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A Brief Review on the Role of Saudi Arabia in the Progressive Development of International Law

Abstract

The Kingdom of Saudi Arabia is the largest country in the Middle East with many outstanding economic, political, and cultural unique features. Among other things, the State has had various achievements in terms of international law, regional security, and Human rights. The international law and human rights agenda of the Kingdom has always been controversial. Therefore it is important to provide a historic review of the achievements of the State and to analyse them from an international law perspective. This is the task this article in qualitative research is pursuing in three parts, namely international organisations, regional peace and security, and the protection of human rights.

Keywords: Saudi Arabia, International Law, International Organisations, Human Rights, Security.

Introduction

To better understand international law and human rights law as its prominent branch, depends on the study of historical, political, legal, and philosophical components.¹ Historically, the Persian Gulf is renowned for its pearling industry and later at the dawn of the 19th century, it began to attract growing attention for its abundant oil and gas resources.² Currently, apart from the economic importance of the Gulf, the Kingdom of Saudi Arabia has a significant role in terms of political and legal influence on other Islamic countries in the region and beyond. This country is the birthplace of Islam and is the home of Islam's holy sanctuaries. Moreover, it is the largest country in the Middle East and has long been the world's number one oil exporter.³ The modern Kingdom of Saudi Arabia was founded by the late *King Abdulaziz bin Abdelrahman Al-Saud* on 23 September 1932. Today Saudi plays a key role not only in the Middle East but also at the universal level.⁴ Apart from the religious and economic importance, the State has always had, its role in the establishment of various regional and universal international organisations, restoring peace and stability in the region, and the protection of human rights, is an issue that needs to be analytically described without any special assumption. The performance of this State may be analysed

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from different legal, historical, and political perspectives. However, this article tends to review the international law aspects of the history of Saudi Arabia. The main question is ‘what are the prominent Contributions the Kingdom of Saudi Arabia has made to the development of international law *in toto*?’ To answer this question, this article, in qualitative nature describes the achievements of Saudi Arabia in establishing international organisations, creating peace and security in the region, and the protection of human rights, respectively in three parts. Finally, it is concluded that the State’s performance in terms of international law and peace and security in the region is unique, and so far no other states could be found in the Middle East that has made similar contributions. Although some human rights criticisms have been raised against this State, these are not confined to the Kingdom and many other States in the Middle East and beyond are suffering from such drawbacks. However, in the case of Saudi Arabia, we can safely admit that its numerous contributions to the overall development of international law appear to outweigh the few alleged violations of human rights.

Saudi Arabia; A Founder Member of the International Organisations

So far the Saudi government has founded various regional and universal international organisations, besides the humanitarian initiatives and entities which will be discussed further in the third part of this article. Among the most notables are the *League of Arab States*, in 1945, the *Organisation of the Petroleum Exporting Countries* (‘OPEC’), in 1960,⁵ the *Non-Aligned Movement* (‘NAM’), in 1961,⁶ the *Organisation of Islamic Cooperation* (‘OIC’), in 1969,⁷ and the *Gulf Cooperation Council* (‘GCC’), in 1981.⁸ This indicates the active engagement the government has had with different countries and regions in terms of the progressive development of international law and international organisations.

Saudi’s Contributions to International Peace and Security

The Kingdom has always been sensitive to international crises especially in the Middle East due to Arab-Israel relations. The State has had a relatively firm stance on the Palestinian cause since the reign of its founder, *King Abdul Aziz Al-Saud*. This unwavering stance was first declared in 1929 and later at the *London Conference*, known as the *Round Table Conference* in 1935.⁹

The country has been backing and supporting the Palestinians throughout these years; since Saudi believes that these supporting efforts are an Arab and Islamic duty. Saudi Arabia has adopted many resolutions of international organisations concerning the Palestinians. It also has held and participated in numerous meetings and conferences on Palestinian issues. For instance, it has proposed the *Arab Peace Initiative* in 2002 by then-Crown Prince *Abdullah*. This plan was endorsed time and time again by the *Arab League*, in 2002, 2007, and 2017.¹⁰

Saudi Arabia also condemned the construction of the segregation wall in the Palestinian territories and accordingly the Kingdom, following the Order issued by the *International Court of Justice* (‘ICJ’),¹¹ provided the court with a

written statement, while many other countries in the region did not provide the ICJ with a similar note.¹² However, in response to these statements and other facts of the case, the ICJ issued its advisory opinion, calling upon Israel to remove this illegal wall.¹³ Moreover, the Kingdom has been the top financial aid provider for the Palestinians. It has donated more than \$6.5 billion through various international organisations and humanitarian agencies only over the past two decades.¹⁴

The Saudi government's performance in the Yemen conflict is among the most significant peace and security endeavours in the century, if not the history of the security council. Following the *Houthis'* takeover of Sana'a in early 2015, the President of Yemen, *Abdo Rabbo Mansour Hadi* was forced to flee and later took refuge in Saudi Arabia. He appealed to the *GCC* governments and to the allied States to stand by the Yemeni people and in accordance with the right of self-defence set forth in Article 51 of the *Charter of the United Nations*, 'to provide immediate support in every form and take the necessary measures, including military intervention, to protect Yemen and its people from the ongoing Houthi aggression ...'.¹⁵ Following this request from the legitimate President of Yemen,¹⁶ by 25 March 2015, a coalition of states led by Saudi Arabia and the United Arab Emirates (UAE) intervened with the aim of restoring the internationally recognised government to power.¹⁷ This led to a conflict that is still ongoing and the Saudi expenditure to restore order and to build security in the region is estimated at around \$6 billion a month.¹⁸ This was a promising initiative since the mechanism of use of force authorised by the Security Council under Articles 42 and 42 of the *Charter of the United Nations* have been successfully carried out only in two cases. The first was the operation against North Korea in 1950, and the second was the Security Council operation against Iraq after the invasion of Kuwait in 1990. In other cases of disputes, the UN Security Council has often delegated its power to use force to the NATO member states acting individually or collectively to restore peace and security.¹⁹ The Coalition of States led by Saudi was arguably the first independent regional arrangement that directly resorted to force, not only in accordance with the provisions of Article 51 of the Charter but also in line with the Security Council resolutions and stance on the issue.

So far, the Saudi government has had a key leadership engagement to continue the interoperability of combined maritime forces and made great contributions to international maritime security as well. Most significantly it has contributed to the three multinational missions, the *European Union Operation Atalanta*, *NATO Operation Ocean Shield*, and the *United States led Combined Taskforce 151*.²⁰

Overall, in spite of its vast territory and geopolitical situation, Saudi Arabia has demonstrated a relatively peaceful and stable international relations strategy. In this regard, it is sufficient to note that so far, only a single case before the ICJ includes Saudi Arabia as a party, where Saudi was among the applicants.²¹ This is due to the fact that this administration has either incorporated non-offensive international strategies or has resorted to peaceful solutions in case of a dispute arose with its neighbours. A prominent example is the 1968 *Saudi Arabia-Iran Agreement* concerning the sea boundaries and sovereignty over *Arabia* and *Farsi* islands.²² This was an agreement between the two states concerning the

boundaries, which is perhaps among the most significant agreements regarding territorial delimitation. Thereby both countries have significantly contributed to the resolution of the continental shelf dispute through observance of the equitable principles.²³

Saudi's Contributions to the Protection of Human rights

The Kingdom is a founding member of the United Nations in 1945 and has actively participated in various UN specialised agencies. It has signed or ratified the Islamic declarations on human rights such as the *Cairo Declaration on Human Rights in Islam* ('CDHRI'),²⁴ and the *Draft Islamic Declaration on Cultural Diversity*, etc.²⁵ However, it has not ratified the *International Bill of Human Rights*. Nevertheless, it has contributed to the protection of human rights by laying the foundations of the *Arab Charter on Human Rights* ('ACHR').²⁶ The ACHR reaffirms the principles of the *Charter of the United Nations*, the *Universal Declaration of Human Rights*, and the provisions of the *International Covenant on Civil and Political Rights*, and the *International Covenant on Economic, Social and Cultural Rights*.²⁷

The ACHR provides more secular standards compared to the CDHRI. Some of the customary human rights provided under this instrument are the right to own private property, the right to liberty and security of persons, equality of persons before the law, protection of persons from torture, freedom to practice religious observance, and freedom of peaceful assembly and association. The Charter also provides for the appointment of a seven-person Group of Experts on Human Rights to watch States' reports.²⁸ In the same way, the *Council of the League of Arab States Ministers of Foreign Affairs* has adopted the *Statute of The Arab Court of Human Rights* in 2014.²⁹ It is important to note that Saudi Arabia was the first Arab country to legally ratify this instrument in 2016.³⁰

In fact, the League of Arab States and most prominently Saudi Arabia have taken the initial legal steps to establish and concretise a regional human rights system similar to those of Africa, the Americas, and Europe. A great contribution to international law and human rights in the region since the Middle East and in fact Asia, despite controversial human rights issues, do not benefit from the establishment of a similar system of human rights so far.³¹ These regional systems and initiatives, including regional instruments and mechanisms, constitute an important dimension of broader participation in the international human rights projects by taking into account the regional concerns, such as the shared regional customs, values, culture, and practices.³²

Despite these unique contributions, there have been various criticisms raised regarding the protection of human rights in this country. Addressing these weaknesses, in recent years and at the initiative of *Crown Prince Mohammed Bin Salman*, the Kingdom has announced major legal and human rights reforms. Most notably the Crown Prince has announced a package of more than 90 reforms for the country's human rights laws with the strategic objective for the Kingdom to become an international leader in the field of human rights by 2030.³³

Conclusion

So far, no other state could be found in the Middle East to have made similar contributions to regional peace and security, the progressive development of international law, and the regional system of human rights. Although its endeavours are often according to the general interpretation of Islamic faith and the method of governance, the Saudi leadership and efforts in the region and especially concerning the main challenge before the Middle East, namely the Palestinians issue, has by far had international legal and humanitarian features. The peace initiative and the summits held by the Arab League in this regard are among these. Paying attention to the approach of other states that have chosen the military solutions for this issue and have abandoned the mechanisms provided by international law in this regard (eg, Iran), the Saudi agenda of course indicates the modern international law approach of the Saudi statesmen. The same goes with the Yemen conflict, in which the overall role of Saudi Arabia and the Arab coalition is in fact an exemplary active and responsible contribution by the governments, according to the purposes and principles of the *Charter of the United Nations* and in line with the resolutions of the Security Council.

Regarding the traditional human rights concerns also the vast economic, political, and legal achievements the state has made since its foundation, is promising the realisation of the human rights reforms package which was recently announced by the Saudi officials.

¹ N K Jayakumar, *International law and Human rights* (LexisNexis Butterworths Wadhwa Nagpur, 2005), 331.

² Hossein Askari, *Collaborative Colonialism: The Political Economy of Oil in the Persian Gulf* (Palgrave Macmillan, 2013), 27-55.

³ Alexandra Twin, *World's Top 10 Oil Exporters* (Investopedia, 07 June 2021) <<https://www.investopedia.com/articles/company-insights/082316/worlds-top-10-oil-exporters.asp>>.

⁴ Saudi Arabia has been participating in the G20 since 2008. An International organisation that declares itself 'the primary venue for international financial and economic cooperation'. Jagranjosh, *Current Affairs* (Jagran Prakashan, 2021), 135.

⁵ Established 14 September 1960 ('OPEC'). OPEC was founded in Baghdad, Iraq, with the signing of an agreement in September 1960 by five founder members namely the Islamic Republic of Iran, Iraq, Kuwait, Saudi Arabia, and Venezuela; <https://www.opec.org/opec_web/en/about_us/25.htm>.

⁶ Established 1 September 1961 ('NAM'). Gulshan Dhanani, 'Saudi Arabia and Non-Alignment' 20 (1-2) *International Studies* (1981): 361.

⁷ The Organisation of Islamic Cooperation, 25 September 1969 (OIC). It is the second-largest organisation after the United Nations with a membership of 57 states spread over four continents. The OIC was founded by a joint initiative of the Kingdom of Saudi Arabia and the Kingdom of Morocco in 1969. See generally

Organisation of Islamic Cooperation, History (online, 11 December 2021) <https://www.oic-oci.org/page/?p_id=52&p_ref=26&lan=en>.

⁸ Ibid (n 7); and the *Gulf Cooperation Council* ('GCC'), 11 November 1981 <www.gcc-sg.org>; Also the *League of Arab States*, 22 March 1945 <<http://www.lasportal.org/Pages/Welcome.aspx>>.

⁹ *Saudi Gazette*, Saudi Arabia's stance on Palestine has been unwavering, (online, 21 May 2018) <<https://saudigazette.com.sa/article/535304>>.

¹⁰ Ibid.

¹¹ *Legal Consequences Of The Construction Of A Wall In The Occupied Palestinian Territory* (Order of 9 December 2003) [2003] ICJ Rep 428.

¹² Written Statement of the Kingdom of Saudi Arabia, 30 January 2004 <<https://www.icj-cij.org/public/files/case-related/131/1543.pdf>>.

¹³ *Legal Consequences Of The Construction Of A Wall In The Occupied Palestinian Territory (Advisory Opinion)* [2004] ICJ Rep 136, 201-202.

¹⁴ Alarabiya News, *Saudi Arabia among top aid providers for Palestinians, nearly \$1 mln per day* (online, 15 August 2020) <<https://english.alarabiya.net/News/gulf/2020/08/15/Saudi-Arabia-remains-top-aid-provider-for-Palestinians-nearly-1-mln-per-day>>.

¹⁵ S/2015/217, UN SCOR, UN DOC S/2015/217 (27 March 2015).

¹⁶ The Security Council resolution No 2216 on 14 April 2015, has reiterated its support for the efforts of the GCC in assisting the political transition in Yemen and commending its engagement in this regard. It also reaffirmed the legitimacy of the presidency of *Abdo Rabbo Mansour Hadi*. See also Leonid Issaev, 'Russia's Policy Toward the War in Yemen' in Nikolay Kozhanov (ed), *Russia's Relations with the GCC and Iran* (Palgrave Macmillan, 2021), 252. In this work, the author has explained the approach of an independent State like Russia, towards the Yemen conflict, and its support for the Arab Coalition and the government of Hadi. It is important to note that according to Article 20 of the *Draft Articles on Responsibility of States for Internationally Wrongful Acts*: 'Valid consent by a State to the commission of a given act by another State precludes the wrongfulness of that act in relation to the former State to the extent that the act remains within the limits of that consent'.

¹⁷ Amnesty International, *Yemen War: No End In Sight* (24 March 2020) <<https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>>.

¹⁸ Jareer Elass, *Saudi Arabia ups defence spending in face of Iranian threats* (The Arab Weekly, 09 June 2019) <<https://the arabweekly.com/saudi-arabia-ups-defence-spending-face-iranian-threats>>.

¹⁹ Eg, United Nations Protection Force (1992-1995), and United Nations Confidence Restoration Operation in Croatia (1995-1996). See generally Mohammad Akefi Ghaziani and Moosa Akefi Ghaziani, 'The Functioning of the United Nations Collective Security System; The Use of Force Authorized by the Security Council' 17(1) *International Studies Journal (ISJ)* (2020): 115. Doi: 10.22034/isj.2020.113770

²⁰ Robin Geiss and Anna Petrig, *Piracy and Armed Robbery at Sea* (Oxford University Press, 2011), 17. See also Combined Maritime Forces, *Commander Combined Task force 151 Strengthens Ties with Royal Saudi Naval Force*

(webpage, 10 May 2015) <<https://combinedmaritimeforces.com/2015/05/10/commander-combined-task-force-151-strengthens-ties-with-royal-saudi-naval-force/>>.

²¹ *Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates v. Qatar)* (Judgment) [2020] ICJ GL NO 173, ICGJ 544. See also List of All Cases, *International Court of Justice* (online, 14 December 2021) <<https://www.icj-cij.org/en/list-of-all-cases>>.

²² Signed 24 October 1968 (entered into force 29 January 1969).

²³ Yearbook of the International Law Commission: Summary records of the second session 5 June-29 July 1950, Vol 1, A/CN.4/SER.A/1950 (United Nations Publication, 1958), 218-219: The emerging concept of the continental shelf was considered by the ILC member, Manley O Hudson who pointed out the case of the Persian Gulf. See especially Hiran W Jayewardene, *The Regime of Islands in International Law* (Brill, 2021), 436-38.

²⁴ Signed 5 August 1990, ('*CDHRI*'). The *CDHRI* adopted and issued at the Islamic Conference of Foreign Ministers in Cairo; <<https://www.refworld.org/docid/3ae6b3822c.html>>. It is put forward as an example of the Islamic view on human rights. It has the traditional shape of a regional human rights convention.

²⁵ Also the *Covenant on the Rights of the Child in Islam*, OIC/9-IGGE/HRI/2004/Rep. Final, adopted 30 June 2005; <<https://www.refworld.org/docid/44eaf0e4a.html>>. *The Draft Islamic Declaration on Cultural Diversity*, adopted 16 December 2004. At the 4th Islamic Conference of culture ministers, Algiers; <<https://www.icesco.org/en/wp-content/uploads/sites/2/2019/04/Conference-Ministers-Culture-4-2004.pdf>>.

²⁶ Adopted 15 September 1994 (entered into force 15 March 2008).

²⁷ *Ibid* Preamble.

²⁸ See, eg, *ibid* arts 8, 31, 32, 45.

²⁹ Adopted 7 September 2014, 7790, E.A (142) C 3 (not yet in force).

³⁰ Saudi Press Agency, *Arab League Secretary General Welcomes Saudi Arabia's Ratification on the Statute of Arab Court for Human Rights* (online, 24 June 2016) <<https://www.spa.gov.sa/viewfullstory.php?lang=en&newsid=1513644>>.

³¹ See generally Christof Heyns, David Padilla and Leo Zwaak, 'A Schematic Comparison of Regional Human Rights Systems: An Update' 3(4) *SUR International Journal on Human Rights* (2006): 163.

³² *Vienna Declaration and Programme of Action*, A/CONF.157/23 (adopted 25 June 1993) para 37. See also Miloon Kothari, 'From Commission to the Council: Evolution of UN Charter Bodies' in Dinah Shelton (ed), *The Oxford Handbook of International Human Rights Law* (Oxford University Press, 2013), 672. See also Right to Education, *Regional Human Rights Mechanisms* (online, 13 December 2021) <<https://www.right-to-education.org/page/regional-human-rights-mechanisms>>.

³³ Bader Bin Saud, *Reforms pave way for human rights leadership* (Arab News, 18 February 2021) <<https://www.arabnews.com/node/1811356/reforms-pave-way-human-rights-leadership>>.