

## DECLARATION OF JUDGE HIGGINS

I believe that sovereignty over Janan lies with Bahrain, for reasons that have been elaborated by Judges Kooijmans and Fortier, and have therefore voted in the negative on paragraph 3 of the *dispositif*. But as the Court has found that sovereignty over Janan lies with Qatar, and as I agree generally with the delimitation line drawn in the Judgment, I have voted in favour of paragraph 6.

I further believe that, had it so chosen, the Court could also have grounded Bahraini title in the Hawars on the law of territorial acquisition. Among acts occurring in the Hawars were some that did have relevance for legal title. These *effectivités* were no sparser than those on which title has been founded in other cases.

Even if Qatar had, by the time of these early *effectivités*, extended its own sovereignty to the coast of the peninsula facing the Hawars, it performed no comparable *effectivités* in the Hawars of its own.

These elements are sufficient to displace any presumption of title by the coastal State.

(Signed) Rosalyn HIGGINS.

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