

SEPARATE OPINION OF JUDGE SCHWEBEL

I have voted for and generally support the Judgment. However, it is not clear that the Court is correct in according the Kerkennah Islands only half effect in the process of delimitation. The Kerkennahs are substantial islands, close to the Tunisian mainland, divided from it by shallow waters in whose banks fisheries are fixed ; the considerable population has an ancient and sustained fishing and maritime tradition. Under international law, the continental shelf includes the sea-bed and subsoil areas adjacent to the coasts of islands. There is no rule of international law which affords islands less than their full effect in the delimitation of the continental shelf ; however, in some circumstances it may be equitable to give islands less than their full effect. It is submitted that, in this case, the Court has not carried the burden of demonstrating why granting full effect to the Kerkennahs would result in giving them "excessive weight".

(Signed) Stephen M. SCHWEBEL.
