



INTERNATIONAL COURT OF JUSTICE

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Maritime delimitation and territorial questions between Qatar and Bahrain (Qatar v. Bahrain)

The Court directs a further round of written pleadings

THE HAGUE, 1 April 1998. The International Court of Justice (ICJ) ordered a further round of written pleadings in the case concerning Maritime delimitation and territorial questions between Qatar and Bahrain (Qatar v. Bahrain). By an Order dated 30 March 1998, the Court directed the submission, by each of the Parties, of a Reply on the merits by 30 March 1999.

Moreover, Bahrain having challenged the authenticity of 81 documents produced by Qatar, the Court decided that, by 30 September 1998, Qatar should file an interim report, to be as comprehensive and specific as possible, on the question of the authenticity of each of these documents. The Court specified that Qatar's Reply should contain its detailed and definitive position on the question and that Bahrain's Reply should contain its observations on Qatar's interim report. Subsequent procedure has been reserved for further decision.

History of the dispute

On 8 July 1991, Qatar filed in the Registry of the Court an Application instituting proceedings against 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". These disputes had arisen following decisions taken by the British Government during the time of its presence in Bahrain and Qatar (which ended in 1971).

In its Application, Qatar founded the jurisdiction of the Court upon certain agreements allegedly concluded by the Parties in 1987 and 1990. In July 1991, Bahrain contested the basis of jurisdiction invoked by Qatar. The President of the Court then decided, after consultations with the Parties, that the proceedings should first address the issue of the jurisdiction of the Court and the admissibility of the Application. Written pleadings were exchanged and hearings were held from 28 February to 11 March 1994.

On 1 July 1994, the Court delivered a Judgment by which it found that the exchanges of letters between the King of Saudi Arabia and the Emir of Qatar, dated 19 and 21 December 1987, and between the King of Saudi Arabia and the Emir of Bahrain, dated 19 and 26 December 1987, and the document headed "Minutes" and signed at Doha on 25 December 1990 by the Ministers of Foreign Affairs of Bahrain, Qatar and Saudi Arabia, were international agreements creating rights and obligations for the Parties; and that by the terms of those agreements, the Parties had undertaken to submit to the Court the whole of their dispute. Having noted that it had only an Application from Qatar, the Court decided to afford the Parties the opportunity to submit the whole of the dispute jointly to it.

On 15 February 1995, the Court delivered a further Judgment by which, in the absence of an agreement between the Parties to submit the dispute jointly to it, it found that it had jurisdiction to adjudicate upon the dispute and that the Application of Qatar (as formulated by that State on 30 November 1994 and presented by a separate act) was admissible. Accordingly, the dispute submitted to the Court now includes the following matters:

- "1. The Hawar Islands, including the island of Jana;
2. Fasht al Dibal and Qit'at Jaradah;
3. The archipelagic baselines;
4. Zubarah;
5. The areas for fishing for pearls and for fishing for swimming fish and any other matters connected with maritime boundaries."

After the filing of a Memorial by each of the Parties on 30 September 1996, the President of the Court fixed 31 December 1997 as the time-limit for the filing of their Counter-Memorials. Both were filed within that time-limit.

By a letter dated 25 September 1997, Bahrain informed the Court that it challenged the authenticity of 81 documents produced by Qatar as annexes to its Memorial. Accordingly, Bahrain announced that it would disregard the content of these documents for the purposes of preparing its Counter-Memorial, which had to be filed by 31 December 1997.

On 8 October 1997, Qatar stated that the objections raised by Bahrain came too late and that it could not answer them in its Counter-Memorial.

Bahrain then stated that the use by Qatar of the challenged documents gave rise to procedural difficulties that could affect the orderly development of the case. It observed that the question of the authenticity of the said documents was "logically preliminary to . . . the determination of its substantive effect".

After the filing of the Counter-Memorials on 23 December 1997, Bahrain, noting that Qatar continued to rely on the challenged documents, again emphasized the need for the Court to decide the question of their authenticity as a preliminary issue.

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