Saudi Arabia, based on almost identical specifications to the Riyadh Line.<sup>196</sup> This proposed boundary of the Aden Protectorate was a line starting at the point 19° N, 52° E and subsequently runs along the southern fringes of the sand dunes on a general line of the following coordinates: 18° 48' N, 51° 03' E, to 18° 10' N, 48° 20' E. Thence the line runs due south-west to the boundary of the Yemen, and confirmed that it matched, to all intents and purposes, the Riyadh line.<sup>197</sup> Accordingly, the British Embassy in Jeddah was instructed to address a note to the Saudi Government in which these coordinates were confirmed as the boundary of the Eastern Aden Protectorate.<sup>198</sup>

A line was subsequently adopted incorporating the 1914 Violet line in its western reaches but in the east adopted another territorial limit proposed by Britain - the 1935 Riyadh line line (see Figure 4.10).

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192 Ibid.

193 In October 1936, Petroleum Concessions, Limited, a subsidiary of the Iraq Petroleum Company, was planning to approach Ibn Saud for oil concessions in the Rub-al-Khali. London, however, instructed the company to delay the plan (Eastern Department memorandum, entitled “The south-eastern frontiers of Saudi Arabia, 30 June 1940.

194 FO minute by Blackham, 3 March 1954, Op. cit. FO minute by L. A. C. Fry and Shukburgh entitled ‘Saudi Arabia’, 7 July 1955.

195 Hickinbotham to Lyttleton, 23 January 1953, Op. cit.

196 FO, Research Department, memorandum entitled ‘Justification of the stand on the Riyadh line from Mughshin to Raiyan’, 29 December 1954. FO to the Bahrain Residency, 2 June 1955, Op. cit.

197 FO to the British Embassy in Washington DC, 29 July 1955.

198 FO to the British Embassy in Jeddah, 30 July 1955.

The independence line was first officially declared by Britain to constitute the Aden Protectorate's northern territorial limits, in a unilateral statement released in August 1955, which was concerned with the borders of protégé states in the southern Peninsula.<sup>199</sup> As such, the most generous concession on the Violet line ever officially offered by Britain to Saudi Arabia was during the course of the inconclusive 1934-55 frontier negotiations.<sup>200</sup> The South Yemen independence line, in effect, had at its genesis "the most generous concession"<sup>201</sup> ever granted by Britain to Ibn Saud in this part of the Peninsula. This unilateral declaration by London was resisted by the Aden Government as well as the CO.<sup>202</sup> Yet, upon acceding to independence in 1967, South Yemen inherited from the Aden Protectorate this *de facto* border (certainly this was Britain's opinion) which came to be known as its "independence line".<sup>203</sup>

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199 Schofield, 1994: p. 20.

200 Ibid.

201 Ibid.

202 See correspondence in this regards in (Schofield, 1993: Vol.2. pp. 303-349).

203 Ibid., pp. 18-27.



## 4.5. Concluding remarks

### 4.5.1. *The dilemma not just legalistic ones*

As noted at the outset, the principal concern of the present work is not with the legality of the Saudi-Yemeni boundaries *per se*, or of those existing between other sovereign states in Arabia but, instead, with the need to highlight questions that have arisen out of the problematic evolution these territorial demarcations, especially the Saudi-Yemeni boundary. Therefore, the evolution of the Saudi-Yemeni boundary history remains significant for several reasons, most importantly for the geographical features of the disputed area covered in this chapter.

In this context it seems relevant to provide an overview of the geographical features of the disputed area covered in this chapter. The overlapping claims were mostly over the desert commonly named as the ‘Rub-al- Khali’ (i.e. the ‘Empty Quarter’, for being uninhabited apart from nomadic *Bedouins* Arabs). Moreover, it is important to note that for the Peninsula’s *Bedouins* land ownership was an alien concept and a sign of social and moral deficiency. Indeed, the nomadic tribes prided themselves on being able to freely wander the desert in search for necessary supplies for themselves and their livestock.

This is possibly a reason why Muslims believe deserts, valleys and mountains are lands over which ownership is not permitted, especially those where no human developments had existed or any positions established. The scope of this work does not permit an in-depth exploration of the theological underpinnings of this belief, except to state that they are predominantly based on a saying of the Prophet Muhammed that decrees such exclusions as applicable to three types of natural elements: water, pasture and fire.

Clearly, these traditions reflect reality in this part of the world, and highlight the importance of collaboration and partnership. One of their principal *raison d’être* has been to prevent a monopoly over the necessary resources for the living of the inhabitants. All members of the population were thus expected to interact cooperatively with each other, according to established principles of empathy and

solidarity. For anyone to deny the benefits of their own access to water, pasture and fire to others was seen as forbidden. According to these traditions, everyone had the right to benefit from the desert and, correspondingly, had no right to prevent others from enjoying those same advantages.

These arguments provide valuable insights into why territorial lines might have seemed an odd notion to the inhabitants. After all, modern conceptions of territorial claims are based on title and ownership, the prime purpose of which is to distinguish a specific geographical area from neighbouring ones, thus confirming that it belongs to a particular government and falls under its jurisdiction. As such, this chapter provides further evidence that the establishment of boundaries contradicted Arabian traditions, notably those of strong social connections and freedom of movement (especially when searching for grazing areas).

Indeed, at the time of boundary establishment in the early 1920s, allowing borderlanders to practice their traditions of wandering freely was one of the problematic issues: tribes had to be divided among several states, thus preventing many from wandering across grazing areas on the other side of the border. These are issues that remain critical in certain regions today.

This change toward a nation-state system clearly triggered serious and novel questions. Indeed, the borderlanders' affairs are only part of the present problems, with many of the disagreements between several Arabian states being over sovereign interests (see Chapters 5 and 6). Nowadays, problems no doubts include individual interests, such as the movement of people from different parts of the newly established sovereign states in search for new opportunities, though by no means restricted to the borderlanders'. Nationalism is meant here for involving the majority of nationals from the countries related and for concerns about the nature of such questions as well as the likelihood of risks they may trigger.

There is further evidence in Wilkinson's aforementioned, compelling argument on the Arabians' survival.<sup>204</sup> The significance of the peninsular tradition was that it provided the Arabians in general with a mode of coexistence from which they had benefited overall throughout their history, especially during eras of success (see Chapters 1 and 6). This was acceptable to those inhabiting what have now become the frontiers of sovereign states, but the rest of the Arabians enjoyed freedom of movement, migration and taking part in available activities without the present restrictions. This provides a reason to link the acceptance of the established boundaries with proper arrangements among the Arabian states and especially between Yemen and its neighbours over cross-border movement. After all, the unnecessary boundary functions and the lack of any appropriate regional cooperation have been a major source of the intensification of feelings of yearning over lost territories in Yemen and elsewhere (see Chapters 5 and 6).

The dilemma revolves around several issues, and not just legalistic ones. A key feature of the Yemeni nationalist discourse is the view that Yemenis have been left out of the spoils of the desert. Indeed, what had been regarded as the 'Empty Quarter' turned out to be abundantly rich in oil. Territorial competition in the peninsula has thus been primarily in search of this commodity, which is today the principal source of the region's substantial financial income and wealth. Most importantly is that Saudi Arabia is in control of almost 80% of this area.

Ibn Saud had also demonstrated resentment towards territorial lines, but not out of any desire to preserve the Peninsula's traditional organisation. A prevalent interpretation today is that Ibn Saud's main concern was over the tradition of wandering among Arabians, and the freedom of movement existing at the time that it entailed. And yet, his main ambition has clearly been to thwart British claims and expand over most of Arabia at the expense of other Arabian rulers. Indeed, an important comment was made by Ibn Saud during the negotiations held in Riyadh at the end of 1935. He stated that "after all, the whole area in dispute was desert and that

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204 Wilkinson, Op. cit.

the [British] Government could easily give him [Ibn Saud] a bit more”.<sup>205</sup> In other words, concern was to divide the disputed area with Britain.

In the same token was the argument of Rendel, the British negotiator, in which he rejected the Saudi claims namely his statement in which the tribal traditions of movement were addressed. He clarified that the British Government was fully aware of the situation and was thus not “attempting to establish a sharply defined frontier in the ordinary European sense, with frontier posts and a close frontier control”.<sup>206</sup> At the same time, however, a British counter-argument insisted that “an arrangement based on tribal considerations alone would certainly prove impracticable”.<sup>207</sup>

Apparently, neither the British nor the Saudis were genuinely concerned at the implications of imposing territorial lines, especially in terms of whether they would be implemented according to the traditions of the inhabitants at the time, or whether they might complicate relations between future sovereign states.<sup>208</sup> Most importantly, the role of expansionist policies was crucial: in their disputes with both Saudi Arabia and Yemen, the British sought to consolidate their position in places where they had never previously ventured to establish international control - even ignoring Beckett’s aforementioned protest that spheres of influence had no status in international law - mainly so as to avoid other possible challengers, both domestic and international.

Therefore, adopted grounds for the establishment of boundaries were as much a cause of unease during the colonial era as it would become in recent times. The difficulties experienced during Anglo-Saudi boundary negotiations in East and South-Eastern Arabia were illuminating: the tendency of tribes to move beyond claimed limits as well as exhibiting shifting allegiances was one of the most difficult issues. For instance, it would often be found that tribes of the Eastern Aden Protectorate exercised exclusive rights further north; beyond the boundary that Britain was

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205 Ryan to Hoare, 10 December 1935, Op. cit.

206 Anglo-Saudi negotiations, 24 June 1935, Op. cit.

207 Ibid.

208 See Schofield, 1994: pp. 19-27.

determined to fix.<sup>209</sup> This issue has been crucial because of common allegations about lands being acquired through bankrolling tribes and their leaderships. Nevertheless, in order to secure the loyalty of tribes, colonial powers often granted their leaders annual payments.<sup>210</sup> Such regular payments were necessary to manipulate these tribes but caused problems, especially in relation to the validity of such practices in terms of granting title to territory. Several times during the colonial era, Britain accused Saudi Arabia of gaining the allegiance of tribes through “bribery and intimidation”.<sup>211</sup> Claims over territory based on tribal affiliations became extremely problematic in the 1990s (see Chapter 5).

This chapter supports the view of Reiman and Baldwin that competition over land has been (as illustrated in Chapter 1) quite anarchic – i.e. possession has been established on a ‘first-come, first-served’ basis’. Such organisation was indeed, as they argue, achieved and consolidated through occupation based on military success, or influenced by interference from the foreign powers during the colonial era. In addition, Chapter 5 and 6 will demonstrate that the intractable problem is the belief that these divisions had been given a legal reality without any consideration for the traditions of the region.

#### **4.5.2. Anglo-Saudi bargains**

Britain challenged Saudi ambitions in South and South-East Arabia on behalf of the Aden Government and the Gulf *sheikhdoms*, however, the present map of Arabia shows that Riyadh incorporated almost the whole of the territories it disputed with Britain. In comparison with Yemeni claims, especially those over historic territory, Ibn Saud particularly benefited from the Anglo-Ottoman arrangements. Indeed, even

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209 It was reported that “the whole question had been reconsidered by his Majesty’s Government as a result of a report received from the Resident at Aden in which it was pointed out that the tribes of the eastern Aden Protectorate exercised exclusive rights up to a line running from the intersection of meridian 55° East and parallel 20° North as far as the Violet line at the point of its intersection with parallel 18° North and that no Saudi tribes exercised any rights to the south of the line” (Eastern Department memorandum, 30 June 1940).

210 The GA recommended that a monthly payment of Rs. 50 should be paid to Sheikh of Ahl Karab, out of which a monthly payment of Rs. 10 was to be paid to the charitable endowment of the local saint (GA to Gore (CS), 23 June 1937, Op. cit.

211 The CO to GA, 13 August 1955.

though he had rejected the conventions of 1913 and 1914, the understanding that the southern boundary of Najd is the line established by the 1914 Convention was to the advantage of the Saudis. The southern frontiers of Najd, according to Yemeni claims of historic territory, should not have gone too deep into the desert of the Rub-al-Khali. However, the Saudis consolidated their control over most of the desert and were also successful in establishing state authority in this part of the Peninsula to a greater extent, and at an earlier stage, than any other Arabian state.

Minimum Saudi claims overlapped with those of Britain, here and in East Arabia, but Ibn Saud was pragmatic in comparison with Imam Yahya. What is of significance, moreover, was that the Imam's claims included territories beyond the Aden Protectorate and those under its protection, notably the Al-Kathiri and Al-Qu'aiti Sultans. However, neither the Sultans nor Britain laid claims over the area in the desert of Rub-al-Khali that Imam Yahya had claimed. For the Imam, this area was a part of *Bilād Al-Yaman*, and had he been involved in such negotiations he would most likely have asserted his claims to it. Nevertheless, though aware of Imam Yahya's historic claims, Britain had deliberately ignored them and, instead, considered bilateral negotiations with Ibn Saud.<sup>212</sup> The Aden Authorities had even recommended that London should persuade Ibn Saud to keep Yemen out of any matter.<sup>213</sup> Such Anglo-Saudi political understanding was significant, especially as colonial powers seldom exhibit any genuine concern for territories they occupy. As a result, even though Imam Yahya probably presented a more convincing historical claim, Ibn Saud was, as London saw it, "maintaining friendly relations",<sup>214</sup> and was consequently treated better than the Imam.

Despite friendly Anglo-Saudi relations, Ibn Saud disrupted British influence along the Gulf coastal area.<sup>215</sup> Ibn Saud had been strong leader and British negotiators were

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212 There is evidence to support such a view among certain British documents. See Anglo-Saudi negotiations, 2 July 1935, Op. cit. Bullard (BLJ) to FO, 14 May 1938. CS to the GA, 2 June 1938. Bullard to FO, 22 November 1938.

213 The GA to Arthur Creech-Jones (CS), 28 November 1949.

214 Simon to Ryan, 27 March 1934, Op. cit.

215 Ibid.

thus wise in not completely rejecting Saudi arguments but, instead, articulating their position in a way that met with Saudi understanding and thwarted any threats from the Imam or the Italians as well as the concerns of the growing American interests in the area. For the Saudis and British, the solution was ultimately made possible more through bargaining and compromise than anything else.

London had been ready to give way to the Saudis in specific areas (e.g. Abu Dhabi,) with a view to persuade them to reciprocate the favour elsewhere (e.g. the Aden Protectorate). Nevertheless, the Saudis presented similar concession. For instance, Hamzah proposed that his government would concede the Khor-al-Odeid if Britain could give way over the Jebel Nakhsh.<sup>216</sup> However, in territorial bargaining between Britain and Ibn Saud the Saudis were given territory in the southeast of the Peninsula at the expense of claims by the Aden Government, which had wanted to retain a part of it. Criticisms were consequently voiced at the time of these compromise offers granted to Ibn Saud by the British Government during the negotiations.<sup>217</sup> Nevertheless, Aden would be requested again by the Secretary of State for the Colonies, in March 1937 “to review the position and report whether some further concession can be made in the Protectorate zone without sacrificing local interests”.<sup>218</sup> Indeed, London’s position proved important because it worked to the benefit of Saudi Arabia, as stated earlier, and also affected the evolution of the finally agreed Saudi-Yemeni boundary. Taking into consideration that London was seeking an agreement with Ibn Saud, this change was possibly to consolidate and protect its relations with him.

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216 Ryan to Hoare, 10 December 1935, Op. cit.

217 See for instance, detailed notes on the north-eastern territorial limits of the Aden Protectorate, August 1935 by Ingrams. The latter illustrated the factors affecting the proposed line from the point of view of the Aden Protectorate. His concerns were the effects of a boundary offer presented to Ibn Saud in March 1935. Since, the line proposed was expected to cut into the steppe area inhabited by tribes like the Sāi’ar (Note by Ingrams (Aden) attached to a Despatch from M. C. Lake to the CS, 20 August 1935. This view meant the idea of a northern boundary of Aden Protectorate north of Hadhramawt proposed to run at least 20 miles north of the southern edge of the great sands (Simon to Ryan, 22 March 1935, Op. cit.). Ingrams was of the belief that the proposal of the 20 miles was a reasonable offer (Note by Ingrams, 20 August 1935, Op. cit. FO minute by Blackham, 3 March 1934, Op. cit. FO minute by Fry and Shukburgh, 7 July 1935, Op. cit.).

218 Gore (CS) to the PRA, 4 March 1937, Op. cit.

Anglo-Saudi negotiations have always involved compromises, but regardless of the exact geographic details of any negotiated concessions, it is crucial to note that the issue dominating most rounds of negotiations was that of how to divide the disputed territories between them. The role of this bargaining element is important in comparing the Saudi and Yemeni positions, especially considering the huge repercussions for Sana'a. In this context, a number of illuminating statements can be invoked so as to highlight such a comparison.

For instance, in late 1938, the Saudi government stressed that it had “gone very far indeed towards meeting the wishes of their friends the British Government”,<sup>219</sup> thus confirming their view that they had already offered several concessions since the question of the frontier was first raised in London. These concessions included “much wider areas than the frontier to which their claims were subsequently limited”.<sup>220</sup> Furthermore, the Saudis argued that the abandoned territories belonged to them according to a historical title that Britain had previously acknowledged.<sup>221</sup> They informed the British Government that, in order to preserve both countries' friendly bilateral relations, they were ready to make material sacrifices and to limit their claims “to the minimum”.<sup>222</sup>

#### ***4.5.3. The domestic factor and changes of position***

It seems relevant to refer to Sir Gilbert Clayton report in which he confirmed the Imam's intention of establishing good relations with Britain, however, he realised the Imam's position concerning his claims over Yemen's historic territory.<sup>223</sup> Apparently, the Imam did exclude the port of Aden from his claims in one of his early contacts with Britain, during the summer of 1917. In this correspondence, the Imam claimed the territory that was still under Ottoman control as well as the Hadhramawt and the

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219 The Saudi Government to Bullard, 16 February 1938.

220 Ibid.

221 The reference was made to the Anglo-Saudi Treaty of 1915. It was noted that such agreement recognised as belonging to His Majesty the King “what belonged to his fathers and grandfathers” (Ibid).

222 Ibid.

223 PRA to the CS, 4 March 1926, Op. cit..



Aden Hinterland, but excluded the port of Aden.<sup>224</sup> This was evident in a reply sent by Imam Yahya to the Resident in Aden prior to the end of WWI.<sup>225</sup> However, for Imam Yahya to express a soft stance was most likely a temporary arrangement, adopted in part to normalise the British position in relation to his authority and possibly to avoid an unnecessary reaction. As such, it did not represent a change of position.

The aforementioned FO memorandum of December 1937 was right to ascribe the Yemenis' attachment to territory to nationalistic grounds similar to Western experience. Mistakenly, however, it mixed up such sentiments with adherence to the 'Zaydī School', possibly in comparison with Saudi claims that were based on tribal association with the Wahhabis.<sup>226</sup> In addition, an accurate appraisal of such a situation was made in the FO where it was realised that in Yemen, the only satisfactory agreement was complete British withdrawal from South Yemen. Accordingly, the problematic issue of Anglo-Yemeni relations, was that "no Imam - being in theory an elected monarch - will readily consider 'bargaining away' what he holds to be the birthright of his people".<sup>227</sup> Indeed, his responsibility was intensified because the issue involved Yemeni territory under occupation by a foreign, non-Muslim power.

With this in mind, any Yemeni leader would be wary of an issue with the potential of provoking public unrest that could be exploited by opponents. Lacking any flexibility for manoeuvre, Imam Yahya nonetheless remained firm in his historical claims because of two types of domestic challenges he was faced with. One was the ambitions over the Imamate of the Zaydī political organisation. Imam Yahya also confronted Yemeni movements that opposed his rule and the Imamate in general. He was interested in enhancing relations with Britain, but would not accept any

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224 Mutahar, 1998: pp. 139-141. Aden (Dresch, op. cit., pp. 32-33) have a different view that Imam Yahya did not claim the port of Aden.

225 See General Allenby (Cairo) to the PRA, 10 April 1919.

226 FO Memorandum, 15 December 1937, Op. cit.

227 Political distribution from the FO, 31 December, 1949.

compromise offered by London while South Yemen was still under occupation. Indeed, responding positively would only have hardened opposition against his rule; especially considering the resentment generated by the Sana'a Treaty was still fermenting. This was a particularly important factor, because the evolution of the movement opposed his rule has been associated with Imam Yahya's failures over territorial issues (see Chapter 3).

Both the case of the Taif Treaty and the Sana'a Treaty were used as a rallying point against the Imam's rule and that of the Imamate in general.<sup>228</sup> In fact, although the Yemeni public's understanding of these treaties has been that they merely postponed the final agreement on the boundary (for a further forty years in the Sana'a and twenty for the Taif), the Imam was blamed for failing to achieve national aspirations of unity. He has never been forgiven for accepting the Sana'a Treaty, though he only agreed to it under intensive pressure from Britain and because of the difficulties of his conflict with Ibn Saud. However, his acceptance of the Treaty has always been regarded in Yemen as a failure by the Imam and a stain of defeat on his reign (see Chapters 5 and 6).

Relatively speaking, internal weaknesses made it impossible for Imam Ahmed to maintain his father's position. He was much weaker because of the difficulties he confronted and because, lacking the political charisma of his predecessor, was facing growing opposition against the Imamate's rule in Yemen. A further issue for those challenging his authority domestically was the fact that Aden, under British control, became the main base for opposition activities. It thus became evident that, since Imam Ahmed's acceptance of the British-Yemeni *modus vivendi* of 1951, he had decided to normalise his relations with London out of fear Britain would support the opposition. Unlike Imam Yahya, who had robustly asserted his claims over the whole of southern Yemen, the main question for Imam Ahmad became merely the location of the boundary. His reign formed an important juncture, and was witness to the

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228 Wenner, *op. cit.*, pp. 111-123. Al-Shahari, 1979: pp. 16-17, 221-234, 270-282. 'Afif, 1982: pp. 67-68. Al-Shamāhi, 1985: pp. 248-274. Al-Jirafi, *op. cit.*, pp. 320-323, 341-342. Douglas, 1987: pp. 23-30. Al-Baraddūni, 1993: pp. 9, 25-29. Dresch, *op. cit.*, p. 47. Al-Şaidi, 2004: pp. 50-81, 121, 158. 240-242.

continuous deterioration of the stance of succeeding Yemeni governments' regarding territorial issues (see Chapter 3 and 5).

Sana'a was therefore no longer in as good a position as it had been, and accepted something that would have arguably been rejected by Imam Yahya, who had refused even to accept Shabwah being a neutral zone, as he had been against any recognition of colonial arrangements. Indeed, at his insistence, there was no mention in the Sana'a Treaty of any Anglo-Ottoman Convention. However, the handling of the case the Yemeni diplomat in London inadvertently sanctioned the establishment of a joint Anglo-Yemeni commission with a new objective: namely to visit Shabwah and to establish exactly where oil prospecting had been carried out, which was not what the Sana'a Treaty had previously agreed.<sup>229</sup>

The idea of establishing exactly where the exploratory operation was located, implicitly acknowledged a territorial limit that distinguished between Yemeni territory and that of the Aden Protectorate. In effect, disagreement now concerned merely where exactly this limit was located, regardless of whether it would be identified as being on the Yemeni side or not. The irony, however, was that what Imam Yahya had fought against had now been accepted: namely the termination of Yemeni claims over South Yemen as part of the historic territory of Yemen. Indeed, the Yemeni stance had changed from opposition to occupation to an acceptance of the British presence, and a focus on the necessity to solve the frontier issue once and for all.<sup>230</sup>

Imam Ahmed must have been aware that London's final aim was consolidating the *status quo*,<sup>231</sup> a predicament incisively described by Ingrams, who commented that Imam Ahmed, while concerned about the normalisation of relations with Britain, was most interested in securing his own political position.<sup>232</sup> Eventually, London failed to

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229 See Reilly (CO) to Fry (FO), 27 February 1954.

230 This was the understanding in London that a de facto boundary was possibly existed (see Reilly to Fry, 27 February 1954, Op. cit. Memorandum by the CS, 14 April 1952, Op. cit.

231 O'Ballance, 1971: p. 50.

232 Ingrams, Op. cit. Bidwell, Op. cit..

bring Sana'a to the negotiating table. Yet, the lesson was not learnt, even the defeat of the Yemeni forces in Shabwah did not change Imam Yahya's position.<sup>233</sup> To the contrary, the use of air force to secure Britain's territorial aims then and later would only fail to persuade Sana'a to retreat its claims peacefully; the use of force not only proved ineffective but greatly complicated the situation in 1938 and thereafter.<sup>234</sup> In the end, apart from exchanging diplomatic missions, none of the other issues would be resolved, and the aforesaid frontier commission never materialised.<sup>235</sup>

Generally, Anglo-Yemeni relations remained nonetheless problematic, especially even after the British withdrawal from Aden in November 1967. The situation following South Yemen's independence (as we shall see) illustrates the decisive role of colonialism in creating unlikely territorial states. Despite the withdrawal, however, the creation of an independent state over the southern part of Yemen has been regarded as a grave legacy of colonialism. Not merely the territorial relations between Yemen and Saudi Arabia, relations between the former North and the former South Yemen were essentially premised on this colonial delimitation, which would persist until the unification of Yemen on 22 May 1990.

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233 The Yemeni tribal forces were expelled from Shabwah by the end of November 1938 by air action (FO to the Embassy Rome, 6 December 1938, Op. cit.).

234 See Imam Yahya to the GA, 7 November 1938, Op. cit. Frontier dispute, by Baxter, 1 February 1939, Op. cit. The OAGA to the CS, 11 August 1939.

235 O'Ballance, Op. cit.

## Chapter 5:

### 5. Unity and After

#### 5.1. Introduction

The International Border Treaty between the Kingdom of Saudi Arabia and the Republic of Yemen (widely referred to as the “Jeddah Treaty”), was finally signed on 12 June 2000 (see Appendix 5.1 and Figure 5.1). This was an unexpected development, whose suddenness took the populations of both countries by surprise, especially considering the long-running nature of the dispute. Even more significantly, the Treaty had not been anticipated by the majority of international observers either, or by any of those with an active interest in the region’s affairs. After all, only a few months earlier the Yemeni Deputy Prime Minister (and Foreign Minister,) Abdul-Qader Ba-Jammal, was telling journalists at a press conference how dissatisfied his government had been with the lack of progress in the border negotiations with Saudi Arabia.<sup>1</sup>

The analysis in this chapter is divided into three sections. The first is concerned with the environment, and thus the context, within which the Treaty was concluded. Particular attention will be given to the weaknesses characterising the Yemeni position, which were comparable in scope and severity to those that had complicated Imam Yahya’s rule and his successor’s Imam Ahmed thereafter (see Chapters 2,3,and 4). This was hardly unusual, of course. In fact, it could be argued that interactions between Riyadh and Sana’a have always suffered from an imbalance of power to the advantage of the former. This imbalance, which has characterised their relations since territorial confrontation first erupted between them in the 1920s, was also in play prior to Yemeni reunification in 22 May 1990 (when the Yemen Arab Republic and

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<sup>1</sup> In February 2000 Ba-Jammal complained that his country was not satisfied with progress in achieving Yemen's desire for an end to the border dispute, which was the source of certain negative consequences (BNA, 11 February 2000). He also revealed that he submitted to King Fahd a request from Yemen for a timetable with a specific date for a settlement (*Al-Quds Al-Arabi*, 22 February 2000. Alwahdawi (Sana’a), 20 June 2000. Yemen Time, 26 June 2000).

the Peoples' Democratic Republic of Yemen decided to merge into one), though interactions between Riyadh and Aden had always been more limited relative to those exercised with Sana'a.

There are strong indications provide that the old political syndromes of the 1920s and 1930s had not yet faded away. It is for instance important at the outset to highlight that the reunification of Yemen, in May 1990, in itself a problematic political and economic transition, came at significant financial cost to a country with very limited resources. Throughout the 1990s, the most critical factor shaping Yemeni politics was the painful aftermath of two tragic historical events: the first Gulf War of 1990 and the war for Yemeni unity, in the summer of 1994 (as noted in Chapter 1). As such, the 1990s is arguably the most important and relevant period to our understanding of the Jeddah Treaty and its conclusion.

The second section will illustrate how the settlement of such a long-running dispute had become possible, particularly for Yemenis. The analysis in this section investigates the nature of the difficulties faced by Sana'a in the 1990s. Indeed, although the Saudi-Yemeni boundary dispute had been on-going for a long time, its effects on Saudi-Yemeni relations intensified seriously during this period. Therefore, this section will subsequently focus on difficulties that both Yemen and Saudi Arabia experienced during this period, which primarily stemmed from military confrontations that had been getting out of control between the two neighbouring countries over strategic geographical areas. These military clashes presented a serious risk of escalating into a comprehensive war and led to Yemeni complaints, citing compelling and incontestable evidence, against continuous Saudi influence on Yemeni politics.

The prime objective however, is to underline in this section the circumstances that have contributed to making this settlement a reality, which the present thesis considers to be driving factors behind the treaty's genesis and conclusion in June 2000. In other words, there is extensive evidence strongly supporting the view that Sana'a's circumstances in the 1990s greatly shaped official Yemeni intentions of solving the territorial boundary dispute, especially the terms that were eventually

adopted. Nonetheless, there were also the driving factors most importantly the intention is to examine developments in Saudi-Yemeni relations in the five years prior to the conclusion of the Jeddah Treaty. The beginning of 1995, only a few months after the end of the 1994 war in Yemen, saw an important change in the country's position, notably on the subject of the boundary. In February 1995, President Saleh confirmed Yemen's recognition of the Taif Treaty of 1934. This was followed up with the conclusion of the MoU of 26 April 1995, considered by this thesis as the significant breakthrough in the lead up to the 2000 treaty.

The third section considers the perceptions that its announcement provoked and concerns voiced about the Jeddah Treaty in the decade since its conclusion. In particular, it explains why, despite the unfavourable environment surrounding the search for a solution in the 1990s, other crucial motives were successfully marshalled with the aim of garnering popular support for Sana'a's course of actions. The aim is thus to assess the role of several important elements that aided in selling the Jeddah Treaty to the Yemeni public. For example, the possibility was raised that a boundary resolution would help Yemenis overcome the economic difficulties they were experiencing.

The prime objective of highlighting these elements is to bring into focus the mounting public disappointment they gave rise to afterwards. Put simply, it became evident that the benefits expected from the Jeddah Treaty settlement had not materialised in the years since. As will be illustrated, only a careful analysis of the complex context of the Jeddah Treaty can truly identify the reasons behind the significant levels of criticism it receives in Yemen today.

## **5.2. The search for a final resolution**

This section is concerned with the search for a final resolution, a search that reached its highest-ever level of intensity in the 1990s. To this effect, it is important to consider the mounting concerns that had been raised about the newly-created Yemeni state including, most notably, the speculation about the possible ensuing complications its reunification would have on Saudi-Yemeni relations in general, and on the boundary issue in particular. Moreover, the acceptance of the Jeddah Treaty as a final and permanent resolution has been complicated by the belief, amongst many Yemenis, that Saudi Arabia had gained considerable advantage through it, consolidating its territorial expansion in the process, at the expense of a Yemeni state that had been experiencing difficulties.

This analysis is a central element of the argument advanced in this thesis, which asserts that the Jeddah Treaty's conclusion was influenced by circumstances similar to those surrounding the conclusion of the Taif Treaty back in 1934. Indeed, the history of the evolution of the boundary reveals important parallels between almost every Saudi-Yemeni agreement that had ever been concluded. For instance, all agreements between Riyadh and Sana'a since the Treaty of Al-'Arw of 1931 had occurred either after military confrontation, or following a period of power imbalance between the two countries; with Yemen being usually the weaker party (as we have seen in Chapters 2 and 3).

It is important to highlight several aspects characterising relations between Riyadh and Sana'a following the reunification of North and South Yemen in 1990. Reunification was clearly a positive development that allowed the Yemeni government to be in a position whereby it was ready to finalise the issues surrounding its boundaries with its neighbours, including Saudi Arabia. However, the ability to fulfil this ambition has been very limited: as stated earlier, the birth of the Republic of Yemen was not without its price, partly related to the financial resources needed to address the emerging state's needs. The situation would be further complicated by serious disruptions caused by the Gulf Crisis of the early 1990s, as well as the war for



Yemen's unity in the summer of 1994, both of which had a considerable effect on Yemen and its position with regards to the boundary.

Secondly, we will examine boundary skirmishes between 1990 and 1995. Looking at the history of South Arabia, the birth of the Republic of Yemen in 1990 was largely perceived by the Saudis to be a positive and useful development, particularly in relation to the boundary dispute. Nevertheless, interactions in Saudi-Yemeni relations throughout the 1990s were mostly unfriendly, perhaps because the birth of the Republic of Yemen had reawakened policies of the past; not only did the emergence of a unified state enhance Yemeni nationalistic sentiments of historical rights; it also engendered a highly sensitive regional situation.

### ***5.2.1. The persistence of old political syndromes***

It was the reunification of Yemen, in 1990, that opened a vital window of opportunity for resolving the Saudi-Yemen territorial dispute. Prior to this, boundary issues, particularly with Saudi Arabia, had been considered a domestically risky political subject in Yemen. This was the case ever since the Taif Treaty was accepted in 1934. The evolution of two independent and nationalistic states in Yemen in the 1960s posed a serious complication for any potential Yemeni government. The division of Yemen into two states inflamed the situation not only because of the sensitivity of this question over territory, but also due to it being used as a rallying cry by one government against the other. Upon the separation of Yemen into two states, further divisions caused by ideological challenges and struggles for power took place. Such hostile local interactions created a widening rift between the two governments in Sana'a and Aden.

Moreover, the serious political disturbances following the efforts of PM Al-Hajri in the 1970s remain significant in relation to this point. His apparent decision to recognise the validity of the Taif Treaty as final and permanent, through his aforementioned communiqué of 17 March 1973 (discussed in Chapter 3), had provoked intense and widespread criticisms. This episode was crucial, particularly in terms of its repercussions for domestic politics and interactions involving the two

political regimes in Aden and Sana'a prior to reunification. This event is particularly recalled because Aden was against the move, and its relations with Sana's became very tense as a result. More importantly, strong allegations were levelled against the southern government, to the effect that Aden had been behind the assassinations of Al-Hajri and Al-Nu'aman (who signed the communiqué) in 1977. Such allegations seem credible in light of how territoriality may ignite the Yemeni public's anger, and Aden perhaps wanted to complicate matters in Sana'a, as the communiqué was considered to be a surrender of Yemeni territories (see Chapter 3).

Despite the fanatical nationalist ideology of the regime in South Yemen, it is also likely that Aden had exploited the sensitivity of the territorial issue as part of a political game against Sana'a. By denouncing Al-Hajri it aggravated public anger against the government in Sana'a and presented itself as the defender of national territory. This provides evidence of how politically treacherous the boundary issue had become domestically for both the northern and southern regimes. Indeed, any attempts to broach the issue ended in a political crisis. The government in Sana'a, in particular, faced extreme public resentment over the Al-Hajri episode. Opposition to the communiqué was so serious that it almost led to the collapse the government as a consequence.

A public announcement of a reconsideration of the territorial dispute had been undesirable for both southern and northern governments, and had therefore been strictly avoided. It is widely admitted that solving the Saudi-Yemeni dispute prior to reunification had been impossible. For instance, it was noted that President Saleh in the 1980s avoided the territorial issue with Riyadh because an elected parliament to ratify such an agreement.<sup>2</sup> Presumably, the President tried to be more diplomatic, because it "was difficult for either the authority in the South of Yemen or the

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<sup>2</sup> Cited in El-Azhary, 1984: p. 196.

authority in North of Yemen to resolve boundary issues whether with Saudi Arabia or with Oman,” the President would later state in the 1990s.<sup>3</sup>

Due to the sensitivity of the issue it was deemed necessary that any agreement ought to be approved by the proper elected institution. Only in the 1990s would it be disclosed that an attempt to resolve the dispute with Saudi Arabia had been made in the 1980s.<sup>4</sup> The president confirmed this attempt several times, but did not clarify which government was involved, though he probably meant Sana’a. It has also been confirmed that Aden and Riyadh entered into brief negotiations on the matter, which ultimately proved fruitless, in 1982.<sup>5</sup>

It was clearly dangerous for any Yemeni government, whether in the North or the South, to resolve the boundary issue unilaterally. We have seen in Chapter 3 the repercussions of the Al-Hajri communiqué and how it was used as a rallying cry against the party that supported such a statement. In fact, Aden linked the territorial issue with unity and made the return of the disputed territories to Yemen a condition of reunification.<sup>6</sup> In fact, Aden insisted the unity of Yemen would only be achieved when those districts disputed with Saudi Arabia had been returned. Meanwhile, ten years of an “on-off” dialogue with Oman prior to Yemeni unity failed to achieve such an agreement. The situation changed, as President Saleh noted in June 1995, “once unity had been achieved, agreement was reached in just four sessions”.<sup>7</sup>

Following reunification in 1990, it became immaterial whether the contact had been from Sana’a or Aden. A unified Yemen was in a position that had never been attained before, paving the way for the emerging state to consider finalising the country’s borders (whether with Saudi Arabia or with any other neighbouring countries).

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3 Interview with President Saleh on, the *Der Spiegel*, the German newspaper, 24 April 1993 (President’s Speeches, 1993: Vol.13. pp. 73-78).

4 Interview with President Saleh on (*Al-Thawrah*, 30 June 2000 and *Al-Jumhuriyah*, 18 July 2000).

5 Schofield, 2000: pp. 7-20.

6 See British Embassy (Sana’a) to FCO, 20 March 1973, Op. cit. Hunt (FCO) to J.M. Edes (British Embassy, Sana’a), 8 May 1973, Op. cit.

7 BNA, 7 June 1995.

Sana'a declared itself "ready to negotiate" and "to resolve" any boundary issue.<sup>8</sup> It was, as such, not that surprising to see that reunification proved to be the catalyst for both regional and international upheavals. It represented a substantial political change that created a new geopolitical condition.

The geopolitical importance of the new country resided in its location at the entrance to the Bab-al-Mandeb strait, linking the Red Sea to the Indian Ocean (via the Gulf of Aden), considered one of the most active and strategic shipping lanes in the world. Reunification had brought into existence a state occupying an area of more than half a million square kilometres, with a 1906 kilometres-long coastline on the Arabian Sea, the Gulf of Aden, and the Red Sea. Yemen's Red Sea dominion included several strategic islands such as Perim at the southern end of the Red Sea and Socotra at the entrance to the Gulf of Aden. Unified Yemen thus became the country with the largest population in the Peninsula, with the potential of being much stronger than the sum of its two former constituent parts.<sup>9</sup> This ambitious possibility has been evident both theoretically and in the hearts and minds of the Yemeni people.<sup>10</sup>

Interestingly, the way in which the first post-reunification Yemeni government approached the boundary dispute with Saudi Arabia highlights its feelings of confidence that it was now a power to be reckoned with. For instance, the Yemeni Prime Minister, Hider Abubaker Al-Atass, announced his government's intentions to settle the boundary dispute during his first government agenda.<sup>11</sup> He made it clear that any arrangements regarding the state boundary would respect the country's historical and legal rights.<sup>12</sup>

Such a statement was likely to have reinforced the belief that "Yemeni unification in 1990 resulted in further calls for the newly-constituted republic to resurrect claims to

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8 Interview with President Saleh on, Radio Monte Carlo, 19 February 1993 (President's Speeches, 1993: Vol.13, pp. 33-39).

9 See Katz, 1992: pp. 117-135.

10 Such confidence is every often mentioned and seems to be a widespread belief. For a recent reference see (*Al-Ahali*, 24 July 2007).

11 Agenda presented by the first Prime Minister Hider Abubaker Al-Atass before the Yemeni Parliament in 1990.

12 Ibid.

Asir, Jizan and Najran”.<sup>13</sup> Indeed, reunification was seen as the turning point beyond which Sana’a was going to be able to resist Saudi influence.<sup>14</sup> The emerging state was still in a good position, with vigorous ambitions of power and influence. The emboldening effect of the reunification was highly likely to be behind such strong language, and it was particularly striking for a Yemeni government to articulate such an intention as part of its agenda.

It is, however, worth speculating whether reunification had been welcomed by others or, instead, viewed with anxiety, especially as expectations mounted that the new state was potentially capable of threatening the interests of its regional neighbours. Indeed, reunification had generated some unease by bringing about democratisation to the Arabian Peninsula. For several states in the region, such a political change continues to be a matter of concern. Moreover, the view that reunification has encompassed more than just Republican (in North Yemen after the 1962 revolution) and Marxist (the ruler of South Yemen since independent in 1967) ideologies, present since the 1960s, is probably true.<sup>15</sup>

Yemen’s unity has always been a deep and genuine ideal for Yemenis and Arabs everywhere, including the Saudi people who have commended this destiny. However, public opinion is not necessarily echoed by the beliefs of rulers. Thus, although Riyadh welcomed the reunification of the two Yemens, President Saleh openly hinted that the Saudis were not in favour of a united Yemen, and complained that he had not received a congratulatory message from them on the occasion, as he had from other Arab countries.<sup>16</sup> The attitude of several Arab regimes towards reunification had

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13 Schofield, 2000: p. 16.

14 Observations in this regard are dated to the period prior to the reunification of the two parts of Yemen (See Stookey, 1984: p. 103. *Al-Hikmah* the Editorial, November 1988, January and May 1989. Katz, Op. cit. Yemen Times, 20 July 1998. *Al-Wasat*, 20 December, 2006).

15 Changes in Yemen have been usually seen to have effects on Saudi Arabia and the region as whole (Katz, Op. cit.. Whitaker, 2009: pp. 88-97. El-Rayyes, 1998b. Zabarah, 2001: 272-278).

16 Interview with the President Saleh on, *Al-Quds Al-Arabi*, 29 May 1993. Speeches, op. cit., Vol.13, pp. 129-133.

clearly been ambivalent, though most felt “they were obliged to pay lip-service to Arab unity”.<sup>17</sup>

This landmark Arabian political development brought a highly sensitive regional geopolitical situation to the fore. The new geopolitical situation was problematic not only because it was not necessarily welcomed regionally, but also (and more importantly) because of the lack of trust both within the region and from actors outside it. Indeed, Scholars with an interest in Saudi-Yemeni relations agree that Riyadh opposed the creation on its border of a unified Yemeni state with a population larger than its own and whose orientation would be unpredictable, possibly hostile, and certainly beyond its control.<sup>18</sup> Fingers have since continually been pointed towards Yemen’s northern neighbour and reports persist that Saudi Arabia is not happy with the unification.<sup>19</sup> This opposition is commonly seen to have been driven by the Saudi-Yemeni boundary dispute.<sup>20</sup>

### ***5.2.2. Constant skirmishes in the border regions***

The notion that Yemeni reunification was challenged by Saudi influence gained significant momentum throughout the 1990s. The decade witnessed a difficult period for relations between Riyadh and Sana’a and a real clash of interests between them, whose resultant effect on the boundary issue was evident. Relations were particularly shaped by hostilities and frequent clashes along the borderland, even leading to fatalities. During this period in particular, the territorial dispute served, as Prescott argues, as a “barometer of condition of relations”.<sup>21</sup>

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17 Whitaker, *Ibid.*, p. 88.

18 See Bidwell, 1983: pp. 294-299. Stookey, *Op. cit.* Al-Haïsamī, 1988: pp. 332-349.

19 See Katz, *Op. cit.* Whitaker, 2009. *Al-Arab* (London), 1 June 1998. Interview with Khair Al-Daeen Haseib, Chairman of the Arabian Unity Studies Centre on, *Alsyasiah*, 6 June 2007.

20 See for example, Hajib, Mohamed Saeed Abdullah member of the leadership of the Yemeni Socialist Party (*Al-Thawry* newspaper the organ of the Yemeni Socialist Party, 7 and 14 June 2007). Mohammad Alsofi, *Alwsat*, 6, 13, 20 December, 2006.

21 Prescott, 1987: p. 7.

The analysis presented in this thesis aims to highlight the complicating impact of the territorial boundary dispute on relations between the two countries. This question has been on-going for a long time and the complex interactions in the 1990s made that decade one of the worst periods in their common history. There were periods of extreme and angry statements, expressed verbally by officials or through unfriendly rhetoric in the media. The leaders of both countries were the target of such campaigns. The Saudi-Yemeni borderland would experience negative developments as a result of these deteriorating relations. For instance, in April 1991, Saudi Arabia denied rumours that it had occupied Al-Buqa' border post in North-west Yemen (see Figure 5.2).<sup>22</sup>

The second area of consideration is the fact that Yemeni reunification, against expectations, produced a fragile state which faced a serious deficit in its budget.<sup>23</sup> The emerging state faced difficult circumstances economically, politically and socially.<sup>24</sup> Most importantly, preserving such a great political achievement has been a challenge that remains evident today after more than two decades. Such developments are relevant to the resolution of territorial questions, and will thus be thoroughly examined.

However, it is not an objective of this thesis to analyse why Yemen was classified by GCC countries as being in the camp of the enemy after the 1990 Gulf War. But the outcomes of the position taken during that crisis by Sana'a, and their subsequent effects on the Yemeni economy (as noted in Chapter 1), will be considered here, especially as the implications of Yemen's stance on the boundary negotiations were substantial. It seems evident that the Saudis aimed to achieve a settlement to their advantage, and that such an outcome was made more likely as a result of the difficulties that Yemen faced in the 1990s.

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22 BNA, 15 April 1991.

23 Poverty reached a harmful level as the unemployment rate soared from 19.1% in 1992 to 51.2% in 1997. Accordingly, the number of people in poverty rose from roughly 3.2 million to 9 million. Furthermore, the number of the extremely poor has risen from 1.5 million to 4 million, as the Human Development Report confirmed.

24 Yemen in the 1990s: From Unification to Economic Reform, International Monetary Fund, 3 May 2002.

The stance adopted by Sana'a during the occupation of Kuwait by Iraqi forces in August 1990, appearing to side with the Iraqi regime when Yemen was a revolving member of the United Nations Security Council (UNSC), had been considered by the GCC countries as completely unacceptable. Yemen's support for Iraq during the crisis greatly distanced it from Riyadh, as well as from the rest of the Gulf countries. Foreign financial aid, including that from the Gulf countries, was cut. The preferential treatment that Yemenis had enjoyed for decades, particularly in Saudi Arabia (as one of Taif Treaty components, as illustrated in Chapter 3), disappeared almost overnight. In addition, new restrictions were imposed upon Yemenis working in Saudi Arabia and other Gulf States, with around a million forced to leave. The return of such a massive number of labourers to Yemen caused the loss of the prime source of foreign currency on which the country's economy was highly dependent. The consequences for Yemen have been extremely harmful and their effects probably persist to this day.

Many politicians from the GCC countries were particularly aggrieved that some Arab expat communities residing in the Gulf (especially Palestinians and Yemenis) had seemingly aligned themselves, during the Gulf War crisis, with the positions of their own governments back home, rather than with those of the Gulf countries in which they were residing.<sup>25</sup> No doubt, Yemen's opposition to the US-led international coalition that liberated Kuwait attracted sympathy from Yemeni and Palestinian immigrants in GCC countries. In fact, similar feelings were expressed by citizens of the GCC countries themselves, in addition to other Arab nationals residing there. It was thus evident that the Yemeni immigrants, who had been residing in Saudi Arabia and several other GCC countries, were forced to leave as a result of the political stance of their government.

Yemen was in severe economic difficulties, and the Saudis clearly expected Sana'a might be prepared to come to some agreement in order to facilitate efforts towards its own recovery. Subsequently, pressure upon Sana'a was however soon intensified, with those Yemeni areas predicted to be oil-rich witnessing particularly tense

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<sup>25</sup> MBC TV, 3 August 2000.



interactions. This occurred when Sana'a, as part of the efforts to improve its difficult economic predicament, began to exploit its resources, especially oil. Concessions were offered to foreign companies in several areas, including those on the old border between North and South Yemen. In April 1992, however, Riyadh suddenly issued a warning to oil companies not to drill, accusing several of them of operating on the Saudi side of the border.<sup>26</sup>

In spite of these tensions, Saudi Arabia and Yemen adopted a rational stance, deciding to resume talks over the territorial boundary. The Saudi Arabian and Yemeni Foreign Affairs Ministers held a meeting in July 1992, classified as "preparatory", to exchange views on forthcoming arrangements for the resumption of border negotiations. The agreement which followed stipulated that future meetings would be held by bilateral technical committees.<sup>27</sup>

There was no reason for this development, one might assume, other than because relations between the two neighbouring countries were volatile. The Yemeni President's tone reflected his deteriorating relations with Riyadh. Nonetheless, he issued a standard statement in which he confirmed the intention of finding a solution for the boundary issue, stressing the necessity that any resolution should consider the "historical and legal rights of all parties".<sup>28</sup> Likewise, a few months later, the notion of historical and legal rights would be reiterated, with accusations of the illegal conquest of Yemeni territory by the Saudis being made directly and firmly. The President told an interviewer that "Yemen was claiming territory under the control of Saudi Arabia". He added that the Saudis' policy of expansion over Yemeni territory had never ceased and accused Saudi Arabia of continuously establishing settlements in Yemeni land, in a bid to change realities on the ground, as well as offering Yemeni

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26 BNA, 27 February 1995 and 24 July 1992. The Independent (London), 27 February 1995. Al-Madhagi, 1996: pp-143-144. Zabarah, op. cit., 272-274.

27 BNA, 22 July 1992.

28 Interview on, Radio Monte Carlo, 19 February 1993, Op. cit. Interview with the President on (*Adhwa Al-Yemen* magazine, 5 of March 1993).

nationals along the frontiers 'Saudi citizenship'.<sup>29</sup> Such a combative tone echoed the similarly confident pronouncements of the aforementioned statement delivered by Al-Atass, the Yemeni Prime Minister, following unification in May 1990.

In 1993, relations between Riyadh and Sana'a were extremely poor, yet the position of Sana'a was due be seriously complicated even further. Indeed, the result of the 1993 election in Yemen had caused a political crisis that led the country to enter a state of war lasting two months in the summer of 1994. The war had extremely negative political and economic implications, with a severe toll both in human as well as financial terms. The consequences were considerable not merely because of the effects on the country, but also because of the accusations directed towards Saudi Arabia. It was believed that Saudi Arabia, and several other Gulf states, sympathised with the separatists. It has also been confirmed (even outside Yemen) that Saudi Arabia financially supported the secession attempt of South Yemen against the legitimate government.<sup>30</sup> Unsurprisingly, allegations of Saudi involvement in assisting the separatists have been linked to Saudi geographical ambitions over Yemeni territory.<sup>31</sup>

Saudi-Yemeni relations had deteriorated extensively by the end of 1994. Political developments relating to the dispute show how serious the situation had become. It was probably in light of these difficulties that negotiations for a settlement of the territorial dispute were resumed. Several rounds of bilateral talks were held, but no significant outcomes were achieved. In October 1994, Riyadh was accused of stepping up its military concentration along its border areas with Yemen and, in addition, was also blamed for actions intended to sabotage Yemen's economy and

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29 Interview with the President on, *Al-Quds Al-Arabi*, 29 May 1993. Speeches, op. cit., pp. 129-133.

30 Reportedly, Saudi Arabia spent \$3 billion funding the secession attempt (the Independent, 27 February 1995). BNA, 27 February 1995. Recently, Abdullah Alasnaj, a former Yemeni Foreign Minister, accused secessionists' leaders of spending in the 1994 war more than billion dollar (*Al-Jumhuriyah*, 9 April 2012).

31 Whitaker, Middle East International, 29 Jan 1995. BNA, 27 February 1995. Al-Arab, 1 June 1998. Murphy, 2006. Mohammad Alsofi, a Yemen lawyer (*Al-Wasat*, 6, 13, 20 December, 2006. *Al-Wasat*, 20 December, 2006. Mohammad Saleh Al-Bukhaity, *Al-Ummah* (Sana'a), 22 February, 2007.

national unity.<sup>32</sup> Subsequently, the situation deteriorated even further. In December of the same year allegations were made, through Yemeni Radio and by the Yemeni Foreign Ministry, of Saudi infringements of Yemen's sovereignty. These reports maintained that the Saudi government was "erecting monitoring posts and building a number of roads deep inside Yemeni territory".<sup>33</sup>

The Saudis did not deny the construction of roads, and defended their actions on the grounds that the "roads referred to were in Saudi territory".<sup>34</sup> However, the situation immediately turned into a military confrontation. The Yemeni Vice President stated, on 9 December 1994, that the Border Guard Forces had recaptured positions in the Sa'adah Governorate from the Saudis. He revealed that three Yemeni soldiers had been reported to be wounded in the operation.<sup>35</sup> The ministers of the interior of both countries sensibly agreed to form a "joint fact-finding committee to examine events in the field".<sup>36</sup> After phone talks, the Saudi King and the Yemeni President agreed to solve any problems through "brotherly dialogue".<sup>37</sup>

Despite this, Yemen would maintain its claims that the Saudis had not ceased their hostile activities. Security sources warned that the Saudis were reinforcing their military forces at three points along the disputed border, leading to predictions of an outbreak in serious military action.<sup>38</sup> President Saleh, on 13 February 1995, confirmed military clashes had taken place along the boundary.<sup>39</sup> There were incidents at Al-Yamāmah (see Figure 5.3), where two Yemeni soldiers were killed, and casualties from both countries, as well as at Jabal Al-Mashraq and 'Arwq bin Ḥamwdah (see Figure 5.4).<sup>40</sup> This problematic situation provoked strong nationalist statements in Yemen. Declarations of pride in the past, epitomised by links to

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32 BNA, 31 October 1994.

33 Ibid., 8 December 1994.

34 Ibid.

35 Ibid., 9 December 1994.

36 Ibid., 8 and 9 December 1994.

37 Ibid., 9 December 1994.

38 Ibid., 16 January 1995.

39 Speeches, 1995: Vol.5. pp. 42-45.

40 Ibid.

Yemen's historic territory, were deeply resonant, particularly when expressed publicly by President Saleh.<sup>41</sup>

### **5.3. The drive towards a resolution**

Developments in Saudi-Yemeni relations between 1995 and 2000 should be seriously examined, as this period witnessed the main drive behind the resolution of June 2000. The prime objective of this analysis is to highlight how Yemen's stance and policies regarding the boundary question were prejudiced substantially by the internal predicaments of the country, both political and economic. The conditions Sana'a had been facing during its search for a solution cannot be ruled out as major reasons behind its acceptance of the Jeddah Treaty of June 2000 as a final and permanent resolution.

In such a complex and sensitive case, the underlying motives in any resolution are difficult to quantify. For example, there seems to be no record of any analytical comparison being carried out of the political or economic conditions of the two countries. And yet, the difficulties the Yemeni government went through during the 1990s had probably influenced its governmental policies on a national, as well as international level. The main drive to resolve the boundary dispute arose at an inopportune time for Yemen, when its economic and political conditions were critical, as discussed earlier. Furthermore, the devastating effects of the internal war of the summer of 1994 added to the difficulties caused by the return of more than a million Yemeni workers from Saudi Arabia and other Gulf countries, bringing further misery to a country on the brink. Because of such domestic, political and economic unease, Sana'a was now prepared to consider possible schemes that it would have rejected earlier.

It is therefore arguable that such developments, including the treaty of June 2000 itself, may have been brought about because of the unequal distribution of power between the disputants. In other words, the Saudi-Yemeni case may be analogous to

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<sup>41</sup> Ibid.

that mentioned in the introduction between China and Russia.<sup>42</sup> When China's situation changed, its reaction was to challenge its neighbours over the unfair arrangements imposed on it earlier.

Treaties granting a transfer of land were imposed upon China at a time of weakness, and were thus merely China's way of securing an end to the conflict. Understandably, the Chinese subsequently rejected and renegotiated these previously-concluded agreements.<sup>43</sup> The implications of such a case must thus be considered. It is often extraneous considerations that dictate the course of a territorial settlement, yet such circumstances can jeopardise the future of the resolution. Indeed, experience demonstrates that a resolution of a territorial disagreement may in itself contain challenges to its own success and durability.

It has also often been observed that a weaker state may offer negotiations in order to preserve its realm of sovereignty. For instance, President Saleh, in January 1995 stated that "unfortunately our Saudi brothers have been infringing our boundaries since 1934".<sup>44</sup> Furthermore, the introduction of this thesis provides pertinent examples of states accepting solutions to boundary issues with the clear intention of securing an improvement in political and economic relations with their neighbours. Experience largely supports the observation that states tend not to allow a dispute "to stand in the way of improved relations".<sup>45</sup>

For Yemen, the quest was a vital economic one, as the country was in a critical state of limbo, and where alleviating the difficulties and the suffering of its people was paramount. Indeed, the 1990s saw renewed enthusiasm for a resolution, particularly in Yemen, stronger than at any time experienced before this point. The decade prior to the 2000 Saudi-Yemeni resolution witnessed the evolution of an important and relevant factor, namely the emergence of what this thesis terms a 'realistic vision', shaped by optimism in the future.

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42 Prescott, *op. cit.*, p. 60.

43 *Ibid.*, 101.

44 Press conference in Paris, 17 January 1995.

45 Prescott, *op. cit.*, p. 7.

A level of high optimism prevailed as negotiations towards a resolution were started. An improved relationship with Saudi Arabia, and the Gulf countries in general, was regarded as presenting valuable opportunities for Yemen and the Peninsula as a whole. A central objective, clearly, was relief from the economic difficulties and a means of propping up the fragile unity of the (recently-united) country. Amidst much hope and optimism, the vast majority of Yemenis had apparently agreed to look to the future, instead of clinging to the past.

### ***5.3.1. A significant breakthrough***

In February 1995, President Ali Abdullah Saleh publicly announced that Yemen “accepts the Taif Treaty”,<sup>46</sup> acknowledging it “as a basis for negotiations” even though Yemen had earlier been against even its renewal.<sup>47</sup> This was a stark change in position, especially considering the treaty had been a taboo subject up to that point. President Saleh had always been staunchly against it, insisting that it was impossible for him “to accept an unjust agreement with Saudi Arabia”. He had even stated the Treaty amounted to “surrendering Yemeni territories that had been gained through conquest during an unbalanced war between Yemen and a stronger and wealthier neighbour.”<sup>48</sup> In such a context, Saleh’s public acceptance of the Taif Treaty symbolises an interesting, dramatic change and a remarkable development in the country’s position.

The noteworthy achievement of the decade was the conclusion of the MoU in April of 1995 (Appendix 5.2). This breakthrough was of a great significance because it came on the heels of Yemen’s declaration that it recognised the Taif Treaty. This agreement had obviously been seen, until then, as a hot potato, always perceived as ‘the agreement that would not dare speak its name’ of Yemeni politics. It is particularly significant for its first article, which states that the two parties, Saudi Arabia and Yemen, “confirm their adherence to the legality and obligatory nature of

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46 Speeches, op. cit., Vol. 5. pp. 42-45.

47 BNA, op. cit., 24 May 1992.

48 As cited in El-Rayyes, 1998: p. 140.

the Taif Treaty”. Thus, a twofold reaction was provoked. Significantly, the 1934 agreement had been ahead of its time in advocating regional cooperation and integration prior, significantly, to the European experiment, and probably any such similar arrangements globally (as illustrated in Chapter 3 and which we shall touch upon later). For this article in particular the MoU was not welcomed either, especially as it entrenched official Yemeni recognition of the Treaty of Taif.

The MoU was viewed as a renewal of the Treaty of Taif,<sup>49</sup> although, it was not a treaty and thus it was not constitutionally necessary for the Representative Council (Yemeni Parliament) to ratify it either.<sup>50</sup> Furthermore, Muhammad Al-Fareh, a Yemeni nationalist and historian, opposed the agreement, describing it as a “treasonous memorandum of understanding”,<sup>51</sup> arguing that Riyadh, after many years of trying, had finally got what it wanted. According to critics, this was a climb-down by the Yemeni government as a result of massive pressure from Riyadh.<sup>52</sup>

The MoU was presented as an agreement on the legal framework the two parties had decided to adopt during their negotiations for a final resolution. Thus it was a positive achievement that offered a basis for a final resolution and was most likely aimed at eliminating the boundary issue’s role in hindering the possibility for fruitful neighbouring relations. Significantly, the MoU includes an article on improving bilateral relations. According to Article 6, it was agreed to form a joint ministerial committee to begin within 30 days of the signature of this memorandum with duties “to develop economic, commercial and cultural relations between the two countries and to consolidate cooperation between them”.

This proves that resolving the dispute coincided with efforts towards improving neighbourly relations. Similarly, it also shows a considerable desire to prevent the dispute from hindering these efforts. No doubt this was the Yemenis’ main concern during such a difficult time in particular. In fact, it proves how serious the difficulties

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49 Al-Ghamdi , 1999: pp. 63-64. Murphy, 2006. *Al-Quds Al-Arabi*, 27 July 1999.

50 Interview with President Saleh on (*Assafir*, 12 April 1995).

51 *Alwahdawi*, 16 June 1998.

52 *Ibid.*

confronting Yemen were. The period following the signing of the MoU soon witnessed the summit between King Fahd and President Saleh, held in Jeddah on 5-7 June 1995. The talks were characterised by expressions of goodwill, cordiality, cooperation and good neighbourliness, concluding with a statement committing both sides firmly to the MoU.

Some progress on issues related to the unresolved boundary issue followed. The most important of these was probably the launch of committees established by the MoU. Several committees consisting of representatives from both countries had started to meet immediately after its signature.<sup>53</sup> For instance, the High Level Military Committee, established by Article 5, had met for several days in early April and May. This committee was in charge of preventing military incidents along the border as there had been allegations of military movements and installations placed in the area. Several of the formed committees continued their meetings, the most important of which was that of the Joint Committee - in charge of locating the border markers as stipulated by the Taif Treaty - which held its first meeting on 13 July. This committee would meet in Sana'a and, by November that year, had finally agreed to implement the timetable of the technical fieldwork of border demarcation.<sup>54</sup>

### ***5.3.2. Sporadic but serious trans-boundary tensions***

No important developments were accomplished however. Relations between Riyadh and Sana'a deteriorated again and continued to be problematic despite important developments being observed during the few months after the signing of the MoU. Bilateral relations were not enhanced as expected, nor were the efforts needed for the completion of the final resolution strengthened. Despite continuously negotiating over the border, Saudi Arabia and Yemen would come close to war, in 1995 and thereafter. In fact, the deterioration in relations continued and, consequently,

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<sup>53</sup> There is no formal title for committees established by the MoU and distinction was based on the duties by which was charged.

<sup>54</sup> BNA, 7 June 1995.



negotiations remained in a state of deadlock as would be confirmed five years later, in February 2000.<sup>55</sup>

Difficulties erupting over several boundary locations where sovereignty had still been disputed, which not only led to military clashes and fatalities, but also placed trans-boundary interactions on a tense footing. Developments throughout the late 1990s revealed less obvious (and in some ways previously hidden) problems relating to the Saudi-Yemeni territorial dispute where, as had happened previously (since the war of 1934), sporadic military confrontations took place along the ill-defined border. The incidents from 1995 onwards began to display a new pattern: when difficulties now emerged between negotiators, the preference would be for using military force to assert ownership along the borderlands.

As severe accusations and counter-statements were exchanged between Riyadh and Sana'a, the borderlands continued to witness serious military clashes by the end of 1995. Similar unfortunate incidents like the one in Al-Yamāmah, Jabal Al-Mashraq and 'Arwq bin Ḥamwdah, between forces from Saudi Arabia and Yemen occurred over the disputed border in December 1995.<sup>56</sup> The subsequent two years, 1996 and 1997, would witness a fresh row, though in essentially a similar vein. Reports declared relations between Saudi Arabia and Yemen to be "in their worst state in more than a year".<sup>57</sup> This began after Saudi Arabia objected to Yemeni moves that would change the boundaries of administrative divisions in the Kitaf, Sa'adah and Hadhramawt Governorates (areas claimed at this stage by Saudi Arabia). Riyadh argued that the majority "of the inhabitants of the areas concerned had actually taken out Saudi citizenship".<sup>58</sup> To highlight the significance of this aspect, a senior Yemeni

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55 Ba-Jammal's statement, 11 February 2000, Op. cit.

56 The Guardian (London), 12 December 1995.

57 BNA, 5 June 1997.

58 BNA, 5 June 1997.

official had issued the unusual comment that "our dispute with Saudi Arabia is over land, not people".<sup>59</sup>

Concerning the eastern section of the borderland, difficulties would become notable in July 1998. The Saudi position with regards to the Omani-Yemeni Boundary Treaty of October 1992 demonstrates this rather well. The Saudis would announce that "[w]e are not bound by the border agreement between Yemen and Oman".<sup>60</sup> Riyadh objected to the deposition of the treaty's text and its associated materials with the United Nations and Arab League, claiming the agreement infringed on part of its territory. Yemen and Oman responded by issuing their own disclaimers. The Yemeni response was tough and full of accusations that Yemen was confronting a Saudi policy of enforcing the *status quo* over the disputed territories. It reiterated Yemen's argument based on its historical and legal rights to the disputed territories.<sup>61</sup>

Nevertheless, President Saleh revealed that he and the Saudi Defence Minister, Prince Sultan, had concluded an informal but important agreement at a meeting held on the shores of Lake Como in Italy in September 1997. What is known about the agreement implies that it concerned the general alignment of the indeterminate eastern reaches of the boundary. This was an agreement was probably "on parallel 19/52 of the Omani-Yemeni-Saudi tri-point down to point 11, located beyond –Sharurah [Shārwrāh] or Al-Wadia'ah (Wadia'ah), west of Jabal Thar [Tha'r], considered a major feature of the Taif agreement", which President Saleh would reveal later.<sup>62</sup> The agreement was supposed to narrow differences, yet despite this apparent breakthrough, the situation did not improve. Instead, in spite of the Como agreement, the situation remained complex and confused.

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59 Al-Iryani, then the Yemeni Foreign Minister's response (*Al-Quds Al-Arabi*, 5 June 1997). See also *Al-Hikmah* the Editorial, January and May 1989. BNA, 5 June 1997. *Yemen Times*, 23 November 1998. Press interview with Sheikh Abdullah Muhammad Ṭao'aiman, Chief of Jihām tribe, the biggest tribe in Ma'rib (*Yemen Times*, 31 July 2000 and 21 August 2000).

60 *Yemen Times*, 20 July 1998.

61 *Al-Ayyam*, 19 July 1998.

62 BNA, 20 July 1998.

The developments along the western section of the border provided evidence of a complex situation which, however, was probably similar over borderland localities along the western borderland as well. Although it had been thought that the Taif land boundary was a well-documented and relatively long-established line, a series of incidents had occurred. There were complex disagreements over several important borderland localities, such as the terminal point of the 1934 line on the Red Sea coast and its eastern terminus at Jabal Al-Tha'r. Saleh Al-A'jam, one of the border committee members, admitted in March 1998 that, although much had been achieved in its sessions, the committee was "still looking for common grounds for the starting point of the border with Saudi Arabia at Ras Mi'waj in the Red Sea".<sup>63</sup> From the Yemeni perspective, the Saudis were claiming a wholly different and more southerly geographical feature at Jabal Ḥabash than they were entitled to from the letter of the Taif treaty. President Saleh declared that Saudi Arabia was not claiming Jabal Al-Tha'r as the eastern terminus of the Taif line but a wholly different and more southerly geographical feature instead, Jabal Ḥabash.<sup>64</sup>

These areas were important both strategically and for their defining effects on the precise course and direction of the boundary line. Reports of Yemeni islands being invaded or attacked by Saudi forces started to appear on 26 May 1998.<sup>65</sup> The clashes on the islands most probably erupted after negotiations over the western land boundary terminus could not reconcile the positions of the parties.

In July 1998 the Saudis were accused of continued aggression and of "slicing" off bits of Yemeni territory,<sup>66</sup> namely by occupying Al-Duwayyimah (see Figure 5.5), an island that lies adjacent to the disputed terminal point of the boundary on the Red Sea coast, and a crucial location because of its effect on the alignment of the notional maritime boundary. In July 1998, disagreement over Al-Duwayyimah would be publicly stressed by officials. The Yemeni Interior Minister, Major-General

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63 Press interview on, Yemen Times, 2 March 1998.

64. See Schofield, 2000: pp. 7-20.

65 Schofield, 2000: pp. 7-20. Chris Murphy, 2006. BNA, 26 May 1998.

66 BNA, 16, 20 July 1998.

Muhammed Hussein Arab, stressed that "Saudi Arabia has absolutely no historical or legal rights to the island,"<sup>67</sup> adding that Saudi forces had already occupied three islands, and that there had been about 73 Saudi border incursions within the previous month alone - between 15 June and 15 July.<sup>68</sup> He also revealed that the Saudi Interior Minister, Prince Nayif Bin Abdul-Aziz, had suggested sharing the Al-Duwayyimah island between the two countries, but that Yemen had rejected the idea completely, dismissing it as "totally out of the question".<sup>69</sup> Yemen also claimed that Saudi Arabia was "always trying to introduce installations and army positions along and across the border into Yemeni territory". The Yemeni Interior Minister reiterated the position outlined by his government earlier that very same month, in which he called for an end to the "Saudi presence in Yemen's territories".<sup>70</sup> Because of the strategic importance of these locations, they would remain a subject of disagreement in 1999 and would only get resolved at the conclusion of the Jeddah Treaty.

The main concern here was over the dangers of such developments spiralling out of control. Domestically, especially for Yemenis, the matter was seriously complicated further as a result of the fear that their government was not preventing further Saudi expansions into Yemeni territory. The significance of clashes over territories is crucial, especially as these issues were widely reported in the press, particularly when they resonated with nationalistic sentiments. For instance, accusations made during the 1990s directly attributed Saudi success to conspiracy plots carried out by persons recruited by Saudi intelligence to serve Saudi interests in Yemen.<sup>71</sup>

Furthermore, the main media conduit for delivering Yemeni charges of Saudi transgressions throughout the crisis of 1998 official newspaper, *Al-Thawrah*. Its editor accused the Saudis of continuous incursions into Yemeni territory despite the concessions that Yemen had reportedly offered (though without providing any details

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67 Interior Minister, at a press conference held in Sana'a, 25 July 1998 (*Yemen Times*, 27 July 1998).

68 Ibid.

69 Ibid.

70 Ibid.

71 See *Al-Quds Al-Arabi*, 5 October 1997, BNA, 5 October, 1997.

of what such concessions entailed). The editor had clearly been referring to the fact that Yemen had relinquished its historical claims to territories such as Asir. He also argued that if a resolution were to be achieved, the Saudis would ask for more, and further land would thus be occupied.<sup>72</sup> His claims exacerbated such fears, especially his mention of concessions, even though his intention when doing so was to blame the Saudis.

In fact, it had been on 24 August 1997 when similar allegations were expressed publicly, by President Saleh himself during an interview with Sana'a Radio on 24 August 1997, accusing parties in both countries of trying to "prevent any agreement," and claiming that there were "sides" in Saudi Arabia "paying" such people to harm relations between the two countries.<sup>73</sup> Perhaps the president was diplomatic in his statement in accusing unknown persons, not only from Saudi Arabia, but also from Yemen. However, the president would be much stronger after the conclusion of the Jeddah Treaty when he pointed at Yemeni tribal *sheikhs* receiving financial grants from Saudi Arabia.<sup>74</sup>

Significantly, *Yemen Times* would pick up on those same words, but for the purpose of criticising the Yemeni President, commenting that the "Yemeni regime, in spite of repeated concessions, [had] failed to impress on the Saudis". It also complained that the President was depending on "corrupt officials who receive handouts from Saudi Arabia to negotiate on Yemen's behalf".<sup>75</sup> In a similar vein, though in much more detailed and direct fashion, Abdul-Aziz Al-Saqqaf, Editor-in-Chief and Publisher of *The Yemen Times*, lamented the substantial Saudi influence that continued to be wielded within Yemen - conducted, he suggested, through a network comprising "a vast array of Yemeni public figures - tribal sheikhs, religious leaders, security and military officers, political personalities, journalists, and even decision makers in

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72 *Al-Thawrah*, 19 July 1998.

73 Interview with President Saleh on (Radio Sana'a, 24 August 1997).

74 Interview with President Saleh on (*Al-Wasat*, 15 August 2007).

75 *Yemen Times*, 20 July 1998.

government”<sup>76</sup> Because of the lack of progress towards a negotiated settlement in the territorial boundary dispute, a group of intellectuals even called upon Yemen to break off talks with Saudi Arabia.<sup>77</sup> Popular reactions continued to run along nationalistic lines, with reports that, reawakened passions over lost territory, with the popular perception being that Saudi Arabia was strengthening its grip over occupied Yemeni territory.<sup>78</sup>

The situation possibly was complicated further because the deportation of Yemenis from Saudi Arabia had continued throughout the 1990s. Yemen’s economy was severely weakened by the loss of remittances caused by the deportation of Yemeni workers from Saudi Arabia for most of the 1990s. To make matters worse, the deportation of Yemeni nationals coincided with news of renewed clashes between Yemeni and Saudi forces along the ill-defined borderlands,<sup>79</sup> The Saudi government, however, denied allegations that these deportations were politically motivated,<sup>80</sup> justifying its draconian actions as part of a necessary crackdown against illegal immigrants.<sup>81</sup> In Yemen, this Saudi attitude contributed to the initial failure of negotiations to reach any meaningful progress on the boundary issue and was seen to have an impact on the Yemeni position during the negotiations.<sup>82</sup> Because of these factors, Yemen’s position was viewed with some sympathy abroad. Whenever a number of Yemenis were deported at a time that coincided with the failure of a round of negotiations, Yemeni accusations of Saudi machinations gained in credibility.<sup>83</sup>

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76 A. Al-Saqqaf, (*Yemen Times*, 17 August 1998).

77 Seminar sponsored and organized by the Yemen Times newspaper and attended by a number of university professors, lawyers, journalists, politicians, and other intellectuals, Sana’a, 30 July 1998 (*Yemen Times*, 3 August 1998).

78 See *Al-Tariq*, 22 June 1999. *Alwahdawi*, 10 August 1999. *Yemen Times*, 26 December 1999.

79 *Al-Arab*, 6 December 1999.

80 *Asharq Alawsat*, 6 December 1999.

81 *Ibid.*

82 *Al-Arab*, 6 and 7 December 1999. *Al-Quds Al-Arabi*, 30 December 1999.

83 See the Editorial, *Al-Arab*, 7 December 1999.

### ***5.3.3. The beginning of a pragmatic vision***

The situation remained extremely tense, with discernible fears that it was about to get out of control on many occasions. Yet this was also the era that heralded the evolution of a more pragmatic and optimistic future for Saudi-Yemeni relations. Most importantly, a new rational approach of regional cooperation seemed to develop, with the aim of enhancing regional integration between Yemen and the rest of Arabia as a whole, rather than concentrating on strictly territorial aspects. This was presented by high-ranking officials as an overriding vision, one that had gained widespread public support especially in Yemen. This view gained traction when the considerable benefits that would accrue for both peoples were increasingly publicised. The aim was for a long-lasting resolution, which they believed would have to be a prerequisite for improved mutual relations.

The desire not to allow the dispute to obstruct the potential for improved relations was clear. The recognition of the Treaty thus seemed a credible move, in many ways signposting a pragmatic vision for territorial settlement and a wider basis for improving Saudi-Yemeni relations in general. The impact of President Saleh's decision, in February 1995, to confirm Yemen's recognition of the Taif Treaty cannot be underestimated. It was a completely unexpected move that confirmed the legitimacy of this treaty and acknowledge it as a fundamental basis of agreement. For the first time, a Yemeni President had come forward with a statement in which he confirmed the Taif Treaty as one of the legitimate agreements defining Saudi-Yemeni relations. Moreover, Saleh stressed the necessity of not only accepting the treaty but of implementing it "as a complete system [package] without any selectiveness".<sup>84</sup> This was significant; as the president confirmed a similar decision had been made, during a Saudi cabinet meeting, by King Fahd in which the Taif Treaty had been accepted "as an integrated system".<sup>85</sup> These developments paved the way for the conclusion of the 1995 MoU and, afterwards, the Jeddah Treaty of June 2000.

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<sup>84</sup> Speeches, op. cit., Vol. 5. pp. 42-45.

<sup>85</sup> Interview with the President on, Radio London, 15 February 1995.

Notably, it was evident Yemen was eager to cement co-operation ties with the GCC countries. The country was keen to enter into fruitful partnerships with those countries to secure regional support with which to address the economic, commercial, and security challenges that confronted it. Indeed, within Yemen, both public and state officials would be pleased in 1997 when their government applied formally for the membership of the GCC.

This pragmatic vision was supported by Yemeni notables from politics and elsewhere. Among them was Shaykh Abdullah Bin Hussein Al-Ahmar, the Speaker of Parliament, who was also the leader of the Islah Party and Supreme Leader of the powerful Hashed Tribal Confederation. Al-Ahmar made the insightful observation that Yemen was "interested in building trust and good neighbourly relations with Saudi Arabia" adding that this was "far more valuable than a few kilometres" here or there.<sup>86</sup> Indeed, he repeatedly reiterated this view, even though he knew it would arouse controversy. During a televised interview, the Parliamentary Speaker would thus, idealistically and optimistically, strongly defend his commitment toward stable Saudi-Yemeni relations. He argued convincingly that the dispute had to be resolved because "Saudi-Yemeni relations are much more important than a disputed handful of sand".<sup>87</sup>

The Yemeni government later attempted to qualify and selectively reinforce Shaykh Al-Ahmar's comments. The Ministry of Foreign Affairs asserted that it was "not a matter of how much one can wring out of a neighbour. It is a matter of learning to be good neighbours and to interact productively for the mutual benefit of the two sides".<sup>88</sup> Such an admission was of great significance. On the one hand, it reflected a degree of faith in achieving what has been characterised throughout this thesis as the 'ideal resolution'. On the other hand, it did not contradict what Al-Ahmar had said, or object to it and signified, above all, that Sana'a was very keen on improving relations with Riyadh.

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<sup>86</sup> *Yemen Times*, 13 April 1998.

<sup>87</sup> *Al-Jazeera Satellite*, 10 May 1998.

<sup>88</sup> *Yemen Times*, 13 April 1998.



In fact, Shaykh Al-Ahmar's view was supported publicly by numerous commentators.<sup>89</sup> Such professed optimism for the potential future gains for both Saudi Arabia and Yemen was particularly welcomed by many, and would be reasserted in subsequent public announcements, both prior to the conclusion of the Jeddah Treaty and afterwards.<sup>90</sup> Delivering economic recovery and prosperity, as well as providing the Yemeni people with better conditions, was accepted as being obviously in the common interest.<sup>91</sup>

The issue was seen as not being primarily about negotiating where a boundary line should run. Instead, the importance of Saudi-Yemeni relations was highlighted, as a theme that would gain further support within Yemen. Muhammad Al-Mutawakkal, a professor of political science, commentator and politician in the Yemeni opposition, was among several other intellectuals and politicians to comment on such a vision.<sup>92</sup> The "conflicts over geographic boundaries were a matter of the old days", he asserted.<sup>93</sup> He warned that the danger of ignoring mutual interests would merely worsen the situation between the two neighbouring states and within the region as a whole, commenting that "justice, and mutual interests, were the necessary conditions for any settlement by which trust between the two peoples could be consolidated".<sup>94</sup> Moreover, he added that the conclusion of any agreement other than as part of such a wider package "would be just a dangerous addition to the complexity of the dispute and its causes that would not implement security for either Yemen or Saudi Arabia or lead to co-operation and integration in the region".<sup>95</sup>

Support for the idea of a broad, idealised contextual settlement for the Saudi-Yemeni territorial boundary dispute spread widely. It was thus acknowledged that any future Saudi-Yemeni agreement "must cover all issues beyond the border dispute in order to

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89 Ibid.

90 Ibid.

91 Ibid.

92 *Alwahdawi*, 21 July 1998.

93 Ibid.

94 Ibid.

95 Ibid.

achieve meaningful bilateral cooperation and regional stability”.<sup>96</sup> Likewise, Al-Saqqaf, for instance, regarded the boundary as only “part of the complex” according to which “Yemen wants a border agreement which creates the basic infrastructure for better understanding and cooperation between the two neighbours and the region”.<sup>97</sup> He expressed a highly optimistic view, stating that his primary concern had not been about where any agreed-upon boundary line would run. This was, Al-Saqqaf argued, only part of the question’s inherent complexity.<sup>98</sup> The “outstanding issues in this count are not where the line runs, but what kind of line it is going to be” he asserted, adding that the more important consideration was whether any line decided upon was going to be ‘a wall’ or a ‘bridge’. He thus consistently de-emphasised the issue of where the line ran, highlighting instead the importance of the properly organised functions of a frontier.<sup>99</sup>

Of course, such support for these views mainly stemmed from recent patterns in support of regional economic integration. Wide support for such a rational route to settlement was the prime driver of the territorial resolution that would be achieved in June 2000. But a rational outlook also explained the changes in Yemen’s position, most importantly with respect to the 1995 MoU. Confidence stemmed, as had been stated, from successful experiences in developed regions – in particular, the recent European experience of regional integration seemed to have been particularly persuasive (see Chapter 6).

#### **5.4. Aspects of Saudi-Yemeni relations post-June 2000**

The purpose of the section is to examine the Jeddah Treaty of June 2000, with a focus on how the treaty was perceived particularly in Yemen. The focus of the analysis will be on the policies adopted by the two governments to “sell” the Jeddah Treaty to the public, so as to scrutinise at length several aspects of the problematic developments

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96 Seminar, 30 July 1998, Op. cit.

97 A. Al-Saqqaf (*Yemen Times*, 17 August 1998).

98 Ibid.

99 Ibid.

noticed since June 2000. Presenting a territorial resolution to the public can be a sensitive issue, especially in a case such as the Saudi-Yemeni territorial boundary dispute where the support and trust of the public is essential, as noted in Chapter 3.

The causes of the mounting disappointment that has emerged during the same period regarding the Jeddah Treaty will also be explored. Furthermore, a number of policies pursued by Saudi Arabia or Yemen since June 2000 that had repercussions for the supposedly resolved dispute will be examined. It is important to note that popular disappointment was caused by policies adopted by either of the two governments, and was often due to many of the anticipated outcomes ultimately failing to materialise.

#### ***5.4.1. The Jeddah Treaty***

The title of the Jeddah Treaty of June 2000 indicates that the chief objective was the international boundary between the Republic of Yemen and the Kingdom of Saudi Arabia. The treaty contains a preamble and five articles. At the opening it was emphasized that the settlement of the boundary dispute was the chief matter. It states that the leaders of the two countries were of “concern to devise a permanent solution to the question of the land and maritime boundaries between their two countries that will be found to be satisfactory and will be preserved by succeeding generations, present and future, with respect to both the boundaries determined by the Treaty of Taif signed by the two kingdoms in A.H. 1353, corresponding to A.D. 1934, and delimited by joint commissions in the manner set forth in the boundary reports annexed to that Treaty and to those that have yet to be delimited”.

Again like in the Taif Treaty, this treaty emphasises, on its preface that their move was “[w]ith a view to cementing the ties of brotherhood and friendship and the links of kinship that bind the two fraternal peoples of the Republic of Yemen and the Kingdom of Saudi Arabia”. This was inspired further by reference to “the norms and principles of the Islamic faith they share and whose foundation is cooperation for the sake of piety and godliness, Proceeding from the bonds woven by a common history based on cooperation and solidarity and on the promotion of security, peace and tranquillity, building on the distinctive character of the brotherly relations obtaining

between the leaders of the two fraternal countries”. It was a commitment and determination to exploit every means to “further enhancing and strengthening the intimate relations between the two fraternal peoples”.

Although from experience the introduction reflects a rhetoric maybe used in international treaties introduction, yet, such language here is important for Saudi-Yemeni relations and for being at the preamble of a treaty introduces a resolution for a long lasted territorial dispute. In effects, this language was fortified when Article 1 fosters such interesting language providing such a legal instrument with an agreement on some form of terms of reference. This article states that “[t]he two Contracting Parties affirm that the Treaty of Taif and its annexes, including the boundary reports appended thereto, are binding and valid”. According to this article the parties to the treaty “also affirm their commitment to the Memorandum of Understanding signed by the two countries on 27 Ramadan A.H. 1415 [26 February A.D. 1995]”.

#### ***5.4.2. Marketing the Jeddah Treaty***

It is important to start with an analysis of the main statements and policies that were used to “sell” the Jeddah Treaty to the public, as well as its reception. Whenever the Jeddah Treaty has been defended or actively promoted in official statements or as part of a wider, systematic, government campaign, the emphasis has always been on its potential for increasing the stability and unlocking the prosperity of the Arabian Peninsula. Benefits for all the countries of the region have been repeatedly underlined. This has been a central aim of the Yemeni parliament, as well as virtually all leading political figures and other notables: this shared political will has been striking and significant.

Enthusiasm stemmed mainly from the potential benefits that cooperation and integration between Yemen, Saudi Arabia and other Gulf countries were seen as conferring. The Treaty was described as the dawn of a new age for neighbourly and brotherly relations. It was promoted with the promise of a brighter future, both for Yemen and for the Peninsula as a whole, and was announced as a turning point in Saudi-Yemeni relations. The signing ceremony, headed by President Saleh and Prince

Abdullah bin Abdul-Aziz Ibn Saud, was unsurprisingly and ostensibly received with joy - celebrated especially among labourers who hoped to return to Saudi Arabia, and by many others who probably also wanted the opportunity to work in the kingdom (See Figure 1.1). Ba-Jammal himself was extremely optimistic during the signing ceremony, claiming that Saudi Arabia and Yemen had “moved from two neighbouring states into two partners”.<sup>100</sup>

Significantly, the Yemeni parliamentary committee charged with debating the Treaty of Jeddah before its ratification added some interesting recommendations to the report it eventually presented to the Yemeni Parliament. In it, it proposed that the government endeavour to promote, with its Saudi counterpart, several recommendations that would give greater confidence to the public that a better way forward had indeed been mapped out. With this vision in mind, the committee included in its recommendations a number of instructions for the government. For example, a request was made that the construction of paved, trans-boundary roads connecting the two countries would be considered. A further request urged the two neighbours to facilitate technical, educational and cultural exchanges.<sup>101</sup> These were all logical-enough measures designed to deliver improved bilateral relations.

Interestingly, this was the first time that the government had been directed to work towards the implementation of the complete terms of the 1934 Treaty of Taif and the annexes ratified by both Governments. In other words, the parliamentary committee wanted the vision of the Taif Treaty to lead to concrete actions and a tangible economic, political and security cooperation between Saudi Arabia and Yemen, notably the facilitation of movement whether for travel, pilgrimage, trade or for other interests of the nationals of both countries. Indeed, the committee had also been keen to stress the necessity of both implementing and building upon the original vision underpinning the Taif Treaty.

#### Continuing optimism

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<sup>100</sup> Press conference, Jeddah, 12 June 2000.

<sup>101</sup> *Al-Mithaq*, 19 June 2000.

The Jeddah Treaty of June 2000 was concluded while an understanding of the Taif Treaty and its status as the basis for a final resolution of the territorial dispute had rapidly been gaining enthusiastic acceptance within Yemen. Tellingly, selling the Jeddah Treaty to the Yemeni people had begun prior to its details being made public. Promotion of the treaty benefitted from the pragmatic attitude that was now much more pervasive in Yemen. The treaty was thus welcomed by Yemen's opposition parties before they had even read through the details of the territorial outcome and the bigger picture in which it was framed.<sup>102</sup>

Optimism continued to be the official order of the day, at least at the rhetorical level. Indeed, it was presented as a step towards a new era of Saudi-Yemeni relations in which co-operation and integration would be a defining feature.<sup>103</sup> Even the language used to sell the treaty nationally reinforces this view. For instance, President Saleh described the Jeddah Treaty as an important achievement through which the boundaries, both land and maritime, could now be considered final, adding that the treaty was "satisfactory and perfect" and contained "no prejudice to either party, Yemen or Saudi Arabia".<sup>104</sup> Furthermore, the Treaty was represented by President Saleh in broader terms as "a victory for the common determination and faithful desire of the two leaderships to strengthen ties of brotherhood and cooperation".<sup>105</sup> This was illustrated in Shaykh Al-Ahmar's statement a few days after the conclusion of the Jeddah Treaty, which declared that "Yemenis will benefit greatly by the conclusion of the Treaty that has ended the dispute over boundary issues".<sup>106</sup> For his part, Abdul-Kareem Al-Iryani optimistically argued that the "treaty ended areas of tension in the region, and transformed both countries into a stage of co-operation and integration".<sup>107</sup> Ba-Jammal reiterated his view that Yemen and Saudi Arabia had

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102 This was noted in most of the welcomes released as they hoped that it is just and guarantees both parties rights and interests.

103 *Al-Thawrah*, 13 June 2000.

104 BNA, 13 June 2000. *Al-Quds Al-Arabi*, 14 June 2000.

105 President Saleh, the cabinet meeting reviewed, and approved the Jeddah Treaty (*Yemen Times*, 26 July 2000).

106 *Al-Hayat* (London), 16 June 2000. See also interview with Shaykh Al-Ahmar by (*Al-Arab*, 16 June 2000).

107 *Al-Hayat*, 18 August 2000.

moved towards partnership after the conclusion of the treaty, adding that the move confirmed the Arabian Peninsula was a single unit.<sup>108</sup>

There were high expectations that the treaty would enhance investment and economic co-operation in and between the two countries. Within a developing context of regional integration and co-operation, it was believed that Yemen was capable of playing a significant role, making use of its comparative advantages in location and population size. Indeed, whenever anything positive had been achieved along these lines, it was generally been attributed to the conclusion of the Jeddah Treaty. The reaction of the private sector in Yemen was also significant, with reports they had described the treaty as an expected historic turning point for joint investment in the industrial, agricultural and marine sectors.<sup>109</sup> Furthermore, a visit by a group of Saudi businesspersons in July 2000 to the Yemen was referred to as evidence of the positive environment ushered in by the treaty, while subsequent gains for Yemeni businesses were also welcomed by the media as the beginning of a new phase of Saudi investment in Yemen.<sup>110</sup>

Significantly, such a view was supported by politicians and intellectuals known to be critical of the government were also among those sharing the optimism felt about the potential benefits for both countries. For instance, Al-Mutawakkal repeatedly declared his faith in such a vision, especially following the conclusion of the treaty.<sup>111</sup> He insisted he was not concerned with the details and technicalities of any demarcated boundary but, instead, with a constructive arrangement that would allow Yemen and Saudi Arabia to benefit from “mutual interests and co-operation in the economic, commercial and security spheres which would lead them into partnership”.<sup>112</sup>

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108 *Al-Thawrah*, 13 September 2000.

109 Mahyoob Al-Kamali, *Yemen Times*, 19 June 2000.

110 *Al-Thawrah*, 4 July 2000.

111 *Al-Ummah*, 20 June 2000.

112 *Ibid.*

Notably, such optimism did not merely reflect the official governmental position but also the views of a majority of influential Yemeni opposition parties, who almost unanimously welcomed it. The opposition clearly shared hopes for improved Yemeni relations with GCC members, including Saudi Arabia.<sup>113</sup> For example, an editorial devoted to the Treaty, published in *Al-Tagamū'a* on 19 June 2000, expressed congratulations to the peoples of both countries, and was quick to underline that the “people of Yemen expect so many important benefits from this treaty”.<sup>114</sup> Expectation was therefore the key word, and the media led the march in highlighting the expected changes and benefits of the resolution. The most important of these was considered by many to be the fulfilment of a Saudi pledge to support Yemen’s GCC membership.<sup>115</sup>

However, since such stances had generally been taken prior to any detailed reading of the treaty’s territorial specification, their statements had amounted simply to optimistic and well-meaning rhetoric. For instance, the Opposition Parties Coordination Council regarded the Treaty as a step towards Arab Peninsula Unity,<sup>116</sup> while the Supreme Council of Opposition also welcomed it as a bridge for co-operation, partnerships, brotherly relations between the two countries, and for the improvement of economic, social and cultural connections among countries in the Arabian Peninsula. It was also seen as a significant step with regards to aspirations towards the unity of the Arab Nation as a whole.<sup>117</sup>

The Islah Party’s (Yemeni Congregation for Reform Party) reaction was also extremely welcoming and represented, as might have been expected, the strongest positive response among all opposition parties in favour of the treaty.<sup>118</sup> Since they had not been offered a copy of the treaty’s text for perusal, they stressed the hope that the agreement would “guarantee the rights and interests of both parties, and satisfy

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113 *Al-Tagamū'a*, 19 June 2000. MP, Mohammed Ali Al-Shadadi, *Yemen Times*, 26 July 2000.

114 *Al-Tagamū'a*, 19 June 2000.

115 *Al-Nass* (Sana'a), 19 June 2000.

116 *Yemen Times*, 10 July 2000.

117 *Al-Ayyam*, 28 June 2000.

118 Cited in *Yemen Times*, 26 July 2000.



their aspirations”.<sup>119</sup> Abdul-Bary Taher wrote that “the Treaty resolved essential disputes” which “were obstacles for any agreement”.<sup>120</sup> Furthermore, both the Baath (Syrian faction) and the Al-Haq parties praised the achievement represented by the Treaty of Jeddah.<sup>121</sup> The Secretary-General of the Unionist People's Nasserite Organization welcomed the development too, though he cautioned that the agreement should not end up “serving the interests of one party, nor should it contain any injustice or prejudice to the rights of Yemen”.<sup>122</sup> A similar position was maintained by the Baath Party (Iraqi faction), with caution voiced over the treaty’s potential to introduce hoped-for levels of co-operation.<sup>123</sup>

Even some of the exiled opposition groups, despite their enmity towards the Yemeni government, extended a discernibly favourable response. Immediately after the signing ceremony, one of its leaders, Abdurrahman Al-Jafri, the President of the Sons of Yemen League Party, first spoke to, then telegraphed, the President, describing the agreement as a historic achievement and putting on record his hope that the treaty would strengthen the neighbourly relationship between the Saudis and the Yemenis.<sup>124</sup>

A distinguished Yemeni politician with a more realistic understanding of the treaty and the circumstances of its genesis, Abu-Baker Al-Qirbi, expressed reservations about its presumed advantages. Although totemic measures such as Yemen’s application for GCC membership were used in the promotion campaign, Al-Qirbi would tell the *Al-Wahdah* newspaper that there could be no realistic connection between the two, insisting that “the border treaty [Jeddah Treaty] has nothing to do with Yemen’s membership of the GCC”. However, Al-Qirbi qualified his comment with the hope “that the [improvement of] relations between Yemen and Saudi Arabia

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119 Ibid.

120 *Asharq Alawsat*, 14 June 2000.

121 *Al-Ummah*, 6 July 2000. *Al-Jamahir*, 21 June 2000.

122 Cited in *Yemen Times*, 26 June 2000. See also statement by Abdul-Malik Al-Mikhlaifi, the Naserit Party, General Secretary (*Asharq Alawsat*, 14 June 2000).

123 *Al-Ehia’ a Al-Arabi*, 19 June 2000.

124 *Al-Tariq*, 20 June 2000.

and newly regained trust shall, in the future, close the gap between different opinions on Yemen's membership of the GCC".<sup>125</sup>

Like the Taif Treaty, the Jeddah Treaty had been received with enthusiasm and was prized highly as a step towards Arab unity and brotherhood. Being acutely aware of the importance of gaining outside support during the most recent presidential election campaign, Faisal bin Shamlan, Saleh's chief competitor, made a typical comment in September 2006 in a televised interview with *Al-Jazeera* in which he effectively expressed support for the boundary agreements that Yemen had concluded with its neighbours, though not in an explicit sense, because of the enduring sensitivity of the Saudi boundary question. Indeed, bin Shamlan made his attitude clear as far as boundary agreements were concerned between Arab states, describing them as welcome compromises, even where a settlement may include a land transfer.

Generally, such rhetoric has been carefully constructed so as to avoid upsetting Saudi Arabia or unleashing an unfavourable public reaction within Yemen itself. Statements from all political factions in Yemen must pragmatically strike such a balance. Rhetoric is popular in the Arab World and is usually exploited politically, regardless of whether reality corresponds to the stated desires and aspirations. Public statements thus consistently reflect a pro-Arabism ideology, notably the belief that the ultimate fate of Arab unity lies in belonging to one, putative nation. This familiar framing was evident in the media's general embrace, within both Saudi Arabia and Yemen, of the Jeddah Treaty.<sup>126</sup>

### ***5.4.3. Ever-increasing dissatisfaction***

After the initial enthusiasm, criticisms soon emerged of the treaty. Soon enough, the Yemeni government would be blamed for leading the country into poverty as well as accepting an unjust territorial settlement. The first critical responses expressed concern that the Yemeni parliament had ratified the Jeddah Treaty before the relevant

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<sup>125</sup> Cited in *Yemen Times*, 26 June 2000.

<sup>126</sup> For the Saudi press see for example, Hashem Abdu Hashem, welcomed the Jeddah Treaty and hoped for further co-operations in every aspects political, economic, security and social affairs (*Okaz newspaper* (Jeddah), 14 June 2000).

maps had even been finalised. Mounting disappointment became notable thereafter (see Appendix 5.3), most importantly as the result of the construction by Saudi Arabia of a wall along the boundary, which strengthened the perception that the Saudis had gained territory by exploiting Yemen's difficult predicament and by pressurising its government. According to this view, the treaty was merely the imposition of a *de facto* situation (and territorial balance) by Saudi Arabia, the wealthy Kingdom, upon Yemen, its weak and troubled neighbour.

#### *5.4.3.1. Concerns over the Jeddah Treaty's ratification procedure*

The ratification procedure adopted by the Yemeni parliament confirms the view that the Yemeni authorities were desperate for a solution, irrespective of where any future boundary line would actually run, and were primarily motivated by the future opportunities they hoped would ensue from improved bilateral relations within the context of meaningful regional cooperation. Attention was thus directed towards the potential benefits that Saudi Arabia and Yemen expected to gain when resolving their disagreements. Perhaps this has been a central aim of the Yemeni parliament, with the intention of giving politicians the opportunity to lead the two neighbouring countries towards the best of their mutual interests. In other words, they were aware of both the complexity of the Saudi Yemeni territorial boundary dispute and the much-vaunted future opportunities, and did not simply ignore their constitutional responsibilities. Practical emphasis was laid on the importance of materially improving Saudi-Yemeni relations, more than might have been expected from a parliamentary committee on the occasion of ratifying an international boundary agreement.

The parliament duly came under close scrutiny. As a legislative body, safeguarding against the possibility of future infringements of Yemeni territory was supposed to be its core mission. Unease was thus expressed regarding the method and procedure by which ratification of the treaty was put into effect. Opposition leaders would claim that they had involuntarily welcomed the Treaty without examining it, because of

influence exercised upon them from within the country and abroad.<sup>127</sup> Furthermore, opposition members of the Parliament were concerned at the possibilities for the subsequent, post-treaty transfer of Yemeni territory to Saudi Arabia. In fact, this was implicit – were concerned at the possibilities for the subsequent, post-treaty transfer of Yemeni territory to Saudi Arabia. In fact, this was implicit from the terms of Article 2, which makes it evident that there had been an expectation of possible disagreements over the precise location of the agreed-upon co-ordinates, and states that “the course of the line will be amended accordingly when the border marker is set”, thus illustrating the complex nature of the case.

The Jeddah Treaty had been presented to get ratified, despite its Article 3 defining the starting and the termination points of the boundary with two coordinates, stating that, “the line of the border starting from the point where the two countries' borders meet the borders of the fraternal Sultanate of Oman at the geographical point of intersection between the line of latitude 19 north and the line of longitude 52 east and ending exactly at the wharf of Ras Al-Mua'j Shami, Radif Qarad outlet (co-ordinates shown in Annex 1)”.

The article also adds that “the two contracting parties will commission an international company to undertake a field survey of the entire land and sea borders”. In addition, a “specialised international company will undertake to prepare detailed maps of the line of the land border between the two countries. These maps, when signed by representatives of the Republic of Yemen and the Kingdom of Saudi Arabia, will be depended upon as official maps demarcating the border between the two countries and will become an integral part of this treaty.” Furthermore, Article 5 states that the treaty would only “take effect following endorsement of the maps by the two countries and the exchange between them of the endorsement documents”.

Indeed, ratification by parliament could have been postponed until the line was agreed upon as final and permanent by both countries. Those who criticised the parliament's approach were thus right to question the ratification prior to the

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127 Seminar organised by the Yemeni Institute for the Development of Democracy (*Al-Quds Al-Arabi*, 13 July 2000).

endorsement of the final maps, especially as amendments were still likely. For instance, Taher Ali Saif, a Member of the Yemeni Parliament, argued that Parliamentary approval had to come into question since, as it stood at the time, the treaty could only prescribe “a presumptive line”<sup>128</sup> that was still “subject to alterations”, in contrast to the agreement concluded 8 years earlier with Oman and presented before the parliament with an agreement over a final borderline.

In comparison, according to the text of the Jeddah Treaty agreement had been reached “on coordinates which were not final and subject to alteration, that is to say, the borderline could be changed”. Saif commented that “Parliament had no right to vote on a treaty which [was] not final and was ambiguous”. The proper method should have been for parliament to wait until “the completion of demarcation of the borders” and then “ratify or reject these borders”.<sup>129</sup> Indeed, the final maps of the Jeddah Treaty on the international border between the two countries were signed during the 17th session of the Saudi-Yemeni Coordination Council (SYCC), held in Al-Mukallā in Hadhramawt province on 1-3 June 2006 (see Figure 5.1).<sup>130</sup>

#### *5.4.3.2. Early public disappointment*

Although the positive welcome that greeted the Jeddah Treaty was considerable, dissatisfaction had been mounting in Yemen during the last few years, in marked contrast to the soaring optimism that had spread prior to the conclusion of the treaty. Disappointment, however, arose immediately after the signing ceremony, when Prince Naif, in a press conference a few days later, clarified that the Treaty was only concerned with the boundary. The Prince insisted that “the Jeddah Treaty is concerned with the land and maritime boundaries”, and that the “issue of labour is not related to what was concluded [i.e. the treaty]” adding that committees comprising Saudi and Yemeni interior ministry officials would be finalising an agreement

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128 *Yemen Times*, 17 July 2000.

129 *Ibid.*

130 The Council was established in 1975 and had continued to meet annually before terminated its work in 1989 as the result of Yemen’s position during the Gulf War in 1990. Meetings of the SYCC would be resumed a decade later following the conclusion of the Jeddah Treaty of June 2000 with the meeting held in Al-Medina Menorah on 12 December 2000.

regarding Yemeni workers. The prospects he described for the expected economic cooperation levels as a result of the settlement did not go far enough for Yemenis, nor did statements by official Saudi sources, who told journalists immediately after the signing of the treaty that “Saudi Arabia could now reopen its doors to Yemeni workers”.<sup>131</sup>

Dissatisfaction deepened further when deportations of Yemenis from the Kingdom continued throughout the summer of 2000, and Yemeni workers returned back home in their hundreds. The first such deportation took place only a few days after the Jeddah Treaty had been concluded.<sup>132</sup> Indeed, Article 1 of the Jeddah Treaty states that “[b]oth parties confirm their adherence to the legality and obligatory nature of the Treaty of Taif” and “its annexes”, and one of these annexes deals with the movement of nationals (see Chapter 1). Ironically, Saudi Arabia had made precisely this request back in 1934, to ensure that neither country should hinder movement of people across the boundary established by the Taif Treaty.

It is clear that the problematic implications for boundaries for human movement had been considered in 1934 (a significant element that will be discussed later). Evidently, however, not only because of Yemen’s position during the Gulf Crises in 1991 (as noted earlier), that Riyadh stopped such preferential treatment that Yemenis had enjoyed in the Kingdom, but the choice seems to be a permanent one. This was made plain when the Taif Treaty was submitted to the Secretariat of the United Nations for filling and recording on 9 October 2006. Unilaterally and without the submission of the agreement on movement achieved as part of the Taif Treaty in 1934 (see Chapter 3), Riyadh submitted this treaty to the Secretariat of the United Nations for filling and recording on 9 October 2006 (see Appendix 3.3).

Indeed, deportations have since become a routine, frequent process, and thus the source of political attacks against the government, especially in coverage by

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131 BNA, 13 June 2000. *Al-Riyadh* (Riyadh), 18 June 2000. *Alwahdawi*, 20 June 2000. *Yemen Times*, 26 June 2000.

132 The earliest incidents when about 900 and thereafter 1200 Yemenis were deported from the Kingdom subsequently was reported by (*Alwahdawi*, 20 June and 4 July 2000).

opposition media. This issue has been topical ever since June 2000, and is routinely raised in almost every official interview or press conference. It remains of public interest today, with deportations of Yemenis from the Kingdom always reported by the media.<sup>133</sup>

The resumption of the SYCC meetings on 12 December 2000 had been seen as an opportunity for tangible achievements either in terms of bilateral cooperation or to ensure the movement of labours and trade between the two neighbouring countries. The proceedings of the meeting were received with considerable dissatisfaction in Yemen since the issue of the displaced Yemeni workers and the privileges the Yemenis had enjoyed in the Kingdom prior to the Gulf Crisis in 1990 were not really addressed.<sup>134</sup> This remains a fundamental issue at every SYCC meeting – and is likely to be so for as long as the situation persists.<sup>135</sup>

The considerable optimism that had been engendered by the conclusion of the Jeddah Treaty had clearly started to fade. The turn of 2004 witnessed particular frustrations, the first of which was the Saudi ban on foreigners working in specific sectors like the gold market, where the majority of workers had traditionally been Yemenis. This occurred in parallel to another discouraging move: Riyadh had started to build a wall along the Saudi-Yemeni border (see Figures 5.8 and 6.7).

Nevertheless, Sana'a felt reluctant to comment on these issues for fear of causing further public upset. President Saleh visited the Kingdom on 17 February 2004 as a result and, following his return, an announcement was made that the issues discussed were security and terrorism, while the Yemeni Foreign Minister told reporters that the issue of barriers was solved through dialogue. News in Yemen also reported that the two governments had agreed to destroy any new constructions along the boundary or its vicinity.<sup>136</sup> Concerning those prohibited from working in the Gold Market in the

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133 *Al-Arab, Al-Hayat, Asharq Al-Awsat*, 11 August 2000.

134 *Al-Hayat, Al-Quds Al-Arabi, Asharq Al-Awsat*, 15 December 2000.

135 Hints that the SYCC would consider the issue of Yemenis' return to Kingdom are frequently heard (see *Al-Hayat*, 13 June 2002).

136 <http://www.presidentsaleh.gov.ye>. <http://www.almotamar.net>. 26 September (Sana'a), 19 February 2004.

Kingdom, it was announced in Sana'a - following the President's visit - that a positive solution was on the way.<sup>137</sup> However, President Saleh would confirm a few days later that the Saudis were constructing a barrier along the border. However, possibly in an attempt not give prominence to the issue, he said Prince Abdullah (who later ascended to the throne had protested that he had not been aware of the development.<sup>138</sup>

It seems plausible that Sana'a had been given a promise that the constructed concrete barriers would be destroyed, and for a lifting of the ban on Yemenis working in the Gold Market. Quite the opposite happened, in fact, as would be made clear in an announcement by a Saudi newspaper, the *Eqtissadiyah*, which stated that there could be no exceptions for Yemenis or any other foreign nationals.<sup>139</sup> The situation was worsened by news that those prohibited from working in the gold market were even denied the right to move and reinvest their capital abroad. This remained the case until late 2004 when a settlement would be reached between them and the Saudi authorities.<sup>140</sup>

As such, Prince Abdullah's protestations that he had not been aware of the development seem questionable. On the contrary, both the media and a number of Saudi officials had highlighted these activities. The latter group had justified the plan for security reasons, specifically to stem the flow of militants and weapons coming over the border from Yemen.<sup>141</sup> Furthermore, Prince Misha'al bin Saud, Governor of Najrān, told the BBC, on 17 February 2004 that two types of barriers were on construction, a sandy barrier extends across the majority of the region while another was being built of a short wall of the pipe covered with cement across the border between the two countries (see Figures 5.8 and 6.7).<sup>142</sup> The Kingdom continued

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137 26 September, 19 February 2004.

138 Interview with the President on (*Al-Arabia* Channel, 22 February 2004).

139 Cited in BBCArabic.com, 21 February, 2004.

140 Mahyoub Al-Kamaly, *Yemen Times*, 29 and 25 October 2004. See also BBCArabic.com, 21 February, 2004.

141 Meeting between Prince Muhammed bin Naif, the Assistant Minister of Interior, Saudi Arabia and James B. Smith, the American Ambassador (Riyadh), 12 January 2010. *The Guardian*, 17 February 2004.

142 BBC Arabic, 17 February 2004.



building such a barrier along a significant portion of the border, mainly its western section. Not only is the barrier visible from the Yemeni side of the border, Saudi officials had no hesitation in confirming its existence.<sup>143</sup>

The construction of concrete barriers along the boundary was regarded in Sana'a as a violation of the Jeddah Treaty. This objection had come about because the location of the wall was alongside an area that Yemen maintains was considered by the border demarcation agreement of June 2000 as an empty zone.<sup>144</sup> The Jeddah Treaty, like the Taif Treaty six and a half decades earlier, had defined a specified security buffer zone stretching on both sides of the boundary. The Taif Treaty's Article 5 explicitly states that the contracting parties would "mutually undertake not to construct any fortified buildings within a distance of 5 kilometres on either side of the frontier, anywhere along the frontier line". The Jeddah Treaty, in Article 4, reaffirms this article, but because it is merely concerned with the western section of the border, regulation for the eastern part is included in Appendix 4, (of the Jeddah Treaty's) Article 5, which states that neither of the two contracting parties is permitted "to position armed forces at a distance of less than 20 kilometres on either side of the second part of the border line indicated in this treaty, and that the activity of any party is limited to movement of mobile security patrols with customary weapons". The zone is decreed to be 20 kilometres instead of 5, though this is not as strongly articulated as in the Taif Treaty, where it is explicitly affirmed that the two parties were prohibited from engaging in any construction within the defined 5 kilometres zone.

No doubts that such zones, as codified by the Taif and Jeddah Treaties, are useful military devices, since they limit any sources of unwanted tensions. However, it is possible that the Saudi construction plan was one of the Kingdom's counter terrorism responses against insurgents sympathetic to Al-Qaida terrorist network, as noted earlier. It is, as such, likely to be related to events that had taken place in the Kingdom since the atrocities of 11 September 2001 in the United States, although

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143 Prince Muhammed and Smith, 12 January 2010, Op. cit.

144 <http://www.arabicnews.com>.

similar security concerns had been voiced prior both to 9/11 and the Jeddah Treaty itself. Particularly of concern, however, was the impact Saudi construction would have on the customary rights of borderlanders, particularly in terms of their access to water resources and grazing rights as defined spatially by the Taif and Jeddah treaties. Moreover, constructing such a physical barrier was, and remains, extremely upsetting to most Yemenis regardless of whether or not there had been a breach of the Jeddah Treaty; it predictably provoked widespread discontent in Yemen. Indeed, news of the construction of the wall provoked Yemeni media charges that Saudi Arabia was erecting a barrier fence, with some likening the wall to that being built by Israel in the West Bank.<sup>145</sup> Because of the obvious sensitivity of the Palestinian issue in the Arab world, Saudi officials responded immediately, rejecting such a comparison by asserting that it did “not resemble a wall in any way”.<sup>146</sup>

#### *5.4.3.3. Mounting unease over the lost territories*

In Yemen, unease over the lost territories of Asir, Jizān and Najrān as well as those claimed in the Rub-al-Khali has been reawakened and articulated both more strongly and openly than ever before. Criticism was directed at the President and his supporters for policies considered responsible for the difficulties confronted by Yemen in the 1990s, including the stance taken during the first Gulf War of 1991, with its disastrous repercussion for Yemen, complicated further by the dearth of key resources following reunification in May 1990. It has been argued that, had it not been for the circumstances Yemen experienced in the 1990s and the failures that led to the Yemeni internal war of the summer of 1994, it would not have been possible for a Yemeni Government to conclude such a treaty, or for the Yemeni people to accept it. Such difficulties faced by Yemen had been an injustice forced the Yemenis to accept a settlement that that denies them from oil producing regions and the seizure of the most fertile Yemeni lands in Asir or Najrān as well as to oil deposits associated with Yemeni claims over the desert of the Rub-al-Khali.

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145 John Bradley and Brain Whitaker, *The Guardian*, 17 February 2004.

146 Whitaker, *Ibid.*

Ever since this time, the media have increasingly reflected a feeling of popular disappointment. The treaty has become increasingly portrayed as a marker of failure and a symbol of territorial surrender by corrupt politicians, a line that has persisted to the present day, with an increasingly emotional attachment to protecting national historical rights becoming more discernible. This shift has presented numerous opportunities for Yemeni nationalists to manipulate these sentiments of injustice over the territorial issue, which are profoundly deep and common. Territoriality has thus become a useful tool to secure domestic political objectives. Even when the subject and analysis varies, the sensitive issue of territory is often employed when the ruling party, the General Peoples' Congress (GPC) is charged with serious policy failures. Indeed, opposition members and independent commentators-alike routinely point towards the boundary settlement and the procedure that resulted in the Jeddah Treaty as example of the government's failure.

Mounting criticism in Yemen has been directed at those who concluded the Jeddah Treaty, who have been blamed for having surrendered Yemeni territory. The internet and a less restricted mass media have also enabled a broad canvas of comments and views to reach wider audiences than ever before. The present multi-party system in Yemen and the relatively greater press freedom that has accompanied such liberalisation have also been important catalysts. Like the Taif Treaty, the Jeddah Treaty has served as an important symbol and a rallying call for Yemeni opposition figures.

The territorial issue soon became a political instrument, as was apparent during the debate over a constitutional amendment in September 2000, the aim was clearly to make the ratification of important treaties subject to firm procedures, instead of relying upon a simple parliamentary majority to rubberstamp their legal validity. Thus, some political factions reacted against government propaganda, which presented the recently-concluded boundary treaty as one of its greatest achievements. The boundary issue has been represented as a paradigm of failure by newspaper editors sympathetic to opposition parties, and has played a central role in the campaigns of many opposition candidates, who often accuse the ruling party

leadership of having surrendered national territory. Examples abound of critical articles and voices that have been raised openly in Yemen in the period since the conclusion of the Jeddah treaty (several of whom will be referenced here).<sup>147</sup>

The tone of such criticism has often been one of frustration, as the Yemeni regime is held responsible for the loss of territory and the acceptance of what its predecessors had rejected. Territoriality has thus become a vital political theme and tool during crucial political episodes like the presidential election of September 2006. Official boundary treaties (i.e., the arbitral verdict with Eritrea over Hanish Islands, the earlier negotiated treaty with Oman and, of course, the treaty with Saudi Arabia) have been held up as hallmarks of President Saleh's successes. Conversely, for opposition members and their sympathisers, the territorial issues represent quite the opposite and have been useful in stirring up public opinion. Several newspapers viewed as independent have also maintained their opposition. For instance, during the 2006 election campaign, *Al-Nass* newspaper supported Faisal bin Shamlan, the

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147 See for example, *Al-Tagamū'a*, 19 June 2000. *Al-Nass*, 19 June 2000 and 3 July, 2006. Mohammad Ali Al-Saqqaf (*Alwahdawi*, 20 June 2000). Abdul-Bari Taher, a member of the Yemeni Socialist Party leadership and the former Secretary General of the Yemeni Journalists Syndicate (*Baried Al-Janub*, 21 June 2000). *Yemen Times*, 21 August 2000. *Alwahdawi* (10 September 2000), the organ of the Unionist People's Nasserite Organization, an opposition party. It was an opportunity to win public support at the time of a constitutional amendment. The paper referred to the ratification of the Jeddah Treaty and criticised the ruling party the GPC for weakness of the opposition. The writer was thus arguing that the inability of the opposition to provide a counter-balancing check against the ruling majority's effectively uncontested treatment of vital national questions such as the Treaty of Jeddah and the constitutional amendment. *Al-Wasat*, 7 June 2006. Abdullah Alfaqaih and column by Salwa Qanaf Zuhrah (*Al-Wasat*, 5 July 2006). Mohammad Al-Bukhaity (*Al-Wasat*, 27 September 2006). Al-Bukhaity, an active commentator, tackled the Saudi-Yemeni territorial issue again with deep compassion. The article was about the seventy day siege of Sana'a in the late 1960s and particularly the Saudi support for the Royalists against the Republicans. Despite his sympathy with the revolution, he highlighted an act of a royalist leader, Mohammad bin Al-Hussein. It was said according to the writer, that when Al-Hussein arrived in Shārwrāh, he picked up a handful of sand and said "my territory my homeland" "وطني وأرضي". The consequence of this act was the cutting of Saudi funds when learnt of the incident. It would lead to the end the Royalist activities against the revolutionaries because of the cutting of Saudi financial support, the main supplier of arms and finance (*Al-Ummah*, 22 February, 2007). Again he found it an opportunity for comparison meant to provoke those who lost their case when territory became the price (*Al-Wasat*, 8 November, 2006). Mohammad Alsofi, a Yemeni lawyer (*Al-Wasat*, 6, 13, 20 December, 2006). Al-Bukhaity (*Al-Wasat*, 15 February 2007 and 22 February 2007). *Al-Wasat*, 2 May 2007. The Editorial (*Al-Thawry*, 6 and 20 July 2006). Hajib, Mohamed Saeed Abdullah, *Al-Thawry*, 7 and 14 June 2007. Abdullah Al-Ahmady and Ahmed Saleh Al-Faqaih (*Al-Thawry*, 13 December 2007) wrote about the surrender of territory was also the title of an article accusing the ruling regime in Yemen of failures, and the surrender of 400 kms. of territory to Saudi Arabia. Samiah Al-Aghbari (*Al-Thawry*, 14 January 2010). Dabwan Abdulqawi Al-Saufi (*Al-Shara'a*, 9 June 2007). *Al-Shara'a*, 8 December 2007.

opposition's candidate to the presidency. In comparing President Saleh to his opponent, the newspaper characterised the agreements Saleh made with Eritrea, Oman and Saudi Arabia as evidence of failure.<sup>148</sup> Likewise, Ba-Jammal, the former Yemeni Prime Minister, as well as his predecessor, Al-Iryani, have been accused of corruption and the surrender of Yemeni territory to Saudi Arabia.<sup>149</sup> In fact, all post-unification territorial agreements with neighbouring countries (and the ones with Saudi Arabia in particular) have become symbols of failure.<sup>150</sup>

Views opposing the government that were initially expressed over the internet have greatly encouraged and emboldened wider commentary. A basic Google search for the Arabic phrase '(بيع الحدود)' 'sold boundary,' or, more accurately, 'sold territory' brings up some interesting and obviously deeply-harboured opinions.<sup>151</sup> In addition, chat rooms have become another window for discussion. As the June 2000 territorial resolution has inevitably drawn strong criticism, a call for *Bilād Al-Yaman* or a Greater Yemen has become the mission of at least one website.<sup>152</sup>

Nationalistic sentiments and attachment to lost national territory still figure highly in the national consciousness. References to places like Asir, Najrān, Khārkhā'ir, Al-Wadia'ah with Shārwrāh and many more towns or locations that were defined in June

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148 Al-Nass, 3 July, 2006.

149 Abdullah Al-Faqaih, *Al-Wasat*, 7 June 2006. Al-Shara'a, 10 November 2007. Al-'Asemah, 25 November 2007.

150 Ahmed Saleh Al-Faqaih, *Al-Thawry*, 13 December 2007. A seminar on the Revolution of 26 September 1962 organised by the 26 September newspaper, Sana'a, September 2002 saw an important reaction. Al-Iryani described the conclusion of the Jeddah Treaty that resolved the Saudi-Yemeni territorial dispute as no less than the revolution itself. The audience violently rejected his view and requested Al-Iryani to withdraw his comment.

151 For example, 'بيع حدود اليمن حتى أصبح اليمن لا يسيطر الا على' sold territory making Yemen only in control of part (www.hadhramoutpress.com/index.php?option=com\_content&task=view&id=309&Itemid=9 –

... بل ان ابو احمد باع الحدود بـدراهم معدودة (the President sold Yemeni territory for money).  
www.soutalgnoub.com/vb2/showthread.php?t=9940 - 85k

لماذا هذا الصمت الوحدوي والتنازل في الحقوق وبيع في الأراضي والتخلي عن مستقبل المغتربين في السعودية

<http://www.hdrmut.net/vb/archive/index.php/t-2766.html>

بيع الأراضي إلى السعودية دون / <http://marebpress.net/narticle.php?sid=8297>

<http://www.awttar.com/vb/showthread.php?t=1481>

<http://marebpress.net/articles.php?print=2528>

152 (<http://yemenonline.org>). The name is that of a magazine established in London, probably in the early nineties, which still exists with the same aims.

2000 as lying within Saudi territory are generally motivated, on the one hand, by the persisting idea that they rightly belong to Yemen and, on the other, by stressing that the territory was lost through Saudi expansion at the expense of a weak Yemen or the incompetence of several succeeding governments. This stressed the view that Asir, for instance, was lost after the war of 1934 and that the Kingdom, in the late 1960s, had expanded over Al-Wadia‘ah and Shārwrāh in similar fashion.<sup>153</sup> It might be apt to question the accuracy of many of these points of view. However, what is of relevance here is how publicly and vocally they have been shared, and the impact they have had in mobilising nationalistic sentiments.

#### ***5.4.4. Sentiments for lost territories recalled***

This section is concerned with two main points. First, there are to remain unhealed and lingering resentments stemming from their territorial dispute. Second, it should be emphasized that as the nation-state system is consolidated further, a resort to the crudest forms of nationalism for the purposes of state-building will lead to more alienation.

##### *5.4.4.1. National identity and fanatical territorial sentiment*

Despite the Saudi-Yemeni territorial boundary dispute being officially resolved, real concern remains at the situation in Yemen in particular, i.e. how the country would further consolidate a Yemeni national identity without provoking further fanatical territorial arguments. Having adopted the Eurocentric system of the nation-state, one is convinced that the Saudis and Yemenis have each felt obliged to strengthen the loyalty of their respective populations to the state. Yet, for these two neighbours the challenges and efforts to meet it have differed extensively. It is equally true that, as has been stated in Chapter 1, states turn to history to look for any elements through which it would be possible to distinguish themselves as legitimate nation-states. The aim is usually to unify the populace and consolidate the process of state-building. This process, in general, is a legitimate act of any government, and states usually try

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<sup>153</sup> See *Al-Hikmah* the Editorial, January and May 1989.

to accomplish such a task through several mechanisms. For instance, such cohesion is strengthened through education, cultural works and the media. Principally, however, the aim of any state is to enhance its people's loyalty and attachment to a coherent national identity, including loyalty to the land to which they belong.

It is the dynamic of this fundamental aspect that is most crucial in intensifying interstate conflict. While the aim is to further strengthen national identity, ideas of lost territory are reawakened and sentiments of longing for historic territory are recalled. Historical political geography has become a source of contention between Yemen and its neighbours. However, nationalistic sentiments are exaggerating the situation, with each state endeavouring to forge a shape to encompass its own national identity. For the majority of Yemenis, whether the general public or the governing elite, some sort of identification with a Greater Yemen that extended far more extensively across southern Arabia than the contemporary state, continues to flourish. This is a problematic situation: while it strengthens the national identity within the framework of the national state, it also complicates relations between a state like Yemen and its neighbours, particularly with Saudi Arabia. A discourse painting Yemen as an ancient nation has been and remains significant. It arguably even forms a rational basis for creating a Yemeni national identity, particularly post-reunification, while nostalgia for a past golden age invests the Saudi-Yemeni territorial dispute with significant dynamics. It is a powerful element that continues to pose complex questions for these two countries, and fanning nationalist political expression.

The contemporary Yemeni nation, as illustrated in the introduction, derives its sense of historical and cultural continuity from the country's golden age, and the people's identity is shaped by its compelling connection with a proud past. Yemen's pride in its past, however, is related more to its association with the descendants of the great early civilisations of Mā'in, Sabā and Hamyār, centred in south Arabia.

Indeed, Yemen's pride in its past has evidently been driven by the great successes of ancient times and dreams of recreating these golden ages, through possibly a singular Yemeni culture and historical territory. It is in reference to such historical traditions

that Yemeni nationalists and historians have expressed their patriotism, a nostalgic view of the homeland and the political practices and achievements of their celebrated ancestors. The case is complicated because historians have usually been appreciative of the success of any Yemeni rulers who had been able to extend their authority over the country in its historic forms; as an echo of the claimed historic territory of Greater Yemen, as well as the understanding, deeply rooted in the Yemeni consciousness, of a *watan* (homeland) that predates the emergence of the modern state and its territorial frame.

The size of the present state does not reflect the area of *Bilād Al-Yaman*, upon which its history is founded (see Chapter 1). The complexity of territorial discord and its dynamic usually arises because such issues are tied up, even unconsciously, with a national picture of the country's historic territory. Such a feeling is evidenced by frequent Yemeni references to place-names and localities as being Yemeni, even though they are located within the territories of neighbouring states. For example, Asir, Najrān, Al-Wadia'ah, Shārwrāh (Saudi Arabia) or Dhūfār (Oman), have all been presented by historians as Yemeni territories. This profound attachment also figures prominently in Yemeni poetry, with numerous texts maintaining that these are, by rights, Yemeni territories.

The basic shape of an extended Greater Yemen entity is frequently described or depicted on maps. The picture of a historical territory, as old maps show and as echoed among historic descriptions, reflects an area that was much larger than what the official map of the Republic of Yemen is reflecting today. Out of pride in the past, old maps are owned by many people in Yemen showing the traditional territory of *Bilād Al-Yaman*, or the Great Yemen: the Historical and the Natural Yemen. These maps have even been reprinted and widely distributed by traders as evidence of the quality of their products, emphasising the potency of their symbolism. They have therefore deepened this image of historic territory and fostered their territoriality (see Figure 5.6).

The writing of history will inevitably keep such sentiments alive. Ideas about recreating a golden age and recovering its historic territorial extent are still present in



school textbooks (as we shall see in this conclusion) and official sources, such as the website of the National Centre for Information and several other official organisations. Indeed, this can be seen in the many official sources that refer to historic towns or places as ‘lost’.<sup>154</sup>

There is evidence indeed that such a problematic situation would continue after the conclusion of the Jeddah Treaty. In fact, many historical and geographical elements had become even more sensitive following the June 2000 treaty. The resumption of the SYCC meetings, on 12 December 2000 was significant for being a platform for an agenda focused on bilateral cooperation, as noted earlier. Specifically, this meeting of December 2000 decreed that school textbooks used in both countries would have to be reviewed to ensure that they were free of material that might harm bilateral relations.<sup>155</sup> The final communiqué of the SYCC meeting of June 2002 highlighted the same recommendation.<sup>156</sup> The issue of school textbooks and how they portray territorial history clearly remains unresolved since it was raised again at a SYCC meeting in November 2007.<sup>157</sup>

Likewise, a closer look at a meeting held in Sana’a in April 2001 between the Saudi Minister of Education, Mohamed Ahmed Al-Rasheed, and his Yemeni counterpart, Fadhl Abu Ghanem is highly instructive. The press statement reported that school textbooks were a main subject of discussion, and that the meeting was focused “on reviewing the set curricula to make the content relevant to the socio-academic need of our countries”.<sup>158</sup> The Saudi Minister added that there was “a consensus on restructuring our books with topics to include values based on Arab nationalism and a stress laid on the importance of the brotherly relationship we enjoy with Yemen”.<sup>159</sup>

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154 The National Information Centre Sana’a website. Sana’a Radio website (<http://www.yradio.gov.ye/yemen/n12.htm>).

155 *Al-Hayat*, 15 December 2000. *Yemen Times*, 18 December 2000. Significantly, despite the importance of this issue not all reporters mentioned it, although they covered the final communiqué.

156 *Al-Hayat*, 17 June 2002.

157 The issue was mentioned by the Yemeni Prime Minister Ali Mejuar during the press conference that followed the SYCC meeting of November 2007 (Yemeni TV 14 November 2007).

158 *Yemen Times*, 18 April 2001.

159 *Ibid.*

Significantly, the ministers agreed on a review of school curricula, especially for the subjects of “history and geography”.<sup>160</sup> Potentially, the review might have entailed consideration of the formerly disputed territories that have become definitively part of Saudi Arabia with the 2000 agreement – rumours circulating at the time suggested this to have been the case. It was reported that the two sides had exchanged curricula for further studies which would “lead to the removal of any mistaken piece of information about the other country and unify concepts about the common issues to ensure bringing up generations in an atmosphere of brotherhood, and neighbourly love”. One might speculate as to the likely provenance of such mistaken pieces of information. The way that students are educated today about the history of their country will doubtless remain a source of potential provocation even when an agreed-upon definition exists as to what constitutes present Yemen and what constituted the ‘historic’ one, with its larger geographic area.

The two governments continue to formally maintain that eliminating (what are often continuing) sources of national empathy should be simple. The subsequent failure to progress at all on the issue testifies to the fact that such things cannot simply be papered over. Even if a standardised history of South Arabia could be whisked into existence, the continuing vitality of history, real and imagined, and the politics of such ideas in Yemen could not be swept under the carpet.

Indeed, the issue of reviewing school textbooks was publicly questioned. Abdul Bari Taher laid out his concerns following the aforementioned visit of the Saudi Minister of Education to Sana’a.<sup>161</sup> The writer questioned efforts to promote the closer integration of Yemeni and Saudi textbooks and was adamant that such efforts were meant to serve Saudi interests. As he exclaimed, “one should ask why Saudi Arabia is so generous in integrating its curricula with Yemen's?”<sup>162</sup> However, he denied that the meeting held by the Ministers of Education in Sana’a, in April 2001, had any significance, pointing out that Saudi policies continue to forbid Yemenis from sharing

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160 The Saudi Minister of Education told the media (*Al-Quds Al-Arabi*, 15 May 2001).

161 Taher, 26 September, 26 April 2001.

162 Ibid.

economic interests in Saudi Arabia – certainly for as long as those deported from the Kingdom in the 1990s were not being allowed to return and for as long as Yemen’s application to join the GCC remained effectively shelved. Indeed, there is a reason to argue with confidence that Saudi intentions are to eliminate from Yemeni school textbooks any references to a historic territory.

A different problematic aspect that has only become more sensitive following the Jeddah Treaty needs to be highlighted. The situation has been complicated not only because of historical information relating to a historical territory, but also because of the presentation of statistics in contemporary official sources. The area of Yemen had been officially estimated, prior to the Jeddah Treaty, at 550,000 ‘sq. kms’.<sup>163</sup> The country is described as being located in the southwest corner of the Arabian Peninsula, lying between latitudes 12° and 20° north and longitudes 41° and 54° east, while secondary school geography textbooks recorded Yemen’s areal extent at 555,000 ‘sq. kms’ excluding the Rub-al-Khali.<sup>164</sup> Nevertheless, immediately following the conclusion of this treaty it was announced that Yemen had regained thousands of ‘sq. kms’ of land, according to contradictory statements.<sup>165</sup> Indeed, after the signing of the Jeddah Treaty it was officially announced that Yemen had regained about 35,000 ‘sq. kms’ of land,<sup>166</sup> and various festivities were held to celebrate the return of locations that had been under Saudi control (see Figure 5-7).

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163 See 1998 Statistical Year-Book, p. 5.

164 Text-book of Geography for Year Three of Secondary Education, 2001: p. 10. Similarly, this estimate of the area of Yemen at 555000 square km excluding the Rub-al-Khali, available through the *26 September* newspaper, owned by the Ministry of Defence in Yemen, web site as noticed in 2011.

165 The 35000 ‘sq. kms’ was the official figures while different estimates would be given by the media. For instance, according to *Al-Quds Al-Arabi* Yemen regained back around 50,000 ‘sq. kms’ (*Al-Quds Al-Arabi*, 16 June 2000). In another source it was 40000 sq. kms (*Al-Nass*, 19 June 2000). Abdul-Wahab Al-Raohani a Member of the Yemeni Parliament and the Chairman of the Department of Media in GPC disclosed that by the Treaty Yemen regain back huge territories (*Al-Ummah*, 20 June 2000). The Yemeni Minister of Oil declared that Sana’a was enabled to expand oil exploration over new four blocks with an area of 30,000 square km after the boundary agreement with the Kingdom (*Al-Hayat, Al-Quds Al-Arabi, Asharq Al-Awsat*. 26 July 2000).

166 After the conclusion of the Jeddah Treaty it was announced that Yemen had regained about 35,000 ‘sq. kms’ of land (*Yemen Times*, 26th June 2000 Nevertheless, Emir Sultan confirmed the Saudi withdrawal from territory belonging to Yemen

Today, the situation is shrouded in uncertainty. Taking into consideration the general estimate of the land returned as around 30,000 'sq. kms' (as officially announced) the area of Yemen ought to have increased to 580,000 'sq. kms'. In contrast, the relevant chapters of successive issues of the Statistical Yearbook since 2001 have appeared without figures for either the location or the total area.<sup>167</sup> Ironically, therefore, the area of the country post-Jeddah has become less than what had been previously been stated. This explains why successive publications over the last decade or so have not provided figures quantifying the surface area of Yemen. To have done so might only have bolstered the arguments of those who complained of territorial loss post-2000. Most importantly, the previously announced official figures remained popular.<sup>168</sup>

This provides further evidence of aspects that remain sensitive, despite the treaty's conclusion. Of course, states often exaggerate their claims during negotiations or when a resolution had not been achieved. This is the probable reason behind the initial estimate of the area of Yemen at 550,000 'sq. kms'. As a result, subsequent figures smaller than those previously published would only intensify the resentment over lost territory. Failing to provide any mention of the country's present area indicates that, despite the return of land, the area in reality has not increased. Instead, it is even possible that it has decreased from its previous estimate of 550,000 'sq. kms'. It seems, however, the total area of Yemen today rather has decreased than what had been officially estimated in Yemen.<sup>169</sup>

Sensitivity about geographical elements has been substantial, to the extent that officials may have to change statements they had previously issued, such as the statements issued prior to the conclusion of the Jeddah Treaty by Al-Iryani, a capable

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(press conference following the SYCC meeting in December 2000 (*Yemen Times*, 18 December 2000). Similar news remained to appear (see *Yemen Times*, 14 February, 2005. *Elaph*, 4 December 2007).

167 See for example, the Yemeni official Statistical Year-Book, for the years from 2001 until 2009.

168 The area of the country according to official statistics prior to June 2000 was 555,000 'sq. kms' (Probably for the popularity of information distributed about the area of Yemen, Abdurrahman Al-Jafrai one of the oppositions leaders in a press interview said that the area of the country as 550,000 'sq. kms' (*Al-Wasat*, November, 2007).

169 According to the Central Intelligence Agency (CIA) website (now in 2012) now total area of Yemen estimated at 527,968 sq km.

and experienced politician. It remains to be seen how history will be recounted by historians, and particularly how its formal articulation would turn out to be. Before the Jeddah treaty, Al-Iryani had publicly and repeatedly boasted that the Yemenis had managed to maintain their territorial integrity, even during difficult situations, such as when the central authority had been weak.<sup>170</sup> Perhaps he was referring to the historic territory of Yemen as imagined by the Yemeni nation, but this surely did not reflect the extent of official Yemeni claims presented during negotiations. However, the point remains of significance for being expressed by such an important political figure, who believed his stance regarding Yemeni claims was a strong one. After June 2000 Al-Iryani was reminded of his earlier statement, and was asked whether, considering Yemeni concessions in the Jeddah Treaty, he still held to his position.<sup>171</sup> His answer invoked a change in the political climate, hardly the most convincing of replies. Al-Iryani surely must know that such a potent picture of historical territory would remain a sensitive sentiment.

During the various stages of the conflict between Saudi Arabia and Yemen, officials have made numerous public statements to support their territorial claims, justifying such arguments by reference to historical evidence. In the Yemeni case it can be assumed that claims formulated on the basis of historical rights were in part to gain public support and, possibly, to exert further pressure on the other side. It is also likely that when formulating territorial claims states sometimes exaggerate them, claiming extra territories they are well-aware they would be hard pressed to justify. Rather such claims are made as mere tactical manoeuvres, necessary to keep negotiations moving forward.

It should be understood that a legalistic resurrection of past claims is not a preoccupation of the present thesis, rather it seeks to investigate the dynamics

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170 The author was present when Al-Iryani, gave a speech in February 1998 at the University of Exeter titled, 'The Role of the State in a Traditional Society of Yemen'. This had also been part of a speech by him at Chatham House in 1996.

171 Al-Iryani, Yemen in International Relations, Lecture in the House of Common London, 9 December 2003. Fred Halliday who had been present at the Chatham House in 1996 (See Halliday, 2000: p. 44) was who posed this question in 2003.

involved in articulation of ideas of a historic territory one that was historically much more extensive than it is now. Despite the demarcation of the boundary and its finalisation in international law, the Yemeni government has been held responsible for the loss of territories. Indeed, a clear difference has persisted between the agreement that was achieved in Jeddah and the nationalistic sentiments for lost territory beyond the official boundary lines. In celebrating the Jeddah Treaty resolution, the Yemeni government needed to strike a delicate tone regarding its achievement. Indeed, it seems not only that they had achieved less than what most Yemenis considered their historic territory, but the Jeddah Treaty did not even achieve what official claims had been presenting in the first place in terms of territorial gains.

Unease over the lost territories of Asir, Jīzān and Najrān, as well as those claimed in the Rub-al-Khali, has become impossible to ignore. Prior to the conclusion of the Jeddah Treaty, responsibility for the loss of these territories and the failure of achieving the unity of Yemen over its claimed historic territory had been blamed on Imam Yahya (as illustrated in Chapter 3), a fact that remains evident even among official sources.<sup>172</sup> This is notably due to agreements such as the Treaty of Sana'a and the Taif Treaty that the Imam concluded with Britain and Saudi Arabia respectively in 1934, which continue to be seen as symbols of his failure. Thus, today there is a commonly-held understanding blames successive republican governments, mainly in North Yemen (since the 1962 revolution,) for not consolidating effective state control over the country's frontiers, particularly those with Saudi Arabia.

School textbooks have become an issue of some significance in this regard – and it should be remembered that the issue had been of importance since the time of Imam Yahya after the conclusion of the Taif Treaty of 1934 (as noted in Chapter 3). The disputed territories with Ibn Saud, like those that had been under British control, were described as being under occupation, a much more sophisticated contemporary

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172 See the Web sites of both the National Centre for Information, Sana'a and Radio Sana'a. It is a view that usually heard in Yemen (for instance, Saleh Ba-Surah, the Minister of Higher Education and a University Professor, expressed a similar view during a seminar on 'Yemen's Unity', 21 May 2007. Likewise, Abdul-Bari Taher ([www.news-yemen.net](http://www.news-yemen.net), 17 November 2009).

Yemeni government now has to balance pragmatism with domestic political nous. Narration of history is supposed to echo facts as manifested by earlier historians as well as through tangible evidence such as historic remains, especially in the case of Yemen with its rich history. Inventing history or identity is problematic (if inevitable as a modern nationalistic device) but in the case of Yemen it is critical. Rewriting history primarily to concur with the present geographic extent of the Yemen area is politically a risky issue, especially if it ignores the persistent attachment to the historic territory, and even if it remains a substantial source of national sentiments of unease. Equally crucial, of course, is the issue of whether school textbooks should now distinguish between Yemen's contemporary geographic shape and its historic territory.

#### *5.4.3.2. Exaggerated use of sovereign rights*

Under scrutiny here are the implications of a state's exaggerated practice of its own sovereign rights, such as the construction of concrete barriers along the boundary in a region where the territorial system is a recent imposition. The settlement of June 2000, however, has failed to recognise the borderlands' customary traditions. Instead, it imposed a final separation while ignoring the borderlands' wishes and interests. In doing so, it failed to act in a wise manner similar to successful experiments in other parts of the world. This is not just a violation of any bilateral treaties as Yemen may protest it is rather infringement of the inhabitants' traditions as well as the international norms concerning borderland mobility for daily needs. The case of Iraq-Kuwait discussed at the outset holds support to this analysis notably the implications of possible exaggerated exercise of sovereign rights by Kuwait for the construction of a port on a location that might affect the interests of Iraq.

The predicaments of several adjacent localities, such as the governorate of Sa'adah in Yemen and that of Najrān in Saudi Arabia, provide a representative insight into the serious impact of a number of unnecessary policies introduced by Riyadh or Sana'a on the situation along the borderlands in general, especially in the post-June 2000 era. The boundary line running between these two localities had actually been drawn in 1934, but the situation was rendered significantly more complicated by the finally

agreed Saudi-Yemeni boundary of June 2000, which was based on the largely artificial and arbitrary line of 1934.

Indeed, these two localities are situated in a region whose population has, historically, been deeply linked by profound socioeconomic patterns.<sup>173</sup> Trade has been the fundamental mutual activity of the region and the populace has been socially attached further by tribal and family connections, an aspect that remains significant to the present day (see Chapter 1). Since the 1970s, possibly earlier, Saudi markets have become the source of most of the Yemen's borderlanders' needs, such as food supplies, diesel, and gasoline, obtained from places such as Al-Khadhra, in Najrān.<sup>174</sup>

It must be noted that a Yemeni-Saudi committee was established following the conclusion of the Jeddah Treaty to look at the issue of private properties divided by the finalised boundary. This committee held several meetings in Sana'a and Riyadh and examined cases that included private properties such as lands that were on both sides of the border, which represented a growing matter of concern.<sup>175</sup> This was no easy task and, in a meeting of 22 April 2006, it was proposed that the committee form a combined field team to examine cases of those properties located in each country that were owned by citizens of the other.<sup>176</sup> By the beginning of November 2007, the committee was still conducting meetings, probably because they had not finalised their work.<sup>177</sup> In the meantime, the committee's work has not been free of problems, a situation that the Saudi Crown Prince, First Deputy of Premier, Minister of Defence and Air Force Prince Sultan bin Abdul-Aziz confirmed in December 2007.<sup>178</sup> In July 2010, press reports confirmed that the situation remained unresolved.<sup>179</sup>

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173 See Kaḥalah, 1964: p. 231. Al-Akwa, 1971: p. 149. Al-Hadaithi, 197-?: pp. 45, 50, 207. There had been twenty-six markets in Arabia six of them were in Yemen. These included, Al-Shiḥer, Aden, Sana'a, Al-Rabiah, Janed and Najrān (Al-Shūj'a', 1999: p. 45).

174 See Yemen Times, 19 February 2001. Interview held with Sheikh Mohammad Bin Shaji (*Yemen Times*, 21 August 2000).

175 See *Al-Nass*, 19 June 2000. *Yemen Times*, 18 December 2000, 14 February, 2005. *Elaph*, 4 December 2007.

176 *26 September*, 20 April 2006.

177 *Al-Thawrah*, 1 November 2007.

178 See *Elaph*, 4 December 2007.

179 *Asharq Alawsat*, 25 July 2010.



The present situation along the Saudi-Yemen borderlands provides further evidence of the unique and peculiar nature of this case within an Arabian context. It is also the comparatively stark dearth of provisions in financial resources along the Yemeni borderlands that has been progressively exposed over the last decade. The Yemeni state had failed prior to the demarcation to provide its inhabitants with appropriate health, education or telecommunications services, particularly in borderlands villages and settlements. Because such services are available on the other side, families have, for decades, been sending their children to Saudi towns such as Najrān for education, and most other services have also been sought there.

Travelling along the populated areas across the borderlands, especially on the Yemeni side, is a revealing exercise. On the Yemeni side, the borderland is broadly divided into a desert area and populated, mountainous terrain. Economic inequality remains an important preoccupation and has only been worsening for Yemeni borderlands. Bright lights can be seen from villages and towns, across the border, in Saudi territory, while those on the Yemeni side remain in darkness.

The demarcation of the boundary following the Jeddah Treaty has created two different political economic circumstances, a reality that seems to have been ignored by both Saudi Arabia and Yemen, apart from a number of unnecessary domestic policies. Members of single families have been forcibly split between the two states. The boundary line has separated inhabitants from their homes or lands they own, suddenly on the “other side” of the border. Moreover, although many borderland inhabitants continue to hold dual Saudi and Yemeni citizenship,<sup>180</sup> it is only in Yemen that the privileges of dual citizenship are permitted by law, whereas it is forbidden in Saudi Arabia.

Furthermore, the flexible attitudes existing prior to the demarcation of the boundary areas are not observed. This is because, post-Jeddah Treaty, neither state is interested in attracting the loyalty of tribes now that these have been recognised as lying fully across the border, beyond its control. The lenient policies that characterised

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180 See *Yemen Times*, 21 August 2000.

borderland relations prior to the final resolution were thus no longer seen as necessary - only the loyalty of tribes within the newly, and clearly, defined national territory are seen to matter. Previously, the loyalties of tribes were actively sought as they were seen to bolster the state's claims over specific territories. The situation has now been greatly complicated as an era of securitisation policies has now been imposed along the border, turning the boundary line into a barrier.

The demarcation of the Saudi-Yemeni boundary was characterised as necessary to reduce the insecurity that had existed between these two states. This remarkable achievement is not enough, however, because securing and consolidating mutual feelings of trust between Riyadh and Sana'a would remain a complex issue due to the lack of genuine institutionalised cooperation between the two neighbours. Indeed, despite the fact the territorial dispute has been legally resolved, bilateral relations between Riyadh and Sana'a have become ensnared in a complex array of other important developments of both regional and international issues. It is indeed evident that the situation along the Saudi-Yemeni boundary has been affected by a series of difficulties.

The Saudi Interior Minister, Prince Naïf bin Abdel Aziz, in an interview published just one day after the conclusion of the Jeddah Treaty – optimistically predicted that the accord would help put a halt to smuggling across the border, referring to trafficking from Yemen to Saudi Arabia.<sup>181</sup> Border security had undoubtedly been a prominent issue for both Saudi Arabia and Yemen since the 1930s, yet the 1990s witnessed a greater interest in the issue by the Saudi authorities.<sup>182</sup>

There can be no doubt that the governments in Riyadh and Sana'a have a commitment to putting a stop to illegal cross-border practices. For years, the two

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<sup>181</sup> BNA, 13 June 2000.

<sup>182</sup> This was part of important agreements such as the Al-'Arw Treaty of 1931 and the Taif Treaty in 1934. Two agreements were concluded on 27 July 1996 the first was related border security and the other for enhancing cooperation on fighting drugs trafficking and other types of smuggling. Common security issues would be part of a correspondence between the two countries leaderships. Reportedly, King Fahd sent a message to the Yemen's President Saleh, 30 June 1997 (BNA, 30 June 1997). It would remain a prominent until the conclusion of the Jeddah Treaty (BNA, 27 February, 12 August, 9 December 1998).

neighbouring states had ignored the importance of expanding cross-border cooperation. Worse, the policies they adopted only intensified the human suffering and the instability of the region. And yet, a number of successful models, particularly those introduced among EU members as well as with non-member neighbouring countries, provide a good template for an effective remedy.

It must be noted that smuggling had always been an issue for both sides (though traditionally more problematic for Yemen).<sup>183</sup> Indeed, Yemen had been continuously complaining about the loss of revenue caused by goods entering the country illegally, without the payment of customs duty. However, in recent years, illegal activities have become more of a problem for Saudi Arabia. Yet, whereas for Yemen the issue was purely economic, Riyadh complained that Yemen had become a major trans-shipment point for the smuggling of drugs and arms into Saudi Arabia. If accurate, the recent statistics hereof of such illegal activities are disturbing. However, the point is to underline further patterns of state exaggerated practice of sovereign rights. Such policies would rather intensify the pervasive attitude towards the finally achieved resolution of June 2000.

Human trafficking has increased dramatically, especially as Riyadh had not restored the privileges for Yemeni workers it had stopped in 1991, despite these privileges been granted to the Yemenis as part of the Taif treaty of 1934. As such, there is little doubt that this withdrawal of privileges is largely behind this increase in human trafficking. This has been greatly damaging to the economic situation in Yemen, due to the loss of the substantial financial remittances of those Yemenis who had been working in the GCC countries. Moreover, limited work opportunities in Yemen have resulted in a significant increase in human trafficking. This has not been the only setback; the borderlands' customary mobility, for both people and goods, has

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183 See Cordesman, 2009: pp. 30-35. Reports on such illegal activities has been continuous (see *Yemen Times*, 23 November 1998. *Al-Quds Al-Arabi*, 11 November 1999. *Al-Hayat*, 28 September 2000. *Asharq Al-Awsat*, 28 September 2000. *Al-Ayyam*, 26 and 28 May 2001. *Yemen Times*, 5 November 2001. *Al-Watan*, 22 November, 2001. *Asharq Al-Awsat*, 4 October 2002. *Al-Ayyam*, 17 December 2002. *Al-Hayat*, 28 December 2003. New York Times, 26 October 2010.

vanished due to the imposed fences and barriers that had been erected by Saudi Arabia along the border line in the years following the Jeddah Treaty.

From a security perspective the situation is critical, as thousands cross the border every day from Yemen into its wealthier neighbouring countries, such as Saudi Arabia and Oman.<sup>184</sup> This security issue has become of significant importance for both Yemen and Saudi Arabia since the Peninsula rose to the top of the international agenda after the attacks of 11 September 2001. This was not least because the majority of those accused of masterminding the atrocity were Saudi and Yemeni nationals. New agreements were duly concluded in 2003 for regulating border authorities, which included further measures and coordination between both countries on matters such as the exchange of counter-terrorism and cross-border activity intelligence.

Terrorism thus became a vital concern for Riyadh, which regarded Yemen as a security threat to the Kingdom. Such a view has been expressed by Saudi officials in confidential meetings as well as during public events. Illicit border activities continued to gain prominence, especially following the establishment of the Al-Qaida in the Arabian Peninsula (AQAP) in January 2009 further intensified the urgency and importance of the security issue, especially as Al-Qaida presented a threat for Yemen, Saudi Arabia, the other GCC countries as well as to countries like the United States.<sup>185</sup> For example, in the SYCC meeting held in Riyadh in November 2007 security issue had been the dominant issue in the agenda.<sup>186</sup>

Furthermore, in January 2010 Prince Mohammed bin Naif, Saudi Assistant Minister of Interior, told U.S. President Barack Obama's National Security Adviser, Gen James Jones, that for the past five years Saudi Arabia had been "watching with great

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184 Human trafficking from Yemen into the Kingdom includes children and refugees who had fled from the Horn of Africa, looking to reach other destinations such as the GCC countries via Yemen.

185 See Cordesman, 2009: pp. 30-35.

186 Saudi concerns were expressed openly during a press conference in the presence of the Yemeni Prime Minister Ali Mejur, after the SYCC.

concern Al-Qaida's growth in Yemen”<sup>187</sup> (see Appendix 6.2). Likewise, in November of the same year, a similar view was expressed by the Saudi Prince Turki Al-Faisal, who told a public symposium in the United States that “Yemen represents a security threat to Saudi Arabia, both along the border and internally”.<sup>188</sup>

Significantly, it is evident that the Saudis are aware that the threats they perceive from Yemen are linked to the instability of the country. Perhaps reference can be made again to the aforementioned meeting between Prince Mohammed bin Naif and Gen Jones for evidence that the Saudis are also well-informed in that regard. For instance, Riyadh is aware of the difficulties emanating from the lack of development achieved in Yemen in general and, particularly, within the borderlands localities. It must also have been aware that its neighbour has been in desperate need for efficient development plans and that Saudi support was thus highly significant and pivotal in that regard.<sup>189</sup> In other words, if the economic imbalances between the two countries continue to deepen, it is unrealistic to expect a complete suppression of the instability.<sup>190</sup> It has consequently been obvious, to both Riyadh and Sana’a, that they were still required to take the necessary steps to achieve their objectives and build and consolidate mutual confidence and trust.<sup>191</sup>

Regrettably, the only option seemingly considered by Riyadh has been “to seal the Saudi-Yemen border”.<sup>192</sup> This drastic approach has been ascribed to Saudi’s continued and growing concerns about Al-Qaida’s operations originating in Yemen. However, Prince Mohammed confirmed that although between one and two thousand

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187 Prince Muhammed and Smith, 12 January 2010, Op. cit.

188 Prince Turki, Al-Faisal, the Middle East Initiative, United States, 20 November 2010.

189 Prince Muhammed and Smith, 12 January 2010, Op. cit. Prince Turki Al-Faisal, 20 November 2010, Op. cit.

190 It was reported that a large number of the inhabitants of Al-Jawf, which is located close to the borderland, sought to enter Saudi Arabia to claim asylum as refugees. This was because of the deprived life they were confronting. It was only after a move by the Yemeni government and promises of social aid and jobs, that they were persuaded to stay (*Elaph*, 20 November 2007).

191 The issue of suspicious packages shipped from Yemen early January 2011 via the shipping companies United Parcel Service (UPS) and FedEx was example of lack of genuine confidence between them. Riyadh passed information the Saudi Intelligence had been reported to about the plot directly to Washington before informing Sana’a. See also, Prince Turki, 20 November 2010, Op. cit.

192 Prince Muhammed and Smith, 12 January 2010, Op. cit.

people were arrested each day while attempting to cross the border, almost none were connected with terrorist activities. In fact, as the Prince conceded, the actual motivation for most border crossing attempts was the lack of opportunities offered in Yemen, leading him to describe them as desperate persons searching for work.<sup>193</sup>

### **The issue of the Houthis in Sa‘adah**

The most crucial development of concern here is the conflict between the central Yemeni government and the Houthis in Sa‘adah, which would lead to the involvement of Saudi Arabia and into further harmful policies over adjacent localities. Initially, the challenges facing Yemen today, as has been shown, have become extremely critical. A number of issues have notably been the result of the failures of domestic and foreign policies by either Riyadh or Sana’a. Yet, the dynamics of regional geopolitics are evident across Arabia, as attested by the turbulent situation in Yemen, Saudi Arabia as well as in Bahrain. Most importantly, a number of policies have been shown to be inappropriate. These include domestic ones, such as efforts at countering terrorism and human trafficking. However, even more critical are those policies responding to the growing influence of regional powers, such as that of Iran.

In other words, the relationships between Arabian states have been trapped in other dynamics of regional geopolitics, most importantly the nebulous network of relations between Arabian states and Iran. For instance, it has been evident that the influence of Iran has in Yemen had reached a greater extent than ever before. This has notably been witnessed in the context of sectarian conflicts, with Iran expressing sympathy and support for the region’s Shī‘ah Peninsular population vis-à-vis the Sunni majority.

It is not within the scope of this thesis to discuss the Houthis, who led a revolt of tribesmen from the Zaydī elite against the Yemeni government, and which had flared up on a number of disparate occasions from 2004 until 2010. In total, the revolt

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<sup>193</sup> Ibid.

resulted in six rounds of direct war between the Houthis and the Yemeni army during this period. However, the Houthi revolt is highly relevant in the context of discussing Iranian influence in Yemen, and the wider region. The Houthis are a family of prominent Zaydī School followers, and Sa‘adah is one of their most important strongholds. From a doctrinal perspective, they are considered close to the Shī‘aihs (the second largest denomination of Islam). As a result, the Houthis’ conflict with the central government has been greatly impacted by regional politics, notably raising concerns over Iranian influence. Indeed, they have been publicly accused by Sana’a of receiving financial and other support from Iran and the Shī‘aih communities based in a number of GCC countries. Echoing Sana’a, Riyadh also expressed its fears over Iranian influence. However, neither government has provided any solid evidence for their claims.

It is, far from being only a domestic political issue, the Houthi question has also been the subject of external influence, from both Iran and Saudi Arabia. The fear of Iranian influence on the Houthi question is possibly justified by the successful Iranian expansion of power in Yemen eastward of Sa‘adah and southward through tribal alliances. In the age of globalisation, state stability in the peninsula has been under threat from the political dynamism of traditional identities, such as tribes, due to the lack of genuine democratic practices and processes in the region.

The case of the Houthis remains significant as a symbol of the inappropriate policies adopted by successive Yemeni governments, going back to the end of the Imamate in 1962. Indeed, although the Imamate was successfully overthrown, successive Yemeni governments continued to deal with the Zaydī political traditions and history with suspicion with reservation. This was notably the case in their dealing with prominent Zaydī leaders, especially those with political ambitions. The official reason given for this approach has been the government’s fear of the reinstatement of imamate rule over Yemen.

For their part, the Saudis have also been worried about the political role and impact of the Ismā‘īlis in Najrān, who were, like the Houthis, members of the Shī‘aihi school of Islam, raising fears of alliances between the two groups, as well as with Iran. Saudi

concerns were particularly intensified by the fact the Ismāʿīlis themselves had their own political cause, having struggled for years in their quest for increased religious freedoms and for a greater political role.

Moreover, the Saudi ruling family has long been associated with Wahhabism, a conservative doctrine within Sunni Islam and historically a rival to Ismāʿīlism. Indeed, antipathy has long characterised relations between the Wahhabis and the Shīʿaīhs in general and with the Ismāʿīlis in particular.

The issue of the Houthis remains significant, especially as its roots can be traced to fundamental problematic aspects of Saudi-Yemeni relations in general and the situation in the mountainous part of the boundary in particular. Indeed, looking at the history of the region since the early years of the 20th century, it is evident that the inhabitants of Najrān, particularly the Ismāʿīlis, have been subjected to intolerant and discriminatory actions and policies by official Wahhabism. They have been treated as “second-class Saudi citizens” and excluded from effectively participating in local public affairs and, most importantly, denied access to senior government positions.<sup>194</sup> Likewise, the development of the Houthis issue is not isolated from the official policies of both Riyadh and Sanaʿa, which have been largely responsible for provoking these sectarian disagreements. For instance, installing the Dar Al-Hadith Centre in the village of Dammaje in Saʿadah, which promoted a Salafī understanding of Islam, has been seen as hugely provocative to the local, predominantly Zaydī, community, especially as this part of Yemen was known historically to be its stronghold. Indeed, the establishment of such a centre was undoubtedly a deliberate attempt to antagonise the Zaydī community, not to mention exacerbating extremism in the region.<sup>195</sup>

The most crucial development of concern here concerning the conflict between the central Yemeni government and the Houthis was the involvement of Saudi Arabia in

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194 See The Ismailis of Najran, 2008.

195 See Walid Noueihed, A mountain of smoke between Saudi Arabia and Yemen (*Al-Wasat* Bahraini, 7 November 2009). Hill and Nonneman, 2011: pp. 14-17.



November 2009. The reasons behind Saudi actions against the Houthis remain unclear, though the decision was officially justified as necessary to confront incursions of a handful of Houthi elements into Saudi territory. However, the notion that these minor incursions warranted such a full-scale campaign in response seems hardly credible. Rather, the purpose of Saudi military involvement, which featured huge military deployments and financial resources, was likely to be the strengthening of Saudi control over this part of the borderlands. This was emphasised by James Smith, U.S. Ambassador to Riyadh, who noted that the Saudi “military intervention was triggered by a Houthi incursion into Saudi territory, but it presented a long-sought excuse to fortify the porous Saudi-Yemeni border”<sup>196</sup> (see Appendix 6.3).

Indeed, the minor incursion of a few individuals into Saudi territory was plainly no more than a pretext for the fulfilment of much bigger Saudi interests. Illegal crossings of the border would not otherwise necessitate, for instance, the evacuation of about 78 adjacent border villages. The consequences of this campaign have included the displacement of thousands of Saudis, forcefully moved from their villages into new locations. Of course, the full scale of the impact of this displacement, both in social and economic terms, remains to be seen, but the immediate consequences have already included difficulties encountered by the displaced communities in finding and adjusting to their new homes. The 10,000 purpose-built units, provided by the Saudi authorities as emergency accommodation, was insufficient to accommodate the entire number of those displaced. Some even sought refuge in hotels or rented homes (see Figure 6.7). Reportedly, housing those moved from their homes involved a plan by the Saudi government for building around 6000 houses at a cost of around a billion and six hundred million dollars. Furthermore, the Saudi government pledged to provide the displaced families with up to \$19000 annually in subsidies for food, housing and clothing expenses. Nevertheless, securing this part of the borderland by demolishing the adjacent villages with Yemen and by moving the inhabitants into

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196 United States Ambassador (Riyadh) to Secretary Clinton on her visit to Saudi Arabia in February 2010, 10 February 2010.

different location deep inside their territory was, and remains, hugely controversial.<sup>197</sup> It is unlikely that any amount of compensation would be able to prove sufficient in addressing the hardships and trauma caused.

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<sup>197</sup> For information on the humanitarian situation (See *Asharq Al-Awsat*, 7, 8, 10 November, 3 December 2009, 3 February 2010. <http://www.reliefweb.int>, 14 September 2010. [www.alertnet.org](http://www.alertnet.org), 14 September 2010. Hill and Nonneman, op. cit., pp. 14-18.

## 5.5. Concluding Remarks

### *5.5.1. The failure to adopt an appropriate means of settlement*

Resolving the Saudi-Yemeni boundary dispute was undoubtedly a substantial success, but it seems necessary that criticisms of the treaty are not ignored. Moreover, this is not an assessment of the legality of such means, nor an attempt to validate the resolution that was eventually achieved. Rather, while it had been evident that neither a significant change on the *status quo* could have been archived nor any change would eliminate the feeling associated with lost territories. As such, the Jeddah Treaty was concluded in similar circumstances to both the Taif Treaty and the Hajri Declaration of 1973, i.e. at a time of Yemeni weakness.

Imam Yahya was struggling to consolidate his power at the time of the Taif Treaty and, similarly, it has always been argued that the terms of the Jeddah Treaty were also accepted when the Yemeni government was in firmly survivalist mode, trying to defend its unity and reduce the suffering of its people. Internally, in addition to the cost of unity, the most serious challenge was the civil war that had erupted in the summer of 1994. Furthermore, the implications of Yemen's stance during the occupation of Kuwait by the Iraqi army in August 1990 proved equally disastrous for its economic and political standing in the region, which further validates the prevalent view that Yemen has been the weaker party.

Of course, it is important to note that the Jeddah Treaty was, in effect, a negotiated settlement between two states of vastly unequal strengths, with Yemen being the weaker party. The newly unified Yemeni state was supposed to bring about a geopolitical situation that was advantageous to Yemenis. It was assumed that unification would strengthen the Yemeni position, particularly during negotiations with Riyadh for a resolution to the boundary dispute. Indeed, as has been shown, immediately after unification Yemeni claims over the historic territorial were intensified, powered by a newly invigorated sense of confidence. However, instead of Yemen benefiting from the geopolitical situation brought about by reunification, the

ensuing dynamics that drove Sana'a towards a final resolution was the very trying series of challenges that Yemen was confronted with throughout the 1990s.

Further evidence of the unbalanced situation that existed between Riyadh and Sana'a could be particularly detected during negotiations for the Jeddah Treaty of June 2000. It was evident that the Saudis were dominant to such an extent that no Yemeni claim voiced during negotiations was achieved simply because no government had been in a position to insist on any alternative means for a settlement other than negotiation.

Looking at President Saleh statement in July 1998 in which he described the famous agreement arrived at in Como in 1997 as a "political rather than legal agreement".<sup>198</sup> The story behind this agreement by a prominent figure in the Yemeni government, Al-Iryani, is particularly illuminating in this context. Al-Iryani said that in certain situations Yemeni negotiators were left with no choice but to accept Saudi arguments. For example, in the case of the eastern part of the boundary agreed by the Jeddah Treaty, Yemen had only one option in order to arrive at a settlement acceptable to the Saudis, which was to give up its claims to Shārwrāh and Al-Wadia'ah. Al-Iryani also revealed that the Yemeni delegates were told by Crown Prince Sultan himself that even if negotiations were to continue for a hundred years, there would be no progress unless Yemeni claims to these localities were dropped. Indeed, even had depended upon Sana'a accepting concessions.<sup>199</sup>

This remained us with the early criticism of the Jeddah Treaty by Professor M. Al-Saqqaf, who questioned the unexpected conclusion of the treaty in such a short time, one can argue that he was right. We know that Ba-Jammal in February 2000 (as illustrated in the introduction) confirmed the lack of progress in negotiations, and that the Yemeni government had requested from the Saudis a timetable with a specific date for a settlement. This warrants a questioning of the means adopted by the Yemeni government to resolve the territorial issues with Saudi Arabia. Ultimately, as has often been the case, the Jeddah Treaty of June 2000 was in essence a deal

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198 BNA, 20 July 1998.

199 Al-Iryani, Lecture, 9 December 2003, Op. cit.

achieved between the leaderships of two countries rather than a logical culmination of negotiations.

Rather, while negotiations today have become a common means of resolving disputes, the success of the outcome of such means may not count if it is rejected by the public. Of course, the resolution of boundary or territorial disputes is rarely achieved without some kind of compromise. It would however be preferable for countries to take their territorial disputes before the International Court of Justice (ICJ), or an arbitration committee, particularly if the dispute is with a much stronger state. In essence, third party arbitration or adjudication is ideal because it is supposed to be objective. In some ways, however, it is arguably less difficult for a government to present its people with a legal verdict reached by a third party rather than to try to defend a negotiated settlement, especially if the dominant perception is that it has failed to secure a popular outcome.

Arbitration might present political advantages in a domestic sense since it might produce a neutral settlement divorced from the direct responsibility of the disputing parties.<sup>200</sup> Indeed, such criticisms of the treaty, a questioning of the choice of negotiations as a means for resolving the dispute seems warranted, and the failure to adopt a formal legal procedure for resolving the Saudi-Yemeni dispute is of great significance. On the one hand, it runs counter to Article 8 of the 1934 Taif Treaty, which had specified arbitration as the means for solving any future disputes between these two neighbours, and that such a resolution could not be effected through negotiations. On the other hand, it was agreed by Article 7 of the MoU of 1995 to refer any obstacles or difficulties which might arise during the course of their assignments to a joint high committee. What may complicate this assessment, however, is that available evidence indicates bilateral negotiations have historically always been the preferred norm for Saudi Arabia.

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200 *Al-Ayyam*, 19 July 1998. *Al-Quds Al-Arabi*, 5 May 1997. *Al-Arab*, 3 November 1998. *Asharq Alawsat*, 29 October, 23 November 1998 and 11 February 2000.

However, in the Saudi-Yemeni case, it had a different significance. Different arguments were expressed publicly, by either Saudi or Yemeni officials, regarding what the appropriate means of settlement for this case should be. In many of these views, particularly when the situation was tense or when negotiations were not progressing, arbitration was mentioned. In other words, negotiations were possibly the preferred means by both Riyadh and Sana'a.

Indeed, it should be stressed here that it is not clear whether Sana'a had been really serious about the choice of legal means for a settlement. In fact, it was evident that the possibility of arbitration or judicial settlement had only been raised by Yemeni officials when relations with the Kingdom were tense, or when negotiations were locked in stalemate. This seems more plausible considering there was a certain codification of formal commentaries on the progress of negotiations over the boundary. This tendency was noted not only in Yemen but further afield. The common perception was that reference to this doctrine would be to express disappointment.

### ***5.5.2. The achieved resolution and the lack of any appropriate regional cooperation***

The point that deserves to be underlined here is that the 2000 settlement with Saudi Arabia, though undoubtedly significant, is perceived to have failed to deliver the benefits it had seemed to promise. It was generally assumed that the two countries had started off on a promising track where unnecessary and excessive claims to sovereignty would be abandoned as a thing of the past. Indeed, selling the territorial resolution of June 2000 to the Yemeni public was facilitated by a deliberately upbeat vision of a more integrated future within a progressive and cooperative Arabia. Significantly, the initial optimism and confidence over the Jeddah Treaty resolution in which the legality of the Taif Treaty is confirmed quickly proved doubtful upon closer inspection. This was increasingly reinforced by a series of disappointments, notably over the return of Yemeni workers to Saudi Arabia and the acceptance of Yemen's application for membership of the GCC. The unnecessary boundary

functions and the lack of any appropriate regional cooperation have helped intensify Yemenis' yearning for lost territories.

The foundation of the GCC in May 1981 was a vital step in potentially providing the requisite institution for the Peninsula's integration and cooperation. The leaders of the founding countries of the GCC commended the birth of this organisation as an ideal choice for the region. The charter proclaimed the organisation's commitment to "a better future on the path to unity". Thus Article 4 of the charter states that the basic objectives for the establishment of the GCC are "[t]o effect coordination, integration and inter-connection between Member States in all fields in order to achieve unity between them".

Equally, it has also become evident that resolving the Saudi-Yemeni dispute could not take place in isolation from factors that had been shaping foreign policy in several parts of the world in the era of globalisation and interdependence. Yemen's application for GCC membership in 1997 (i.e. in the run up to the conclusion of the Jeddah Treaty) must thus be seen in light of the movement towards a settlement. Most importantly, this application and subsequent statements expressed about the future of improved Saudi-Yemeni relations highlight the significance of the timing. It makes such a request part of the final resolution rather than a separate, unconnected process.

Indeed, Yemen's application for GCC membership was a rational move, which had the potential of eliminating a number of problematic consequences of history and geography in the Arabian Peninsula. It was therefore seen as a significant opportunity for Yemen and Saudi Arabia to opt for a path that would lead to preserving stability and attaining prosperity. Indeed, enthusiasm for the Jeddah Treaty was significantly focused on the wider vision it promised, of opening new opportunities for both countries to the benefit of the region as a whole - a vision of which Yemeni membership of the GCC would be an essential stepping stone.

However, the prospects for Yemen's GCC membership application have not materially improved. In fact, considering they have been shelved for an additional decade since the treaty, they might even have receded. Instead, Yemen's application

has become the source of upset and frustration. Although the request is yet to receive a formal positive response, the delay has become a cause of discomfort for the Yemeni leadership. The fact that this request had not been met despite the settlement of the boundary issue has been hugely disappointing for most Yemenis, since the promise of GCC membership was a prime drive for accepting the Jeddah Treaty resolution in the first place. Indeed, as mentioned earlier, enthusiasm for the resolution stemmed largely from high optimism over the economic benefits that were expected to ensue from improved relationships with Saudi Arabia and other Gulf countries, especially were Yemen to join the GCC.<sup>201</sup>

Moreover, although Yemen has recently been admitted to several subsidiary organs of the GCC, this has not aroused the same optimism in Yemen that promises of full membership had generated more than a decade earlier.<sup>202</sup> Indeed, public reactions, at various levels, continue to express great dissatisfaction that the country is yet to be granted full membership.<sup>203</sup> More damagingly, these unfulfilled promises have fuelled feelings of regret about the surrender of territory in the Jeddah Treaty, entrenching further the notion that the treaty is a symbol of failure. After all, Yemen

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201 For instance, during a visit to Paris late September 1999, President Saleh was asked about the Yemeni application to the GCC. He replied that Yemen had turned away from joining the GCC (*Al-Arab*, 28 September, 1999). A similar attitude of dissatisfaction was expressed by the President a few years later, in a way that indicated that the country was humiliated. His reply indicates that he intended to give prominence to his remark commenting that his country has other plans. This was justified by the fact that Yemen's application to join the GCC had been ignored (*Asharq Al-Awsat*, BBC Radio, 4 February 2000). Yemen's reaction was confirmed by both the Yemeni Prime Minister and the Foreign Minister. Both confirmed that their country had undermined such intention primarily to save their people's dignity and respect (*Asharq Al-Awsat*, 19 June 1998). Interestingly, the latter had previously noted "the message had been received and we would not be unwelcomed guest" (*Al-Hayat, Al-Quds Al-Arabi*, 5 June 1998).

202 Yemen has been admitted to eight specialized organizations of the GCC such as the organizations of the GCC in the areas of education, health, work, the standardization body for the Cooperation Council, Gulf Organization for Industrial Consulting, the Accounting and Auditing in the GCC, a television and radio Gulf.

203 President Saleh, publicly in several occasions expressed Yemen's willingness to join the GCC and in some points he was critique about the positions of the GCC countries. Furthermore, the Yemeni Prime Minister Ba-Jamal responded and argues that his country would be an addition to the GCC, and not a burden. In addition, he rejects the admission of Yemen into several organs as part of a gradual process and considers the matter as politically motivated, rather than having any other justification (*Okaz*, 2 November 2003). Actually, rejection of Yemen's applications has been blamed on differences related to the political system as being republican in Yemen and royals rule in the GCC countries. The weak economy of Yemen has also been seen as among the reasons (see *Al-Arab*, 8 January 2002).



has neither been accepted into the GCC, nor have Yemenis been offered the return of privileges that Saudi Arabia had previously granted them.<sup>204</sup> It is not necessarily true that this problematic feeling is related merely to Yemen's relations with Saudi Arabia, and it may well extend to other GCC countries.<sup>205</sup> In Yemen, calls continue to be voiced for the two countries to institutionalise their relations, with particular stress on the importance of integration to fulfil their nationals' present and future aspirations.<sup>206</sup> To make matters worse for Yemenis, in May 2011 the GCC extended its invitations to Jordan and Morocco to join its membership, a perceived snub that has intensified this issue further.

Of course, Yemen should not be excluded from the GCC, an organisation which is supposed, by its very definition, to be a regional group guided by a twenty-first century approach of regionalism and trans-frontier interactions. Such membership should not be understood as mere compensation for the boundary agreements with Saudi Arabia, Oman, and any related territorial claims. Instead, Yemen's membership is crucial if the GCC seriously intends to pursue the reintegration of the Peninsula as a whole. The adoption of such a view would strengthen a historical narrative that would resolve the current unpleasant situation. It would also enable all Arabians to root their sense of continuity into a communal past without any prejudice, whether in interstate relations or within each state. On the contrary, as long as Yemen remains left out of the GCC, such a problematic aspect will likely remain an issue.

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204 Ahmed Saleh Al-Faqaih, *Al-Thawry*, 13 December 2007. Abdullah Al-Ahmady, *Al-Shara'a*, 8 December 2007.

205 Though the case has not been researched thoroughly, it is notable for example, when Yemen's application to the GCC is mentioned. Therefore, it is further aggravated when Yemen's weak economy is regarded as the obstacle to its acceptance into the club of the rich. Nevertheless, it has been growing enormously because of the changes in domestic regulations related to work permits in the GCC countries. The Yemenis accordingly, have been facing difficulties, not only because of competition from other nationals, but for other reasons. On the one hand, the exceptions they had previously enjoyed have been reduced, and on the other, the deprived situation they confront domestically has been deteriorating further. The incident of a group of Yemenis entering Saudi Arabia illegally in 2008 and being killed in a fire whilst running from the Saudi police, provoked anger in Yemen, especially because it was believed that the fire was deliberately started by members of the police.

206 The Sheba Centre for Strategic Studies, Sana'a, panel discussion on "Yemen and Saudi Arabia ... to build complementary relationships", 27 February 2011 ([www.newsyemen.net](http://www.newsyemen.net)).

However, a lucid, comprehensive understanding of the long-term significance of a broader organisation for Arabia remains elusive. More than thirty years after its inception, the GCC has yet to produce any significant achievements of note. This failure is not unique to the GCC Charter but is quite emblematic of a wider pattern across the Arab world. The GCC leaders promoted their regional bloc on the basis of populist notions and symbolisms such as unity, hardly surprising considering the GCC was established during a difficult time for the region, namely the Iraq-Iran war of the 1980s.

Today, despite the nation-state becoming an undeniable fact, the Peninsula's leaders usually mention the adverse implications of the Eurocentric organisation. For instance, King Abdullah bin Abdul-Aziz, when addressing the leaders of the GCC during their 22 summit meeting in Muscat on 30 September 2001, made the important statement that one of the problematic issues hindering the progress of the organisation was the "exaggerated adherence to the classical concept of sovereignty" by member states. He urged the leaders of GCC countries to give up this stance, as he considered this attitude as a "stumbling block for efforts for unity".<sup>207</sup>

Ten years later, the Saudi monarch, also issued a strategic call to GCC nations that "urged the bloc to move from cooperation to full unity".<sup>208</sup> This took place during the GCC summit held in Riyadh in December 2011 during which a commission comprising three representatives from each country was established and tasked with studying the implementation of King Abdullah's initiative. The commission duly held its first meeting in Riyadh on 21 February 2012.<sup>209</sup>

Optimistic slogans promising unity, development and integration continue to emanate from the GCC. Indeed, it had been two weeks prior to the aforementioned GCC summit in Riyadh, when such optimistic slogans promising unity, development and integration was emanated from the GCC. For instance, the UAE Minister of State for

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207 *Asharq Al-Awsat*, 31 December 2001.

208 <http://arabnews.com/saudiArabia/article550750.ece>

209 <http://www.gcc-sg.org/index8651.html?action=News&Sub=ShowOne&ID=2332>

Foreign Affairs, Anwar Gargash, described the organisation “as a moderate bloc”, adding that “development and stability were the main GCC interests”.<sup>210</sup> The idea of unity would itself be raised again by Prince Turki with an initiative calling “for a unified Arabian Peninsula”,<sup>211</sup> that would unite the peninsula into a single country with an elected *Majlis Al-Shura* (parliament) as well as unified armed forces, armaments industry and currency.<sup>212</sup>

Commenting on Prince Turki’s “rather dramatic” initiative, Mark N. Katz said the Prince had “dropped something of a bombshell”.<sup>213</sup> Actually, these initiatives, as with the establishment of the organisation in the first place, had been primarily motivated by the GCC member states’ concern at the growing influence of Iran. In this regard, recent proclamations of unity also coincided with heightened concerns over Iran’s nuclear ambitions and the possibility that it might obtain nuclear weapons.

It is nonetheless significant that these calls for unity are emanating from the GCC countries, indicating the urgency of a broad regional organisation for Arabia. These calls have also highlighted the benefits of unity, both for the national interests of individual nation-states and for the collective benefit of the whole Peninsula. This is particularly pertinent in light of the fact the region has been experiencing significant changes, with Iran’s role expanding significantly beyond mere sectarian rhetoric into more proactive actions such as supporting secessionist movements in the former South Yemen, where the majority of the population is not Shī‘aīhs but Sunnis. Indeed, there are even claims and reports that Iran’s involvement has extended into Sunni areas, given evident that the dynamics of regional geopolitics have gained new dimensions.<sup>214</sup>

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210 Katz, 2011.

211 Ibid.

212 Ibid.

213 Ibid.

214 Press interview with Gerald Feierstein, the American Ambassadors to Yemen ([www.almasdaronline.com](http://www.almasdaronline.com), 20 February 2012). Former Minister of Foreign Affairs, Abdullah Alasnaj, in a press interview accused the secessionists’ leader Ali Salem Albeidh of being dependence on Iran (*Al-Jumhuriyah*, 9 April 2012).

Ultimately, it can be argued that the recent developments, as well as past ones, have confirmed the importance for the region of greater cooperation. Despite concerns over Iranian influence in the Arabian Peninsula, history has shown that the expansion of such influence had been facilitated by the Yemeni government's adoption of failed domestic policies instead of forging successful foreign policy initiatives. Indeed, whenever Yemen had been abandoned by its neighbours in the past, it searched for political alliances beyond the GCC region. This was evident in the close relationship that South Yemen had developed with the USSR prior to 1990 reunification. For its part, North Yemen built up its own relationship with Iraq, which eventually shaped Yemen's sympathetic stance vis-a-vis Saddam Hussein's 1990 occupation of Kuwait, which angered the GCC countries and proved extremely costly for Yemen and its people.

Ultimately, it could be argued that a regional organisation of the Peninsula would have avoided many of its nation-states' failed and damaging policies, and would have prevented the observed weakening of the region's security that had opened the doors for interference by outside players. Indeed, Iran today is exploiting Yemen's problems and, most importantly, the fact that it is a fragile state. Moreover, several GCC countries are themselves involved in supporting political organisations considered to be anti-Yemeni. Indeed, evidence is emerging that several GCC countries had supported financially the secessionist attempt during the internal civil war of 1994. Furthermore, the Saudi government continues to maintain direct contacts with, as well as financial subsidies for, a large number of Yemeni politicians and tribal *sheiks*, a role it had been playing for decades and which has had considerable bearing on the weakness of the Yemeni government.<sup>215</sup>

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215 Hill and Nonneman (op. cit., p. 9) note that "The Special Office for Yemen Affairs, a small intra-family committee established and headed by Sultan, remained the main locus of Yemen policy and patronage throughout the 1980s and 1990s, a role that was attenuated from 2000. Its annual budget was believed to be \$3.5 billion per year until then, but was reduced following that year's border agreement. In early 2011, the number of people thought to be receiving subsidies still remained in the thousands, but in April recipients were notified that payments were being terminated by order of the royal court" (for recent developments see Appendix 6.1).



## **Chapter 6:**

### **6. Conclusion**

As mentioned at the outset, the chief concern of this thesis is to question whether the Jeddah Treaty of June 2000 presents a viable solution to the Saudi-Yemeni boundary dispute or whether, on the contrary, there are other, wider factors that will continue to have an adverse effect on relations between the two neighbouring countries. The aim of this argument is not to ignore the legality of the Jeddah Treaty itself. The intention is certainly not to inflame passions over any territorial claims. Indeed, it is the proposition of this thesis to warn against the lurking dangers that could erupt if the negative aspects of the territorial question continue to be ignored. The aim of this conclusion, therefore, is to underline the most important findings of this thesis.

In particular, this conclusion centres on four main objectives: First, it aims provide an analysis of why, as this thesis argues, the evolution of the Saudi-Yemeni boundary has been a misshapen, unbalanced process. In particular, it illustrates what it considers to be the most problematic aspects of the Saudi-Yemeni territorial boundary dispute. This is an analysis of a number of factors that could reignite the issues nominally resolved by the conclusion of the June 2000 treaty. What is of importance is that these factors, although dealing with past issues, are nonetheless contemporary in their relevance. Indeed, they are either directly caused by, or politically linked to, the territorial question supposedly resolved at Jeddah.

The second objective of the conclusion will be to demonstrate why this thesis argues that complications in Saudi-Yemeni relations go far beyond the confines of their boundary dispute. The third objective is to explain that the territorial dispute agreement proposed much more than just a definition of the boundary. The fourth objective is to offer a set of recommendations for further studies to be conducted. More specifically, there is a need for an alternative approach to managing the territorial relationship so as to ensure that any resolution achieved by the Jeddah Treaty will be a long-lasting one. In this context, the aim would be to propose a set of

prospective arrangements capable of eliminating the key problematic aspects that have been identified.

There is a point to be made that the continuing impact of this long territorial struggle on Saudi-Yemeni relations remains sizeable; and ignoring it would thus be almost as dangerous as not having settled the dispute in the first instance. Indeed, the demarcation of the boundary and the construction of fences have yet to ensure the success of the Jeddah Treaty resolution. Instead, they resulted in the non-fulfilment of most of its proposed objectives. In Chapter 5, we have seen how public sentiments of lost territory had been widely expressed and grew in intensity through the post-Jeddah Treaty period. This has led to notions of territoriality being highlighted; a situation that endures, particularly in Yemen.

The truth remains that having resolved the territorial dispute a better relationship could have been instituted between Saudi Arabia and Yemen, even though the latter was driven towards the treaty by its weak economy, which had been worsening since 1990. Of course, this is not to imply a demand for compensation for the benefit of either party. Rather, this thesis calls for a wider context to the relationship, with greater political and economic potential based on an Arabian-wide vision. This would be a crucial step forward, considering it would address a territorial dispute that had been on-going since the 1920s, with serious harmful consequences for bilateral relations between the two countries. Such a perspective argues for a concerted, organised effort to successfully improve this brotherly relationship, making this the prime aim of resolving the territorial question.

### **6.1. Problematic aspects**

The previous chapters have investigated crucial aspects and characteristics of the Saudi-Yemeni territorial boundary dispute. The resulting findings demonstrate that the dispute, which erupted in the 1920s, had been for almost eight decades the cause of complex difficulties, affecting Saudi-Yemeni relations to a significant degree. Despite several agreements being concluded in the course of this dispute, one cannot

rule out the possibility of a lingering restlessness, stemming from deeply-rooted nationalistic sentiments.

Firstly, the findings of this thesis confirm that, at its origins, the territorial boundary issue had been complicated by extensively-overlapping claims by both parties. As such, it was classified as a territorial conflict over the large area being disputed between Saudi Arabia and Yemen.

Secondly, the substantial impact of the colonial legacy on Yemen largely explains a deeply-embedded nationalist view which holds colonial policies responsible for the loss of Yemeni territories to Saudi Arabia. This view of the colonial role is widely held, virtually attaining the status of popular wisdom. In fact, although the role played by the Ottomans is viewed with little sympathy, most of the blame is nonetheless directed towards the British presence, over 130 years, in southern Yemen (1839-1967). Indeed, the Ottomans had failed to extend their authority over the whole of Yemen, withdrawing in 1919 and leaving a country fragmented between several tribal *sheiks*. The southern part of Yemen, under British occupation, was also divided along tribal lines, but into entities that London recognised to be independent states.

Furthermore, the drawing of the Yemeni-Saudi boundary was first undertaken during negotiations between Britain (as the colonial power controlling the southern part of Yemen,) and Ibn Saud over the eastern section of the boundary. In fact, although Britain had no direct involvement in the western section, which Yemen negotiated with Saudi Arabia, the issue was, nonetheless, substantially affected by colonial interference. This was partly a consequence of the Ottoman legacy, but as we have seen in the previous chapters, the position of Imam Yahya was further complicated by imperial policies; Britain's in particular, but also those of other European powers such as Italy.

The third problematic aspect of the dispute is that changes in territorial control over the boundary region have only come as the result of the use of force. Unsurprisingly, the colonial legacy was a crucial factor: when the dispute erupted between Ibn Saud and Imam Yahya, the former benefited substantially from external support, not



merely for being seen as a pragmatic leader, but rather because the Imam himself was clearly not.

Indeed, this was a sensitive issue for the nationalistic Imam, having to face up to a Britain that was not only the most influential power in the region at the time, but also the power occupying the southern part of the country. As a result, external interference in the dispute has generally been to the advantage of Saudi Arabia, notwithstanding the relatively minor assistance that Yemen received from friendly powers, including Italy. Thus, Asir and Najrān were incorporated into Saudi Arabia by force, the most notable display of which being the short war of 1934.

The fourth problematic aspect relates to the common perception that Saudi-Yemeni relations have been complicated by an extreme sensitivity regarding the unbalanced levels of power between the two countries. Indeed, there is, among Yemenis, a widespread belief that their country was the loser, and that Saudi Arabia had achieved its territorial goals at the expense of Yemen because of this disequilibrium in power (see Figure 6.1).

It is widely believed that the evolution of the Saudi-Yemeni boundary has always been subject to the power exercised by Saudi Arabia over Yemeni interests. In fact, it has even been argued that the Saudis have been continually pushing any delimitation marks further south primarily along the borderlands in the Rub-al-Khali. Most importantly, Saudi Arabia had enormously benefited from leveraging its wealth and influence to expand into Yemeni territories.

A systemic examination of historical trends demonstrates that Sana'a has always been the weaker party (see Chapter 5). As a result, there is a common perception that Saudi Arabia has been engaged in a long-running expropriation of Yemeni land. In fact, the stereotype of Saudi Arabia as an expanding state quickly became widely accepted, not only in Yemen, but also in certain GCC countries that also had territorial disputes with the Saudis. Ultimately, it is important to recognise that Saudi influence had extended to Yemeni policy regarding its negotiations for a settlement of the territorial dispute. It is worth noting that the popularity of these allegations, which claimed the boundary issue, due to Saudi influence, had resulted in 'repeated territorial

concessions', failed to impress the Saudis. Moreover, speculation persists that Saudi influence had been channelled through Yemeni officials and public figures who mostly served Saudi interests including the territorial issue, in return for hand-outs, complicating the issue further.

Unsurprisingly, complaints of excessive Saudi influence were brought into light in numerous speeches and statements by prominent politicians, including the Yemeni president, Ali Abdullah Saleh, prior to the conclusion of the Jeddah Treaty in June 2000 and during the post-settlement era.<sup>1</sup> This had been expressed also by official publications such as *Al-Thawrah* newspaper, as well as by opposition members and the independent media. Serious complaints continue to be voiced in Yemen about Saudi influence, seen as a major source of resentment and frustration to the present day.<sup>2</sup>

Usually, when Yemen blamed external influence for any incidents, most fingers would be pointed towards Saudi Arabia, regardless of whether the allegations were true or not. This is due to Riyadh's perceived role of exerting continuous influence on Yemen and its domestic politics. These allegations continue to be widely and publicly expressed, despite the resolution of the territorial boundary dispute.<sup>3</sup> Also particularly worth noting is the fact that the political discourse, especially in Yemen, reflects such a belief, even leading to Saudi Arabia being nicknamed the 'Big Sister' for its influence on its neighbour (see Figure 6.2).<sup>4</sup>

What is of great significance in this context is the widely shared public denunciation in Yemen of attempts by the Saudis to base their territorial claims on the inhabitants' citizenship. Indeed, as it had with Britain in 1955 (as illustrated in Chapters 4 and 5,)

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1 Interview with President Saleh on (*Al-Wasat*, 15 August 2007).

2 Concern is that such a situation is also a source of dissatisfaction most importantly for reference started to be heard in Yemen to the Vienna Convention on the Law of Treaties of 1969, acknowledges that the state "may invoke such corruption as invalidating its consent to be bound by the treaty".

3 See *Al-Tagamū'a*, 19 June 2000. *Alwahdawi*, 20 June 2000. Abdul-Jabar Sad (*Al-Wasat*, 2 March 2005). *Al-Balagh*, 27 December 2005. Jamal Amer the Editor-in-chief of *Al-Wasat*, 20 December 2006. Mohammad Saleh Al-Bukhaity (*Al-Ummah*, 22 February, 2007). *Al-Wasat*, 2 May 2007.

4 See *Elaph*, 23 October 2007.

Yemen accused the Saudis of trying to win over the frontier inhabitants as part of a deliberate policy of annexing territory in the borderlands. Although negotiations for the Jeddah Treaty had to address this issue, the frontier inhabitants' "affiliation to one of the two parties" was recognised as a valid basis for claiming title to territory by an Article of the Jeddah Treaty of June 2000.

The critical vulnerability of virtually every territorial agreement concluded by Yemen with Saudi Arabia must be noted – a situation in which agreements that were far from ideal had nonetheless been accepted by the Yemenis, mainly in order to avoid then-prevailing difficulties overwhelming their country. Since the 1920s, most Yemeni agreements with Saudi Arabia were achieved either after a military confrontation or at a difficult economic or political juncture in Yemen's history. For instance, Imam Yahya had concluded the 1934 Taif Treaty primarily to give himself more time, by simply postponing a thorny issue for a further twenty years. It is worth pointing out that, at the time of the treaty's signature, Imam Yahya was struggling to unite his country while addressing constant challenges, ever-present since he assumed power in 1918, by tribal *sheiks* who opposed his authority, as well as by Britain, the occupying power over the southern part of the country (territory he claimed as rightfully his).

In such a context, successive Yemeni governments, particularly in northern Yemen (before the 1990 reunification,) have often tried to avoid any actions liable to antagonise the Saudis. During periods of harmonious relations between the two neighbours, there was, nevertheless, often a fear that the Saudis might, at any moment, reduce the much-needed financial support they were providing to Yemen, or that they would intensify their influence on Yemeni internal politics through their patronage of and contacts with Yemeni political figures and tribal *sheiks* whose allegiance Riyadh had successfully secured.

As shown in Chapter 5, the Jeddah Treaty was signed at a time when Sana's was faced with serious economic and political difficulties. Yemen had just been reunited in 1990, engendering substantial costs that were severely increased by the civil war of 1994 (a conflict, it must be noted, in which Saudi Arabia and other GCC countries

played a negative role). Furthermore, Yemen was made to pay a heavy price for its position towards the invasion of Kuwait by Iraqi forces in August 1990. Hence, despite the peacefully achieved settlement of 2000, it is worth observing that it had been concluded in a similar context to that of previous agreements, i.e. after a military confrontation that had engendered a transfer of territory from the defeated to the victor. This is highly relevant, since - as has already been illustrated - the belief that Yemen accepted the Jeddah Treaty at a time of weakness is widely prevalent, especially among Yemenis. Unsurprisingly, this resolution has become overwhelmingly perceived in Yemen in a negative light.

As such, the Saudi-Yemeni dispute - supposedly resolved by the June 2000 agreement and a territorial resolution intended to be final and permanent - has in fact resulted in a situation likely to remain problematic and liable to erupt again, as highlighted by the findings of this thesis. Indeed, concerns that the dispute would witness a new phase of complications that might bring the 2000 agreement itself into question are clearly justified.

Of course, no amount of legal guarantees can definitively prevent territorial disagreements from ever erupting again. However, an ideal solution to this dispute seems very hard to envisage within the limited framework of a mere territorial dispute. Indeed, as has been argued in Chapter 5, the Saudi-Yemeni dispute may be comparable to the earlier territorial conflict between China and Russia and, as such, there is a real possibility that a future Yemeni government, possibly prompted by public pressure or by other considerations, might declare itself unsatisfied with a previously-concluded agreement and consequently reject it and demand that it be renegotiated.

Despite the June 2000 agreement, popular feelings in Yemen of having lost territory that rightfully belonged to them have continued to be vocalised, playing a growing role in the country's internal politics as well as in its relations with Saudi Arabia, which have always been uneasy in any case. It is thus necessary to stress the resulting uncertainty that is bound to characterise the future of Saudi-Yemeni relations, not only because the boundary agreement had been concluded under conditions that were

far from ideal, but, more worryingly, because concerns are growing that Yemenis might not regard such a solution as the right one.

Although the wider problems associated with the dispute may remain dormant, dissatisfaction with the treaty's outcome continue to be voiced in Yemen. There is therefore always the latent possibility that the issue could rouse powerful nationalistic sentiments which could subsequently be exploited by a populist regime, under the guise of patriotism, for whatever electoral (or other) purposes. Since territorial issues are effective mobilisers of mass emotional sentiments, any concession or loss of territory is politically critical if exploited for political aims, as noted in Chapter 3.<sup>5</sup>

Increasingly, within a democratising world, public opinion over matters such as territorial resolutions is of utmost importance, as it constitutes a prism through which national history is perceived. Indeed, it would be remiss to rule out the real possibility that hostilities between Yemen and Saudi Arabia might recur again. Notions of lost territories, after all, always create the possibility that heated feelings on both sides might be prolonged. As such, the failure of the Yemeni government to regain the territories it previously claimed to be an integral part of the national territory is highly crucial to our understanding of future prospects (see Appendix 6.1 and Figures 6.3, 6.4, 6.5, 6.6).

In this regard, Halliday went as far as asserting “with only a little simplification, that the main ‘national’ enemy of Yemen is a neighbouring Arab state [Saudi Arabia]”.<sup>6</sup> It is certainly the case that Saudi Arabia is still seen as a significant player in Yemeni politics. For instance, during the recent uprising against President Saleh (part of the wider ‘Arab spring’, which erupted in early 2011), Riyadh was blamed for being on the side of the President against the people’s will and desire for change. However, despite popular anger in Yemen being directed against Riyadh for its position during the uprising, widely seen as interference in a domestic issue, much of this anger was nonetheless linked, to a great extent, to references to the lost territories.

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<sup>5</sup> Hensel, 1999: p. 119. He refers to the dispute between Bolivia and Paraguay over Chaco as an example.

<sup>6</sup> Halliday, 2000: p. 64.

With this in mind, expectations remain that hostilities could erupt again, despite matters having been resolved in legal terms (as discussed in Chapter 1). After all, a settlement in international law is not always a guarantee that a regional problem has been removed. The danger can be traced to a common feature of territorial issues, namely that one party had been forced to unwillingly accept a disadvantageous territorial solution by the other, more powerful, party. In such cases, it is entirely possible that the population in such a country will continue to harbour strong resentments, which would remain latent but critical and potent nonetheless.

It is worth pointing out that the problem does not simply relate to the legality of the title to the territory being disputed – i.e., a problem definable in international law. What must also be taken into account is the political legacy of the historical and cultural dimensions of the territory– i.e., the historical territory of Yemen, as imagined by the Yemeni nation.

Territory is a crucial element, with its own critical dynamics that do not arise solely for legal reasons. In this respect, it is important to comprehend some of the potent aspects of boundary disputes. Such interstate difficulties need a precise understanding; as such issues are often raised cynically and, when politically triggered in such a manner, are highly likely to lead to the outbreak of armed hostilities.

In this respect, it has been said that any “territorial solution – no matter how fair it may seem – carries with it the risk of future attempts to regain lost territory”.<sup>7</sup> Clearly, there is a high probability of the recurrence of hostilities in cases where one side has achieved its territorial goals at the expense of the other.<sup>8</sup> This is generally the result of disequilibrium in the balance of power between the disputants, which leaves the momentary loser with a “powerful incentive to try to regain its lost territory and

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7 Bowman, 1946: p. 178 (quoted in Hensel, 1999: p. 123).

8 Bowman, 1946: pp. 180-181 (quoted in Hensel, 1999: p. 123).

to overcome some of the damage to its national pride or honour, should the opportunity arise in the future”.<sup>9</sup>

## **6.2. More than just a boundary dispute**

It is part of the findings of this thesis that the Saudi-Yemeni case is more than a mere territorial boundary dispute. Rather, it is a case that calls not only for a legal solution, but for a political one as well. In this regard, the Jeddah Treaty has been no more than a compromise between negotiating parties, reached in the context of specific circumstances and a complex situation, after almost eight decades of altercation over territories. Accordingly, it can perhaps be argued that the Yemeni Government ultimately concluded the Jeddah Treaty as a compromise that had been reached at a much earlier stage of the negotiations. Moreover, considering the territorial dispute was expected to be the main topic of concern, other demands might not have received adequate recognition. It is also arguable that perhaps one of the parties had more to gain from preventing a truly progressive blueprint for genuinely improved relations.

In this context, it is worth emphasising that the territorial disagreement between these two neighbouring was not about territory that the disputants can actually identify in terms of area, or which they can associate with a specific community. Indeed, the history of the Saudi-Yemeni dispute indicates that there has always been an extensive overlap between competing claims and the counter claims, particularly as imagined by Yemeni nationalists (notably the Yemeni claims over historic territory that includes Asir, Najrān and the Rub-al-Khali). Thus, it is clearly difficult to predict what possible solution would prove satisfactory for both countries. It is, consequently, arguable that hostilities could break out again, potentially prompted by an eruption of emotional sentiments over lost territories still considered integral parts of the country, and compounded by the Yemeni government’s failure to recover them.

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<sup>9</sup> Hensel, 1999: p. 123.

The idea of Yemen's historic territory resembles a fixed image that paints a just solution to the territorial boundary dispute with Saudi Arabia. It is evident that such image of historic territory is widespread, for instance, as noted in Chapter 5, the present area of Yemen has never appeared in any Yemeni statistical publications since June 2000. Such an image of historic territory would entail no less than the return of what Yemenis believe to be their lost historic territories. And yet, evidently such a solution is simply not possible. In fact, to envisage a scenario that would satisfy Yemenis, which would thus necessarily include the Saudis returning the desert of the Rub-al-Khali, or to dream that the Saudis might give back the districts of Asir and Najrān, is simply not a realistic aspiration, and is one that is impossible for the Saudis to even contemplate, let alone accept. As such, returning the disputed territories to Yemen today would not be the solution either, not least because such a dream has actually become impossible.

Notwithstanding their eventual success in concluding a boundary agreement, it would perhaps have been preferable had an all-encompassing treaty been reached - one that tackled, simultaneously and explicitly, all points of bilateral contention. If there were any (wider or behind the scenes) deals, they ought to have been part of an agreement to which both sides would commit under international law. This would have set out a clearer course for an improved relationship and, ultimately, might have provided new opportunities, not only for the populations of both states but for the region as a whole. In this context, a practical, detailed road map for better relations would surely have been more welcome than the repetition of some of the routine Arab rhetoric regarding 'unity', 'brotherly relations', 'two people belonging to one great nation' and so on.

It could be argued that it would probably have been better if Ibn Saud had succeeded in achieving his ambitions, and had united the whole of Arabia, rather than expanding over most of the Peninsula, driven by the prospect of economic interests. Instead, he addressed only part of the problem but bequeathed others aspects of it, which have become thorny issues persisting to the present day.

The contemporary, territorially-defined states do not reflect any historical traditions of politically-organised spaces. As a result, the consolidation of the nation-state,



especially in Saudi Arabia and Yemen, would only further intensify the significance of territory, heightening the sense of separate identities within each state as well as causing tensions in interstate-relations (as discussed in Chapter 5). Simply put: history matters, as illustrated in the introduction.

History, with its ability to trigger national sentiments of longing for lost territory has proved a negative factor in as much as it has fuelled public Yemeni desire to pursue the historical territory of Yemen. In fact, there is evidence (see Chapters 1 and 5) that a historical narrative that aims to consolidate the formed identities not only has been problematic in interstate relations, but has also proved so within the states themselves. And yet, at the same time, pride in the past can surely provide a valuable sense of continuity, and thus remains relevant today for Arabians as a whole.

There are elements hindering state-building in almost every current nation-state in Arabia, each of which remains divided along regional or sectarian lines. For instance, Saudi Arabia is divided regionally into at least three parts: Najd, Al-Ḥijāz and the southern part of the country (Asir, Jīzān and Najrān). However, the Najdis are the most powerful segment of the population and their religious doctrine, Wahhabi Islam, is the dominant one in the country. In the case of Yemen, the segmentation is along a number of lines: the country is divided regionally into north and south as well as topographically into the mountainous districts and those in the valleys or deserts.

The previous chapters have shown that Saudi Arabia and Yemen are part of a region that has been distressed by its agonising political structure. This is a legacy of the triumph of the nation-state system in Arabia, and one which continues to carry enormous problematic implications for the region. Not merely has it resulted in the artificial transformation of the Arabian Peninsula in the twentieth century into territorial nation-states, it brought with it the enormously difficult repercussions witnessed since. Applying the notion of territorial demarcation to Arabia was always likely to prove problematic, due to competition over land having been quite anarchic (as illustrated in Chapters 1 and 4). Unsurprisingly, these territorial divisions have been problematic for Arabia and, in the case of Yemen, have instead intensified the feeling of being completely squeezed out.

A fundamental belief shared by most Yemenis is that they are part of their region, its history, social fabric as well as its present and future. As such, they look back to a time when the entire region benefitted from the economic activities of South Arabia. Such historical resonance and context have been fundamental: for centuries, South Arabia, where Yemen is located, was central for the survival of the peninsula, being home to the traditional economic activities of the region, mainly agriculture, trade and valuable commodities, as illustrated in Chapter 1).

The adoption of the nation-state system in the Peninsula has coincided with considerable economic developments, notably the discovery and production of oil in large quantities. This represented a significant change from a past in which labour, as well as capital, used to move relatively freely in a highly sensitised, traditional system of circulation. Indeed, flexibility and free mobility, which Arabians had enjoyed for centuries, has become extremely limited, if not brought to an end, because of the evolution of the sovereign state system. These territorial divisions have clearly been problematic for the region, especially in their impact on mobility. However, although no country is immune from their implications, Yemeni nationals today are those most affected, especially in their attempts to move freely into Saudi Arabia and other Gulf countries.

For Yemenis, the imposed Westphalian system of sovereign states only intensified a widespread feeling of being at a comparative disadvantage, which many had always felt wherever their relations with their neighbours are concerned, especially with wealth having shifted north from South Arabia to places where petroleum and natural gas have been discovered. This reversal in fortunes has been made even more evident by the fact it had coincided with the imposition of boundary lines, from which the new realities have emerged, ultimately preventing nationals (particularly Yemenis) from engaging in economic activities in neighbouring countries.

A commonly articulated argument is that Yemen, and Yemenis, have been cut-off from the benefits brought about by the economic changes undergone by the Peninsula over the past century, notably the discovery of oil. For Yemen, territorial boundaries have rather intensified this feeling of being completely squeezed out, especially as

changing economic trends have attracted the frontier tribes and populations in the rich states into new economic activities, replacing old established ones such as grazing, or dwelling in search for water. This situation eventually contributed to exacerbating tensions between neighbouring populations, due to resentments over the negative repercussions of the territorial boundaries.

While boundaries on the map have been turning into fences and concrete barriers across the Peninsula (see Figures 5.8 and 6.7), one of the implications of such developments has been the intensification of a common feeling in Yemen of having been vastly disadvantaged since the evolution of the present sovereign states. As a result, Yemen today finds itself in a geo-strategically challenging position (as illustrated in Chapter 1). Such widespread feelings have engendered a level of cynicism that was crucially aggravated when the hopeful optimism that had engulfed Yemen in the wake of the June 2000 agreement slowly dissipated into disappointment (see Chapter 5). Yemeni nationals looking for work have found themselves viewed far less favourably today than they had been prior to 1991, not merely in Saudi Arabia but in several other Gulf countries. Meanwhile, millions of workers from countries outside the Peninsula have been allowed into the newly created nation states in the Peninsula.<sup>10</sup> The situation is further complicated by the fact that Yemen, despite being larger than all its neighbours put together in terms of demographic weight (with probably more than 24 million inhabitants in 2012,) has nonetheless been left out of the region's oil bonanza.<sup>11</sup>

Mobility, as Wilkinson argues, is “essential to existence”,<sup>12</sup> and not merely for the economic benefits it grants. As such, the flexibility and mobility which the people of the Peninsula had enjoyed prior to the evolution of the sovereign state system impacted on other life aspects as well. For instance, it ensured the survival of various political religious scholars and groups; as those who felt unsafe in their home region

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<sup>10</sup> Forsythe, 2011.

<sup>11</sup> The last census of 2004 estimated the total number of Yemen's population at a round, 1,968,5161. With around 3% annual growth rate of population, in 2008 the number increased to 22,198,000 (the Central Statistic Organisation).

<sup>12</sup> Wilkinson, 1991: p. xi.

were able to move easily to other parts of the Peninsula. It can thus be argued that mobility played a substantial part in allowing minorities to survive and flourish, probably much better than is the case within the nation-state system where, as has happened with Wahhabism in Saudi Arabia, the dominant group often uses its grip on power to enforce its own specific doctrine or ideology upon the rest of the population. Moreover, unlike the situation within sovereign states, alliances between adherents of the same religious doctrine were easily established and proved useful for mobilising support.

With this in mind, a regional integration approach ought to meet with substantial success, for Arabia has no major ethnic or linguistic differences among its populations that could have enforced a separation between communities, as has often been the case in other parts of the world. Indeed, Yemen and Saudi Arabia might have been able to eliminate the complications that had been deepening between them during decades of territorial hostility. Instead of intensifying unnecessary aspects of nationalism, it would have been better to adopt a hopeful perspective towards history, envisaging a future that would benefit the Peninsula as a whole. Indeed, the golden ages from which Yemenis derive their sense of continuity belong to all Arabians. Such a view is hardly novel: it is in fact supported by the same sources and based on the same arguments that drive nationalist narratives.

Clearly, negative nationalistic ideologies should be replaced with an outlook that offers a wider vision and a safe approach for apprehending history. This would entail a call for interpreting history in a way that satisfies even the nationalists, based on common Arabian history and a social fabric that all Arabians proudly share and belong to. Such a perspective would offer a clear break from the prevalent corrosive narratives that have been eroding relations, not merely between Saudi Arabia and Yemen, but among all Arabian states in general.

This should not necessarily be understood as a call for political unity. This thesis agrees with the view that the nation-state in the Arabian Peninsula has become a fact (see Chapter 1). However, the attraction of the idea of unity was evident even during the reigns of Ibn Saud and Imam Yahya, and possibly remains so today. Of course, it

can certainly be argued that neither of these two leaders nor the present leaderships of either country have considered the idea of unity seriously, yet this remains a potent notion, if adopted positively.

For Arabia, this is a notion that can generate the necessary political drive towards uniting a single homogenous population with a single dominant language, culture and several other shared characteristics. As this thesis has shown, such a notion has been more successful in marshalling popular support for bilateral territorial settlements than appeals to mere political and materialistic interests. This was in evidence in Saudi-Yemeni negotiations in the 1930s (see Chapter 3), as part of the Taif Treaty. It was also present in convincing the Yemeni public to embrace the Jeddah Treaty more than six decades later (see Chapter 5). And yet, the use of powerfully symbolic notions such as pan-Arab unity has also, to an extent, heightened Yemenis' feelings of losing territory, especially as unity and the interests of regional integration are still missing from the present political horizon.

While present nation-states remain the dominant units of organisation, there is no harm in resurrecting a common Arabian history within which Arabian continuity is rooted in a shared past; a historical narrative that might well prevent many of the unpleasant consequences that continue to reverberate from their initial formation. It is thus proposed that negative nationalistic ideologies should be replaced with an outlook that offers potential benefits to the Peninsula as a whole. The aim is to take the popular will and aspirations of Arabians into consideration, while any unnecessary elements, likely to cause fractures and hostilities, should be ignored.

Political unity is thus not necessarily the aim but a potent perspective that can bring about those greater potentials and benefits likely to emerge from a broad vision for Saudi-Yemeni relations, and possibly for Arabia as a whole. Moreover, it apprehends the importance of these benefits through a collective prism. In Europe, where regional integration has been impressively successful, political unity has not necessarily been the final aim; and yet the creation of a single European identity is not out of the

question,<sup>13</sup> leading many to raise the possibility of a single European identity developing at the expense of its component national identities (with their symbolic meanings and attachments).<sup>14</sup> In an Arabian context, therefore, it could be argued that the people are more genuinely linked with each other through a common history and itinerant symbols than is the case for Europeans. Thus, unlike in Europe, the notion of a wider Arabian identity would represent a consolidation of an already deeply entrenched identity, as well as the realisation of aspirations shared by all Arabians.

### **6.3. Solving the territorial dispute proposed much more than just a boundary definition**

However, this thesis acknowledges the need for territorial limits, so as to enable people to distinguish between different sovereign authorities - a task that the Jeddah Treaty can perfectly perform. The findings of this thesis have shown that an improvement in Saudi-Yemeni bilateral relations was a crucial drive behind Sana'a's desire to resolve the dispute in the 1990s. Indeed, such an objective has been a key part of most, if not all, of the important agreements concluded between Riyadh and Sana'a since the 1930s. Particularly relevant in the current context is the fact that this aspect has been evident, not merely in the shape of agreements that were specifically concluded so as to improve bilateral relations, but also in those agreements ostensibly intended to resolve territorial conflicts. In effect, improving Saudi-Yemeni bilateral relations was not just a prospect for the post-resolution era but, instead, this ambition had been made a clause of the legal treaties, to which Saudi and Yemeni leaders had both committed their respective countries by taking the necessary steps towards achieving them.

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13 Forming a single European identity has not been declared as the final aim for the European Union, but one cannot deny that there is a belief that it is developing as a result of the success of the integration process. Another similar experiences, the Asian model, also does not distance its future plans from possible political integration. Yet, in Europe the idea of unity as the possible final stage for the European Union has been and remains among politicians and in the academia a subject of important debate.

14 Smith, 2001, pp. 123-127.

As made evident by the historical record, although the Al-‘Arw Treaty of 15 December 1931 - considered the first major tension to complicate relations between Ibn-Saud and Imam Yahya - can be traced to their struggle over territories, the resulting treaty was mainly concerned with bilateral interests. Likewise, although relations were tense in 1933, due to conflict over territories, several proposals for improving bilateral relations were put forward by both Ibn Saud and Imam Yahya.

The Taif Treaty of 1934 remains significant in this regard for presenting a vision of future cooperation, and was probably too far ahead of its time. It introduced profound and ambitious plans for economic and political cooperation, and possibly regional integration. Indeed, while the movement of labour today is mostly a Yemeni issue, it was, back in 1934, of primary concern to the Saudis, for whom guaranteeing free movement between Saudi Arabia and Yemen was a prime objective and a vital economic imperative. Indeed, even the inhabitants of Asir and Najrān - who had come, according to the Taif Treaty of 1934, under the authority of Ibn Saud – had sought the right to move freely into Yemen. The Saudis naturally feared that any negative consequences that would prevent these tribes from fulfilling their traditional customs could trigger their objections to the treaty itself and, consequently, to the authority of Ibn Saud. As a result, Ibn Saud delayed his ratification of the Taif Treaty and demanded that Yemen accept one more appendix stipulating that the freedom of movement of nationals, whether for trade or for Hajj (Islamic pilgrimage), or for any other purposes, would remain unchanged (see Appendix 3.2).

The most important development was in the 1990s (see Chapter 5), when enthusiastic acceptance of the Taif Treaty, particularly within Yemen, became noticeable due to the promising prospects it seemed to augur of a more fruitful neighbourly relationship. Sana’a was interested in the full restoration of the rights previously enjoyed by Yemeni workers in Saudi Arabia before the Iraqi invasion of Kuwait and its aftermath. Yemen was also seeking a resumption of Saudi financial aid to Sana’a, which would have certainly convinced the latter to accept the boundary settlement. However, although the importance of the Taif Treaty clearly stemmed from the wisdom of its provisions, these have never been implemented.

Indeed, (as discussed in Chapter 5) President Saleh mentioned this treaty as the reference for Saudi-Yemeni relations on numerous occasions, also referring to a similar commitment by King Fahd. Additionally, Saleh told reporters after the Jeddah Treaty was signed in the Saudi Red Sea city of Jeddah, that "[t]his accord is very satisfactory and it is not prejudicial to either of the two parties".<sup>15</sup> Significantly, he added that it also covered "the movement of citizens from the two countries" and would "stimulate two-way trade".<sup>16</sup> This explains why both the MoU of 1995 and the Treaty of Jeddah of June 2000 have confirmed the validity of al Taif Treaty of 1934. All were later superseded by the Jeddah Treaty, which established the final and permanent line to be demarcated and depicted on maps.

Article 6 of the MoU of 1995 states that a joint ministerial committee would be formed "to develop economic, commercial and cultural relations between the two countries and to consolidate cooperation between them". Furthermore, the same article confirms that this ministerial-level committee would commence its duties within a period of one month, exactly the period granted to the committee in charge of renewing border marks. The Jeddah Treaty of June 2000 also reaffirms the commitment of the two parties to the MoU of 1995, which contains, as already stated, an article explicitly concerned with the improvements of bilateral relations.

For the Yemeni government, however, the inclusions of such items (confirming the legality of the Taif Treaty and affirming commitment to the MoU) within the treaties must have meant significantly more. Of course, it can be argued that this reflected the importance of the tasks assigned to this committee by stipulating the creation of a ministerial-level committee. And yet, whereas the Joint Committees charged with work relating to the boundary had commenced their meetings soon after the ratification of the MoU in May 1995, no activities relating to the bilateral cooperation committee were reported during that same period. Perhaps, for the Saudis, only those

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<sup>15</sup> BNA, 13 June 2000.

<sup>16</sup> Ibid.



provisions of the Taif Treaty that addressed the establishment of the boundary seemed to be of interest.

Ironically, it is Sana'a who is today pleading for the implementation of the aforementioned agreement of 1934, which Riyadh has been completely ignoring (as examined in Chapter 5). This is why the Jeddah Treaty, as illustrated earlier, was received with such public optimism amongst Yemenis, as it seemed to indicate Saudi Arabia would, once again, welcome Yemeni labourers back to work in the Kingdom. Indeed, it was widely anticipated that the privileges and special treatment enjoyed by Yemeni workers in the Kingdom until the breakout of the Gulf Crisis in 1990 were going to be reinstated.

Although a serious dispute had been resolved by the two states, the extent of bilateral relations since June 2000 has fallen far short of the levels anticipated prior to the conclusion of this treaty. The extent of mounting disappointment observed since June 2000 has merely given further indication that the factors that have hindered the two states in their efforts to overcome the alienation that had complicated their relationship for decades continue to be ignored. Immediately after the signature of the Jeddah Treaty, it became evident that the path chosen by the central authorities could only lead the two countries back to a situation reminiscent of their past relationships, especially in the 1990s.

For this thesis, the very fact that the process of resolving the Saudi-Yemeni territorial dispute became possible is clearly ground for optimism. It shows how the successful model of internationalism, which has been frequently cited both prior to and after the resolution, can be an example for a better future. Moreover, when optimistic public expectations in the wake of a territorial resolution end in disappointment, as in the Yemeni example, any reservations in this regard, hitherto kept in check, are likely to come up to the surface. Indeed, there is bound to be disappointment if optimistic hopes for the future end up being largely unmet following the dispute's resolution. The consequences will be the loss of an invaluable opportunity and the dissipation of significant potential for conciliation and progress for both states, as well as for the

region as a whole. Success must involve an acceptance, by both parties, of the need to consider other perspectives for ensuring the success of the Jeddah Treaty.

#### **6.4. The need for a coherent regional order is vital**

Alas, it has been evident that norms of sovereignty and nationalism in Arabia have served to further dash hopes of mutual prosperity and of a Peninsula modelled on twenty-first century examples of regional integration, such as the EU. Yet, this is not a call for emulating the mentioned model; rather the idea is to offer a recommendation for further researches for the applicability of such an example, with particular consideration for Europe's experiment of cross-border cooperation. The point is to underline practices of internationalism and to explore whether they are applicable in the Arabian Peninsula context. Indeed, the European experiment of regional integration, as well as trans-national regional cooperation, has been successful in enhancing peace and expanding the opportunities offered to its populations. Of course, this apparent success in Europe has to be qualified and considered in context before an adequate understanding can be achieved of its potential to affect a regional Arabian settlement.

The point remains that it would be to the benefit of Saudi-Yemeni relations, and to that of the Peninsula as a whole, if the present governments in these two neighbouring countries, and possibly the other states in the region, were to harness to a greater extent the similarities traditionally shared by all Arabians. The future of the Saudi-Yemen relationship, as well as relations among other states in the Peninsula, lies in their success in building an appropriate order capable of enhancing regional integration between the present states. The Arabian Peninsula, as a whole, is in need of a rational organisation of the relations between the sovereign states presently lying within it. Building such a regional order is meant to reduce the excessive use of state sovereignty and the principles of nationalism. In other words, the region is in need of arrangements capable of organising and managing relations between present states in a way that effectively enhance their collective ability to confront the hazardous impact of turbulent regional geopolitics while preserving the interests of their populations. Most importantly, Chapter 5 provides an analysis of the dynamics of

regional geopolitics and, in particular, those which impact on the territorial issue that Jeddah Treaty supposedly resolved.

Furthermore, such a novel organisation, with a wider perspective, would enable the Peninsula to interact globally and to maximise the benefits it can reap from the various opportunities offered by globalisation. Indeed, this thesis stresses the importance of contemporary models of regional integration, as showcased by the example of the EU, which have secured increased economic performance and lasting political stability, thus becoming ideally suited to face contemporary and future challenges.

The EU today provides a good example of the success of regional integration in strengthening the stability and prosperity of its member states. The adoption of such a wider vision would be remarkable, were it to be realised. There are two main points. First, these two neighbours, as well as the rest of the Peninsula's states, have common interests and concerns that compel them to interact within a system similar to the European integration model of the EU. Second, Arabia's failure in establishing genuine institutionalised cooperation has some bearing on its instability, as well as for confronting the unnecessary yet dangerous implications of its regional geopolitics.

History proved to Europeans that the establishment of international boundaries has always been challenging, particularly where the territorial arrangements had been tailored between the victors and the defeated. In this regard, Prescott provides a brief discussion of important and pertinent examples from Europe. Extreme territorial changes were generated as a result of wars and hostilities across the continent, and often came to be as a culmination of major events: the Congress of Vienna in 1815, the Congress of Berlin of 1878 and the peace treaties after both World Wars.<sup>17</sup> Undeniably, Europe has successfully overcome enormous difficulties to bring about the supremacy of the law and democratic political institutions; and to secure general public political loyalty towards the state. Beyond a simply regional level, the EU has become the most advanced regional institution of its kind.

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<sup>17</sup> See Prescott, 1987: pp. 178-191.

The creation of the EU was the successful product of a process aimed at eliminating those sources of conflict that the continent had inherited; particularly the territorial changes it had undergone which had hitherto been the major causes of instability. The earliest organisation of this kind was the European Coal and Steel Community (ECSC), formed in 1953. This venture was soon followed by the establishment of the European Economic Community (EEC) in 1957, based on the Treaty of Rome.

Most importantly, since the role of boundaries in their traditional sense of barriers has definitely receded further with the conclusion of the Maastricht Treaty (formally known as the Treaty on EU, 1991), which came into force on 1 November 1993. As a result, the European Economic Community was renamed the European Community and embedded into the EU. Significantly, as Prescott commented, the creation of the EEC “has reduced the divisive nature of some European boundaries and made it easier for people, goods, and ideas to circulate”.<sup>18</sup> Indeed, unlike the situation in other continents, whether in Asia or Africa, where states’ interactions remain complicated by issues related to the adoption of the nation-state system in these parts of the world, Europe, the original home of the nation-state, may ironically be about to experience substantial changes. At the time when the nation-state system seemed more consolidated than ever, the countries of Europe have embarked upon collective co-operation.

In such a context, while the successful regional integration and inter-dependence have become a necessity for confronting contemporary and future challenges, it is also in Europe that initiatives of cross-border cooperation are flourishing, both within member states of the EU as well as many beyond it. The European Regional Development Fund (ERDF,) the prominent source of financial support for these initiatives, was established in 1975 with the objective of supporting cross-border economic, social and environmental activities, including transnational and interregional co-operation programmes.

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<sup>18</sup> Prescott, 1987: p. 192.

The European Territorial Co-operation objective is the prominent body in this regard, yet the initiative is achieved through programs like the (INTERREG) and 3 networking programmes (Urbact II, Interact II and ESPON) covering all 27 Member States of the EU. The other initiative is EUREGIO, intended to cover larger areas of co-operation such as the Baltic Sea, Alpine and Mediterranean regions. The strategic objectives of such cross-border initiatives are to promote sustainable regional development in economic, spatial and social terms where borders are no longer an obstacle. This involves strengthening the region's innovation image and credentials, showing it to be a region in which social cohesion and environmental protection are incorporated into the development and job-creation processes. They also provide a framework for exchanging experience between regional and local bodies in different countries.<sup>19</sup>

These are significant examples of how to enhance peace and expand the potential for prosperity among adjacent localities and along borderlands in general. As such, the European transnational regionalism is “driven by a desire to develop new, more responsive and effective forms of collective action - or governance - in protecting the environment, safeguarding peaceful coexistence, and promoting economic development”, as James Wesley Scott puts it.<sup>20</sup>

Of course, in the context of an increasingly globalised world, several issues and challenges remain a matter of concern for both Riyadh and Sana'a, making the contemporary European example of regional integration even more persuasive. Current trends of regional integration are considered relevant here, as there have been a significant expansion of interdependence as the appropriate means for states to work cooperatively against a broad array of threats. Additionally, in the age of globalisation, regional economies, societies, and cultures have become integrated internationally through communication, transportation, and trade. Further challenges have been international rather than national in nature. These include not just

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<sup>19</sup> Scott, 2005: p. 91.

<sup>20</sup> Ibid.

international wars, but organised crime and terrorism. Poverty, epidemics, infectious diseases, and environmental degradation have all been added to the list, as they can also have catastrophic consequences, causing tremendous damage. All of these can undermine the nation-state as the basic unit of the international system.

As a final point, it is important to note that the state of the Yemeni-Saudi relationship remains critical, as goodwill alone cannot prevent the territorial issue from being reignited and aggravated in the future. Of course, state policies and actions ought to aim at eliminating, as much as is possible, the adverse effects of any territorial disputes and confrontations. However, in order for the two states to reconcile themselves to the new territorial definition, time and patience will be needed of both parties. In such circumstances, states simply have to learn to co-exist. Thus, to argue that the evolution of the Saudi-Yemeni boundary was fraught with substantial problematic aspects and weaknesses is not necessarily intended to ignite this question, quite the contrary. The aim, instead, is to contribute to any efforts seeking workable prospects that can ensure a better future for Saudi-Yemeni relations.

Perhaps the most enduring myth about the ostrich is that it supposedly buries its head in the sand when sensing danger. Such an act, as it turns out, is likely to be in search for water, a lesson worth keeping in mind. A highly pertinent example in this sense is the Good Friday Agreement of 1998, through which the Northern Ireland question has been largely addressed. Resolving such a complicated, long running conflict provides ample evidence that those taking part in the negotiations maintained, throughout, a keen awareness of the tragedies of the past.

Indeed, the Good Friday agreement highlights the understanding, by all parties, that the final agreement represented a realistic cure without ignoring the roots of this complex historical conflict. It was understood by all parties that, on the one hand, to return Northern Ireland to the Irish Republic was not feasible but, on the other, to overlook nationalist aspirations to unity was not practical either. The agreement, therefore, acknowledged the Irish nationalists' rightful aspiration toward unity, but confirmed that Northern Ireland in its entirety remained part of the United Kingdom. Viable opportunities were sensibly left as a matter for future arrangements and

commitments within Northern Ireland itself, between the North and South, between Ireland and its neighbours and, ultimately, embedded within a larger context, namely the EU.

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