

The Minister Legal Adviser



In the case concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain
(Qatar v. Bahrain), Jurisdiction and Admissibility

ACT

to comply with paragraphs 3) and 4) of operative paragraph 41 of the Judgment of the Court dated 1 July 1994

In order to comply with the Judgment delivered by the Court on 1 July 1994 in the case concerning Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain), Jurisdiction and Admissibility, the two Parties have had several exchanges of correspondence and documents which are attached in the Annex hereto, and the two Agents have met on 6 and 22 October and 14 November 1994 in London with a view to reaching an agreement to ensure the submission to the Court of the whole of the dispute by way of a joint act.

In the absence of an agreement between the Parties to act jointly and in order to ensure that the Court has before it the whole of the dispute within the time-limit of 30 November 1994, I, the undersigned, Agent of the State of Qatar, declare that I hereby submit to the Court the whole of the dispute between Qatar and Bahrain, as circumscribed by the text proposed by Bahrain to Qatar on 26 October 1988, and accepted by Qatar in December 1990, referred to in the 1990 Doha Minutes as the "Bahraini formula" which reads as follows:

"The Parties request the Court to decide any matter of territorial right or other title or interest which may be a matter of difference between them; and to draw a single maritime boundary between their respective maritime areas of seabed, subsoil and superjacent waters."

The matters which would be referred to the Court were exhaustively defined in the Tripartite Committee (see paragraph 18 of the Court's Judgment of 1 July 1994). The subject matters of the dispute were described in identical terms in Bahrain's written pleadings and in a draft special agreement proposed by Bahrain on 20 June 1992 (See Bahrain's Rejoinder, Annex 1.3, p. 113).

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The following subjects fall within the jurisdiction of the Court by virtue of the rights and obligations created by the international agreements of December 1987 and 25 December 1990 and are, by virtue of Qatar's Application dated 5 July 1991 and the present Act, submitted to the Court:

1. The Hawar Islands, including the island of Janan;
2. Fasht al Dihal 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

It is understood by Qatar that Bahrain defines its claim concerning Zubarah as a claim of sovereignty.

Further to its Application Qatar requests the Court to adjudge and declare that Bahrain has no sovereignty or other territorial right over the island of Janan or over Zubarah, and 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.

As a result the Court has before it "any matter of territorial right or other title or interest which may be a matter of difference between" the Parties, and a request that it "draw a single maritime boundary between their respective maritime areas of seabed, subsoil and superjacent waters".

30 November 1994

NAJEEB AL-NAUIMI

Dr. Najeed ibn Mohammed Al-Nauimi
Agent and Counsel of the State of Qatar

In the Case concerning Maritime Delimitation and Territorial
Questions Between Qatar and Bahrain (Qatar v. Bahrain),
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ANNEX

to the

Act to comply with paragraphs 3) and 4) of operative paragraph
41 of the Judgment of the Court dated 1 July 1994

1. Letter No. 1/100/115-7826 dated 5 July 1994 from the Minister of Foreign Affairs of the State of Bahrain to the Minister of Foreign Affairs of the State of Qatar (Bahrain's translation and Arabic)
2. Letter dated 6 July 1994 from Dr. Najeeb bin Mohammed Al-Nauimi to Dr. Husain Mohammed Al-Baharna
3. Letter dated 11 July 1994 from Dr. Husain Mohammed Al-Baharna to the Registrar of the International Court of Justice, enclosing:
 - .The English language version of a Public Statement made by H.E. Shaikh Mohammed bin Mubarak Al-Khalifa, Minister of Foreign Affairs of the State of Bahrain, on Friday 1st July 1994
 - .A copy of a letter sent, in the Arabic language, from H.E. Shaikh Mohammed bin Mubarak Al-Khalifa to H.E. Shaikh Hamad bin Jassim bin Jaber Al-Thani, the Minister of Foreign Affairs of the State of Qatar, on 5th July 1994
 - .An English translation of the aforementioned letter
4. Letter dated 15 July 1994 from Dr. Husain Mohammed Al-Baharna to Dr. Najeeb bin Mohammed Al-Nauimi
5. Letter dated 16 July 1994 from the Minister of Foreign Affairs of the State of Qatar to the Minister of Foreign Affairs of the State of Bahrain (Qatar's translation and Arabic)
6. Letter No. 20/94/918 dated 23 July 1994 from Dr. Najeeb bin Mohammed Al-Nauimi to the Registrar of the International Court of Justice
7. Letter No. 1/100/115/8970 dated 30 July 1994 from the Minister of Foreign Affairs of the State of Bahrain to the Minister of Foreign Affairs of the State of Qatar (Qatar's translation and Arabic)

8. Letter No. WKH/MHK/2/2/17-186 dated 14 August 1994 from the Minister of Foreign Affairs of the State of Qatar to the Minister of Foreign Affairs of the State of Bahrain (Qatar's translation and Arabic)
9. Note Verbale No. 14470/3/4770 dated 9 August 1994 from the GCC General Secretariat to the Ministry of Foreign Affairs of the State of Qatar (Qatar's translation and Arabic)
10. Letter dated 5 September 1994 from Dr. Najeeb bin Mohammed Al-Nauimi to Dr. Husain Mohammed Al-Baharna
11. Letter dated 12 September 1994 from Dr. Husain Mohammed Al-Baharna to Dr. Najeeb bin Mohammed Al-Nauimi
12. Letter No. 30/94/950 dated 13 September 1994 from Dr. Najeeb bin Mohammed Al-Nauimi to Dr. Husain Mohammed Al-Baharna
13. Letter dated 14 September 1994 from Dr. Husain Mohammed Al-Baharna to Dr. Najeeb bin Mohammed Al-Nauimi
14. Letter dated 27 September 1994 from Dr. Husain Mohammed Al-Baharna to Dr. Najeeb bin Mohammed Al-Nauimi
15. Statement of Dr. Najeeb bin Mohammed Al-Nauimi made at the meeting held in London on 6 October 1994, together with a draft joint act to be addressed to the Registrar
16. Bahrain's draft "Special Agreement between the Government of the State of Bahrain and the Government of the State of Qatar to submit to the International Court of Justice" dated 4 October 1994 and delivered to Qatar on 6 October 1994
17. Letter dated 12 October 1994 from Dr. Najeeb bin Mohammed Al-Nauimi to Dr. Husain Mohammed Al-Baharna enclosing a Memorandum entitled "Comments by the delegation of Qatar on the discussion at the meeting of the two Agents held on 6 October 1994"
18. Statement of Dr. Najeeb bin Mohammed Al-Nauimi, Agent of the State of Qatar, made at the meeting held in London on 22 October 1994, together with Annex to the Statement and Qatar's draft joint letter dated 22 October 1994
19. Memorandum from the Agent of Bahrain to the Agent of Qatar and Bahrain's draft joint act, received on 22 October 1994
20. Statement by a responsible Bahraini source, Manama, 23 October 1994 (Qatar's translation and Arabic)
21. Note Verbale No. WKH/15/204/3-1751/94 dated 30 October 1994 from the Ministry of Foreign Affairs of the State of Qatar to the Ministry of Foreign Affairs of the State of Bahrain, referring to the statement made by the Bahraini source on 23 October 1994 (Qatar's translation and Arabic)

22. Statement by a responsible source at the Ministry of Foreign Affairs of the State of Qatar dated 1 November 1994 (Qatar's translation and Arabic)
23. Observations by the State of Bahrain on the documents presented by the State of Qatar, on the present position of the negotiations and on Bahrain's draft joint act, 12 November 1994, with annexes
24. Letter dated 13 November 1994 from Dr. Najeeb bin Mohammed Al-Nauimi to Dr. Husain Al-Baharna containing Qatar's written comments on the meeting between Qatar and Bahrain on 22 October 1994
25. Statement of H.E. Dr. Najeeb bin Mohammed Al-Nauimi, Agent of the State of Qatar, made in London on 14 November 1994
26. Qatar's draft joint letter to the Registrar, dated 14 November 1994
27. Qatar's Third Proposal dated 14 November 1994 and entitled "Joint Act to comply with paragraphs 3) and 4) of operative paragraph 41 of the Judgment of the Court dated 1 July 1994"
28. Letter dated 19 November 1994 from Dr. Najeeb bin Mohammed Al-Nauimi to Dr. Husain Mohammed Al-Baharna enclosing Qatar's Fourth Proposal dated 19 November 1994 and entitled "Joint Act to comply with paragraphs 3) and 4) of operative paragraph 41 of the Judgment of the Court dated 1 July 1994"
29. Letter dated 25 November 1994 from Dr. Husain Mohammed Al-Baharna to Dr. Najeeb bin Mohammed Al-Nauimi
30. Letter dated 27 November 1994 from Dr. Najeeb bin Mohammed Al-Nauimi to Dr. Husain Mohammed Al-Baharna