

# International Law Study Concerning Termination of Diplomatic Relationships by Arab Countries Against Qatar

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## Abstract

The practice of unilateral termination of diplomatic relations between countries such as Saudi Arabia, Egypt, Bahrain, Libya, United Arab Emirates, Yemen and the Maldives against Qatar due to reason that Qatar is 'accused' of supporting, funding and embracing terrorism, extremism and sectarian organizations are normal matters in international law. Such ebb and flow of diplomatic relations are common among countries, although in fact no state in the world can live alone therefore requiring cooperative relations with other countries, no positive side of termination of diplomatic relationship, this can be seen in practice of countries against Qatar. The actions of several States against Qatar may be justified as part of the sovereignty of the state which cannot be intervened by any State under the warranty granted by Article 2 of the United Nations Charter.

**Keywords:** termination of diplomatic relations, Arab countries, Qatar, international law.

## I. Introduction

Relation between countries in the world is based on mutual needs, cooperation politics sector, security, education, culture, commercial, etc. indicates that no state can live alone without connecting with other countries. The aforementioned cooperation are unlikely to materialize prior to any diplomatic or consular relations or both between the two countries to cooperate with each other, as the opening of diplomatic and consular relations is the basis for the start of inter-state relations marked by the opening of an embassy or consulate office or both. Many countries have made diplomatic and consular relations, but not a few countries that have made diplomatic and consular relations in the future disconnect, whether due to political affairs or security matters. Judicially according to international law it is justified, because every state has sovereignty, and the Charter of the United Nations (UN) guarantees every state's sovereignty. Article 2 of the UN Charter provides that:

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Article 2 of the UN Charter is the basis for states to terminate diplomatic or consular relations or both when a state feels interfered within its internal affairs (intervention) by another state. The use of Article 2 of the UN Charter is in practice interpreted unilaterally by states that feel harmed by other countries, therefore when a state has felt intervened in its internal affairs, then at that time a state may immediately terminate its diplomatic relations through the closure of embassies of other States residing in the state and withdraw ambassadors and diplomats residing in the intervening state. As a rule of law that has such a broad scope, international law consists of international principles, rules, and customs regarding the behavior of States that are bound to obey and implement them. It is primarily concerned with (1) the regulation of the relationship between one state and another, including the legal rules relating to the functions of institutions, international organizations, their relations with others, or their relationships with States and individuals, And (2) certain legal rules relating to

individuals with non-state entities and new state actors, such as international cooperation undertaken by local governments. In international law, the rights and obligations of individuals and non-state legal subjects are also classified as part of international law or international relations.<sup>1</sup> Public international law has its own State system, with its uniqueness in enforcing its rules. Since international law is also separate from municipal law of State, not a few of these international laws are doubted as anything other than the rule of law. Of course, this criticism comes from the flow of John Austin who understood the law as the product of the authority rulers, as does the State. Meanwhile international law is not supported by global governance system. As in a state supported by legislative, executive and judicial political institutions, positivists view International law as binding because there is an agreement between the will of the state (State Will). Therefore, according to David J. Bedermen, the whole structure of theory and practice of international law is dependent on several coherent explanations why actors must obey a set of rules of law that may deviate from the interests of states. More explicitly the reasons the state abides by international law because the jurists need a picture of an important conclusion relating to the sources, processes, and doctrines of international law.<sup>2</sup> In addition, the national interests of a state play an important role in the process of state compliance with international law, because without their compliance with international law (the violation of internationally agreed legal instruments, and the principles of international law practiced by many countries), then a state will certainly acquire sanction either from the UN directly or by countries that feel their interests are violated by way of embargo.

In this 2017 mid, not to mention the problems that occurred in Syria, we are surprised again with the unilateral termination of diplomatic relations of Arab countries with Qatar. Saudi Arabia, Egypt, Bahrain, Libya and the United Arab Emirates (UAE) terminates diplomatic relation with Qatar for the reason that Qatar is 'accused' of supporting, funding and embracing terrorism, extremism and sectarian organizations. Whereas before, these Arab countries (Saudi Arabia, Egypt, Bahrain, Libya, and UAE) including Qatar and Turkey were unite to take part of the conflict that occurred in Syria.

Shortly thereafter, Yemen and the Maldives are following in the footsteps of Saudi Arabia, Egypt, Bahrain, Libya and the UAE to terminate diplomatic relation with Qatar, accused of undertaking policy that interrupting the security of the Gulf region. They accuse Qatar of supporting militant groups such as those calling itself the Islamic State in Iraq and Syria (ISIS), and Al Qaeda, this allegation denied by Qatar. The Saudi Arabian news agency SPA said that Riyadh had closed its border and cut off all land, sea and air contacts with the state in the Arabian Peninsula. Qatar called the decision 'unjustifiable and not based on facts'. This unprecedented move is seen as a serious split between the powerful nations of the Gulf, which are also close allies of the United States (US). Later, there was an increase tension between the Gulf countries and their neighboring state (Iran). Saudi Arabia accuses Qatar of working with Iran-backed militias. The diplomatic termination was made by Bahrain and then Saudi Arabia on June 5, 2017. Their allies are immediately followed. The news agency SPA quoted officials as saying that the decision was taken to "protect national security from the dangers of terrorism and extremism". Three Gulf countries (Bahrain, UAE, Saudi Arabia) gave two weeks (in June 2017) for all Qatari citizens residing in these countries to leave their territory. In the latest developments:<sup>3</sup>

- The UAE has given 48-hour to Qatar' diplomats to leave the state. The report released by WAM (Abu Dhabi), Abu Dhabi accuses Qatar of 'supporting, funding, and embracing terrorism, extremism and sectarian organizations'.
- UAE Etihad Airways, Emirates and Fly Dubai UAE airlines say they will stop all flights to and from the capital of Qatar (Doha) starting on Tuesday June 6, 2017.
- Three Gulf states say they are closing their airspace from Qatar Airways
- The Bahraini government news agency said they terminate diplomatic relation because Qatar 'disturbed the security and stability of the state and interfered in Bahrain's internal affairs'.
- According to the SPA, Saudi Arabia's Saudi-led military coalition fighting Yemen's rebels in Houthi also expelled Qatar from the alliance because of 'Qatari practices that strengthen terrorism' and Qatar's support for extremist groups "such as al-Qaeda and Daesh (ISIS) and linked up with rebel militias".

Termination of diplomatic relations with Qatar indeed took place suddenly, but not just because tensions have developed over the years, and especially in recent weeks. In mid-May 2017, the countries blocked the Qatar news website, including Al Jazeera. The Qatar government's media contained a controversial statement stated by Emir Qatar, Sheikh Tamim bin Hamad al-Thani who criticized Saudi Arabia. The government in Doha called it a false statement and accused it of committing a 'contemptible cyber crime'. Previously, in 2014, Saudi Arabia, Bahrain and the UAE withdrew their ambassador from Qatar for several months in protest over allegations of

<sup>1</sup> Starke, J.G. *Introduction To International Law* (Tenth Edition), London: Butterworths, 1989, p.3

<sup>2</sup> Bederman, David J. *The Spirit of International Law*, Athen London: The University of George Press, 2002, p.4

<sup>3</sup> BBC, 2017, Tujuh Negara Arab Putuskan Hubungan Diplomatik: Ada Apa Dengan Qatar?, [Online]. Available: <http://www.bbc.com/indonesia/dunia-40157225>

interference in their internal affairs. Qatar said that their office news has been hacked. More broadly, there are two key factors that drive the decision: Qatar's relationship with radical Islamic groups and the role of Iran (rival of Saudi Arabia). Despite Qatar joining the US coalition against ISIS, Iraqi Shiite leaders accused them of providing financial support to ISIS. However, wealthy people in Qatar are believed to be contributing greatly to ISIS, while the Qatari government is providing money and weapons to hardliner Islamic groups in Syria. Qatar is also accused of having links with a group previously known as Front al Nusra, affiliated with al-Qaeda. The SPA statement accuses Qatar of supporting these groups, as well as supporting the banned Muslim Brotherhood in various Arab countries, and that Qatar is constantly 'promoting the messages and ideas of these groups through their media'. Saudi Arabia, a Sunni state, also accused Qatar of supporting Shiite militants in Bahrain and Qatif province in eastern Arabia. Qatar has repeatedly denied any accusations of their links with Iran. Saudi Arabia has also been accused of funding ISIS, directly or by not preventing private donor remittances to the group (allegations later denied by Saudi Arabia). In recent days, British Prime Minister Theresa May has been under pressure from rival parties to publish a report that allegedly focuses on Saudi Arabian funding against British extremist groups. Qatar condemned the termination of diplomatic relation through comments broadcast in Al Jazeera. "The measures cannot be justified and are based on unwarranted assumptions and accusations. However, it said the decision 'will not affect the daily lives of citizens and residents of Qatar' ".<sup>1</sup> US Secretary of State Rex Tillerson, speaking in Sydney, urged the countries to resolve their differences through dialogue, "the US hopes that this will not have a major impact, if only the impact, on the joint struggle against terrorism in the region or around the world". One immediate impact is the stability of food: everyday, hundreds of trucks cross the Saudi-Qatar border, and food is one of its most important cargos. It is estimated that about 40% of Qatar's food is supplied through this route.<sup>2</sup> What is happening with Arab countries (Saudi Arabia, Egypt, Bahrain, Libya, UAE, Yemen, and Maldives) against Qatar is an ebb and flow of international relations of countries for the sake of the state's disturbed interests.

According to John O'Brien, in the early twentieth century, which refers to Hersch Lauterpacht Oppenheim, public international law is involved with the arrangement of relations between countries only. However, there has now been an expansion of the scope of international law in relation to (1) the relationship between the rights and obligations of States, and extended to the relation between the rights and obligations of international organizations, (3) and companies (corporate), and individuals.<sup>3</sup> The companies referred to by John O'Brien in the current context are not just limited to companies in the narrow sense, but also include companies engaged in the press and news agencies (company coverage in the broad sense) which play a very important role in the event of international conflict, of course this press contains news that corners the countries against the state where the press office is located (the state owner of the news agency), and this has become a public secret as the news related to the conflict in Syria as well as the termination of the state's diplomatic relations of the Arab states against Qatar. Based on the explanation, then the problem to be discussed in this paper is How is the practice of Arab diplomatic termination of Arab countries to Qatar in the perspective of international law? and How will the implications be related to Arab diplomatic termination of Qatar on international law studies?

## II. Research Method

This research is a normative legal research, using the approach of legislation and conceptual approach.<sup>4</sup> International legal instruments are used as the main basis in examining the problem, then collaborated with other legal materials through literature study. The collected legal material was analyzed using qualitative analysis,<sup>5</sup> namely all the answers to the problems were narrated therefore it was clear that the problems were studied.

## III. Result and Discussion

### A. Termination of Qatar Diplomatic Relations in International Law Perspective

History has proved that long ago before the nations of the world know and exercise the practice of diplomatic relations, in the period of ancient India it has been known certain provisions or norms that govern the relationship between the king or kingdom, where the laws of nations at that time have known also what is called ambassadors.<sup>6</sup> The arrangement of diplomatic relations and diplomatic representation began to be discussed at the Vienna Congress of 1815 which was amended by the Protocol "Aix-La-Chapelle" 1818. The Vienna Congress was essentially a milestone in modern diplomacy, having successfully organized and systematized the principles including practice of ways generally in the field of diplomacy.<sup>7</sup> Attempts to codify the subsequent

<sup>1</sup> Al Jazeera's report cited from Qatar's Foreign Ministry official statement.

<sup>2</sup> BBC, 2017, Tujuh Negara Arab Putuskan Hubungan Diplomatik: Ada Apa Dengan Qatar?, *Loc.Cit.*

<sup>3</sup> O'Brien, John, *International Law*, London- Sydney: Cavendish Publishing Limited, 2001, p.1

<sup>4</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana Prenada Media Group, 2010, p.96

<sup>5</sup> Soerjono Soekanto, *Pengantar Penelitian Hukum*, Jakarta: UI-Press, 2012, p.9

<sup>6</sup> Ali Sastroamidjojo, *Pengantar Hukum Internasional*, Jakarta: Batara, 1971, p.165

<sup>7</sup> *Ibid.*, p.166

principles of diplomacy that were considered significant were in 1927 at the time of the League of Nations. In accordance with the resolution of the Council of the League of Nations, expert committees have been established to discuss the development of codification of international law, where it had been reported that in the subject of diplomatic law covering the branches of inter-state diplomatic relations shall be regulated internationally. The Council of League of Nations did not accept the recommendation of the expert committee and therefore decided not to include the same issue on the agenda of The Hague Conference held in 1930 for international law codification.<sup>1</sup> The presence of diplomatic representation or legations, permanent posts, had raised the necessity to create a new one-group class of employees called diplomats. But the use of diplomatic and diplomacy terms only became common in the 18<sup>th</sup> century.<sup>2</sup> The notion of "diplomatic law" has not been widely expressed. International law scholars still do not write much specifically because diplomatic law is essentially a part of international law that shares some of the same legal sources as existing international conventions. But what Eileen Denza writes about the "Diplomatic Law" essentially involves only commenting on the Vienna Convention Year on diplomatic relations.<sup>3</sup> Others argue that diplomatic law is a branch of customary international law comprising a set of rules and legal norms, which establish the position, and function of diplomats including the organizational forms of the diplomatic service.<sup>4</sup> Thereby, the ambassadors and their staff (diplomats) are legitimate state representatives as reflection of the sending state.

After the establishment of United Nations in 1945, for the first time the development of codification of international law including diplomatic law was commenced in 1949 intensively by the International Law Commission, in particular on the detailed provisions concerning immunity and diplomatic relations in particular. Vienna Convention Year 1961 consists of 53 articles covering almost all-important aspects of diplomatic relations permanently among countries. In addition, there are also two preferred protocols on the issue of citizenship and the need to resolve disputes respectively in 8-10 articles. The Vienna Convention Year 1961 and its two protocols have been in force from 24 April 1964 to 31 December 1987. There are total of 151 States parties to the Convention in which 42 are parties to the Optional Protocol Concerning the Acquisition of Citizenship and 52 countries have become parties to Optional Protocol on the Compulsory Settlements of Disputes. Articles 1-19 of the Vienna Convention Year 1961 concerning the establishment of diplomatic missions, rights and means for the appointment and submission of credentials from the Head of the Diplomatic Representative (Ambassador); Chapters 20-28 concerning immunities and privileges for diplomatic missions include exemption of taxes. Articles 29-36 concerning immunities and privileges granted to diplomats and privileges to members of their families and service staff working on them and Article 48-53 contains provisions concerning the signing, accession, ratification and entry into force of the Convention.<sup>5</sup> According to international custom, all diplomatic representatives stationed in a state are chaired by one of the state's longest-serving ambassadors, known as Doyen. Each state has legation right. In practice, there are two kinds of legation right, namely:

1. Passive legation right is the right of a state to receive a diplomatic representation of another state, this legation right is emphasized to the receiving state; and
2. Active legation right is the right of a state to send a diplomatic representative to another state, this legation right is emphasized to the sending state.

The placement of diplomatic representative in other countries, then it is *de jure* proof that a state has established international relations with other countries, thus, the placement of diplomatic representative of a state to another state can only be conducted under mutual consent between countries concerned. Regarding the procedure of receiving ambassadors from one state to another is the sending state first offers the candidate to be determined. The state to be placed retaliates whether it is willing to accept the candidate or not (this is in practice, generally the receiving states investigate the track record of the candidate therefore it has a basis of consideration to accept the candidate or not). If the receiving state rejects the candidate, then the concerned candidate is called *persona non grata* (disliked person). If this happens, the receiving state does not need to provide a formal reason for the rejection. However, if the receiving state agrees to accept him, the ambassador is named *persona grata*, while the consent of the receiving state is given in the form of a letter namely "agreement". After the candidate is declared acceptable by the state to be placed then the sending state government then prepare a credential for the

<sup>1</sup> Nussbaum, Arthur, *A Concise History of the Law of Nations*, translated by Sam Suhaidi, Sedjarah Hukum Internasional (Book 1), Bandung: Binatjipta, 1969, p.5

<sup>2</sup> J. Badri, *Perwakilan Diplomatik dan Konsuler*, Jakarta: Tintamas, 1960, p.19 as cited in Edy Suryono dan Moenir Arisoendha, *Hukum Diplomatik, Kekebalan dan Keistimewaan*, Bandung: Angkasa, 1986, p.13

<sup>3</sup> Denza, Eileen, *Diplomatic Law, Commentary on the Vienna Convention on Diplomatic Relations*, New York: Oceania Publication, Inc. Dobbs Ferry, 1976, as cited in Sumaryo Suryokusumo, *Hukum Diplomatik, Teori dan Kasus*, Bandung: Alumni, 2005, p.1

<sup>4</sup> Osmanczyk, Edmund Jan, *Encyclopedia of the United Nations and International Agreements*, London: Taylor and Francis, 1995, as cited in S.M. Noor, et.al., *Hukum Diplomatik dan Hubungan Internasional*, Makassar: Pustaka Pena Press, 2016, p.3

<sup>5</sup> Elsam, 2011, Referensi HAM, [Online]. Available: <http://referensi.elsam.or.id/>

candidate concerned. This credential is known as "letter of credence".<sup>1</sup> Based on the rules regulated in the 1961 Vienna Convention Year on Diplomatic Relations, the functions of diplomatic missions include:

1. Representing the interests of the sending state in the receiving state, this is the main function of the diplomatic mission;
2. Protecting the interests of the sending state and its nationals, within the limits permitted by international law, this is a continuation act of the main function of representing the interests of the sending state in the receiving state;
3. Negotiating with the government of the receiving state, of course this is the efficient functioning of the head of state, since the position of a person performing a diplomatic mission is equivalent to a legitimate state representative;
4. Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;, this being a dilemma and often violated by some countries, due to espionage practices (monitoring the receiving state's development in an unauthorized way );
5. Promoting friendly relations between sending countries and receiving countries, as well as building economic, cultural and scientific relationships, it is also part of diplomatic missions, as economic, cultural and educational relations are urgently needed by each county most importantly for developing countries.

Whereas the provision of Article 43 of the Vienna Convention Year 1961 is stipulated on the end of the duties or functions of a person diplomat or diplomatic representatives, for the following reasons:

1. Notification by the receiving state to the sending state that the receiving state refuses to recognize the diplomatic agent as a member of the mission; this is possible, primarily for reasons of state security or unclear track record of the sending state's diplomatic agents.
2. Notification by the sending state to the receiving state that the function of the diplomatic agent has come to an end; this is common because diplomatic representatives carrying out diplomatic missions have a term of duty.
3. The purpose of the mission has been accomplished; this reason is commonly used for diplomatic representatives who carry out the peace mission.
4. The validity period of Letter of Credence has expired.

In addition to the Vienna Convention Year 1961 on Diplomatic Relations, there is also the equivalent of the convention governing the consular relations of countries namely the Vienna Convention Year 1963. The Vienna Convention Year 1963 in addition to the completion of Vienna Convention Year 1961, as well as some of its rules has the same nature as the Vienna Convention Year 1961. Nevertheless, the Vienna Convention Year 1963 becomes important due to the practice of countries so far is primarily developing and developed countries almost entirely have consular relations with other countries, and in the current global economic dynamics, consular relations are no longer relationships which is exclusive and only certain countries need it, but now all countries in all parts of the world need a consular relationship in order to guarantee the existence and the necessity of its citizens who are increasingly complex.<sup>2</sup> The arrangement of Consular Relations and Consular Representatives, which in history evolved through the stages of the growth of customary international law, was codified only in 1963 in the Vienna Convention on Consular Relations sponsored by the United Nations. The establishment of this Convention comprises of 79 articles, which deal entirely with consular relations, privileges and immunities will enhance friendly relations between nations without distinction of ideology, political system or social system. Such privileges and immunities are granted only in order to ensure the efficient functioning of consular representatives of the Convention, among others, the consular relations in general, facilities, privileges and immunities of consular office, consular officers and other consular representatives as well as of officials' honorary consuls and honorary consulates. Both the Vienna Convention concerning Diplomatic Relations and the Vienna Convention concerning Consular Relations are each furnished with the Optional Protocol to the Acquisition of Citizenship and the Optional Protocol on Compulsory Settlement of Disputes.<sup>3</sup> Accordingly, the Vienna Convention Year 1963 concerning Diplomatic Relations and the Vienna Convention Year 1963 concerning Consular Relations are the two main rules that can be utilized as a basis in analyzing the Arab diplomatic termination of Qatar on the perspective of international law, in addition to the Charter The United Nations as legal platform for Vienna Convention Year 1961 concerning Diplomatic Relations and the Vienna Convention Year 1963 concerning Consular Relations.

Relation between countries in the field of commercial and voyages are called consular relations. At first the consul was merely someone taking care of the interests of a group of people (citizens) in the receiving state. This

<sup>1</sup> S.M. Noor, *Op. Cit.*, p.40-41

<sup>2</sup> *Ibid.*, p.42-43

<sup>3</sup> *Ibid.*, p.78

handling is performed on behalf of his state. His main tasks are private matters, not state or public interests. In its practice development, a consul assigned to a state does not only represent his state in the field of commercial but also serves his citizens residing in the receiving state in which he is placed.<sup>1</sup> Article 2 of the Vienna Convention Year 1963 concerning Consular Relations regulates the establishment of consular relations between states shall be made on the basis of mutual consent. Agreement given for the opening of diplomatic relations between two countries also means the consent of opening consular relations, unless stated otherwise. Termination of diplomatic relations by a state, will not involve the termination of consular relations. While in Article 5 of the Vienna Convention Year 1963 on the Consular Relationship is regulated on the consular functions, namely:

1. Protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law; This is a major function of consular relations;
2. Furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention; this function means that the establishment of consular relations resulting from the needs of each state for it;
3. Ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested. this function is almost identical to the diplomatic mission, only the object in different tasks;
4. Issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;
5. Helping and assisting nationals, both individuals and bodies corporate, of the sending State
6. Carry out the necessary supervision and inspection rights in the laws and regulations of the receiving state on the ships of the state of the sending state, and the air vessels registered in that state, and its crew, this is a function of the derivative of points first;
7. Extending assistance vessel and aircraft, as well as to their crews, taking a statement regarding the voyage of a ship, examining and stamping the ship's paper, without prejudice the receiving state's government, investigation into any incident which occurred during the voyage, and settling disputes between the masters, officers and seamen insofar as this may be authorized by the laws and regulations of the sending State;, this requires intense coordination between consular representatives and representatives of host governments;
8. Performing any other functions entrusted to a consular office by the receiving state or specified in the applicable international treaties between the sending and receiving countries, this means that the consular may function for all things as long as it is agreed and comply with legality in law international.

Article 10 of the Vienna Convention Year 1963 concerning Consular Relations regulates that the postal consular head is appointed by the sending state and is recognized for the implementation of their functions by the receiving state. Consular representatives are subject to the provisions of this Convention. The laws, regulations and customs of the sending state and receiving state shall determine the formality for the appointment and acceptance of the post consular head. While the arrangement regarding the termination of the function of the consular representative is due to the following reasons:

1. Notification by the sending state to the receiving state that the consular function has come to an end;
2. Withdrawal of the exequatur.
3. Notification by the receiving state to the sending state that the receiving state has ceased to consider the consular representative as member of the consular staff for certain reason.

Qatar's tensions with Saudi Arabia, the United Arab Emirates, Bahrain and Egypt reached an unprecedented peak, after the four states terminated diplomatic relation. In a move designed as pressure on governments in Doha, Qatar's neighbor states in the Arabian Gulf have also closed their borders with the rich state. While Egypt closes airspace and harbor for all forms of Qatar freight. The internationally recognized Yemeni government and eastern Libyan government also terminate their relation with Doha. The Maldives subsequently merged as the only non-Arab state (in spite of its Muslim majority), which carried out the diplomatic exile. The BBC Arab journalist, Amir Rawash, explains the four main reasons behind this diplomatic crisis:<sup>2</sup>

First, Qatar and its neighbors in the Gulf Cooperation Council support different parties in political change following the so-called Arab spring. Doha is regarded as a supporter of hard line Islamist groups that in some countries have gained political advantage. For example, after former Egyptian president Mohamed Morsi (leader

<sup>1</sup> *Ibid.*, p.80-81

<sup>2</sup> BBC, 2017, Krisis Qatar: Empat Faktor Kejengkelan Tetangga Arab, [Online]. Available: <http://www.bbc.com/indonesia/dunia-40169036>

of the Muslim Brotherhood) was overthrown in 2013, Qatar provides a platform for group members banned by the Egyptian government. Saudi Arabia and the UAE also called the Muslim Brotherhood a 'terrorist' organization. In a statement published in Saudi Arabia news agency, SPA, Qatar is accused of "supporting terrorist and sectarian groups aimed at disrupting the region, including the Muslim Brotherhood, Daesh (ISIS) and Al-Qaeda" groups. However, Qatar Foreign Ministry said in a statement that the termination by Riyadh, Abu Dhabi and Manama were "unjustifiable and based on unproven and baseless evidences". The statement emphasizes that Qatar is 'committed' to the Gulf Cooperation Council Charter and "performs its duty in the fight against terrorism and extremism".

Second, the current crisis is triggered by a report quoting Emir Qatar Sheikh Tamim bin Hamad al-Thani who criticized 'US hostile stance' towards Iran. Qatar said it was a false statement of 'contemptible' hacker gang. Saudi Arabia, the main rival of the Islamic Republic of Iran, has long worried about Tehran's regional ambitions. The Saudis even in its statement accused Doha of "supporting the activities of Iran-backed terrorist groups in the Qatif region", a Shiite area in eastern Saudi Arabia. Qatar is also accused of supporting Houthi rebels in Yemen. Doha, which takes part in the Saudi-led coalition in Yemen, stressed that they "respect the sovereignty of other countries, not interfere in their internal affairs".

Third, Libya has fallen into chaos since former leader Muammar Gaddafi was overthrown and assassinated in 2011. The powerful man in Libya's military, Khalifa Haftar, backed by Egypt and the UAE, accuses Qatar of supporting 'terrorist groups'. Haftar joins the government based in Tobruk, in eastern Libya, while Qatar supports a counter-government based in Tripoli.

Fourth, in a statement, Saudi Arabia accused Qatar of 'using the media to incite'. The Qatar media provides a voice room for members of the Muslim Brotherhood. However, Qatar said that there has been "an incitation campaign based on a completely engineering charge. The media campaign (against Qatar) has failed to convince public opinion in the region and in Gulf countries in particular, which is the cause of continued tension".<sup>1</sup>

Based on the rules of international law, in particular the Vienna Convention Year 1961 requires that the main function of diplomatic missions is to represent the interests of the sending state in the receiving state, therefore in case of political turmoil involving the state, the state may at any time terminate its diplomatic relations because it has no interest in relation intended (in this case countries such as Saudi Arabia, Egypt, Bahrain, Libya, UAE, Yemen and the Maldives have no desire to diplomatically link with Qatar for certain reasons already mentioned, this diplomatic relationship could only be temporary). The Vienna Convention Year 1963 regulates for the control and inspection rights required in the laws and regulations of the receiving state on the ships of the state of the sending state, and the air vessels registered in that state, and its crew, thereby when the consular relation has expired, the attitude of Saudi Arabia closing its borders and cutting off all land, sea and air contact with Qatar may be justified, and this is part of the sovereignty of the state which cannot be interfered by any State under the warranty granted by Article 2 of the UN Charter. Thus, the practice of termination of diplomatic relations of Arab countries (Saudi Arabia, Egypt, Bahrain, Libya, UAE, Yemen, and Maldives) against Qatar in the perspective of international law can be justified.

## **B. The Impact of Termination of Qatar Diplomatic Relations in International Law Studies**

International law is recognized as a global guide in regulating the attitude and conduct of states, international organizations and its equivalent, strictly relying on the source of international law Article 38 of International Court of Justice (ICJ) Statute paragraph (1) The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply: (a) *international conventions, whether general or particular establishing rules expressly recognized by the contesting state*; (b) *international custom as evidence of general practice accepted as law*; (c) *general principles recognized by civilized nations*; (d) *judicial decisions* (Article 59) and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law..<sup>2</sup> Interpretation of principle is the basic truth that provides direction to the preparation of more concrete rules of law therefore all rules contained in a field of law into unity that remains intact.<sup>3</sup>

US President Donald Trump has shown a stance in the Qatari crisis that was exiled by several countries in the Middle East, including Saudi Arabia and Egypt. In a series of unofficial statements (opinion) on June 6, 2017, President Trump firmly positioned himself to defend the Saudis, saying Qatar's isolation (which is accused of funding extremist groups) could be the beginning of the end of the devastating effects of terrorism.<sup>4</sup> Qatar

<sup>1</sup> Official Statement Release of Qatar's Foreign Ministry

<sup>2</sup> Brownlie, Ian, *Principles of Public International Law*, 5th ed., United States: Oxford University Press, 1998, p.37

<sup>3</sup> Sunaryati Hartono, *Politik Hukum Menuju Satu Sistem Hukum Nasional*, Bandung: Alumni, 1991, p.6

<sup>4</sup> Trump stated, "During my recent trip to the Middle East I stated that there can no longer be funding of Radical Ideology. So good to see the Saudi Arabia visit with the King and 50 countries already paying off. They said they would take a hard line on funding... extremism, and all reference was pointing to Qatar. Perhaps this will be the beginning of the end to the horror of terrorism!"

Foreign Minister Sheikh Mohammed Bin Abdulrahman al-Thani told the BBC that the Qatari government had delivered a message to President Trump during a visit to the Middle East recently that they were ready to sit down and discuss allegations addressed to Qatar. While giving an interview to al-Jazeera television station Sheikh Mohammed Bin Abdulrahman al-Thani said his government wanted an "open and honest dialogue". He said Qatar would not take revenge but be disappointed by countries in the region trying to impose a will Qatar or interfering in other countries' internal affairs'. In an effort to defuse the region, Kuwaiti leaders flew to Saudi to find a solution to the crisis.<sup>1</sup> It is interesting to see a series of Donald Trump's statements related to the conflict between Arab countries and Qatar, although not in official context, but in international legal practice he is a president who reflects his state's political stance, the US as one of five veto right holder states at the United Nations apparently does not respect the Article 2 of the UN Charter where US always declares its state as party that highly respected international law.

International law as a rule governing relations between countries today is experiencing rapid growth, especially in the diplomatic field.<sup>2</sup> The audiences know Qatar's name among others from its airlines (Qatar Airways), its international news station (Al Jazeera) and by sport (namely elected to host the 2022 World Cup and once a sponsor of a club that may be classed as the world's most famous football club, Barcelona). And with a different skyline in the nation's capital, Doha, Qatar managed to attract multinational companies to open offices there. Thus, these latest developments make a lot of things at stake. According to a BBC analyst report, there are at least 5 impacts that will affect Qatar related to the termination of diplomatic / international relations, such impacts as:<sup>3</sup>

First, Flights. The Abu Dhabi-based airline Etihad Airways and Dubai-based airline Emirates to freeze all flights to and from Doha starting Tuesday morning of June 6, 2017, during which both airlines operate four round-trip flights to Doha. Low-cost airlines Fly Dubai and Air Arabia have also canceled flights to Doha, along with other airlines, including Bahrain, Gulf Air and Egypt air airlines are expected to take the same step. The development comes after Saudi Arabia, the United Arab Emirates, Bahrain and Egypt said that they would Stop flights to and from Qatar, and close the airspace for Qatar airline Qatar Airways. And Qatar's national carrier is the most disadvantaged party. Flights to cities like Dubai, Abu Dhabi, Riyadh and Cairo will stop. That is dozens of flights do not operate every day. Qatar Airways has announced the cancellation of flights to Saudi Arabia. "All consumers who have booked tickets for affected flights to and from Saudi Arabia will be given alternate options, including full ticket refunds for unused tickets and re-bookings to the nearest alternative destinations served by Qatar Airways without additional cost," as Qatar Airways statement. But prohibited from crossing large airspace in the region will also cause other big problems, by forcing Qatar Airways to change the flight path so inevitably increase the duration of some flights. In addition to fuel, the addition of flying hours can also make passengers feel annoyed. The growth of Qatar Airways occurred by placing it as the center of the airline, connecting Asia with Europe via Doha.

Second, food. Naturally, desert countries find it difficult to grow food crops. And food scarcity is a particular problem for Qatar because the only way inland by land is a single border with the Saudis. Every day hundreds of lorry crosses the border, and food is one of main supplies. About 40% of Qatar's food supplies are believed to be entering this route. Saudi Arabia says they will close the border and when the lorries stop operating, Qatar will depend on air and sea shipments. "It will immediately boost inflation and that will have a direct impact on ordinary citizens of Qatar".<sup>4</sup> He also underlined that many poor people shop for groceries to Saudi Arabia every day or every week because the price is cheaper. Obviously the closing of the border will not allow that.

Third, construction. New harbor, health service zone, metro project and eight stadiums for World Cup 2022 are half of large construction project that Qatar is working nowadays. Important materials, including concrete and steel, are shipped by ship but also transported by land from neighbor state Saudi Arabia. The closure of the border as well as food drives prices up and causes delays. Shortage of building materials has become a threat to the construction industry in Qatar. These risks are worsening the conditions there.

Fourth, Citizens. The decision to terminate relations also prevents citizens from Saudi Arabia, Egypt, Bahrain, the United Arab Emirates, Libya and Yemen traveling to Qatar, living there or just passing by, as the Saudi Arabian government says. Those affected have 14 days (mid-May to early June of 2017) to leave Qatar. Meanwhile, Qatari citizens also have the same timeframe to exit from Saudi Arabia, United Arab Emirates and Bahrain. More significantly is if Egypt issued the same ban. According to a recent report, some 180,000

<sup>1</sup> BBC, 2017, Presiden Donald Trump Mengaku Berperan dalam Pengucilan Qatar, [Online]. Available: <http://www.bbc.com/indonesia/dunia-40173291>

<sup>2</sup> Kadarudin, *Praktik Spionase, Antara Kebutuhan Nasional Dengan Pelanggaran Internasional*, Jurnal Hukum Internasional Fakultas Hukum Universitas Hasanuddin, Volume I, No. 2 (2013) : 208

<sup>3</sup> BBC, 2017, Pemutusan Hubungan Qatar Ancam Pangan, Penerbangan dan Sepak Bola, [Online]. Available: <http://www.bbc.com/indonesia/dunia-40160534>

<sup>4</sup> Statement of Ghanem Nuseibeh, Director of Consulting Firm Cornerstone Global



Egyptians live in Qatar, many of them engaged in medical engineering, law and construction. If the workforce has to leave then there will be problems for both local and international companies operating in Qatar.

Fifth, Commercial and business. The nervousness of this unprecedented situation caused Qatar's main stock index to fall more than 7% on Monday, June 5, 2017 amid concerns about the investment climate. Many Gulf companies have opened branches in Qatar, including in the retail sector. The stores will likely be closed, at least temporarily. Ghanem Nuseibeh, director of consultant firm Cornerstone Global, said. Most likely, we have witnessed canceled business deal, Saudi Arabia's big football team, Al-Ahli, has canceled sponsorship agreements with Qatar Airways.

From these five impacts described above, then in fact no one state in this world that can live alone, so that requires a cooperative relationship with other countries. What is practiced by Saudi Arabia, Egypt, Bahrain, Libya, UAE, Yemen, and the Maldives against Qatar opens the world's eyes that there is no positive impact of a conflict until it takes termination of diplomatic relation. The basis of hostility towards a peace on the basis of religion is unjustifiable, even the religion of morality and ideology always arises and has an important influence in the growth of international law.<sup>1</sup> Along with that, Mashood a Baderin affirms that “the current growing way of scholarship on religion and the international development of international relations and International law”.<sup>2</sup> The representatives of the state in carrying their duties are bringing diplomatic missions of the countries they represent. Hence, it is important for a state in conducting diplomatic relations to get recognition from other countries where they will do such cooperation.<sup>3</sup> The ebb and flow in diplomatic relations are common in international law, but once again the authors affirm that there is no positive side to the termination of diplomatic relations, this can be seen in the practice of countries against Qatar.

#### IV. Conclusion

Vienna Convention Year 1961 and Vienna Convention Year 1967 stipulate that every state may at any time terminate its diplomatic relations because it has no longer interest, as Saudi Arabia, Egypt, Bahrain, Libya, UAE, Yemen and the Maldives have no desire to relate diplomatically to Qatar for some reason, although this diplomatic termination may only be temporary. Saudi Arabia's stance on closing its borders and cutting off all land, sea and air contacts with Qatar is justified, and this is part of the sovereignty of the state cannot be disturbed by any State under the warranty granted by Article 2 of the UN Charter. According to a BBC analyst report, there is at least 5 impacts that will affect Qatar related to its diplomatic / international termination, such impacts as flight, food, construction, citizens, commercial and business.

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<sup>1</sup> Bederman, David J. *Op.Cit.*

<sup>2</sup> Baderin, Mashood, *Religion And International Law: Analitical Survey of the Relationship*, in David Armstrong, *Routledge Handbook of International Law*. New York: Routledge 2009,p.177

<sup>3</sup> Kadarudin, *Persona Non Grata dalam Praktik Hukum Internasional*. Jurnal Hukum Justitia Volume I No. 1 (2013) : 1

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