

CORRESPONDENCE

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**1. SPECIAL AGREEMENT BETWEEN THE SOCIALIST PEOPLE'S LIBYAN ARAB
JAMAHIRIYA AND THE REPUBLIC OF MALTA**

[See I, pp. 3-16]

**2. THE REGISTRAR TO THE SECRETARY OF THE PEOPLE'S COMMITTEE FOR THE
PEOPLE'S FOREIGN LIAISON BUREAU OF THE LIBYAN ARAB JAMAHIRIYA**

26 July 1982.

I have the honour to acknowledge receipt of the letter¹ dated 19 July 1982, signed by Your Excellency and by His Excellency the Minister for Foreign Affairs of the Republic of Malta, constituting notification to the Court 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 a difference, signed at Valletta on 23 May 1976 and in force since the exchange at Valletta, on 20 March 1982, of instruments of ratification. I have the honour further to acknowledge receipt of certified copies of the Arabic and English texts of the Special Agreement² in question, of an exchange of letters³ thereto annexed, dated 23 May 1976, of the procès-verbal⁴ of the exchange of instruments of ratification and of the instruments of ratification⁵ themselves. I note that the Special Agreement was registered jointly with the Secretariat of the United Nations on 19 April 1982, in accordance with Article 102 of the Charter of the United Nations.

I note further that Dr. Abdelrazeg El-Murtadi Suleiman has been appointed Agent for the Socialist People's Libyan Arab Jamahiriya for the purposes of this case and that communications intended for him may, for the time being, be addressed to him at the Permanent Mission of the Jamahiriya to the United Nations in Geneva.

(Signed) Santiago TORRES BERNÁRDEZ.

3. THE REGISTRAR TO THE MINISTER FOR FOREIGN AFFAIRS OF MALTA

26 July 1982.

I have the honour to acknowledge receipt of the letter dated 19 July 1982, signed by Your Excellency and by His Excellency the Secretary of the People's

¹ I, pp. 3-4.

² I, pp. 5-8.

³ I, pp. 9-11.

⁴ I, pp. 12-13.

⁵ I, pp. 14-16.

Committee for the People's Foreign Liaison Bureau of the Socialist People's Libyan Arab Jamahiriya, constituting notification to the Court 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 a difference, signed at Valletta on 23 May 1976 and in force since the exchange at Valletta, on 20 March 1982, of instruments of ratification. I have the honour further to acknowledge receipt of certified copies of the Arabic and English texts of the Special Agreement in question, of an exchange of letters thereto annexed, dated 23 May 1976, of the procès-verbal of the exchange of instruments of ratification and of the instruments of ratification themselves. I note that the Special Agreement was registered jointly with the Secretariat of the United Nations on 19 April 1982, in accordance with Article 102 of the Charter of the United Nations.

I note further that Dr. Edgar Mizzi has been appointed Agent for the Republic of Malta for the purposes of this case and that his address for service at the seat of the Court is c/o Blackstone, Rueb and van Boeschoten, Koninginnegracht 27, 2514 AB The Hague.

4. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

26 July 1982.

By a letter dated 19 July 1982 constituting the notification to the Court of a Special Agreement between the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta, and handed to me today, the Court has been informed *inter alia* of your appointment as Agent of the Socialist People's Libyan Arab Jamahiriya in the case thereby submitted.

I note that communications concerning this case may be addressed to you at the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations, 47 Avenue Blanc, 1202 Geneva, Switzerland. I shall be happy to learn in due course of your address for service at the seat of the Court and remain, need I say, at your disposal for any assistance or information in my power to provide.

5. THE REGISTRAR TO THE AGENT OF MALTA

26 July 1982.

By a letter dated 19 July 1982, constituting the joint notification of a Special Agreement between the Republic of Malta and the Socialist People's Libyan Arab Jamahiriya, which was handed to me today, the Court has been informed *inter alia* of your appointment as Agent of the Republic of Malta for the purposes of the case thus submitted.

I note that your address for service at the seat of the Court is c/o Blackstone, Rueb and van Boeschoten, Koninginnegracht 27, 2514 AB The Hague, and remain at your disposal for such help or information as may lie within my power to provide.

6. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

(telex)

26 July 1982.

I have the honour to inform you, pursuant to Article 40, paragraph 3, of the Statute of the Court, that on 26 July 1982 the Governments of the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta filed in the Registry of the Court a joint notification of a Special Agreement, dated 23 May 1976, "for the submission to the International Court of Justice of a difference", which came into force on the exchange of Instruments of Ratification on 20 March 1982 and was jointly registered under Article 102 of the Charter on 19 April 1982. Printed copies of the Special Agreement will be communicated to you as soon as possible pursuant to Article 42 of the Rules of Court.

7. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA¹

27 July 1982.

I have the honour to inform you that the Vice-President of the Court, pursuant to Article 13, paragraph 3, and Article 44 of the Rules of Court, made an Order² today fixing 26 April 1983 as the time-limit for the filing of Memorials by the Parties in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

I am transmitting to you under separate cover an official copy of the Order in question. Printed copies of this Order will also be dispatched to you very shortly.

8. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

27 July 1982.

I have the honour to inform you, pursuant to Article 31 of the Statute of the Court, and Article 35 of Rules of Court, that the Socialist People's Libyan Arab Jamahiriya has chosen Mr. Eduardo Jiménez de Aréchaga to sit as judge *ad hoc* in the Libyan-Maltese case which was brought before the Court by the two Parties yesterday.

A brief biography of Mr. Eduardo Jiménez de Aréchaga is enclosed herewith³.

(Signed) Dr. Abdelrazeg EL-MURTADI SULEIMAN.

¹ A communication in the same terms was sent to the Agent of Malta.

² *I.C.J. Reports 1982*, p. 554.

³ Not reproduced.

9. THE REGISTRAR TO THE AGENT OF MALTA

27 July 1982.

I have the honour to inform you that by a letter of today's date, of which a copy is enclosed, the Agent of the Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* has informed me of his Government's choice, in accordance with Article 31 of the Statute and Article 35 of the Rules of Court, of Mr. Eduardo Jiménez de Aréchaga to sit as a judge *ad hoc* in the case.

I further have the honour to inform you that in accordance with Article 35, paragraph 3, of the Rules of Court, the Vice-President of the Court has fixed Friday, 10 September 1982, at 6 p.m., as the time-limit within which the Government of Malta may furnish observations on the choice of the Government of the Libyan Arab Jamahiriya.

I wish to draw your attention to the last sentence of paragraph 3 of Article 35 of the Rules of Court, which provides that: "If within the said time-limit no objection is raised by the other party, and if none appears to the Court itself, the parties shall be so informed."

10. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

27 July 1982.

I have the honour to acknowledge receipt of your letter of today's date in which you notified me that your Government has chosen Mr. Eduardo Jiménez de Aréchaga to sit as a judge *ad hoc* in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

A copy of that letter has been transmitted to the Agent of Malta and the Vice-President of the Court, has, in accordance with Article 35, paragraph 3, of the Rules of Court, fixed Friday, 10 September 1982, at 6 p.m., as the time-limit within which such observations as the Government of Malta may wish to make should be furnished.

I wish to draw your attention to the last sentence of paragraph 3 of Article 35 of the Rules of Court, which provides that: "If within the said time-limit no objection is raised by the other party, and if none appears to the Court itself, the parties shall be so informed."

11. LE GREFFIER ADJOINT

AU MINISTÈRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN¹

20 août 1982.

Le 26 juillet 1982 les agents de la Jamahiriya arabe libyenne et de Malte ont déposé au Greffe de la Cour internationale de Justice le texte d'un compromis conclu entre leurs gouvernements en vue de soumettre à la Cour l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*. Ce compromis a été

¹ Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour.

signé à La Valette le 23 mai 1976 et les instruments de ratification ont été échangés dans la même ville le 20 mars 1982.

J'ai l'honneur, à toutes fins utiles, de vous transmettre ci-joint un exemplaire dudit compromis.

(Signé) PILLEPICH.

12. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

8 October 1982.

With reference to Article 35, paragraph 3, of the Rules of Court, and further to my letter of 27 July 1982 concerning the choice of Mr. E. Jiménez de Aréchaga by your Government to sit as a judge *ad hoc* in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, I have the honour to inform you that no objection to that choice was raised by the Government of Malta within the time-limit of 10 September 1982 fixed by the Vice-President of the Court and that none appears to the Court itself.

Mr. Jiménez de Aréchaga has therefore been informed accordingly and sent copies of the Special Agreement and of the Order of 27 July 1992. Hereafter he will be supplied with the case documentation *pari passu* with the Members of the Court.

The Agent of Malta will likewise be informed.

13. THE AGENT OF MALTA TO THE REGISTRAR

19 January 1983.

I have the honour to inform the Court pursuant to Article 31 of the Statute of the Court and Article 35 of the Rules of Court that the Government of the Republic of Malta will choose a judge *ad hoc* in the case between Malta and the Libyan Arab Jamahiriya submitted to the Court on July 26, 1982, and that the name and nationality of the person so chosen will be notified to the Court at a future date.

(Signed) Edgar MIZZI.

14. THE REGISTRAR TO THE AGENT OF MALTA

31 January 1983.

I have the honour to acknowledge receipt of the letter of 19 January 1983 whereby you have informed the Court that your Government will choose a judge *ad hoc* in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* and that the name and nationality of the person so chosen will be notified at a future date.

Pursuant to Article 35 of the Rules of Court, a copy of your letter has been transmitted to the Agent of the Libyan Arab Jamahiriya, who has been given to understand that any observations that his Government may wish to make should be communicated within six weeks of his being notified of your Government's choice.

15. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

31 January 1983.

With reference to Article 35 of the Rules of Court, I have the honour to transmit to you herewith a copy of a letter dated 19 January 1983 which I have received from the Agent of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

I shall in due course transmit to you a copy of any indication received from the Agent of Malta regarding the name and nationality of the person chosen by his Government to sit as a judge *ad hoc*, and am instructed by the President to inform you that any observations that your Government may wish to make should be furnished within six weeks of your being thus notified.

16. THE REGISTRAR TO THE AGENT OF MALTA¹*(telex)*

21 April 1983.

With reference to our telephone conversation I have the honour to confirm that I shall be happy to receive the Agents of the Parties to the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* on Tuesday next 26 April 1983 at 10 a.m. The Agent of Libya has been duly informed.

17. THE AGENT OF MALTA TO THE REGISTRAR

26 April 1983.

Further to my letter of 19 January 1983 and pursuant to Article 31 of the Statute of the Court and Article 35 of the Rules of Court, I have the honour to inform the Court that the Government of the Republic of Malta has chosen Mr. Jorge Castañeda as judge *ad hoc* in the *Continental Shelf* case between Libya and Malta submitted to the Court on 26 July 1982.

A brief biography of Mr. Jorge Castañeda is enclosed herewith².

18. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

26 April 1983.

Further to my letter of 31 January 1983 I have the honour to transmit to you herewith a copy of a letter of today's date whereby the Agent of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* has informed the Court that his Government has chosen His Excellency Mr. Jorge

¹ A similar communication was sent to the Agent of the Libyan Arab Jamahiriya.

² Not reproduced.

Castañeda to sit as a judge *ad hoc*, and also of the brief biography annexed thereto.

I am, further, instructed by the President of the Court to inform you, with reference to Article 35 of the Rules of Court, that any observations which your Government may wish to make should be furnished by 7 June 1983. In that connection I would draw your attention to paragraph 3 of that Article, which concludes: "If within the same time-limit no objection is raised by the other party, and if none appears to the Court itself, the parties shall be so informed."

19. THE REGISTRAR TO THE AGENT OF MALTA

26 April 1983.

I have the honour to acknowledge receipt of the letter of 26 April 1983 whereby you have informed the Court that your Government has chosen His Excellency Mr. Jorge Castañeda to sit as a judge *ad hoc* in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* and supply brief biographical details of the person thus chosen.

Pursuant to Article 35 of the Rules of Court, a copy of your letter has been transmitted to the Agent of the Libyan Arab Jamahiriya, who has been informed that any observations his Government may wish to make should be furnished by 7 June 1983.

20. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

26 April 1983.

I have the honour to acknowledge receipt of the Memorial¹ of the Government of the Socialist People's Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, filed by you today in four books comprising also the Annexes, and accompanied by the copies required under Article 52, paragraph 1, of the Rules of Court. This pleading was duly filed within the time-limit fixed therefor in the Order made by the Vice-President of the Court on 27 July 1982.

I further acknowledge the deposit of a full-size version of Map 2 facing page 16 of your Government's Memorial, and of the Sea-Bed Model mentioned on page 30, together with a plaque providing a key to its colour-scheme. These will be made available for the inspection of the other Party and Members of the Court.

21. THE REGISTRAR TO THE AGENT OF MALTA

26 April 1983.

I have the honour to acknowledge receipt of two certified copies of the Memorial² of the Government of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, filed by you today in three volumes comprising also the Annexes, together with 28 further copies. This pleading

¹ I, pp. 19-395.

² I, pp. 399-568.

was duly filed within the time-limit fixed therefor in the Order made by the Vice-President of the Court on 27 July 1982. I understand that you will very shortly be providing me with the further copies required by the Registry under Article 52, paragraph 1, of the Rules of Court.

I have also to inform you that the Agent of the Libyan Arab Jamahiriya, in filing the Memorial of his Government, has today deposited a full-size version of Map 2 facing page 16 of his Government's Memorial and the Sea-Bed Model mentioned on page 30, together with a plaque providing a key to its colour-scheme. These are available for your inspection in the Registry.

22. THE REGISTRAR TO THE AGENT OF MALTA¹

4 May 1983.

I have the honour to transmit to you herewith the official sealed copy of an Order² made by the President of the Court on 26 April 1983, fixing time-limits for the next stage of the proceedings in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*. Further printed copies of this Order will be supplied to you very shortly.

23. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

11 May 1983.

I have the honour to refer to your letter of 26 April 1983 (reference 69871) in which you inform me, as Agent for the Socialist People's Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, that the Government of Malta has chosen His Excellency Mr. Jorge Castañeda to act as judge *ad hoc*.

I should like to inform you that the Socialist People's Libyan Arab Jamahiriya has no observation to make regarding this choice by the Government of Malta.

24. THE REGISTRAR TO THE AGENT OF MALTA

30 May 1983.

With reference to Article 35, paragraph 3, of the Rules of Court, and further to my letter No. 69872 of 26 April 1983, I have the honour to inform you that by a letter of 11 May the Agent of the Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* advised me that the Jamahiriya had no observation to make regarding the choice by your

¹ A communication in the same terms was sent to the Agent of the Libyan Arab Jamahiriya.

² *I.C.J. Reports 1983*, p. 3.

Government of His Excellency Mr. Jorge Castañeda to sit as a judge *ad hoc* in the case. I am also to tell you that no objection appears to the Court itself.

Mr. Castañeda is therefore being informed accordingly and sent copies of the documents at present in the case. Later case-documentation will be furnished to him *pari passu* with the Members of the Court and the judge *ad hoc* chosen by Libya.

The Agent of the Libyan Arab Jamahiriya is likewise being informed.

25. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

30 May 1983.

I have the honour to acknowledge receipt of the letter of 11 May 1983 by which you informed me that the Socialist People's Libyan Arab Jamahiriya had no observation to make regarding Malta's choice of His Excellency Mr. Jorge Castañeda to sit as a judge *ad hoc* in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* and to advise you, with reference to Article 35, paragraph 3, of the Rules of Court, that no objection to that choice appears to the Court itself.

Mr. Castañeda is therefore being informed accordingly and sent copies of the documents at present in the case. Later case documentation will be furnished to him *pari passu* with the Members of the Court and the judge *ad hoc* chosen by Libya.

The Agent of Malta is likewise being informed.

26. L'AMBASSADE D'ITALIE AUX PAYS-BAS AU GREFFIER

10 juin 1983.

L'ambassade d'Italie présente ses compliments à la Cour internationale de Justice et a l'honneur de la prier, aux termes de l'article 53 du Règlement de la Cour, de bien vouloir accorder le permis de prendre connaissance des mémoires de la Jamahiriya arabe libyenne et de la République de Malte par rapport à l'affaire du plateau continental.

27. LE GREFFIER ADJOINT À L'AMBASSEUR D'ITALIE AUX PAYS-BAS

10 juin 1983.

J'ai l'honneur d'accuser réception de la note du 10 juin 1983 par laquelle vous demandez à recevoir communication des documents relatifs à la procédure en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*.

Je fais auprès des Parties la démarche prescrite par l'article 53, paragraphe 1, du Règlement et ne manquerai pas de porter à votre connaissance la décision de la Cour.

28. THE DEPUTY-REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA¹

10 June 1983.

I have the honour to inform you that the Government of Italy has requested that the pleadings and annexed documents in the case concerning *Continental Shelf (Libyan Arab Jamahiriya/Malta)* should be made available to it. Pursuant to Article 53, paragraph 1, of the Rules of Court, I would accordingly ask you to be so good as to inform me whether the Government of the Libyan Arab Jamahiriya has any objection to the request being granted.

29. THE REGISTRAR TO THE AGENT OF MALTA²

14 June 1983.

I have the honour to advise you that I am sending to you for information, under separate cover, French translations of the Memorials filed in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* as also of the Technical Annex bound in Volume I of your Government's pleading.

The translations in question have been prepared by the Registry for the use of Members of the Court and have no official character whatever.

30. THE AGENT OF MALTA TO THE REGISTRAR

21 June 1983.

I have the honour to acknowledge receipt of the letter of 10 June 1983 whereby you informed me that the Government of Italy has requested that the pleadings and annexed documents in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* should be made available to it. You also asked me to inform you whether the Government of Malta had any objection to the request.

The Government of Malta understands that it is the practice to keep written pleadings confidential at least until the opening of the oral proceedings; and it sees no reason why such confidentiality should not be kept also in the present case. The objection is not directed against the Government of Italy, but would have applied equally had the request been made by another Government.

31. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS

29 juin 1983.

Me référant à l'accord du 26 juin 1946 entre le Gouvernement des Pays-Bas et la Cour internationale de Justice, j'ai l'honneur de porter à votre connaissance que, dans l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*, MM. Eduardo Jiménez de Aréchaga et Jorge Castañeda ont été désignés

¹ A similar communication was sent to the Agent of Malta.

² A communication in the same terms was sent to the Agent of the Libyan Arab Jamahiriya.

comme juges *ad hoc* respectivement par les Gouvernements de la Jamahiriya arabe libyenne et de Malte.

Je ne manquerai pas de vous faire connaître en temps utile la date de leur arrivée au siège de la Cour.

32. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

(telex)

11 July 1983.

I refer to your communications dated 10 June and 6 July 1983¹, related to the request of the Italian Government that the pleadings and annexed documents in the case concerning *Continental Shelf (Libyan Arab Jamahiriya/Malta)* should be made available to it. I have the honour to inform you that the Government of the Libyan Arab Jamahiriya has no objection to the request being granted.

33. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

11 July 1983.

I have the honour to acknowledge receipt of your telex received today relating to the request of the Government of Italy that the pleadings and annexed documents in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* should be made available to it.

I enclose herewith a copy of the reply I had received on 21 June 1983 from the Agent of Malta on this subject.

34. THE REGISTRAR TO THE AGENT OF MALTA

11 July 1983.

I have the honour to acknowledge receipt of your letter of 21 June 1983 relating to the request of the Government of Italy that the pleadings and annexed documents in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* should be made available to it.

I enclose herewith a copy of the reply I have today received from the Agent of the Libyan Arab Jamahiriya on this subject and would ask you to be so good as to inform me at your earliest convenience whether the Government of Malta has any further views to express.

35. THE AGENT OF MALTA TO THE REGISTRAR

18 July 1983.

I have the honour to refer to your letter of 11 July 1983 relating to the request by the Government of Italy that the pleadings and annexed documents

¹ Not reproduced.

in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* should be made available to it, and enclosing a copy of the reply of the Libyan Arab Jamahiriya on the same subject.

The Government of Malta have taken note of the Libyan views. They have also noted the different attitude taken by the Jamahiriya when a similar request was made by Malta in Libya's case with Tunisia.

The Government of Malta, having considered all relevant factors, confirms its objection to the request of the Government of Italy, and respectfully asks the Court to endorse the view that at this stage all the documents in the case should remain confidential.

36. THE REGISTRAR TO THE AGENT OF MALTA

26 July 1983.

I have the honour to acknowledge receipt of your letter of 18 July 1983 concerning the request by the Government of Italy that the pleadings and documents annexed in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* should be made available to that Government. A copy of your letter is being transmitted to the Agent of the Libyan Arab Jamahiriya for his information.

I shall not fail to inform you in due course of the decision taken on the request of the Government of Italy pursuant to Article 53, paragraph 1, of the Rules of Court.

37. LE GREFFIER À L'AMBASSADEUR D'ITALIE AUX PAYS-BAS

13 octobre 1983.

Me référant à la note du 10 juin 1983 par laquelle vous avez bien voulu me demander de recevoir communication des mémoires soumis à la Cour internationale de Justice par les Parties en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*, j'ai l'honneur de porter à votre connaissance qu'en application de l'article 53, paragraphe 1, de son Règlement la Cour, après s'être renseignée auprès des Parties, a décidé, dans les circonstances présentes, de ne pas accéder à votre demande.

38. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA¹

14 October 1983.

Further to my letter of 26 July 1983 concerning the request by the Government of Italy that the pleadings and annexed documents in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* be made available to it, I

¹ A communication in the same terms was sent to the Agent of Malta.

have now the honour to inform you that the Court, pursuant to Article 53, paragraph 1, of the Rules of Court, has duly considered that request and has decided not to grant it in present circumstances. I have so informed the Government of Italy.

39. REQUÊTE À FIN D'INTERVENTION DU GOUVERNEMENT DE L'ITALIE

[Voir II, p. 421-426]

40. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA¹

24 October 1983.

I have the honour to inform you that the Government of Italy has today filed in the Registry of the Court an Application for permission to intervene, pursuant to Article 62 of the Statute of the Court, in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*. In accordance with Article 83, paragraph 1, of the Rules of Court, I send you herewith a certified copy of the Application in question and am to inform you that the President of the Court has fixed Monday, 5 December 1983 as the time-limit within which your Government and that of Malta may furnish written observations thereon.

41. LE GREFFIER À L'AGENT DE L'ITALIE

24 octobre 1983.

J'ai l'honneur d'accuser réception de la requête à fin d'intervention en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*, fondée sur l'article 62 du Statut de la Cour internationale de Justice, dont vous avez bien voulu me faire remettre le texte ce jour et à laquelle était jointe la copie du décret du ministre secrétaire d'Etat aux affaires étrangères en date du 23 octobre 1983 concernant votre désignation comme agent de l'Italie aux fins de l'affaire.

Conformément à l'article 83 du Règlement de la Cour, des copies certifiées conformes de cette requête ont été transmises aux agents de la Jamahiriya arabe libyenne et de Malte, qui ont été priés de présenter leurs observations écrites dans un délai expirant le 5 décembre 1983.

42. THE REGISTRAR TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

(telex)

24 October 1983.

I have the honour to inform Your Excellency that the Government of Italy has today, 24 October 1983, filed an Application for permission to intervene,

¹ A similar communication was sent to the Agent of Malta.

pursuant to Article 62 of the Statute of the Court, in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*. A copy of the Application will be transmitted to you shortly in accordance with Article 83, paragraph 2, of the Rules of Court.

43. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

26 October 1983.

I have the honour to acknowledge receipt of the Counter-Memorial¹ of the Government of the Socialist People's Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* filed by you today, together with the Annexes thereto, and accompanied by the copies required under Article 52, paragraph 1, of the Rules of Court. This pleading was duly filed within the time-limit fixed therefor in the Order made by the President of the Court on 26 April 1983.

44. THE REGISTRAR TO THE AGENT OF MALTA

26 October 1983.

I have the honour to acknowledge receipt of the Counter-Memorial² of the Government of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, filed by you today, together with the Annexes thereto, and accompanied by the copies required under Article 52, paragraph 1, of the Rules of Court. This pleading was duly filed within the time-limit fixed therefor in the Order made by the President of the Court on 26 April 1983.

45. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN³

17 novembre 1983.

L'article 83, paragraphe 2, du Règlement de la Cour internationale de Justice dispose que le Greffier de la Cour transmet copie de toute requête à fin d'intervention à tous les Etats admis à ester devant la Cour.

En conséquence, j'ai l'honneur de transmettre ci-joint à Votre Excellence copie du texte imprimé bilingue, préparé par le Greffe, d'une requête déposée le 24 octobre 1983 au nom du Gouvernement de l'Italie en application de l'article 62 du Statut de la Cour, à fin d'intervention en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*.

¹ II, pp. 3-235.

² II, pp. 239-417.

³ Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour.

46. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

5 December 1983.

I have the honour to acknowledge the receipt today of the written observations¹ which your Government has furnished, in accordance with Article 83, paragraph 1, of the Rules of Court, on the Application by the Government of Italy for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*. Those observations were submitted within the time-limit fixed by the President of the Court.

With this letter I also transmit to you a copy of the written observations likewise furnished today on the same subject by the Government of Malta.

47. THE REGISTRAR TO THE AGENT OF MALTA

5 December 1983.

I have the honour to acknowledge the receipt today of the written observations² which your Government has furnished, in accordance with Article 83, paragraph 1, of the Rules of Court, on the Application by the Government of Italy for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*. Those observations were submitted within the time-limit fixed by the President of the Court.

With this letter I also transmit to you a copy of the written observations likewise furnished today on the same subject by the Government of the Libyan Arab Jamahiriya.

48. LE GREFFIER À L'AGENT DE L'ITALIE

5 décembre 1983.

Me référant à la requête à fin d'intervention de votre gouvernement en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*, j'ai l'honneur de vous transmettre ci-joint le texte des observations écrites présentées par les Parties en vertu de l'article 83, paragraphe 1, du Règlement de la Cour, lesquelles observations sont parvenues au Greffe le 5 décembre 1983.

En ce qui concerne la suite de la procédure, les audiences publiques au cours desquelles la Cour entendra les représentants des trois gouvernements intéressés, conformément à l'article 84, paragraphe 2, du Règlement de la Cour, s'ouvriront au Palais de la Paix le mercredi 25 janvier 1984, à une heure que je vous indiquerai ultérieurement. Afin de traiter de questions de procédure, le Président recevra les agents de ces trois gouvernements dans son bureau la veille, à 10 heures du matin.

¹ II, pp. 429-437.

² II, pp. 438-478.

Dans cette attente, j'attacherais du prix à ce que vous me communiquiez au plus tard le 16 janvier 1984 la liste provisoire de vos conseils, et à ce que vous me fassiez connaître si je puis transmettre cette liste aux Gouvernements de la Jamahiriya arabe libyenne et de Malte.

49. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA¹

(telex)

6 December 1983.

Further to my conversation with you and the Agent of Malta concerning, *inter alia*, the subsequent proceedings with regard to the Italian Application, I am to inform you that the President will receive you with the Agents of Malta and Italy at 10 a.m. on Tuesday, 24 January 1984. Those Agents have also been so informed.

50. LE GREFFIER À L'AMBASSADEUR D'ITALIE

14 décembre 1983.

Me référant à notre récente conversation, j'ai l'honneur de vous indiquer ci-après les noms des agents des Parties en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*:

- M. Abdelrazeg El-Murtadi Suleiman, professeur de droit international à l'Université Garyounis de Benghazi, aux bons soins de la mission permanente de la Jamahiriya arabe libyenne, 47, avenue Blanc, 1202 Genève (Suisse).
- M. Edgar Mizzi, président de la commission juridique de Malte et conseiller juridique spécial du Gouvernement de Malte, aux bons soins de Blackstone, Rueb et van Boeschoten, Koninginnegracht 27, 2514 AB La Haye.

51. THE COUNSEL OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

(telex)

11 January 1984.

I have the honour of informing you on behalf of the Agent of the Socialist People's Libyan Arab Jamahiriya that at the oral hearings concerning the Italian Application to intervene in the *Libya/Malta* case the members of the Libyan delegation will be as follows:

[See I.C.J. Reports 1984, pp. 3-4]

¹ A similar communication was sent to the Agent of Malta.

52. LE MINISTRE DES AFFAIRES ÉTRANGÈRES D'ITALIE AU GREFFIER

(télèx)

13 janvier 1984.

*[Voir C.I.J. Recueil 1984, p. 4-5]*53. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA¹

18 January 1984.

I have the honour to draw your attention to the following provisions of Article 71 of the Rules of Court:

"1. A verbatim record shall be made by the Registrar of every hearing, in the official language of the Court which has been used . . .

4. Copies of the transcript shall be circulated to the judges sitting in the case, and to the parties. The latter may, under the supervision of the Court, correct the transcripts of speeches and statements made on their behalf, but in no case may such corrections affect the sense and bearing thereof . . .

The transcript of the oral proceedings in respect of the Application of Italy for permission to intervene in the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* case, will be circulated to the States concerned in the proceedings as follows: the transcript of a hearing held from 10 a.m. to 1 p.m. will be available in the evening of the same day, and that of a hearing held from 3 to 6 p.m. will be available during the morning of the following day.

In order to facilitate any supervision which the Court may feel it proper to exercise, and to enable it to give its decision on the Application with the rapidity required by Article 84, paragraph 1, of the Rules of Court, I shall be obliged if you will hand your corrections to my secretary as soon as possible after the circulation of each transcript, and in any event not later 6 p.m. on the day following such circulation.

54. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS

19 janvier 1984.

Me référant au paragraphe V des principes généraux de l'accord du 26 juin 1946 entre le Gouvernement des Pays-Bas et la Cour internationale de Justice, j'ai l'honneur de porter à votre connaissance que, selon les renseignements actuellement à ma disposition, le Gouvernement de la République italienne sera représenté comme suit aux audiences qui se tiendront à partir du 25 janvier 1984 et qui porteront sur la requête de l'Italie à fin d'intervention en l'affaire du *Plateau continental* entre la Jamahiriya arabe libyenne et Malte:

[Voir C.I.J. Recueil 1984, p. 4-5]

¹ A communication in the same terms was sent to the Agent of Malta. A similar communication was sent to the Agent of Italy.

55. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS

19 janvier 1984.

Me référant au paragraphe V des principes généraux de l'accord du 26 juin 1946 entre le Gouvernement des Pays-Bas et la Cour internationale de Justice, j'ai l'honneur de porter à votre connaissance que, selon les renseignements actuellement à ma disposition, le Gouvernement de la Jamahiriya arabe libyenne sera représenté comme suit aux audiences qui se tiendront à partir du 25 janvier 1984 et qui porteront sur la requête de l'Italie à fin d'intervention en l'affaire du *Plateau continental* entre la Jamahiriya arabe libyenne et Malte:

[Voir C.I.J. Recueil 1984, p. 3-4]

56. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS

19 janvier 1984.

Me référant au paragraphe V des principes généraux de l'accord du 26 juin 1946 entre le Gouvernement des Pays-Bas et la Cour internationale de Justice, j'ai l'honneur de porter à votre connaissance que, selon les renseignements actuellement à ma disposition, le Gouvernement de la République de Malte sera représenté comme suit aux audiences qui se tiendront à partir du 25 janvier 1984 et qui porteront sur la requête de l'Italie à fin d'intervention en l'affaire du *Plateau continental* entre la Jamahiriya arabe libyenne et Malte:

[Voir C.I.J. Recueil 1984, p. 4]

57. THE REGISTRAR TO THE AGENT, OF MALTA¹

(telex)

19 January 1984.

I have the honour to confirm that the President of the Court will receive the Agents of the Parties in the *Continental Shelf* case and the Agent of Italy for a meeting in his office at 10 a.m. on Tuesday, 24 January 1984 to discuss practical arrangements for the oral proceedings on the Application by Italy to intervene.

The oral proceedings themselves will open at 10 a.m., on Wednesday, 25 January 1984.

In this connection the Court may wish to consider making accessible to the public, as from the opening of the oral proceedings, the written observations filed by the Parties on the Application of Italy. The Application itself has already received wide circulation (Rules of Court, Art. 83 (2)). I shall therefore be grateful if any views you may wish to express on this point could be made known to me before the meeting with the President on 24 January 1984, at the latest.

¹ A communication in the same terms was sent to the Agent of the Libyan Arab Jamahiriya. A similar communication was sent to the Agent of Italy.

58. LE GREFFIER À L'AGENT DE L'ITALIE

20 janvier 1984.

En prévision des audiences qui se tiendront à partir du 25 janvier 1984 au sujet de la requête de votre gouvernement à fin d'intervention en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*, j'ai l'honneur de vous faire connaître que, selon les renseignements que m'ont communiqués jusqu'ici les agents de la Jamahiriya arabe libyenne et de Malte, leurs gouvernements respectifs y seront représentés comme suit:

[Voir C.I.J. Recueil 1984, p. 3-4]

59. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

20 January 1984.

With reference to the oral proceedings to be held as from 25 January 1984 in respect of Italy's Application for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, I have the honour to inform you that, according to the information so far communicated to me by the Agents of Malta and Italy, their respective Governments will be represented at the hearing by the following persons:

[See I.C.J. Reports 1984, pp. 4-5]

60. THE REGISTRAR TO THE AGENT OF MALTA

20 January 1984.

With reference to the oral proceedings to be held as from 25 January 1984 in respect of Italy's Application for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, I have the honour to inform you that, according to the information so far communicated to me by the Agents of the Libyan Arab Jamahiriya and Italy, their respective Governments will be represented at the hearing by the following persons:

[See I.C.J. Reports 1984, pp. 3-5]

61. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

23 January 1984.

I have the honour of informing you on behalf of the Socialist People's Libyan Arab Jamahiriya that at the oral hearings concerning the Italian application to intervene in the *Libya/Malta* case the members of the Libyan delegation will be as follows:

[See I.C.J. Reports 1984, pp. 3-4]

**62. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA
TO THE REGISTRAR**

23 January 1984.

I have the honour of acknowledging receipt of your telex of 19 January 1984 confirming the appointment of the Agents of the Parties and of the Agent of Italy with the President of the Court at 10 a.m. on Tuesday, 24 January 1984.

I refer also to your request in that telex for the views of Libya regarding making accessible to the public the written observations filed by the Parties on the application of Italy. Libya would have no objection if such an action is considered desirable by the Court.

63. L'AGENT DE L'ITALIE AU GREFFIER

23 janvier 1984.

Me référant à votre aimable lettre¹ n° 71051 du 20 courant, j'ai l'honneur de vous informer que la délégation italienne, quant à elle, exprime son accord à ce que la Cour envisage de rendre accessible au public, à partir du début de la procédure orale, les observations écrites présentées par les Parties.

(Signé) Roberto GAJA.

64. L'AMBASSADEUR D'ITALIE AU GREFFIER

25 janvier 1984.

Faisant suite au télégramme n° 312/C du 13 janvier 1984, j'ai l'honneur de vous communiquer la liste définitive des conseils de la République italienne:

[Voir C.I.J. Recueil 1984, p. 4-5]

65. LE GREFFIER À L'AGENT DE L'ITALIE

27 janvier 1984.

J'ai l'honneur d'accuser réception de la lettre du 23 janvier 1984 par laquelle vous avez bien voulu me faire savoir que l'Italie n'avait pas d'objection à ce que soient mises à la disposition du public les observations écrites présentées par les Parties dans la phase de l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)* relative à la requête de l'Italie à fin d'intervention.

¹ Voir ci-dessus n° 57.

66. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

27 January 1984.

I have the honour to acknowledge receipt of the letter dated 23 January 1984 in which you give your views on the accessibility to the public of the written observations of the Parties on Italy's Application for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

67. THE AGENT OF MALTA TO THE REGISTRAR

6 February 1984.

I have the honour to refer to the question put by Judge Oda to Malta and Italy at the sitting of 30 January 1984, in the oral hearing held on Italy's application for permission to intervene in the *Libya-Malta Continental Shelf* case, and to enclose the reply by Malta to the above question.

*Question by Judge Oda*¹

"Considering that the expressions 'median line' and 'equidistance line' are used in the 1958 Convention on the Continental Shelf in two different situations, is the sector between B and C of the red line on the map on the easel regarded as a median line in the case of opposite States or an equidistance line in the case of adjacent States, in the sense of these concepts in the 1958 Convention?"

Reply by Malta

Malta notes in the first place that the dichotomy between on the one hand "median line in the case of opposite States" and "equidistance line in the case of adjacent States" is not entirely exact. The Convention on the Continental Shelf of 1958, Article 6, in relation to opposite coasts speaks of "the median line, every point of which is equidistant from the nearest points of the baselines . . .", while in relation to adjacent coasts it does not use the expression "equidistance line" but says that "the boundary shall be determined by the application of the principle of equidistance from the nearest points of the baselines . . .". Thus while the expression "median line" is expressly used in relation to opposite coasts, its use is not excluded in relation to adjacent coasts, especially since the equidistance method is, in the circumstances stated in the Article, applicable to both.

Malta also notes, in passing, that Italy is not a party to the 1958 Convention.

Another pertinent observation of a general character is that the expressions "opposite coasts" and "adjacent coasts" do not represent all the geographical situations in which the delimitation of continental shelves is to be effected; nor are such geographical situations easily classifiable into these two classes only.

¹ See II, p. 646.

As may be clearly seen from the *Libya-Tunisia Continental Shelf* case and the Anglo-French Continental Shelf case, there are geographical situations which possess both "opposite coasts" and "adjacent coasts" features and even ones which are neither exactly the one or the other, but cases of "laterally related coasts", as the Atlantic region between France and the United Kingdom was described in the Anglo-French case.

Indeed in the case just referred to, and in relation to the Atlantic region which is quite comparable to parts of the geographical situation of Malta and Italy, the Court of Arbitration in paragraph 242 of its decision expressly stated:

"In so far as the point may be thought to have importance, the Court is inclined to the opinion that the Atlantic region falls within the terms of paragraph 1 rather than paragraph 2 of Article 6. As the United Kingdom emphasizes, there are a number of precedents in which equidistance boundaries between 'opposite' States are prolonged seawards beyond the point where their coasts are geographically 'opposite' each other: and the assumption seems to be that these are prolongations of median lines."

It is therefore quite in consonance with these views that Malta has from the outset and also by reason of its island character, treated all the delimitation situations by which it might be effected as being "opposite coasts" situations. Language corresponding to this first appears in Malta's Continental Shelf Act, 1966, where section 2 provides that

"... where in relation to States of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective shelves, the boundary of the continental shelf shall be that determined by Malta and such other State or States or, in the absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines . . .".

In its relations with Italy Malta has not distinguished between "opposite coasts" and possible "adjacent coasts" situations, or perhaps more accurately a situation of "laterally related coasts". When referring in its Note Verbale of 31 December 1965, to the provisional arrangement with Italy, Malta treated the whole situation as an "opposite States" situation and used the simple expression "median line".

Malta's position in this regard has been consistent as may be seen from the terms of the draft delimitation agreement presented by Malta to Italy at the discussions of 19 June 1975 (see draft attached to Annex 15 to Malta's observations on Italy's Application). This draft was entitled "Agreement between the Government of the Republic of Malta and the Government of the Republic of Italy relating to the delimitation of the Continental Shelf between the two countries". This was clearly intended to be a comprehensive agreement, settling the whole of the continental shelf boundary. Article 1 drew no distinction between "opposite" and "adjacent coasts"; and the boundary of the continental shelf appertaining to each of the Contracting Parties is the median line every point of which is equidistant from the points nearest to the baselines from which the breadth of the territorial waters of Malta and Italy is measured, with the exception of the Islands of Linosa and Lampedusa.

The position taken by Italy is quite similar to that of Malta. Thus the Italian Continental Shelf Law of 21 June 1967 refers to the "median line", even though the delimitation might, in certain circumstances, e.g., near the termini of the land boundaries with France and Yugoslavia, involve an "adjacent coasts" situation.

In truth it may be said that very often the terms "median line" and "equidistant line" are used interchangeably and no safe conclusions can be drawn from the use of either of these terms. For example, the geographical situation between Italy and Tunisia is not exactly and in all respects one of opposite States and yet the two countries agreed that the "boundary of the continental shelf between the two countries shall be the median line . . . with the exception of Lampionne, Lampedusa, Linosa and Pantalleria" (Agreement of 20 August 1971). Conversely, the geographical situation between Italy and Spain, namely between Sardinia and the Balearic Islands is almost exactly that of opposite coasts; this notwithstanding the words used in the Agreement of 19 February 1974 is the following: "The dividing line of the continental shelf between Spain and Italy will remain established following the criterion of equidistance from respective baselines."

In conclusion Malta wishes to state that it has provided a somewhat full answer in order to be as much of assistance to the Court as possible. However in the absence of an indication of the issue to which the question is intended to relate, Malta must reserve the right to supplement or qualify this answer should any later developments in these or other proceedings so require.

68. L'AGENT DE L'ITALIE AU GREFFIER

Rome, le 6 février 1984.

En vous priant de bien vouloir les soumettre à l'examen de la Cour, j'ai l'honneur de vous envoyer les réponses du Gouvernement italien aux questions posées oralement par MM. les juges Oda et de Lacharrière au cours de l'audience du 30 janvier 1984.

P.-S. — A toutes fins utiles je vous joins aussi une carte avec les indications à la réponse au juge de Lacharrière.

Reply to the Following Question Put by Judge Oda¹ to Professor Arangio-Ruiz on January 30th, 1984

"As Counsel will be aware, the expressions 'median line' and 'equidistance line' are used in the 1958 Convention on the Continental Shelf in two different situations. I wonder whether Professor Arangio-Ruiz, or Professor Virally, and Mr. Lauterpacht regard the sector between B and C of the red line on the map on the easel as a median line in the case of opposite States or an equidistance line in the case of adjacent States, in the sense of these concepts in the 1958 Convention."

1. Professor Arangio-Ruiz is aware, as well as the eminent Judge, of the difference set forth in Article 6 of the 1958 Convention on the Continental Shelf, between a median line as a boundary line between States "whose coasts are

¹ See II, p. 646.

opposite each other" and the "principle of equidistance" by "application" of which should be determined the boundary line between "two adjacent States".

2. With regard to line B-C in the map used by counsel for Italy during the oral procedure (January 25-30, 1984), it was meant to correspond to the line as drawn on the map presented to the Court by counsel for Malta in March 1981. As stated by counsel for Italy during the recalled oral proceedings, that line was presumably understood by Malta as a line of equidistance, drawn as a continuation of line A-B. Line A-B in its turn seemed to be understood by Malta, as corresponding to the line *provisionally* agreed upon with Italy for the part of the sea-bed situated between Sicily and Malta.

It is possible that in the Maltese conception, line B-C was intended more for the purpose of delimitation between adjacent coasts than of delimitation between coasts facing each other.

3. In any case, considering the very small coastal and territorial dimensions of Malta as compared to Sicily and the southern part of continental Italy (and other Italian islands), and considering also, in addition to geography, the geology and geomorphology of the area, counsel for Italy finds it very difficult, as he stated before the Court, to understand how the line B-C could ever be justified in law, either as a "median" line, or as a line of "equidistance".

4. It should also be noted that, in the measure indicated in the Italian Agent's reply to the question put by the eminent Judge de Lacharrière the area situated south of line B-C is considered by Italy to be part of the Italian continental shelf.

Réponse de l'agent du Gouvernement italien à la question qui lui a été posée en date du 30 janvier 1984 par M. le juge de Lacharrière¹, dans les termes suivants:

«Monsieur l'agent pourrait-il donner des indications précises sur les zones de plateau continental sur lesquelles l'Italie considère qu'elle a des droits?»

1. L'agent du Gouvernement italien croit interpréter la question qui lui a été adressée dans le sens qu'il lui est demandé de préciser seulement les zones de plateau continental sur lesquelles l'Italie considère avoir des droits et qui sont comprises dans la région qui est vraisemblablement l'objet de l'affaire en cours devant la Cour internationale de Justice.

2. L'agent du Gouvernement italien croit, qu'au cours de la phase orale du débat qui a eu lieu à La Haye du 25 au 30 janvier 1984, lui-même et les conseils de l'Italie, notamment M. Arangio-Ruiz, lors de son intervention du 25 janvier, ont fourni des renseignements assez détaillés sur les revendications italiennes et sur leur localisation géographique. Toutefois, dans l'actuelle phase de la procédure, il n'a pas paru approprié de s'entretenir trop longuement sur une question qui devra être approfondie lors de l'examen du fond.

3. L'agent du Gouvernement italien est toutefois en mesure de préciser davantage les zones sur lesquelles l'Italie considère avoir des droits et remercie le juge de Lacharrière de l'occasion qu'il lui a offerte de revenir sur ce point important. Il se réserve, si la demande à fin d'intervention de l'Italie sera

¹ Voir II, p. 646.

admise, d'indiquer avec tous les détails nécessaires sur quels principes et règles de droit international l'Italie fonde ses différentes prétentions.

4. La première zone sur laquelle l'Italie considère avoir des droits est la zone géographique délimitée à l'ouest par le méridien 15° 10' (qui passe par l'origine de la ligne de base de Capo Passero); au sud par le parallèle 34° 30' N; à l'est par la ligne de délimitation gréco-italienne et sa prolongation; au nord par les côtes italiennes de la Calabre et des Pouilles.

Il est évident que, dans la partie sud de cette zone, la ligne de délimitation entre le plateau continental italien et libyen devra être définie d'un commun accord entre les parties ou par d'autres procédures juridiques agréées. Le même vaut pour la délimitation entre l'Italie et Malte dans la partie sud du côté ouest de cette zone.

5. En ce qui concerne cette première zone, l'Italie estime avoir le droit de participer à la détermination d'un point triple, qui intéresse en même temps Malte, la Libye et l'Italie. Ainsi que l'a expliqué le Conseil de l'Italie, M. Virally, il s'agit du même point qui doit marquer l'extrémité orientale de la ligne de délimitation entre Malte et la Libye.

6. Une deuxième zone sur laquelle l'Italie considère avoir des droits est la zone où se croisent les prolongations des lignes de délimitation tuniso-libyenne (définie par l'arrêt de la Cour en date du 24 février 1982), et italo-tunisienne (définie par l'accord italo-tunisien du 20 août 1971).

Cette zone est délimitée par des lignes qui joignent les points suivants:

- i) le point terminal sud-est de la ligne déterminée par l'accord italo-tunisien cité;
- ii) les points X et G, indiqués sur la carte présentée à la Cour le 25 janvier 1984;
- iii) le point 34° 20' N et 13° 50' E;
- iv) le point qui se trouve sur le même méridien 13° 50' E, au nord du point précédent et à l'est du point terminal donné au chiffre i).

Dans cette zone, doit trouver sa place le deuxième point triple (qui pourrait être aussi quadruple, ainsi que l'a montré le professeur Virally) qui marquera à l'ouest le point terminal de la ligne de démarcation malto-libyenne. L'Italie a évidemment le droit de participer à la détermination de ce point.

7. Il y a, dans la région, d'autres zones (à l'ouest du méridien 15° 10' E, notamment au nord et à l'ouest de Malte) sur lesquelles l'Italie considère avoir des droits. L'Italie estime cependant, d'après les données dont elle dispose, que ces zones ne rentrent pas dans l'objet de la présente affaire.

69. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

9 February 1984.

I have the honour to transmit herewith copies of the replies furnished by Malta and Italy to questions put by Judges Oda and de Lacharrière on 30 January 1984 in the hearing devoted to Italy's Application for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, together with the unofficial Registry translations thereof prepared for the judges' use.

70. THE REGISTRAR TO THE AGENT OF MALTA

9 February 1984.

I have the honour to acknowledge the receipt on 7 February 1984 of the reply by Malta to the question put by Judge Oda on 30 January 1984 in the hearing devoted to Italy's Application for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

I further take this opportunity of enclosing the replies received from Italy to questions put by Judges Oda and de Lacharrière, likewise on 30 January 1984, together with the unofficial translations of all three answers, prepared by the Registry for the judges' use.

71. LE GREFFIER À L'AGENT DE L'ITALIE

9 février 1984.

J'ai l'honneur de vous communiquer ci-joint copie d'une lettre que l'agent de Malte en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)* m'a adressée le 6 février 1984 et qui contient la réponse de son gouvernement à la question posée en audience par M. Oda.

J'y joins à toutes fins utiles la traduction de cette réponse en français. Celle-ci est établie par le Greffe et n'a, comme vous savez, aucun caractère officiel.

72. LE GREFFIER À L'AGENT DE L'ITALIE

20 février 1984.

J'ai l'honneur d'accuser réception de votre lettre du 6 février 1984 transmise par S. Exc. l'ambassadeur d'Italie à La Haye, lettre par laquelle vous m'adrezsez les réponses du Gouvernement italien aux questions posées le 30 janvier 1984 par MM. Oda et de Lacharrière lors des audiences consacrées à la requête de l'Italie à fin d'intervention dans l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*.

La teneur de ces réponses a déjà été transmise, sur la base de votre télex du 6 février 1984, aux agents de la Jamahiriya arabe libyenne et de Malte. Je crois bien faire néanmoins en leur adressant pour la bonne règle le texte de la lettre que je viens de recevoir de vous.

73. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA¹

21 February 1984.

Further to my letter of 9 February 1984 enclosing the text of the telexed replies received from Italy to questions put by Judges Oda and de Lacharrière

¹ A communication in the same terms was sent to the Agent of Malta.

on 30 January 1984 in the hearing devoted to Italy's Application for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, I have the honour to transmit to you herewith a copy of a letter dated 6 February 1984 and received on 17 February in the Registry, together with the emended text of those replies.

I also enclose the emended unofficial translations of the answers in question, prepared by the Registry for the judges' use.

Finally, I wish to inform you that the map referred to in the postscript to the letter of the Agent of Italy, which is identical to the one produced during the hearing with the exception of some shading in the zones referred to in the reply to Judge de Lacharrière, is available for your inspection in the Library of the Court.

74. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

11 March 1984.

With reference to your letter of 9 February 1984 enclosing the text of the telexed replies received from Italy to questions put by Judges Oda and de Lacharrière on 30 January 1984 in the hearing devoted to Italy's Application for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, and to your letter of 21 February 1984 transmitting a copy of a letter dated 6 February 1984, together with the emended text of those replies.

I have the honour to enclose herewith a copy of a note verbale¹ dated 10 March 1984, together with unofficial English translation, addressed to the Government of the Republic of Italy by the Socialist People's Libyan Arab Jamahiriya regarding the position expressed by the Government of Italy in its reply to the question put by Judge de Lacharrière.

Annex

(Unofficial translation)

The Socialist People's Libyan Arab Jamahiriya

The People's Committee of the People's Bureau for Foreign Liaison

Ref. 68/1/7/84

The People's Bureau for Foreign Liaison in the Socialist People's Libyan Arab Jamahiriya presents its compliments to the Embassy of the Republic of Italy in Tripoli, and with reference to the reply of the Italian Government dated 6 February 1984 to the question put by Judge de Lacharrière on 30 January 1984 in the hearing devoted to Italy's Application for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* in which the Government of Italy indicated areas of Continental Shelf over which it considers to have rights; and

¹ See annex.

Having regard to this reply, the Socialist People's Libyan Arab Jamahiriya finds it necessary to reserve its full rights regarding the position expressed by the Government of Italy in the aforementioned reply.

The People's Bureau for Foreign Liaison of the Socialist People's Libyan Arab Jamahiriya avails itself of the opportunity to express to the Embassy of the Italian Republic in Tripoli its highest consideration and respect.

To: The Embassy of the Republic of Italy in Tripoli.
Tripoli: 8 Jumada Al-Akhera 1393
Corrsp. 10 March 1984.

75. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA¹
(telex)

13 March 1984.

I have the honour to inform you that the judgment of the Court on the application of Italy for permission to intervene in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* will be read at a public sitting of the Court to be held on Wednesday, 21 March 1984, at 10 a.m.

76. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

16 March 1984.

I have the honour to acknowledge receipt with thanks of your letter of 11 March 1984, received in the Registry on 14 March 1984, referring to the replies given by the Agent of Italy in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* to the question put during the oral proceedings by Judge de Lacharrière, and enclosing a copy and unofficial English translation of a Note Verbale addressed to the Government of Italy on 10 March 1984.

77. THE REGISTRAR TO THE AGENT OF MALTA²

28 March 1984.

I have the honour to transmit to you herewith an official sealed copy of an Order³ made by the President of the Court on 21 March 1984 fixing a time-limit for the filing of further pleadings in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*. Printed copies of this Order will also be supplied to you very shortly.

¹ A communication in the same terms was sent to the Agent of Malta. A similar communication was sent to the Agent of Italy.

² A communication in the same terms was sent to the Agent of the Libyan Arab Jamahiriya.

³ *I.C.J. Reports 1984*, p. 162.

78. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES
D'AFGHANISTAN¹

28 mai 1984.

Le Greffier de la Cour internationale de Justice a l'honneur de transmettre, sous ce pli, un exemplaire de l'arrêt rendu par la Cour le 21 mars 1984 sur la requête de l'Italie à fin d'intervention en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*.

79. THE REGISTRAR TO THE AGENT OF MALTA²

(telex)

9 July 1984.

Except in case of further notice to the contrary I hereby confirm that the Agents of the Parties and the Registrar will meet at the Registrar's office on 12 July at 10 a.m. following filing and exchange of Replies. The Agents will be received by the President in his chambers in order to ascertain views with regard to questions concerning the subsequent procedure.

80. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

12 July 1984.

I have the honour to acknowledge receipt of the Reply³ of the Government of the Socialist People's Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, filed by you today, and accompanied by the copies required under Article 52, paragraph 1, of the Rules of Court. This pleading was duly filed within the time-limit fixed therefor in the Order made by the President of the Court on 21 March 1984.

81. THE REGISTRAR TO THE AGENT OF MALTA

12 July 1984.

I have the honour to acknowledge receipt of the Reply⁴ of the Government of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/*

¹ Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour. Le même envoi a été fait au Secrétaire général de l'Organisation des Nations Unies.

² A communication in the same terms was sent to the Agent of the Libyan Arab Jamahiriya.

³ III, pp. 3-130.

⁴ III, pp. 133-268.

Malta), filed by you today, accompanied by the copies required under Article 52, paragraph 1, of the Rules of Court. This pleading was duly filed within the time-limit fixed therefor in the Order made by the President of the Court on 21 March 1984.

82. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

12 July 1984.

I have the honour of informing you that, pursuant to Article 50, paragraph 2, of the Rules of Court, copies of the following documents are being deposited with the Registry in connection with the filing of the Reply of the Socialist People's Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*:

1. Exploration and Production Sharing Agreement, dated 13 October 1974, among National Oil Corporation, Compagnie des pétroles Total (Libye) and Compagnie française des pétroles;

2. Libyan oil map, published by the Exploration and Production Department of the National Oil Corporation;

3. Finetti, I. R., "Geophysical Study of the Sicily Channel Rift Zone", 1984, *Boll. Geof. Teor. Appl.*, Vol. 26, No. 101;

4. Jongsma, D., van Hinte, J. E., and Woodside, J. M., "Geologic Structure and Neotectonics of the North African Continental Margin South of Sicily", a paper submitted for publication to *Marine and Petroleum Geology*.

83. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

12 July 1984.

I have the honour to acknowledge receipt with thanks of your letter of 12 July 1984, and of the copies of the documents submitted under cover of that letter for deposit in the Registry, pursuant to Article 50, paragraph 2, of the Rules of Court, in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*. The Court and the Agent of Malta are being informed that these documents are available to be consulted in the Library of the Court.

84. THE AGENT OF MALTA TO THE REGISTRAR

17 October 1984.

I have the honour to refer to the inability for health reasons of His Excellency Mr. Jorge Castañeda to continue to sit on the Court as the judge *ad hoc* chosen by the Government of the Republic of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, and to inform the Court that, in accordance with paragraph (5) of Article 35 of the Rules of Court, the

Government of the Republic of Malta has chosen Professor Nicolas Valticos, of Greek nationality, to replace Mr. Castañeda.

A brief biography of Professor Valticos will be forwarded shortly.

85. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

19 October 1984.

I have the honour to transmit to you herewith a copy of a letter dated 17 October 1984 whereby the Agent of the Republic of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* has informed the Court that, for reasons of ill health, His Excellency Mr. Jorge Castañeda is unable to continue to sit as judge *ad hoc* in the case, and that he is to be replaced by Professor Nicolas Valticos.

86. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA¹

19 October 1984.

I have the honour to inform you that at a meeting held yesterday the International Court of Justice, acting under Article 54 of the Rules of Court, decided to postpone the opening of the oral proceedings in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* and fixed Monday, 26 November 1984 as the date for the opening of the said oral proceedings, at the Peace Palace.

The Court expects a first round in the hearings to be completed before Christmas and, if need be, to resume oral proceedings no earlier than 14 January 1985.

87. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

22 October 1984.

I have the honour to refer to my letter of 19 October 1984 concerning the notification by the Government of Malta of its intention to choose Mr. Nicolas Valticos as judge *ad hoc* to sit in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; I note that no observation on this nomination has been received from you on behalf of the Libyan Arab Jamahiriya. I have further to inform you, pursuant to Article 35, paragraph 3, of the Rules of Court, that no objection to the appointment appears to the Court itself.

Mr. Valticos is therefore being informed accordingly and supplied with copies of the existing documents in the case. Subsequent case documentation will be furnished to him *pari passu* with the Members of the Court and Judge *ad hoc* Jiménez de Aréchaga.

The Agent of Malta is also being so informed.

¹ A communication in the same terms was sent to the Agent of Malta.

88. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

25 October 1984.

I have the honour to refer to your Telex dated 19th October 1984, confirmed by letter of the same date, informing the Socialist People's Libyan Arab Jamahiriya of the decision of the Court taken on 18th October 1984, to postpone the opening of the oral proceedings in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* and to fix Monday, 26th November 1984, as the date for the opening of the said oral proceedings.

I have the honour to inform you that the Socialist People's Libyan Arab Jamahiriya has taken immediate steps to make the adjustments necessary so as to be able to comply with the above-mentioned decision of the Court.

It is noted, however, that, according to the Telex "The Court expects a first round in the hearings to be completed before Christmas and to resume the oral proceedings, if need be, no earlier than 14th January, 1985". Although there can be no certainty at the present stage, it seems most likely that, having regard to the nature and circumstances of the case, a second round of oral pleadings will be needed.

Accordingly, Libya anticipates that the Court will give her time for preparation following Malta's second round of pleadings, which will be adequate, having regard to all the circumstances, including the time allowed to Malta for its preparation during the Christmas break.

89. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

30 October 1984.

I have the honour to acknowledge receipt of your letter dated 25 October 1984 relating to the date of the opening of the oral proceedings in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*. A copy of this letter has been transmitted to the Agent of the Republic of Malta.

I also have the honour to inform you that, by a telephone call on 19 October 1984, the Agent of the Republic of Malta expressed his acceptance of the Court's decision to fix Monday, 26 November 1984 as the opening date of the oral proceedings.

90. THE REGISTRAR TO THE AGENT OF MALTA¹

19 November 1984.

I have the honour to confirm the date of Monday 26 November 1984 as that fixed for the opening of the oral proceedings in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* and to inform Your Excellency that the hour fixed by the President for the first sitting is 3 p.m..

¹ A communication in the same terms was sent to the Agent of the Libyan Arab Jamahiriya.

With a view to the final arrangements, it will be necessary for me to meet briefly with the Agents of the Parties before the oral proceedings begin, and I would accordingly be grateful if you could let me know at what times on Friday 23 and Saturday 24 November you would be available for that purpose.

Meanwhile, with a view to securing for the representatives of each Party the privileges, immunities and facilities to which they are entitled under the agreement in force between the Court and the Netherlands, I would be grateful to be informed without delay of the composition of your delegation. Any information which you may at the same time be able to supply — of course, in confidence and without commitment — regarding the expected order of speakers and the languages they will use would, needless to say, be most helpful from the viewpoint of the linguistic servicing of both the Court and the Parties.

91. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS

20 novembre 1984.

Me référant à l'accord du 26 juin 1946 entre le Gouvernement des Pays-Bas et la Cour internationale de Justice, j'ai l'honneur de porter à votre connaissance que, dans l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*, M. Nicolas Valticos a été désigné comme juge *ad hoc* par le Gouvernement de la République de Malte.

M. Valticos arrivera à l'aéroport de Schiphol le dimanche 25 novembre 1984 à 14 h 30 par le vol SR788 et résidera ensuite quelques jours à La Haye où il descendra à l'hôtel Promenade.

92. THE AGENT OF MALTA TO THE REGISTRAR

22 November 1984.

I have the honour to refer to the letter dated 25 October 1984 received in the Registry from the Agent of the Socialist People's Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, a copy of which you transmitted to me.

In that letter Libya is suggesting that the Court should give it more time "for its preparation during the Christmas break" than is already necessarily given to it by the mere fact that it will speak after Malta. In fact, Libya's time for preparation will be longer than that of Malta, no matter how long the Christmas break will be, by the time taken by Malta for its second round of pleadings; and Libya will not therefore require any more time. It is Malta that will always be handicapped by the fact that it will be speaking first and Libya will always have the last word.

It may also be pointed out that, since at this late stage one may rule out the production of evidence, the hearing will consist merely of the "oral statements made on behalf of each party" in accordance with Article 60 of the Rules of Court. In Malta's view these should follow one another without any substantial interval of time, at least with respect to any of the so-called rounds of pleadings. Malta, it is true, has agreed to speak first; but it has done so only because both Parties cannot speak together. Consequently the arrangement that Malta

should speak first should not cause it more disadvantage than that resulting from the fact that in the oral proceedings the procedure of simultaneous submissions is not possible.

93. THE REGISTRAR TO THE AGENT OF MALTA

23 November 1984.

I have the honour to enclose herewith a copy of a letter¹ of today's date whereby the Agent of the Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* has communicated a revised list of the members of his Government's delegation.

94. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS

23 novembre 1984.

Me référant au paragraphe V des principes généraux de l'accord du 26 juin 1946 entre le Gouvernement des Pays-Bas et la Cour internationale de Justice, j'ai l'honneur de porter à votre connaissance que, selon les renseignements actuellement à ma disposition, le Gouvernement de la Jamahiriya arabe libyenne sera représenté comme suit aux audiences qui se tiendront à partir du 26 novembre 1984 en l'affaire du *Plateau continental* entre la Jamahiriya arabe libyenne et Malte :

[Voir C.I.J. Recueil 1985, p. 13-14]

95. THE AGENT OF MALTA TO THE REGISTRAR

23 November 1984.

Enclosed is a list of the persons who will represent Malta in the *Continental Shelf* case (*Libyan Arab Jamahiriya/Malta*).

[See I.C.J. Reports 1985, pp. 13-14]

96. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

23 November 1984.

I have the honour to enclose herewith a copy of a letter of today's date whereby the Agent of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* has communicated a list of the persons who will represent Malta in the oral proceedings.

¹ Not reproduced.

97. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

23 November 1984.

I have the honour to refer to the discussion today in the presence of the President and yourself between the Agents of the Parties regarding certain procedural aspects of the forthcoming oral pleadings in the above case.

It is not the intention of Libya to produce any new evidence within the meaning of Article 57 of the Rules of Court. It is, however, intended to use two or three of the scientific advisers to the Libyan delegation in order to present and clarify the nature of the scientific evidence already contained in the written pleadings of Libya. This will be done by asking these advisers to respond to questions put to them by Counsel, but these questions will be confined to matters already dealt with in the written pleadings of Libya.

The following advisers, who appear on the list of the Libyan delegation furnished to you on 20 November 1984, may be called for this purpose by Libya during the first round of the oral hearings:

Professor Jan E. van Hinte, Professor of Paleontology at Vrije Universiteit, Amsterdam, the Netherlands. Nationality: Dutch. Residence: Konynginneweg 157, 1075 CN Amsterdam, the Netherlands.

Dr. Derk Jongsma, Senior Lecturer, Vrije Universiteit, Amsterdam, the Netherlands. Nationality: Australian/Dutch. Residence: Amsteldijk N.51, 1184 TD Amstelveen, the Netherlands.

Professor Icilio Finetti, Professor of Geology and Geophysics at the University of Trieste. Nationality: Italian. Residence: Via Ricreatorio, 8, 34016 Trieste, Italy.

Any questions put to Professor van Hinte, Dr. Jongsma and Professor Finetti will relate to the geology and geomorphology of the sea-bed and subsoil of the continental shelf areas of relevance to the case.

98. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

24 November 1984.

I have the honour to acknowledge receipt of your letter, dated 23 November 1984, relating to the presentation of scientific evidence in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

I have transmitted a copy of your letter to the Agent of Malta.

99. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS

24 novembre 1984.

Me référant au paragraphe V des principes généraux de l'accord du 26 juin 1946 entre le Gouvernement des Pays-Bas et la Cour internationale de Justice, j'ai l'honneur de porter à votre connaissance que, selon les renseignements actuellement à ma disposition, le Gouvernement de la République de Malte sera représenté comme suit aux audiences qui se tiendront à partir du 26 novembre 1984 en l'affaire du *Plateau continental* entre la Jamahiriya arabe libyenne et Malte:

[Voir C.I.J. Recueil 1985, p. 15]

100. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

26 November 1984.

I have the honour of furnishing you with a revised list of the members of the delegation of the Socialist People's Libyan Arab Jamahiriya¹. This list replaces the list furnished to you on 23 November 1984. This list is now final.

101. THE REGISTRAR TO THE AGENT OF MALTA

26 November 1984.

I have the honour to transmit to you herewith a copy of a letter dated 26 November 1984 from the Agent of the Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, enclosing the final list of the members of his Government's delegation.

102. THE AGENT OF MALTA TO THE REGISTRAR

26 November 1984.

I have the honour to refer to your letter of 24 November 1984, which was handed to me this morning, transmitting a copy of a letter dated 23 November 1984 received by you from the Agent of the Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

In this letter, the Agent of Libya states that it is not the intention of Libya to produce new evidence within the meaning of Article 57 of the Rules of Court; but then adds that it is intended to use the scientific advisers to the Libya delegation to present and clarify the scientific evidence already produced.

I wish to observe in the first place that Article 57 of the Rules does not refer to "new" evidence but to evidence generally. Thus, experts who give evidence can only do so within the framework of Article 57 and not otherwise.

As Malta understands the position there are only two ways in which material may be conveyed to the Court during oral proceedings: either by those Counsel or others who address the Court on behalf of a party or by those who appear as witnesses or experts.

At the stage of the oral proceedings which has been reached in the *Libya/Malta* case the production of evidence — any evidence — by witnesses or experts is ruled out by Article 57 of the Rules as well as by Article 58 since the requirements of the former cannot be met and the application of the latter is now no longer possible.

I should add, in fact, that the procedure contemplated by Libya would be most unfair to Malta since it would give Libya the undue advantage of producing evidence after Malta has submitted its arguments. Moreover, it is foreseen in Article 58 of the Rules that it is the Court, and not the Parties — much less one of them —, that is to determine whether the Parties should pursue their

¹ See *I.C.J. Reports 1985*, pp. 13-14.

arguments before or after the production of evidence. If the Libyan tactics were allowed to take effect, they would amount to a usurpation of functions exclusively attributed to the Court and are therefore, also for that reason, objectionable.

If Libya wishes the named gentlemen to make statements on its behalf in the course of oral proceedings in the same way as Counsel, it is not, of course, for Malta to object. In that case the experts speak as representatives, do not make a declaration to speak the truth, are not cross-examined and their statements cannot be treated as evidence in the true sense of the word.

For these reasons I respectfully suggest that the proposal by Libya should be rejected and that the gentlemen mentioned in the letter of the Agent of Libya should be permitted to make only statements uninterrupted by questions, in the same way as other gentlemen representing Libya.

103. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

27 November 1984.

I have the honour to transmit to you herewith a copy of a letter dated 26 November 1984 which I have today received from the Agent of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

104. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

27 November 1984.

I refer to your letter of 27 November 1984 transmitting a copy of a letter received from the Agent of Malta dated 26 November responding to my letter to you dated 23 November submitted pursuant to Article 57 of the Rules of Court.

This letter was filed because Libya had come to the conclusion that the presentation of the evidence of its scientific experts should form an integral part of its argument before the Court. Hence, Libya can only take serious exception to the objection to this manner of handling the Libyan case which is raised in the Maltese Agent's letter referred to above. The necessity for this manner of presentation has become all the more apparent to Libya in the light of the oral arguments already put forward by Malta: and Libya has a right to call those witnesses named in its letter of 23 November or, indeed, under Article 63, even witnesses not so named, subject to the control of the Court.

If the Court is not of this view, I should be grateful if a meeting between the Agents of the two Parties with the President could be arranged as soon as possible, so that an early decision may be taken on the Maltese objection in order that there will be no risk of delaying the proceedings.

105. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

29 November 1984.

I have the honour to refer to your letter of 27 November 1984 and to the discussion at the meeting held in the chambers of the President of the Court on

28 November 1984, on the question of the presentation by the Government of the Libyan Arab Jamahiriya of scientific material as evidence during the oral proceedings in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*. As was then indicated, the President has laid the question before the Court, and has informed the Court of the various points drawn to his attention by the representatives of the Parties in the course of that meeting.

On the instructions of the President, I have now to inform you that the Court, having considered those points carefully, and bearing in mind both the need for the Court to be as fully informed as possible of all relevant scientific data, and the fundamental principle of the equality of the parties before the Court, has decided as follows.

If the Government of the Libyan Arab Jamahiriya desires to present the three experts referred to in its Agent's letter of 23 November 1984 as expert witnesses, who will make the solemn declaration laid down in Article 64 of the Rules of Court, and be questioned in court by counsel for Libya, then the representatives of the Government of Malta must be afforded a proper opportunity not only to cross-examine the expert witnesses, but also to prepare their cross-examination, in consultation (if they so desire) with the scientific experts advising the Government of Malta. On this basis, therefore, the Court will only be prepared to hear the expert witnesses to be called by Libya during the second round of oral argument. Furthermore, the Court does not regard the information given in the final paragraph of your letter of 23 November 1984 as sufficiently precise to enable the other Party to prepare its case; attention is drawn to the requirement in Article 57 of the Rules of Court, with regard to experts, for "indications in general terms of the point or points to which their evidence will be directed" — not merely indications of the general field in which the evidence will fall. Accordingly, it is a condition of the calling of any of the expert witnesses that the Court and the Agent of Malta be furnished, before the end of the first round of oral argument, with indications complying with this requirement of the Rules of Court.

In this connection I have further to inform you that the Court contemplates an adjournment, at the end of the first round of oral argument, from 14 December 1984 to a date to be fixed at the end of January or beginning of February 1985.

It remains open to the Government of Libya, as an alternative, to invite the three experts to address the Court in the capacity of advisers of the Government of Libya, without being questioned by counsel on either side. If this option is chosen, the Agent of Libya is of course free to present these advisers at whatever point during the first round of argument he sees fit.

A similar letter is being addressed to the Agent of Malta.

106. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

2 December 1984.

I have the honour to refer to your letter of 29 November 1984 informing Libya of the Court's decision following the meeting of the Agents with the President on 28 November regarding Libya's presentation of scientific material.

Libya is grateful for the prompt decision reached by the Court on this matter and for the opportunity to present its scientific evidence in one of two alternative ways. Libya's choice is to present its scientific advisers (and subject to their availability, which must now be re-confirmed) as expert witnesses in the

manner indicated by the Court during the second round of oral argument. However, before reaching a final decision, Libya would like certain matters of procedure that will govern this phase of the case to be clarified.

It is, of course, essential that Libya be informed of the precise date when the Court would be prepared to hear this evidence. This is necessary in order to be certain of the availability of the expert witnesses. If it is convenient for the Court, Libya is prepared to present this evidence to the Court immediately before the Parties begin to present their arguments in the second round. Libya does not anticipate that more than one session would be necessary to present such oral testimony, without taking into account time that may be taken by cross-examination and re-examination. In this way, it would be possible to finish this technical phase before proceeding to the final pleadings by Counsel of Malta and of Libya.

If I could be advised of the Court's decision as to the date and procedure to be followed, Libya can then finally decide upon the course to take and will comply with the request made by the Court with reference to Article 57 by providing the details required.

107. THE AGENT OF MALTA TO THE REGISTRAR

3 December 1984.

I have the honour to refer to your letter of 29 November 1984 communicating to me the Court's decision on the question of the presentation by the Government of the Libyan Arab Jamahiriya of scientific material as evidence during the oral proceedings in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

It is appreciated that in deciding the issue the Court has borne in mind the fundamental principle of the equality of the Parties before the Court.

Malta therefore respectfully requests that should Libya decide to produce expert witnesses during the second round of oral arguments, these witnesses should be heard before the Parties present their arguments, as is envisaged by Article 58 of the Rules, and that Malta should equally be entitled, at that stage and if it deems it necessary, to produce its expert advisers to give evidence on the same "point or points" to which the evidence produced by Libya will have been directed and which Libya will already have indicated to the Court and to me in compliance with the Court's decision.

If the Libyan evidence were to be produced after Malta has presented its arguments during the second round, Malta would not be in a position to comment on that evidence, or produce its own witnesses to rebut that evidence, except during a third round of oral arguments; and, at this stage at least, such a further round does not otherwise appear to be necessary.

108. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

3 December 1984.

I have the honour to transmit to you herewith a copy of a letter dated 3 December 1984, and received in the Registry this morning, from the Agent of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

109. THE REGISTRAR TO THE AGENT OF MALTA

4 December 1984.

I have the honour to acknowledge receipt of Your Excellency's letter dated 3 December 1984, and received in the Registry the same day, concerning the presentation of scientific material as evidence in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*. A copy of that letter has been communicated to the Agent of the Libyan Arab Jamahiriya.

In the meantime, a letter on the same subject has been received from the Agent of the Libyan Arab Jamahiriya; I have the honour to transmit to you herewith a copy of that letter.

110. LE GREFFIER AU CHARGÉ D'AFFAIRES DE L'AMBASSADE D'ITALIE
AUX PAYS-BAS

4 décembre 1984.

Me référant à la note du 10 juin 1983 par laquelle votre gouvernement demandait à recevoir communication des pièces de procédure en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*, j'ai l'honneur de porter à votre connaissance que, en application de l'article 53 de son Règlement, la Cour a décidé de mettre ces pièces à la disposition du public, et par conséquent des Etats qui en ont fait la demande, à l'ouverture de la procédure orale en cette affaire. Je vous fais donc tenir, sous pli séparé, les mémoires, contre-mémoires et répliques soumises par les Parties, ainsi que leur traduction en langue française, en soulignant que cette dernière, établie par les soins du Greffe, ne doit pas être considérée comme faisant foi.

111. THE REGISTRAR TO THE AGENT OF MALTA¹

5 December 1984.

I have the honour to inform you that the President of the Court, having regard *inter alia* to the views expressed by the Parties in respect of the presentation of scientific evidence, has decided that the oral proceedings in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* will, following the close of the current round of argument, be resumed in the New Year in accordance with the following schedule:

- (1) A first sitting will be held at 10 a.m. on Monday 4 February 1985 for the purpose of the examination and cross-examination of the expert witnesses

¹ A communication in the same terms was sent to the Agent of the Libyan Arab Jamahiriya.

presented by the Libyan Arab Jamahiriya. If necessary, a further sitting may be held at 3 p.m. on the same date for any remaining cross-examination or re-examination required.

- (2) The second round proper will thus in principle open at 10 a.m. on Tuesday 5 February with the beginning of Malta's oral reply to Libya's case.

I trust that this information will be of assistance in the making of your arrangements.

112. THE AGENT OF MALTA TO THE REGISTRAR

5 December 1984.

I have the honour to refer to the arguments presented on behalf of Malta by Professor Ian Brownlie last Monday, December 3, 1984, in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, in which he referred to the Agreement between the Union of Soviet Socialist Republics and the Republic of Turkey dated 23 June 1978 establishing a delimitation of the continental shelf of the two countries in the Black Sea.

For the convenience of the Court as well as of Libya, I am enclosing copies of that Agreement taken from the Annexes to the Reply submitted by Canada in the *Gulf of Maine* case.

113. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

6 December 1984.

I have the honour to transmit to you herewith a copy of a letter dated 5 December 1984 from the Agent of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, together with a copy of the Agreement between the Union of Soviet Socialist Republics and the Republic of Turkey dated 23 June 1978 referred to therein.

**114. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA
TO THE REGISTRAR**

13 December 1984.

I have the honour to refer to your letter of 5 December 1984 in which you informed me of the decision reached by the President regarding the presentation by Libya of its expert evidence.

This early indication of the precise date on which examination, cross-examination and re-examination of Libya's witnesses will take place – namely 4 February 1985 – has allowed us to begin making the necessary arrangements. Accordingly, Libya is now in a position to indicate that it plans to produce

scientific evidence by testimony as mentioned in my 23 November letter on the date indicated by the Court.

In response to your letter of 29 November, I have set forth below the more precise information requested to meet the requirements of Article 57 of the Rules of the Court for "indications in general terms of the point or points to which [the experts'] evidence will be directed".

The points to which the evidence produced by Libya's experts may be directed include the following:

(1) the geomorphology of the sea-bed underlying the Pelagian Sea and in particular the features of the Rift Zone, the Escarpments-Fault Zone and the southern banks and valleys south of the Rift Zone including the Tripolitanian Valley and the Jerrafa Trough;

(2) the geology of the subsoil underlying the Pelagian Sea, and in particular relating to the features referred to in (1) above;

(3) the geomorphological and geological differences between the shelves lying north and south of the Rift Zone and the character of the Rift Zone as a plate boundary;

(4) the geomorphological and geological differences between the shelves underlying the Pelagian Sea and the areas of shelf underlying the Ionian Sea and the Sirt Rise;

(5) the Medina (Malta) Ridge or Medina Mounts;

(6) the geomorphological and geological ties of Malta to the Ragusa-Malta Plateau and to Sicily;

(7) the geological evolution of the sea-bed and subsoil areas underlying the Pelagian Sea, the Ionian Sea and the Sirt Rise;

(8) the presence of volcanics in the area;

(9) discussion of such relevant data as that derived from echosounding, seismic techniques, and magnetic, gravity and heat flow measurements, as well as drill hole data;

(10) the axial ridge line portrayed in the Libyan Reply;

(11) oceanographic aspects of the Rift Zone;

(12) a comparison of the Rift Zone and the Escarpments-Fault Zone with other features mentioned in the jurisprudence and in the written pleadings of Libya and of Malta;

(13) the oil potential in the area;

(14) a critique of various scientific statements, explanations and graphic demonstrations made by Malta in its written pleadings and in the course of Malta's oral presentation.

115. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

13 December 1984.

I have the honour to acknowledge receipt of the letter of 13 December 1984 by which you have informed the Court of the points to which the evidence produced by Libya's experts may be directed on 4 February 1985 during the oral proceedings in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

A copy of that letter has been communicated to the Agent of Malta.

116. THE AGENT OF MALTA TO THE REGISTRAR

14 December 1984.

I have the honour to refer to your letter of 13 December 1984 enclosing a letter of the same date from the Agent of the Libyan Arab Jamahiriya concerning the expert evidence Libya intends to produce in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

I am in the first place to recall that the Court's decision to allow the production of such evidence was made consequent to a notification, albeit late, given by Libya by letter of 23 November 1984 to produce evidence expressly declared not to be "new evidence" and that the purpose of that evidence was to "present and clarify the nature of the scientific evidence already contained in the written pleadings by Libya". It now appears that the nature and the range of the "point or points to which the evidence will be directed" is new in a number of respects.

The letter of 13 December 1984 from the Libyan Agent must, I believe, be read together with the part of Prof. Bowett's speech on 13 December in which he dealt with "Geology and Geomorphology" (*supra*, pp. 161-174). It appears from that speech that Libya is seeking to extend its line of argument regarding the alleged existence of a discontinuity in the "Rift Zone" by now contending that the continental shelves of Malta and Libya respectively form part of two separate plates. This is a very late stage in the proceedings at which to develop such an argument and, if the evidence which Libya now proposes to adduce is directed towards this point, there is a distinct likelihood that the proceedings will have to be somewhat extended.

If, to refer to just one issue, the "two-plate" theory is developed further by Libya, it may not be easy to abbreviate the cross-examination on this point. Thus it may not be possible to complete the evidence within even the two sessions foreseen in your letter of 5 December.

I can assure you that Malta has absolutely no wish to contribute to the lengthening of the stage of oral proceedings in this case, but it must safeguard its position. This also means that as I had anticipated in my letter of 3 December 1984 it may, in consequence of the evidence tendered, be necessary for Malta to produce its expert advisers to give their evidence on the same matters on which the Court may have allowed Libya to examine its witnesses. This may become particularly necessary if Libya's evidence is directed (as appears to be suggested in paragraph (14) of the letter of 13 December) to a "critique" of what Malta has said in the course of its oral presentation. Malta has, already and in due time, expressly reserved the right to call such witnesses, and is confident that the Court, in further recognition of the principle of the equality of the Parties before it, will allow Malta to exercise that right.

117. THE REGISTRAR TO THE AGENT OF MALTA

14 December 1984.

I have the honour to acknowledge receipt of the letter of today's date by which you have informed the Court of Malta's views on the letter of 13 December 1984 that I had received from the Agent of the Libyan Arab Jamahiriya in

the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* with regard to the presentation of scientific evidence.

A copy of your letter has been transmitted to the Agent of the Libyan Arab Jamahiriya.

118. THE AGENT OF MALTA TO THE REGISTRAR

14 January 1985.

I have the honour to refer to the discussion held on Friday 14 December 1984 in the presence of the President and yourself concerning certain procedural matters relating to the second phase of the oral proceedings in the *Continental Shelf* case (*Libyan Arab Jamahiriya/Malta*).

With reference to that discussion I am to inform the Court and the Agent of Libya that the expert witnesses Malta may call during these proceedings are the following:

Mr. Carlo Morelli	Full Professor of Applied Geophysics, University of Trieste.
Mr. Georges H. Mascle	Professor of Geology, Dolmieu Institute of Geology and Minerology, University of Grenoble.
Mr. Jean-René Vanney	Department of Dynamic Geology, Pierre et Marie Curie University, and Department of Teaching and Research, Sorbonne University, Paris.

The points to which the evidence produced by Malta's experts may be directed are the same as those indicated by the Agent of Libya in his letter to you of 13 December 1984. However, in the examination of its expert witnesses, but subject to what may become necessary in a re-examination of those witnesses, Malta will do its best to limit itself to those points which, following Libya's evidence by its experts, will appear to Malta to call for a rebuttal or contradiction, or for an explanation or precision.

119. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA

16 January 1985.

I have the honour to transmit to you herewith a copy of a letter, dated 14 January 1985 and received in the Registry today, from the Agent of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*.

120. THE REGISTRAR TO THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA¹

(telex)

25 January 1985.

I have the honour to inform you that the President of the International Court of Justice will receive the Agents of both Parties in the case concerning the

¹ A communication in the same terms was sent to the Agent of Malta.

Continental Shelf (Libyan Arab Jamahiriya/Malta) at 11 o'clock on Friday, 1 February 1985, for the purpose of determining the sequence of the oral proceedings scheduled to start on Monday, 4 February, at 10 a.m.

121. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES DES PAYS-BAS

29 janvier 1985.

Me référant à l'alinéa final des principes généraux de l'accord du 24 juin 1946 entre le Gouvernement des Pays-Bas et la Cour internationale de Justice, j'ai l'honneur de porter à votre connaissance que les Parties en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)* se réservent de faire témoigner les experts dont les noms suivent, lors des audiences qui commenceront le 4 février 1985:

[Voir C.I.J. Recueil 1985, p. 14-15]

122. THE AGENT OF MALTA TO THE REGISTRAR

13 February 1985.

I have the honour, as required by Article 60 of the Rules of Court, to communicate to the Court a copy of the written text of the final submissions¹ of the Republic of Malta in the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, and to enclose a further copy of that text for transmission to the Agent of the Libyan Arab Jamahiriya.

123. THE REGISTRAR TO THE AGENT OF MALTA

13 February 1985.

I have the honour to acknowledge receipt of your Excellency's letter of today's date communicating the text of the final submissions of the Republic of Malta in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; the additional signed copy you enclosed has been transmitted to the Agent of the Libyan Arab Jamahiriya.

124. THE AGENT OF THE LIBYAN ARAB JAMAHIRIYA TO THE REGISTRAR

22 February 1985.

I have the honour to hereby transmit to you a signed copy of the written text of the final submission² of Libya, pursuant to Article 60, paragraph 2, of the Rules of Court.

Enclosed is a second signed copy for transmission to the Agent of Malta.

¹ See p. 407, *supra*.

² See p. 473, *supra*.

125. THE REGISTRAR TO THE AGENT OF MALTA

22 February 1985.

I have the honour to transmit to Your Excellency herewith the text of the final submissions of the Libyan Arab Jamahiriya in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, communicated to me today by the Agent of Libya pursuant to Article 60, paragraph 2, of the Rules of Court.

126. THE REGISTRAR TO THE AGENT OF MALTA¹*(telex)*

21 May 1985.

I have the honour to inform you that the judgment² of the International Court of Justice in the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)* is to be delivered at a public sitting to be held at 10 a.m. on Monday, 3 June 1985.

127. LE GREFFIER AU MINISTRE DES AFFAIRES ÉTRANGÈRES D'AFGHANISTAN³

3 juillet 1985.

Le Greffier de la Cour internationale de Justice a l'honneur de transmettre ci-joint, en application de l'article 95, paragraphe 3, du Règlement, un exemplaire de l'arrêt rendu aujourd'hui en l'affaire du *Plateau continental (Jamahiriya arabe libyenne/Malte)*.

Des exemplaires imprimés seront expédiés par la voie normale dès leur parution.

¹ A communication in the same terms was sent to the Agent of the Libyan Arab Jamahiriya.

² *I.C.J. Reports 1985*, p. 13.

³ Une communication analogue a été adressée aux autres Etats admis à ester devant la Cour. Le même envoi a été fait au Secrétaire général de l'Organisation des Nations Unies.

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