

DPA's Contribution to the Annual Report on the Law of the Sea

Central America & Caribbean

Conference on Maritime Delimitation in the Caribbean: Held in Mexico City from 6 – 8 May 2002. New guidelines were passed which establish mechanisms making the Conference a technical forum of cooperation and preventive diplomacy in the delimitation of borders of the maritime zones of each Caribbean State. (Please see attached documentation. Note that this is the conference mentioned in paragraph 37 of A/57/57.)

Belize and Mexico: This maritime delimitation in non-contentious and the negotiations were registered in May 2002 with the registry of the above-mentioned conference. According to the Government of Belize, the talks should provide experience useful in coming negotiations with Guatemala and Honduras. (See attached documentation.)

Belize-Guatemala Territorial Dispute: In late 2002, facilitators appointed by each side in this longstanding dispute made recommendations on resolution. Two aspects of the package of proposals dealt with maritime issues (see attached):

- ◆ Honduras stepped forward to give up part of its Exclusive Economic Zone in order to allow for Belize and Guatemala to each an Exclusive Economic Zone on the Gulf of Honduras.
- ◆ A Belize-Guatemala-Honduras Ecological Park is to be created comprising coastal, insular and maritime areas of all three countries. The Ecological Park is to be jointly administered and developed by the three nations.

The facilitation process, under the auspices of the Organization of American States, called for a referendum to be held in each country to approve the settlement package. Belize postponed plans for a referendum when it became clear that the Government of Guatemala would not push the proposal or schedule the vote. Though there has been periodic violence along the border, further violence is not likely at this point, in part because of confidence-building measures instituted by the OAS.

Territorial Dispute Between Bahrain and Qatar

Until early spring 2001, Bahrain and Qatar were locked in a long-standing territorial dispute focusing on the Hawar Islands, which are located off the Qatari coast but effectively controlled by Bahrain. The dispute dated back to the colonial time of the two countries, both of which obtained their independence from Britain in 1971. The ruling al-Thani family of Qatar had never accepted a decision by Britain in the 1930s to place the Hawar islands under the sovereignty of Bahrain's ruling al-Khalifa family. Qatar had also claimed the Fasht al-Dibel rocks.

The dispute almost became an open conflict in 1986 when Qatari forces seized thirty Bahraini workers at Fasht al-Dibel as they were trying to establish a coast guard station there. This incident put the two countries on the verge of war. However, the crisis was contained following an intervention by Saudi King Fahd.

Despite repeated mediation attempts (within the framework of the Gulf Cooperation Council as well as individually by the UAE and Saudi Arabia), the two sides did not reach a negotiated solution. Bilateral efforts to solve the dispute diplomatically also failed. Finally, in 1991, Qatar unilaterally submitted the case to the International Court of Justice (ICJ). Bahrain initially objected to Qatar's submission but accepted it after the ICJ included Bahrain's counter-claim to the Zubara strip on Qatar's coast. Bahrain claimed that the al-Khalifa family had its original seat at Zubara and that Qatar seized the area by force in 1937.

After hearings lasted from 29 May to 29 June 2000, the ICJ handed down its final and binding decision on the case on 16 March 2001. In effect, the Court preserved the status quo by awarding the islands to Bahrain and granting Qatar the Zubara strip. Qatar moved quickly to accept the verdict, although expressing disappointment at the failure to gain the islands, and declared the dispute to be "history". The resolution of the territorial dispute has led to a gradual improvement in ties between the two countries.