



INTERNATIONAL COURT OF JUSTICE

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Communiqué

unofficial
for immediate release

No. 91/21
8 July 1991

Qatar brings a case against Bahrain

The following information is communicated to the Press by the Registry of the International Court of Justice:

Today, 8 July 1991, the Government of the State of Qatar filed in the Registry of the Court an Application instituting proceedings against the Government of the State of Bahrain "in respect of certain existing disputes between them relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two States".

Qatar claims that its sovereignty over the Hawar islands is well founded on the basis of customary international law and applicable local practices and customs. It has therefore continuously opposed a decision announced by the British Government in 1939, during the time of the British presence in Bahrain and Qatar (which came to an end in 1971), that the islands belonged to Bahrain. This decision was, in the view of Qatar, invalid, beyond the power of the British in relation to the two States, and not binding on Qatar.

With regard to the shoals of Dibal and Qit'at Jaradah, a further decision of the British Government in 1947 to delimit the sea-bed boundary between Bahrain and Qatar purported to recognize that Bahrain had "sovereign rights" in the areas of those shoals. In that decision the view was expressed that the shoals should not be considered to be islands having territorial waters. Qatar has claimed and continues to claim that such sovereign rights as exist over the shoals belong to Qatar; it also considers however that these are shoals and not islands. Bahrain claimed in 1964 that Dibal and Qit'at Jaradah were islands possessing territorial waters, and belonged to Bahrain, a claim rejected by Qatar.

With regard to the delimitation of the maritime areas of the two States, in the letter informing the Rulers of Qatar and Bahrain of the 1947 decision it was stated that the British Government considered that the line divided "in accordance with equitable principles" the sea-bed between Qatar and Bahrain, and that it was a median line based generally on the configuration of the coastline of the Bahrain main island and the peninsula of Qatar. The letter further specified two exceptions. One concerned the status of the shoals; the other that of the Hawar islands.

Qatar states that it did not oppose that part of the delimitation line which the British Government stated was based on the configuration of the coastlines of the two States and was determined in accordance with equitable principles. It rejected and still rejects the claim made by Bahrain in 1964 (that State having refused to accept the above-mentioned delimitation by the British Government) of a new line delimiting the sea-bed boundary of the two States. Qatar bases its claims with respect to delimitation on customary international law and applicable local practices and customs.

Basing the Court's jurisdiction, in accordance with Article 36 (1) of the Court's Statute, on express commitments stated to have been made by Bahrain and itself in agreements of December 1987 and December 1990 concluded in the context of mediation by King Fahd of Saudi Arabia, and referring to the Parties' agreement upon the subject and scope of the disputes to be referred to the Court, the State of Qatar requests the Court:

"I. To adjudge and declare in accordance with international law

(A) that the State of Qatar has sovereignty over the Hawar islands; and

(B) that the State of Qatar has sovereign rights over Dibal and Qit'at Jaradah shoals,

and

II. With due regard to the line dividing the sea-bed of the two States described in the British decision of 23 December 1947, to draw in accordance with international law a single maritime boundary between the maritime areas of sea-bed, subsoil and superjacent waters appertaining respectively to the State of Qatar and the State of Bahrain."
