

No. 21035¹

LIBYAN ARAB JAMAHIRIYA
and
MALTA

**Special Agreement for the submission to the International
Court of Justice of a difference. Signed at Valletta on
23 May 1976**

Authentic texts: English and Arabic.

*Registered jointly by the Libyan Arab Jamahiriya and Malta on 19 April
1982.*

¹ Owing to an administrative error, the same registration number (I-21035) had been assigned to both the present Special Agreement between the Libyan Arab Republic and Malta of 23 May 1976 and to the Exchange of notes of 30 January and 5 February 1981 between the United States of America and Senegal relating to space co-operation for a vehicle tracking and communication facility. Taking into account that the International Court of Justice had already been informed of the registration, on 19 April 1982, of the present Special Agreement, and that it was no longer possible to assign to the Exchange of notes between the United States and Senegal a number corresponding to the date of registration of 19 April 1982, the Secretariat, after consultation with, and with the consent of, the Government of the United States, has reassigned the registration of the Exchange of notes between the United States and Senegal to the date of 1 December 1982 (see vol. 1295, p. 161), corresponding to the first registration number still available. It is understood, however, that the complete documentation and information required for the purpose of registration of the Exchange of notes between the United States and Senegal was received from the Government of the United States on 15 April 1982.

SPECIAL AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF MALTA AND THE GOVERNMENT OF THE
LIBYAN ARAB REPUBLIC FOR THE SUBMISSION TO THE
INTERNATIONAL COURT OF JUSTICE OF A DIFFERENCE

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

Article I. The Court is requested to decide the following question:

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

Article II. (1) The proceedings shall consist of written pleadings and oral hearings.

(2) Without prejudice to any question of the burden of proof, the written pleadings shall consist of the following documents:

- (a) Memorials to be submitted simultaneously to the Court by each Party and exchanged with one another within a period of nine months from the date of the notification of this agreement to the Registrar of the Court.
- (b) Replies to be similarly submitted to the Court by each Party and exchanged with one another within four months after the date of the submissions of the memorials to the Registrar.
- (c) Additional written pleadings may be presented and exchanged in the same manner within periods which shall be fixed by the Court at the request of one of the Parties; or if the Court so decides after consultation with the two Parties.

(3) The question of the order of speaking at the oral hearings shall be decided by mutual agreement between the Parties but in all cases the order of speaking adopted shall be without prejudice to any question of the burden of proof.

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

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

¹ Came into force on 20 March 1982 by the exchange of the instruments of ratification, which took place at Valletta, in accordance with article IV.

DONE in two originals at Valletta, Malta, this 23rd day of May 1976, corresponding to 24th Jumada al-ula 1396 H, in the English and Arabic languages, both texts being equally authentic.

For the Government
of the Republic of Malta:

[Signed]

WISTIN ABELA
Minister of Development

For the Government
of the Libyan Arab Republic:

[Signed]

TAHA SHERIF BEN AMER
Minister of State for Revolutionary
Command Council Affairs