

No. 17408

TUNISIA
and
LIBYAN ARAB JAMAHIRIYA

Special Agreement for the submission to the International Court of Justice of the question of the continental shelf between the two countries. Signed at Tunis on 10 June 1977

Authentic text: Arabic.

Registered by Tunisia on 15 December 1978.

TUNISIE
et
JAMAHIRIYA ARABE LIBYENNE

Accord spécial relatif au renvoi de l'affaire de la délimitation du plateau continental entre les deux pays à la Cour internationale de Justice. Signé à Tunis le 10 juin 1977

Texte authentique : arabe.

Enregistré par la Tunisie le 15 décembre 1978.

[TRANSLATION — TRADUCTION]

**SPECIAL AGREEMENT¹ BETWEEN THE REPUBLIC OF TUNISIA
AND THE SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA
FOR THE SUBMISSION TO THE INTERNATIONAL COURT OF
JUSTICE OF THE QUESTION OF THE CONTINENTAL SHELF
BETWEEN THE TWO COUNTRIES**

The Ministry of Foreign Affairs of the Government of the Republic of Tunisia and the Secretariat of Foreign Affairs of the Socialist People's Libyan Arab Jamahiriya have agreed to have recourse to the International Court of Justice in accordance with the following:

Article 1. The Court is requested to render its judgment on the following matter:

What are the principles and rules of international law that should be applied for the delimitation of the area of the continental shelf which belongs to the Republic of Tunisia and the area of the continental shelf which belongs to the Socialist People's Libyan Arab Jamahiriya and, in rendering its judgment to take account of equitable principles and the relevant circumstances which characterize the area, as well as the new trends accepted at the Third Conference of the Law of the Sea?

Also, the Court is further requested to clarify the practical method for the application of these principles and rules in this specific situation, so that the experts of the two countries are enabled to delimit those areas without any difficulties.

Article 2. Immediately following the delivery of the judgment by the Court, the two Parties shall meet to put into effect these principles and rules in order to determine the line of delimitation of the area of the continental shelf belonging to each of the two countries, with a view to the conclusion of a treaty on this matter.

Article 3. In the event that agreement as mentioned in article 2 is not reached within a three-month period, renewable by mutual agreement, from the date of the delivery of the Court's judgment, the two Parties shall together go back to the Court and request any explanations or clarifications which would facilitate the task of the two delegations in arriving at the line separating the two areas of the continental shelf, and the two Parties shall comply with the judgment of the Court and with its explanations and clarifications.

Article 4. (a) The proceedings shall consist of written pleadings and oral pleadings.

(b) Without prejudice to any question that may arise relating to the means of proof, the written pleadings shall consist of the following documents:

1. Memorials to be submitted to the Court and exchanged between the two Parties within a period not exceeding eighteen (18) months from the date of the notification of the present Special Agreement to the Registrar of the Court;

¹ Came into force on 27 February 1978 by the exchange of the instruments of ratification, in accordance with article 5.

2. Counter-memorials to be submitted by both Parties to the Court and exchanged between them as follows: the Republic of Tunisia shall submit its counter-memorial within a period of six (6) months after the date of transmission of the memorial to it by the Court; the Socialist People's Libyan Arab Jamahiriya shall submit its counter-memorial within a period of eight (8) months from the date of transmission of the memorial to it by the Court;
3. If necessary, additional written pleadings to be submitted to the Court and to be exchanged within periods to be fixed by the Court at the request of either Party or, if the Court so decides, after consultation between the two Parties.

(c) The question of the order of speaking at the oral hearings shall be decided by mutual agreement between the two Parties, and, whatever order of speaking may be adopted, it shall be without prejudice to any question of the burden of proof.

Article 5. This Special Agreement shall enter into force on the date of exchange of the instruments of its ratification and shall be notified to the Registrar of the Court by both Parties or by either of them.

DONE in Tunis in two original copies in the Arabic language on 23 Jumada II 1397, corresponding to 10 June 1977.

[Signed]

HABIB CHATTY
Minister for Foreign Affairs
of the Government of the
Republic of Tunisia

[Signed]

DOCTOR ALI ABDESSALAM TREIKI
Secretary for Foreign Affairs
of the Socialist People's
Libyan Arab Jamahiriya
