

**MARITIME DELIMITATION AND TERRITORIAL QUESTION
BETWEEN QATAR AND BAHRAIN
(Qatar v Bahrain)**

This case is still pending. So far, the proceedings in this case have been the longest in the Court's history.

On 14 April 2000, the Court announced that the public hearings on the merits of the dispute would start in May 2000, dedicated to the oral arguments on the merits of the dispute between the Parties. This would constitute the final phase of the proceedings in this case.

HISTORY OF THE PROCEEDINGS

On 8 July 1991, Qatar filed an Application in the Court to institute 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. Qatar argued that the Court's jurisdiction was based on certain agreements concluded by the Parties in 1987 and 1990. In July 1991, Bahrain contested Qatar's basis of jurisdiction. Consequently, and after consultations with the Parties, the President of the Court decided that the proceedings should first address the issue of the Court's jurisdiction and the admissibility of the Application. Written pleadings were exchanged and hearings were held from 28 February to 11 March 1994.

The Court delivered its Judgment on 1 July 1994 and held that the following were international agreements that created rights and obligations for the Parties:

1. exchanges of letters between the King of Saudi Arabia and the Emir of Qatar dated 19 and 21 December 1987;
2. exchanges of letters between the King of Saudi Arabia and the Emir of Bahrain dated 19 and 26 December 1987; and
3. the document headed "Minutes" and signed at Doha on 25 December 1990 by the Ministers for Foreign Affairs of Bahrain, Qatar and Saudi Arabia.

As a result, the Court held that under the above 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 jointly submit the whole of the dispute to it.

On 15 February 1995, the Court delivered a further Judgment when the Parties did not submit the dispute to it jointly. In this Judgment, the Court found that it had jurisdiction to hear the dispute and that the Application which Qatar formulated on 30 November 1994 and presented by a separate act, was admissible. Accordingly, the dispute submitted to the Court presently included 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; the fishing areas for pearls and fish; and
5. any other matters connected with maritime boundaries.

After the Parties filed their Memorials on 30 September 1996, the Court fixed 31 December 1997 as the time-limit for the filing of their Counter-Memorials. 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 stated that it would disregard the documents' contents when preparing its Counter-Memorial.

On 8 October 1997, Qatar stated that the objections raised by Bahrain had come too late for Qatar to answer them in its Counter-Memorial. Bahrain replied that Qatar's use of the challenged documents gave rise to procedural difficulties that could affect the orderly development of the case. Bahrain observed that the question of the authenticity of the said documents was "logically preliminary to...the determination of their substantive effect". After the filing of the Counter-Memorials on 23 December 1997, Bahrain challenged further the authenticity of another document annexed to Qatar's Counter-Memorial and, once again, emphasised again the need for the Court to decide the question of the documents' authenticity as a preliminary issue.

In view of this, by an Order of 30 March 1998, the Court directed that each Party should submit a Reply on the merits by 30 March 1999. It required Qatar to file an interim report that was to be as comprehensive and as

specific as possible on the authenticity of each disputed document within the next year. The Court specified that Qatar's Reply should contain its detailed and definitive position on the question and Bahrain's Reply should contain its observations on Qatar's interim report.

In the interim report that was submitted on 30 September 1998, Qatar stated that for the purposes of the case, it would not rely on the disputed documents and appended four experts' reports to that report instead. However, the interim report indicated conflicting evidence. On the one hand, Qatar's experts had considered that Bahrain's assertions on the historical consistency of the documents' contents were exaggerated and had distorted the facts. On the other hand, Qatar stated that there were differing views on the material authenticity of the documents, not only among the Parties' respective experts, but among their own experts also. Qatar stated that it would recognise and accept this inconsistency "so as to enable the Court to address the merits of the case without further procedural complications".

By an Order dated 17 February 1999, the Court recorded Qatar's decision to disregard the 82 documents annexed to its written pleadings that had been challenged by Bahrain. Accordingly, the Court decided that the Replies yet to be filed by Qatar and Bahrain would not rely on these documents. The Court granted a two-month extension of the time-limit for the submission of the Replies, which was accordingly set for 30 May 1999, following a request from Qatar and no objection from Bahrain.

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