



INTERNATIONAL COURT OF JUSTICE

Peace Palace, 2517 KJ The Hague. Tel: +31 (0)70 302 23 23. Cables: Intercourt,
The Hague. Fax: +31 (0)70 364 99 28. Telex: 32323. E-mail address:
mail@icj-cij.org. Internet address: <http://www.icj-cij.org>.

Press Release

Unofficial

No. 2001/6
8 March 2001

Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)

Court to deliver its Judgment on Friday 16 March 2001 at 3 p.m.

THE HAGUE, 8 March 2001. The International Court of Justice (ICJ), principal judicial organ of the United Nations, will on Friday 16 March 2001 deliver its Judgment in the case concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain), the longest ever in its history.

A public sitting will take place at 3 p.m. in the Peace Palace in The Hague, at which the President of the Court, Judge Gilbert Guillaume, will read the Court's Judgment, which is binding and not subject to appeal.

History of the proceedings and Parties' submissions

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". According to Qatar, 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 which, it claimed, were concluded by the Parties in 1987 and 1990. In July 1991, Bahrain contested the bases 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, as well as the document headed "Minutes" and signed at Doha on 25 December 1990 by the Ministers for 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 to it jointly, 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 included the following matters: the Hawar Islands, including the island of Janan; Fasht ad Dibal and Qit'at Jaradah; the archipelagic baselines; Zubarah; the areas for fishing for pearls and for 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.

By a letter dated 25 September 1997, accompanied by various expert reports, Bahrain challenged the authenticity of 81 documents presented by Qatar as annexes to its Memorial. During a meeting held on 25 November 1997 with the President of the Court, the Parties agreed that the Counter-Memorials would not touch on the problem of the authenticity of the documents and that Replies would be filed, either consecutively or simultaneously. Qatar indicated its intention to include in its Reply or append to its Reply a detailed response to Bahrain's allegations. In a subsequent letter, Bahrain pointed out that Qatar had, in its Counter-Memorial filed on 23 December 1997, continued to rely on the challenged documents, and urged the Court to decide the question of their authenticity as a preliminary issue. By a letter dated 26 March 1998 and accompanied by expert reports, Bahrain also challenged the authenticity of a document annexed to Qatar's Counter-Memorial.

By an Order dated 30 March 1998, the Court, having regard to the views of the Parties expressed at a further meeting held, on 17 March 1998, between the President of the Court and the Agents, fixed 30 September 1998 as the time-limit for the filing by Qatar of an interim report, to be as comprehensive and specific as possible, on the question of the authenticity of each of the documents challenged by Bahrain. In the same Order, the Court directed the submission of a Reply on the merits by each of the Parties, with that of Qatar containing its detailed and definitive position on the question of the authenticity of each of the documents challenged by Bahrain and that of Bahrain containing its observations on the interim report of Qatar. Finally, the Court fixed 30 March 1999 as the time-limit for the filing of these pleadings.

On 30 September 1998, Qatar filed its interim report on the question of the authenticity of the documents challenged by Bahrain; that report was accompanied by four expert reports. Citing *inter alia* differing views between the respective experts of the Parties and among its own experts, Qatar stated that it would not rely for the purposes of the present case on the disputed documents, "so as to enable the Court to address the merits of the case without further procedural complications". By a letter dated 27 November 1998, Bahrain acknowledged receipt of, and commented on, Qatar's interim report. The Agent of Qatar responded by a letter dated 15 December 1998, expressing its regret at the situation that had arisen.

By an Order dated 17 February 1999, the Court placed on record Qatar's decision to disregard, for purposes of the case, the 82 documents challenged by Bahrain and decided that the Replies would not rely on those documents. At Qatar's request it also extended by two months, to 30 May 1999, the time-limit for the submission of those Replies.

After filing their Replies within the extended time-limit, Qatar and Bahrain submitted, with the approval of the Court, certain additional expert reports and historical documents.

Public hearings at which the Parties presented their oral arguments were held from 29 May to 29 June 2000. At the close of the oral proceedings, the Parties presented the following submissions to the Court:

For Qatar:

"The State of Qatar respectfully requests the Court, rejecting all contrary claims and submissions:

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

- A. (1) that the State of Qatar has sovereignty over the Hawar Islands;
(2) that Dibal and Qit'at Jaradah shoals are low-tide elevations which are under Qatar's sovereignty;
- B. (1) that the State of Bahrain has no sovereignty over the island of Janan;
(2) that the State of Bahrain has no sovereignty over Zubarah;
(3) that any claim by Bahrain concerning archipelagic baselines and areas for fishing for pearls and swimming fish would be irrelevant for the purpose of maritime delimitation in the present case;

II. To draw a single maritime boundary between the maritime areas of seabed, subsoil and superjacent waters appertaining respectively to the State of Qatar and the State of Bahrain on the basis that Zubarah, the Hawar Islands and the island of Janan appertain to the State of Qatar and not to the State of Bahrain, that boundary starting from point 2 of the delimitation agreement concluded between Bahrain and Iran in 1971 (51° 05' 54" E and 27° 02' 47" N), thence proceeding in a southerly direction up to BLV (50° 57' 30" E and 26° 33' 35" N), then following the line of the British decision of 23 December 1947 up to NSLB (50° 49' 48" E and 26° 21' 24" N) and up to point L (50° 43' 00" E and 25° 47' 27" N), thence proceeding to point S1 of the delimitation agreement concluded by Bahrain and Saudi Arabia in 1958 (50° 31' 45" E and 25° 35' 38" N)."

For Bahrain:

"May it please the Court, rejecting all contrary claims and submissions, to adjudge and declare that:

- (1) Bahrain is sovereign over Zubarah.
(2) Bahrain is sovereign over the Hawar Islands, including Janan and Hadd Janan.

In view of Bahrain's sovereignty over all the insular and other features, including Fasht ad Dibal and Qit'at Jaradah, comprising the Bahraini archipelago, the maritime boundary between Bahrain and Qatar is as described in Part Two of Bahrain's Memorial."

*

NOTE FOR THE PRESS

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace in The Hague, Netherlands. Mobile telephones and beepers are allowed in the courtroom **provided they are turned off or set on silent mode**. Any offending device will be temporarily removed.

2. Members of the Press will be entitled to attend on presentation of a press card. The tables reserved for them are situated on the far left of the public entrance of the courtroom.

3. Photographs may be taken for a few minutes at the opening and at the end of the sitting. Television crews may film the whole sitting, but advance notice should be given to the Information Office (see paragraph 8).

4. In the Press Room, located on the ground floor of the Peace Palace (Room 5), the reading of the Court's Judgment will be relayed by loudspeaker.

5. At the end of the sitting, a press release, a summary of the Court's Judgment and the full text of the Judgment will be distributed in the Press Room.

6. The above-mentioned documents will be simultaneously available on the Court's website (<http://www.icj-cij.org>).

7. Members of the Press who wish to make telephone calls may use the phone located in the Press Room for collect calls or the public telephones in the Post Office in the basement of the Peace Palace.

8. Mr. Arthur Witteveen, First Secretary of the Court (tel.: +31 70 302 2336), and Mrs. Laurence Blairon, Information Officer (tel.: +31 70 302 2337), are available to deal with any requests for information or arrangements for television coverage.
