

No. 22374

**UPPER VOLTA
and
MALI**

Special Agreement for the submission to a Chamber of the International Court of Justice of the frontier dispute between the two States. Signed at Bamako on 16 September 1983

Authentic text: French.

Registered by the Upper Volta and Mali on 30 September 1983.

**HAUTE-VOLTA
et
MALI**

Compromis visant à soumettre à une Chambre de la Cour internationale de Justice le différend frontalier entre les deux États. Signé à Bamako le 16 septembre 1983

Texte authentique : français.

Enregistré par le Haute-Volta et le Mali le 30 septembre 1983.

[TRANSLATION¹ — TRADUCTION²]

SPECIAL AGREEMENT³ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE UPPER VOLTA AND THE GOVERNMENT OF THE REPUBLIC OF MALI FOR THE SUBMISSION TO A CHAMBER OF THE INTERNATIONAL COURT OF JUSTICE OF THE FRONTIER DISPUTE BETWEEN THE TWO STATES

The Government of the Republic of the Upper Volta and the Government of the Republic of Mali,

Desiring to achieve as rapidly as possible a settlement of the frontier dispute between them, based in particular on respect for the principle of the intangibility of frontiers inherited from colonization, and to effect the definitive delimitation and demarcation of their common frontier,

Referring to the Agreement concluded between them with a view to the settlement of the frontier dispute between them,⁴

Have agreed as follows:

Article I. SUBJECT OF THE DISPUTE

1. The question put before the Chamber of the International Court of Justice formed in accordance with Article II below is as follows:

“What is the line of the frontier between the Republic of the Upper Volta and the Republic of Mali in the disputed area as defined below?”

2. The disputed area consists of a band of territory extending from the sector Koro (Mali) Djibo (Upper Volta) up to and including the region of the Beli.

Article II. FORMATION OF A CHAMBER OF THE INTERNATIONAL COURT OF JUSTICE

The Parties submit the question put in Article I to a chamber of the International Court of Justice (hereinafter called “the Chamber”) formed pursuant to Article 26, paragraph 2, of the Statute of the International Court of Justice (hereinafter called “the Court”) and to the provisions of the present Special Agreement.

Article III. PROCEDURE

1. The Parties agree that their pleadings and their oral argument shall be presented in the French language.

2. Without prejudice to any question as to the burden of proof, the Parties request the Chamber to authorize the following procedure for the pleadings:

- (a) A Memorial filed by each Party not later than six months after the adoption by the Court of the Order constituting the Chamber;
- (b) A Counter-Memorial filed by each Party not later than six months after exchange of the Memorials;
- (c) Any other pleading which the Chamber may find to be necessary.

¹ Translation supplied by the International Court of Justice.

² Traduction fournie par la Cour internationale de Justice.

³ Came into force on 16 September 1983 by signature, in accordance with article V.

⁴ See p. 95 of this volume.

3. The pleadings submitted to the Registrar shall not be transmitted to the other Party until the Registrar has received the corresponding pleading from the other Party.

Article IV. JUDGMENT OF THE CHAMBER

1. The Parties accept the Judgment of the Chamber given pursuant to the Special Agreement as final and binding upon them.

2. Within one year after that Judgment the Parties shall effect the demarcation of the frontier.

3. The Parties request the Chamber to nominate, in its Judgment, three experts to assist them in the demarcation operation.

Article V. ENTRY INTO FORCE, PUBLICATION AND NOTIFICATION

1. The present Special Agreement shall come into force on the date of its signature.

2. It shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the United Nations Charter by the more diligent Party.

3. In accordance with Article 40 of the Statute of the Court, the present Special Agreement shall be notified to the Registrar of the Court by a joint letter from the Parties.

4. If such notification is not effected in accordance with the preceding paragraph within one month from the entry into force of the present Special Agreement, it shall be notified to the Registrar of the Court by the more diligent Party.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto by their respective Governments, have signed the present Special Agreement, drawn up in duplicate.

Bamako, 16 September 1983.

For the Government
of the Republic of the Upper Volta:

[Signed]

HAMA ARBA DIALLO
Minister for Foreign Affairs

For the Government
of the Republic of Mali:

[Signed]

ALIOUNE BLONDIN BEYE
Minister for Foreign Affairs
and International Co-operation