

INTERNATIONAL COURT OF JUSTICE
PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

**CASE CONCERNING THE
CONTINENTAL SHELF**

(LIBYAN ARAB JAMAHIRIYA/MALTA)

VOLUME I
Special Agreement ; Memorials

COUR INTERNATIONALE DE JUSTICE
MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

**AFFAIRE
DU PLATEAU CONTINENTAL**

(JAMAHIRIYA ARABE LIBYENNE/MALTE)

VOLUME I
Compromis ; mémoires



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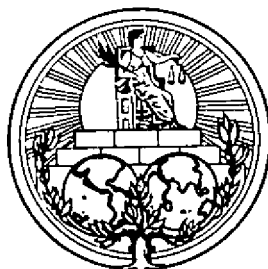
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The case concerning the *Continental Shelf (Libyan Arab Jamahiriya/ Malta)*, entered on the Court's General List on 26 July 1982 under number 68, was the subject of Judgments delivered on 21 March 1984 (*Continental Shelf (Libyan Arab Jamahiriya/ Malta)*, *Application to Intervene, Judgment, I.C.J. Reports 1984*, p. 3) and 3 June 1985 (*Continental Shelf (Libyan Arab Jamahiriya/ Malta)*, *Judgment, I.C.J. Reports 1985*, p. 13).

The pleadings and oral arguments in the case are being published in the following order:

- Volume I. Special Agreement; Memorials of the Libyan Arab Jamahiriya and Malta.
- Volume II. Counter-Memorials of the Libyan Arab Jamahiriya and Malta; Application by Italy for Permission to Intervene, and consequent proceedings.
- Volume III. Replies of Tunisia and the Libyan Arab Jamahiriya; commencement of Oral Arguments.
- Volume IV. Conclusion of Oral Arguments; Documents submitted to the Court after closure of the written proceedings; Correspondence.
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L'affaire du *Plateau continental (Jamahiriya arabe libyenne/ Malte)*, inscrite au rôle général de la Cour sous le numéro 68 le 26 juillet 1982, a fait l'objet d'arrêts rendus le 21 mars 1984 (*Plateau continental (Jamahiriya arabe libyenne/ Malte)*, *requête à fin d'intervention, arrêt, C.I.J. Recueil 1984*, p. 3) et le 3 juin 1985 (*Plateau continental (Jamahiriya arabe libyenne/ Malte)*, *arrêt, C.I.J. Recueil 1985*, p. 13).

Les pièces de procédure écrite et les plaidoiries relatives à cette affaire sont publiées dans l'ordre suivant :

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- Volume II. Contre-mémoires de la Jamahiriya arabe libyenne et de Malte; requête de l'Italie à fin d'intervention et procédure y relative.
- Volume III. Répliques de la Jamahiriya arabe libyenne et de Malte; début de la procédure orale.
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SPECIAL AGREEMENT
COMPROMIS

THE SECRETARY OF THE PEOPLE'S COMMITTEE FOR THE
PEOPLE'S FOREIGN LIAISON BUREAU OF THE SOCIALIST
PEOPLE'S LIBYAN ARAB JAMAHIRIYA AND THE MINISTER
FOR FOREIGN AFFAIRS OF THE REPUBLIC OF MALTA TO
THE REGISTRAR OF THE INTERNATIONAL COURT OF
JUSTICE

19 July 1982.

On behalf of the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta, and pursuant to Article 40, paragraph 1, of the Statute of the International Court of Justice and Article 39 of the Rules of Court, we have the honour to notify you of and to transmit to you a certified copy of the Arabic and English texts of a Special Agreement concluded

"between the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta for the submission to the International Court of Justice of difference".

The Special Agreement was signed at Valletta on 23 May 1976, corresponding to 24 Jumada al-Ula 1396 A.H., and came into force in accordance with its Article IV on the date of the exchange of the instruments of ratification thereof, which took place at Valletta on 20 March 1982.

It was registered jointly by the two Parties with the United Nations Secretariat, in accordance with Article 102 of the Charter of the United Nations, on 19 April 1982.

We further have the honour to inform you, pursuant to Article 40 of the Rules of Court, that

- (i) Dr. Abdelrazeg El-Murtadi Suleiman, Professor of International Law at the University of Garyounis, Benghazi, has been appointed Agent for the Socialist People's Libyan Arab Jamahiriya for the purposes of the present case. Communications concerning the case could be addressed to the Agent at the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations, 47 Avenue Blanc, 1202 Geneva, Switzerland.
- (ii) Dr. Edgar Mizzi, Chairman, Malta Law Commission and Special Legal Adviser to the Government of Malta, has been appointed Agent of the Republic of Malta for the purposes of the present case and his address for service at the seat of the Court shall be Dr. Edgar Mizzi, Agent of Malta before the International Court of Justice, c/o Blackstone, Rueb and van Boeschoten, Koninginnegracht 27, 2514 AB 's-Gravenhage.

We request you to be so kind as to submit the above-mentioned Special Agreement to the Court.

For the Socialist People's
Libyan Arab Jamahiriya :

For the Government of
the Republic of Malta :

(Signed) Abdel-Ati Ibrahim EL OBEIDI,
Secretary of the People's
Committee for the People's
Foreign Liaison Bureau.

(Signed) Alex Scerberras TRIGONA,
Minister for
Foreign Affairs.

Enclosures :

1. Certified copy of the Arabic and English texts of the Special Agreement of 23 May 1976.
2. Two exchanged letters dated 23 May 1976 concerning the oral hearings.
3. Certified copy of the Arabic and English texts of the Procès-Verbal of exchange of instruments of ratification of the Special Agreement of 23 May 1976, which took place on 20 March 1982.
4. Certified copy and certified English translation of the instrument of ratification of the Special Agreement of 23 May 1976 by the Socialist People's Libyan Arab Jamahiriya.
5. Certified copy and certified Arabic translation of the instrument of ratification of the Special Agreement of 23 May 1976 by the Republic of Malta.

The Hague, 26 July 1982.

We, the Agent of the Socialist People's Libyan Arab Jamahiriya and the Agent of the Republic of Malta certify that the pages attached hereto and initialled by us constitute true and complete copies of the original documents.

(Signed) Abdelrazeg EL-MURTADI SULEIMAN

(Signed) Edgar MIZZI.

I. SPECIAL AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF MALTA AND THE GOVERNMENT OF THE LIBYAN ARAB REPUBLIC FOR THE SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF DIFFERENCE

The Government of the Republic of Malta and the Government of the Libyan Arab Republic agree to recourse to the International Court of Justice as follows :

Article I

The Court is requested to decide the following question :

What principles and rules of international law are applicable to the delimitation of the area of the continental shelf which appertains to the Republic of Malta and the area of continental shelf which appertains to the Libyan Arab Republic, and how in practice such principles and rules can be applied by the two Parties in this particular case in order that they may without difficulty delimit such areas by an agreement as provided in Article III.

Article II

1. The proceedings shall consist of written pleadings and oral hearings.
2. Without prejudice to any question of the burden of proof, the written pleadings shall consist of the following documents :
 - (a) Memorials to be submitted simultaneously to the Court by each Party and exchanged with one another within a period of nine months from the date of the notification of this agreement to the Registrar of the Court.
 - (b) Replies to be similarly submitted to the Court by each Party and exchanged with one another within four months after the date of the submissions of the memorials to the Registrar.
 - (c) Additional written pleadings may be presented and exchanged in the same manner within periods which shall be fixed by the Court at the request of one of the parties, or if the Court so decides after consultation with the two Parties.
3. The question of the order of speaking at the oral hearings shall be decided by mutual agreement between the Parties but in all cases the order of speaking adopted shall be without prejudice to any question of the burden of proof.

Article III

Following the final decision of the International Court of Justice the Government of the Republic of Malta and the Government of the Libyan Arab Republic shall enter into negotiations for determining the area of their respective continental shelves and for concluding an agreement for that purpose in accordance with the decision of the Court.

Article IV

This agreement shall enter into force on the date of exchange of instruments of ratification by the two Governments, and shall be notified jointly to the Registrar of the Court.

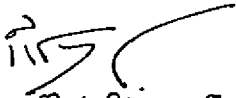
Done in two originals at Valletta, Malta, this 23rd day of May 1976 corresponding to 24 Joumada El Oula 1396 H in the English and Arabic languages both texts being equally authentic.

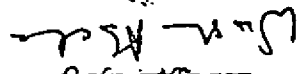
For the Government
of the Republic of Malta

(Signed) Wistin ABELA,
Minister of Development.

For the Government
of the Libyan Arab Republic

(Signed) Taha Sherif BEN AMER,
Minister of State for
Revolutionary Command Council Affairs.


 ۱۹۷۱ء میں جاری شدہ دستاویز کے تحت
 (۱) کے تحت جاری شدہ
 حکومت پاکستان کے تحت جاری شدہ

۱۹۷۱ء میں جاری شدہ دستاویز کے تحت
 (۱) کے تحت جاری شدہ

 حکومت پاکستان کے تحت جاری شدہ

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• اس بات پر اتفاق کیا گیا ہے کہ اس معاہدے کے تحت
 ۱۹۷۱ء میں جاری شدہ دستاویز کے تحت جاری شدہ
 حکومت پاکستان کے تحت جاری شدہ

• اس بات پر اتفاق کیا گیا ہے کہ اس معاہدے کے تحت
 ۱۹۷۱ء میں جاری شدہ دستاویز کے تحت جاری شدہ
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 ۱۹۷۱ء میں جاری شدہ دستاویز کے تحت جاری شدہ
 حکومت پاکستان کے تحت جاری شدہ

اتفاقية خاصة
 لاحالة خلاف الى محكمة العدل الدولية
 بين
 حكومة الجمهورية العربية الليبية
 وحكومة جمهورية مالطا

ان حكومتى الجمهورية العربية الليبية وجمهورية مالطا ، اتفقتا على اللجوء الى محكمة العدل الدولية وفقا لمايلي :

مادة (١)

المطلوب من المحكمة ان تصدر قرارها حول الموضوع التالي :

ماهي مبادئ وقواعد القانون الدولي التي يمكن تطبيقها في تحديد منطقة الجرف القاري التابع للجمهورية العربية الليبية ، ومنطقة الجرف القاري السابع لجمهورية مالطا ، وكيف يمكن عليا تطبيق مثل هذه المبادئ والقواعد من قبل الطرفين في هذه الحالة بالذات بحيث يتكنا بدون صعوبات من تحديد تلك المناطق عن طريق اتفاقية وفقا للمادة الثالثة .

مادة (٢)

- (١) تكون الاجراءات من مرافعات تحريرية واخرى شفوية .
- (٢) مع عدم الاخلال باية مسائل قد تظهر وتتعلق بالاشارات ، فان المرافعات التجريبية تتكون من الوثائق التالية :
 - أ - مذكرات تقدم للمحكمة في آن واحد وتتبادل بين الطرفين خلال مدة (٩) تسعة اشهر من تاريخ اخطار مجال المحكمة بهذه الاتفاقية .
 - ب - ردود تقدم بنفس الطريقة الى المحكمة من كل طرف، وتتبادل بينهما في خلال (٤) اشهر بعد تاريخ تقديم المذكرات الى المسجل .
 - ج - مذكرات تحريرية اضافية يمكن تقديمها وتبادلها بنفس الطريقة خلال مدد تحددها المحكمة بناء على طلب اى من الاطراف او عندما تقرر المحكمة ذلك بعد التشاور مع الطرفين .
- (٣) تنقصر مسألة نظام الكلمات في المرافعات الشفوية باتفاق شائي بين الطرفين ، ومهما كان نظام الكلمة المقبول ، فانه يجب عدم اخلاله بايئة مسائل تتعلق بظهور الاشارات .

2. EXCHANGE OF LETTERS DATED 23 MAY 1976
CONCERNING THE ORAL HEARINGS

THE MINISTER OF DEVELOPMENT OF THE REPUBLIC OF MALTA TO
THE MINISTER OF STATE FOR REVOLUTIONARY COMMAND COUNCIL AFFAIRS
OF THE SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA

I have the honour to refer to paragraph 3 of Article II of the Special Agreement for the Submission to the International Court of Justice of a Difference, signed between our two Governments in Valletta on 23 May 1976, corresponding to 24 Jumada El Oula 1396 H.

I have the honour to suggest that at the oral hearings the representatives of the Republic of Malta will speak first.

If this suggestion is acceptable to Your Excellency's Government, this letter and Your Excellency's reply confirming acceptance of the suggestion, will constitute an agreement between our two Governments on the matter and will be read and construed as one with the Special Agreement referred to above.

(Signed) Wistin ABELA.

THE MINISTER OF STATE FOR REVOLUTIONARY COMMAND COUNCIL AFFAIRS
OF THE SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA
THE MINISTER OF DEVELOPMENT OF THE REPUBLIC OF MALTA

I have the honour to refer to your letter signed on 24 Jumada El Oula 1396 H corresponding to 23 May 1976 which translated in the Arabic language reads as follows:

"I have the honour to refer to paragraph 3 of Article II of the Special Agreement for the Submission to the International Court of Justice of a Difference, signed between our two Governments in Valletta on 23 May 1976, corresponding to 24 Jumada El Oula 1396 H.

I have the honour to suggest that at the oral hearings the representatives of the Republic of Malta will speak first.

If this suggestion is acceptable to Your Excellency's Government, this letter and Your Excellency's reply confirming acceptance of the suggestion, will constitute an agreement between our two Governments on the matter and will be read and construed as one with the Special Agreement referred to above."

I have the honour to confirm that the Government of the Libyan Arab Republic accepts the contents of the above-mentioned letter.

(Signed) Taha Sherif BEN AMER.

يا صاحب السعادة .

اتشرف بان اشير الى رسالتكم الموقّعة بتاريخ ٢٤ جمادى الاولى
١٣٩٦ هـ الموافق ٢٣ مايو ١٩٧٦ م والتي نسها مترجما للنّسخة
العربيّة ما يلي :

" اتشرف بان اشير الى الفقرة (٣) من المادة (٢) من الاتفاقيّة
الخاصّة باحالة الخلاف الى محكمة العدل الدولية ، الموقّعة بين حكومتينا
بغالبنا بتاريخ ٢٤ جمادى الاولى ١٣٩٦ هـ الموافق ٢٣ مايو ١٩٧٦ م .
لي الشرف ان اقترح ان يكون مملو جمهورية مالطا أول من يتكلّم
في المرافعات الشفويّة .

فان لاقى هذا الاقتراح قبولا لدى حكومتكم ، فان هذه الرسالة
وردت سعادتكم عليها بتأكيد هذا الاقتراح ، تتشكّل اتفاقا بين حكومتينا
بالخصوص ، ويعتبر جزءا لا يتجزأ من الاتفاقيّة الخاصة المنسار اليها
اعلاه " .

اتشرف ان اؤكد لكم مراعاة حكومة الجمهورية العربية الليبية لمي ما ورد

بها .

وتفضّلوا بقبول واخر الاحترام ...

للشكر
م
ظه الشرف بن عامر
وزير الدولة لشئون مجلس قيادة الثورة
الجمهورية العربية الليبية

ينا ٢٤ جمادى الاولى ١٣٩٦ هـ
وافق ٢٣ مايو ١٩٧٦ م

احب السعادة وستن ابهلا
وزير الشّية

٢٣ مايو ١٩٧٦ م .

يا صاحب السعادة ،

أشرف بان اشير الى الفقرة (٢) من المادة (٢) من
الاتفاقية الخاصة باحالة الخلاف الى محكمة العدل الدولية ،
الموقعة بين حكومتنا بغاليتا بتاريخ ٢٤ جمادى الاولى ١٣٩٦ هـ .
الموافق ٢٣ مايو ١٩٧٦ م .

لي الشرف أن اقترح ان يكون مملوكا جمهورية مالطا أول من
يتكلم في المرافعات الشفهية .

فان لاقى هذا الاقتراح قبولا لدى حكومة سعادتم ، فان همسده
الرسالة وردت سعادتم طيبها بتأكيد هذا الاقتراح ، ستشكل اتفاقا
بين حكومتنا بالخصوص ، ويعتبر جزء لا يتجزأ من الاتفاقية الخاصة
المشار اليها اعلاه .

وتفضلوا يا صاحب السعادة بقبول فائق تقديراتي .

م. ه. س. ك. د. س.

وستن ابيلا
وزير التنمية
جمهورية مالطا

3. PROCÈS-VERBAL OF THE EXCHANGE OF INSTRUMENTS OF RATIFICATION OF THE SPECIAL AGREEMENT BETWEEN THE SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA AND THE REPUBLIC OF MALTA FOR THE SUBMISSION TO THE INTERNATIONAL COURT OF JUSTICE OF DIFFERENCE

In the city of Valletta, on 25 Jumadi al-Ula 1391 P.D., corresponding to 20 March 1982, Mr. Abdulati Ibrahim El-Obeidi, Secretary of the People's Committee of the Popular Bureau for Foreign Liaison of the Socialist People's Libyan Arab Jamahiriya and Dr. Alex Sceberras Trigona, Minister of Foreign Affairs of the Republic of Malta, exchanged the Instruments of Ratification of the Special Agreement between the two countries concerning the submission to the International Court of Justice of Difference.

In confirmation of the foregoing, they signed the present Procès-Verbal in the Arabic and English languages both texts being equally authentic.

(Signed) Abdulati Ibrahim EL-OBEIDI,
Secretary of the People's Committee
of the Popular Bureau for
Foreign Liaison.

(Signed) Alex Sceberras TRIGONA,
Minister of Foreign Affairs
of the Republic of Malta.

الجمهورية العربية الليبية الشعبية الاشتراكية

اللجنة الشعبية

للمكتب الشعبي للاتصال الخارجي

محضر تبادل وناثق التصديق على الاتفاقية الخاصة بإحالة

الخلاف إلى محكمة العدل الدولية

بين

الجمهورية العربية الليبية الشعبية الاشتراكية

وجمهورية مالطة

تم بمدينة فاليتا بتاريخ ٢٥ جمادى الأولى ١٣٩١ من وفاة الرسول الموافق
٢٠ مارس ١٩٨٢م بين كل من السيد عبد الحافظ إبراهيم العبيدي أمين اللجنة
الشعبية للمكتب الشعبي للاتصال الخارجي بالجمهورية العربية الليبية الاشتراكية
والدكتور أليكس شيراس تريقونا وزير الشؤون الخارجية لجمهورية مالطة
تبادل وناثق التصديق على الاتفاقية الخاصة بإحالة الخلاف بين البلدين إلى
محكمة العدل الدولية .

وأشياء لما تقدم فقد وقع هذا المحضر من نسختين باللغتين العربية

والانجليزية كلاهما متساو في القوة القانونية .

جمهورية ليبيا
الدكتور أليكس شيراس تريقونا

وزير الشؤون الخارجية

بالجمهورية المالطية

عبد الحافظ إبراهيم العبيدي

أمين اللجنة الشعبية للمكتب الشعبي

للاتصال الخارجي بالجمهورية العربية

الليبية الشعبية الاشتراكية

4 AND 5. INSTRUMENTS OF RATIFICATION

I, Abdulati Ibrahim El-Obeidi, Secretary of the People's Committee of the Popular Bureau for Foreign Liaison of the Socialist People's Libyan Arab Jamahiriya, having regard to the ratification by the Basic Popular Congress in their Ordinary Session for the year 1980 of the Special Agreement between the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta for the submission to the International Court of Justice of Difference signed in Valletta on 24 Jumadi Al-Ula 1396 H. corresponding to 23 May 1976.

I declare the Socialist People's Libyan Arab Jamahiriya's ratification of the above-mentioned Agreement.

In witness thereof, I have signed this instrument and affixed thereto the Seal of the People's Bureau for Foreign Liaison.

Done at Tripoli, 24 Jumadi Al-Ula 1391 P.D. corresponding to 19 March 1982.

(Signed) Abdulati Ibrahim EL-OBEIDI,
Secretary of the People's Committee
of the Popular Bureau for Foreign Liaison.

I, Dom Mintoff, Prime Minister and Minister of Commonwealth and Foreign Affairs of the Republic of Malta, declares that the Special Agreement between the Government of the Republic of Malta and the Government of the Libyan Arab Republic for the Submission to the International Court of Justice of Difference, signed at Valletta on the 23rd May, 1976, is ratified by the Government of the Republic of Malta as required by Article IV of the said Agreement.

Signed and sealed with the Seal of the Ministry of Commonwealth and Foreign Affairs in Valletta, Malta, this 28th day of May, one thousand nine hundred and seventy-six.

(Signed) Dom MINTOFF.

انا د. د. مفتوف رئيس الوزراء ووزير الشؤون الخارجية والكونغرس
بجمهورية مالطا أعلن بأن الاتفاقية الخاصة بين حكومة جمهورية
مالطا وحكومة الجمهورية العربية الليبية الشعبية الاشتراكية
للإحالة إلى المحكمة الدولية للعدل والموقعة بمدينة
فالنبا في ٢٣ مايو ١٩٧٦م، قد تم التصديق عليها من طرف حكومة
جمهورية مالطا وفقا للقانون رقم ١١٩٧٦ من القوانين المذكورة
وتم التوقيع والختم بنسب وزارة الشؤون الخارجية والكونغرس
بمدينة فالنبا في ٢٨ مايو ١٩٧٦م

د. د. مفتوف

الجمهورية العربية الليبية الشعبية الاشتراكية

اللجنة الشعبية

للمكتب الشعبي للاتصال الخارجي

وتوقيع شديقي

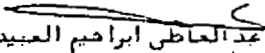
أنا عبد العاطن ابراهيم العبيدي أمين اللجنة الشعبية للمكتب الشعبي للاتصال الخارجي بالجمهورية العربية الليبية الشعبية الاشتراكية بعد الاطلاع على تصديق المرات الشعبية الاساسية في دبر انعقادها العادي لعام ١٩٨٠م على الاتفاقية الخاصة بحالة الخلق الى بحكمة العدل الدولية بين الجمهورية العربية الليبية الشعبية الاشتراكية وجمهورية مالطا .

الموقع في قاليق بتاريخ ٢٤ جادى الاول ١٣٩٦ هـ الموافق ٢٣ ماي ١٩٧٦م
على تصديق الجمهورية العربية الليبية الشعبية الاشتراكية على الاتفاقية المذكورة اعلاه .

واثناء ما تقدم وقعت وختت وثيقة التصديق هذه بختم المكتب الشعبي للاتصال الخارجي .

بتاريخ ٢٤ جادى الاول ١٩٧٦ من وفاة الرسول
الموافق ١٩ مارس ١٩٨٢م

حمود بطرابلس


عبد العاطن ابراهيم العبيدي

امين اللجنة الشعبية للمكتب الشعبي
للاتصال الخارجي