

SEA DELIMITATION AND TERRITORY ISSUES OF QATAR AND BAHRAIN

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ABSTRACT

Sea delimitation and territory issues have been a persistent challenge for sovereign nations across the globe. Qatar and Bahrain are situated in the Gulf region and have experienced territorial disputes over their maritime borders. The two Arab countries have been at loggerheads over the years regarding the ownership of some islands and their sea borders. The Gulf region is renowned for its rich oil and gas reserves, and the sea delimitation issues could potentially result in a significant economic impact. The disagreement between Qatar and Bahrain dates back to 1935, when Bahrain declared its claim to some islands that Qatar believed belonged to it. The disagreement progressed to a formal claim to the International Court of Justice (ICJ) in 1991. In 2001, the ICJ issued a verdict that affirmed Bahrain's control of Hawar Islands, the case regarding the maritime demarcation remained unresolved. The maritime border dispute has complicated the two nations' efforts to exploit their oil and natural gas reserves. Another point of contention is the interference of Saudi Arabia during the negotiations to resolve the delimitation issue. The mediation attempts by the United States and the United Nations to resolve the dispute have failed to achieve a breakthrough. In conclusion, the sea delimitation and the territory issues between Qatar and Bahrain is a critical concern. A peaceful settlement of conflicts can unlock the vast economic potential of the Gulf region and improve regional stability. The dialogue between the two nations must be continuous and driven by a solution-oriented approach.

Keywords: Qatar, Bahrain, sea delimitation, maritime boundaries, territorial conflict

1. PREFACE

The Maritime Delimitation Dispute and the Qatar v Bahrain Territorial Issue stem from differences in views regarding the territorial waters of the two neighboring countries in the Persian Gulf. Qatar v Bahrain involves maritime border issues as well as territorial sovereignty and is a procedural and substantive case. Qatar v. Bahrain consists of jurisdictional and acceptance and eligibility stages. In 1994 and 1995, the Court, presided over by Judge Mohamed Bedjaoui (Algeria) and Deputy President Judge Stephen M. Schwebel (USA) (Kwiatkowska, 2002). Issued two cases, Qatar v. Bahrain (Trial and Acceptance), which involved a dispute regarding the interpretation of the agreement. This problem then escalated in 2017 when Qatar was accused of supporting terrorism by several neighboring countries, such as Saudi Arabia, the United Arab Emirates, Bahrain and Egypt. These countries then broke off diplomatic relations and the economic blockade against Qatar. This dispute was mediated by King Fahd of Saudi Arabia in 1976. As a result of the mediation, the principles of a reconciliation framework were adopted in a tripartite meeting in March 1983. The first principle states that "all disputes between states regarding sovereignty over islands, maritime borders, and Territorial waters must be treated as complementary, inseparable problems and must be resolved together in a comprehensive manner." In April 1986, Qatar sent security forces to stop violations of this principle during construction work on Bahrain's Fashtad Dibal to turn it into an artificial island. In December 1987, King Fahd made a number of proposals for the resolution of disputes between states, in accordance with the Framework Principles, including the recommendation that "In the event of a dispute as to whether the Court has jurisdiction, the issue shall be resolved by a decision of the Court (Wikimedia., K. of the project. (2016, October 4). Both parties concerned." The mediation

carried out by the King of Saudi Arabia did not give the desired results, so a petition was submitted to the International Court of Justice on July 8 1991 based on the Saudi Constitution. The Court filed a case against Bahrain in the matter of maritime and territorial boundaries between Qatar and Bahrain (General List No. 87) notes that the dispute relates to "sovereignty over the Hawar Islands, sovereign rights over the waters of Dibal and Qit'at Jaradah, and the determination of the maritime boundaries of the two countries" in the Arabian/Persian Gulf.

Disputes in maritime delimitation and territorial issues between Qatar and Bahrain cover many complex issues, such as sovereignty rights, natural resource exploration rights in exclusive territorial areas and seas, as well as high seas rights. Therefore, several legal applications resulting from bilateral agreements, international court decisions, and other international legal regulations will guide the fair and peaceful resolution of disputes between two countries.

2. RESEARCH METHOD

According to Soejono Soekanto's research, this research is legal research, which is a scientific activity based on certain methods, systematics and thinking, the aim of which is to study one or more general phenomena with certain regularities by analyzing them. Apart from that, a thorough investigation was also carried out into the legal facts and then efforts were made to find a solution to the problem (Zaenudin, 2010)] which was followed by a thorough investigation into the facts and legal reality (Agung, K. M. (n.d.). Peraturan & Perundang-Undangan (2018)). The issues being investigated, in this case regarding maritime borders and territorial issues between Qatar and Bahrain. This research uses normative legal research which examines each law. ask for answers to problems that arise. According to Johnny Ibrahim, normative legal research is a scientific research procedure which aims to find the truth from the normative side to scientific logic (Agung, K. M. (n.d.). Peraturan & Perundang-Undangan (2018)). This writing turns the law into written standards that are created and enforced by the authorities. With this research, secondary data becomes primary data for this research. Information is obtained by collecting regulations, books, articles and magazines related to the problem under study. The data analysis method used is non-static, called a data analysis technique which refers to Law no. 28 of 2014. The specifications used are descriptive in nature, namely explanatory in nature, obtained and then analyzed to explain the problems studied according to law with legal theory related to the problems studied, trying to examine the research results according to the topics studied to get a clear picture of legal regulations in Indonesia . with maritime boundaries and territorial issues between Qatar and Bahrain.

3. RESULT AND DISCUSSION

Bahrain claims that its title was recognized between 1783 and 1937 and was based on "relatively effective occupation and" regional norms regarding the loyalty of the Zubarah people to Bahrain's rulers (Evans, 2002). He accepts that following British military intervention in 1895, the then Al Khalifa rulers of Bahrain liberated the region, but argues that the region remained under Bahraini rule through the Naim tribal confederation, which looked after the sheikhs of Bahrain and which, for example, acted against them . While complaining about Sheikh Al-Thani's affairs. Qatar imposed taxes on them in 1937. After that incident, Naim was eventually expelled from Zubarah, but Bahrain claimed that it was aggression and the use of illegal force that hindered Qatar's legitimate claim to sovereignty (Evans, 2002). Qatar read the historical record very differently, and the court seemed to agree with the essence of their interpretation, which focused on the events of the 1860s and British

intervention to prevent the Al-Khalifah from paying off their claims through military action at sea and that since 1868 the rulers of Bahrain "never had the opportunity to take direct control of Zubara"? The court found support for its views in the Anglo-Ottoman Convention of 1913, which recognized Al-Thani's authority throughout the peninsula. Correspondence between various British officials during the 1937 crisis also confirms this view. As a result, the court ruled that whatever claims Bahrain had in the early 1860s would disappear with the passage of time and the Qatari sheikhdom's authority "ceased".

The two countries' claims regarding maritime boundaries around Hawar and Tambelan Islands must be based on international law and the United Nations Convention on the Law of the Sea (UNCLOS). However, this claim is still a dispute between Qatar and Bahrain because the two countries have different views on maritime delimitation in the region. According to UNCLOS, every country has the right to determine its own maritime boundaries and must carry out maritime delimitations with neighboring countries based on legal principles. international. In this case, the principle of maritime delimitation must be based on principles that are fair, objective, and do not harm any country. However, regarding the maritime territorial dispute around Hawar and Tambelan Islands between Qatar and Bahrain, the two countries have different claims and views regarding maritime delimitation. Qatar claims certain areas as part of its exclusive economic zone and actually declared its maritime boundaries in 2004. Meanwhile, Bahrain has its own claims and has implemented regulations on these areas since the early 1980s. Because the two countries have not yet reached an agreement, the dispute arises. Hawar and Tambelan Islands are currently being processed through international legal mechanisms, namely through the International Court of Justice (ICJ) in 2018 and the International Tribunal for the Law of the Sea (ITLOS) in 2020, to determine the maritime boundaries that should be defended by Qatar and Bahrain. So, the claims of these two countries still have to go through an international legal process by referring to the UNCLOS convention and applicable international legal principles to determine fair and objective maritime boundaries.

Since neither country is a party to the 1958 Geneva Convention on the Law of the Sea, and although both are signatories, only Bahrain has ratified the 1982 Law of the Sea according to the convention, maritime boundaries are determined between customs based on domestic law (Evans, 2002). The Court interpreted its task as drawing a single maritime boundary, although this terminology has often been used in the past to describe the process of creating a single boundary that separates two continental shelves and an EEZ at the same time (and therefore benefits equally from both), in this case as occurred recently in Eritrea-Yemen Arbitration awards are used to reconcile the boundaries of this territorial sea, which in this case is the boundary of the continental shelf (Evans, 2002). Therefore, it may be best described as a "combined" border; a series that is not created by combining factors, but by combining different components.

Maritime territorial disputes around the Hawari and Tembelan Islands should be resolved in three ways, namely through dialogue and negotiation, mediation and arbitration. In dialogue and negotiations, both countries must exchange opinions and arguments in accordance with the principles of international law to reach a fair agreement. In addition, if the parties still cannot reach an agreement, these countries can ask for help from third parties through mediation. The chosen mediator must be neutral and trustworthy to help both parties find the right solution. Lastly, if mediation fails, arbitration is a possible solution. In addition, in resolving differences, diplomatic relations between countries must be open, avoid detrimental

rhetoric and respect the integrity of the common territory, so as not to harm both parties and adhere to the principles of international law.

To safeguard the strategic and economic interests of each country in the disputed maritime areas of Qatar and Bahrain, this can be done in several ways. First, countries can establish economic cooperation in the region to optimize the use of natural resources and develop mutually beneficial economic sectors (Rahman, 2017). Second, cooperation is needed to maintain the stability and security of maritime areas and ensure that other neighboring countries act in accordance with international law. Third, increase information disclosure regarding activities in disputed maritime areas to build trust between countries and minimize the risk of conflict. Lastly, efforts should be made to find an effective solution to the maritime dispute between Qatar and Bahrain by respecting their rights and obligations under international law in a manner that does not harm each other. In this way, the two countries can maintain their strategic and economic interests and protect the maritime areas around Hawar and Tembelan Islands from the risk of conflict.

4. CONCLUSIONS AND RECOMMENDATIONS

It can be concluded that the maritime delimitation dispute and the Qatar and Bahrain territorial issues are complex problems and have been going on for decades. There are conflicting claims regarding the marine area and its natural riches located around Hawar and Tembelan Islands. UNCLOS 1982 and Geneva Convention IV are the legal basis that regulates maritime borders and the national interests of each country, while the Peace and Friendship Agreement between Qatar and Bahrain is the legal basis that determines maritime boundaries and national sovereignty areas. To resolve this dispute, diplomacy and negotiation efforts are needed between Qatar and Bahrain to reach a fair agreement and respect the rights and obligations of each country in accordance with international law. Apart from that, efforts need to be made to increase economic cooperation and maintain the security stability of the Persian Gulf region as a whole.

Resolving the maritime territorial dispute between Qatar and Bahrain is important considering that the Persian Gulf region is a strategic area and has large natural resource potential for both countries. Therefore, the solutions created must take into account the strategic and economic interests of each country and optimize the use of natural resources in a fair and sustainable manner. Settlement of this dispute must be carried out by taking into account international law and also the national interests of each country, either through bilateral channels or through international institutions that have the authority to resolve disputes between countries.

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