

**APPLICATION FOR REVISION AND INTERPRETATION OF THE JUDGMENT  
OF 24 FEBRUARY 1982 IN THE CASE CONCERNING THE CONTINENTAL SHELF  
(TUNISIA/LIBYAN ARAB JAMAHIRIYA)**

**Judgment of 10 December 1985**

In its judgment on the question concerning the application for revision and interpretation submitted by Tunisia against the Libyan Arab Jamahiriya in connection with the judgment delivered on 24 February 1982 in the case of the Continental Shelf (Tunisia/Libyan Arab Jamahiriya), the Court, unanimously,

— found inadmissible the request for revision of the Judgment of 24 February 1982;

— found admissible the request for interpretation of the Judgment of 24 February 1982 as far as it related to the first sector of the delimitation contemplated by that Judgment, stated the interpretation which should be made in that respect, and stated that the submission of Tunisia relating to that sector cannot be upheld;

— found that the request made by Tunisia for the correction of an error was without object, and that it was not therefore called upon to give a decision thereon;

— found admissible the request for interpretation of the Judgment of 24 February 1982 as far as it related to the most westerly point of the Gulf of Gabes in the second sector of the delimitation contemplated by that Judgment, stated the interpretation which should be made in that respect, and stated that it cannot uphold the submission made by Tunisia relating to that sector;

— found that there was at that time no cause for the Court to order an expert survey for the purpose of ascertaining the precise co-ordinates of the most westerly point of the Gulf of Gabes.

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The International Court of Justice was composed as follows: *President* Nagendra Singh; *Vice-President* de Lacharrière; *Judges* Lachs, Ruda, Elias, Oda, Ago, Sette-Camara, Schwebel, Mbaye, Bedjaoui, Ni; *Judges ad hoc* Mrs. Bastid and Jiménez de Aréchaga.

Judges Ruda, Oda and Schwebel, and Judge *ad hoc* Mrs. Bastid appended separate opinions to the Judgment.

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In these opinions the Judges concerned stated and explained the positions they adopted in regard to certain points dealt with in the Judgment.

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**RELEVANT EXTRACTS OF THE OPERATIVE PART  
OF THE JUDGMENT OF 24 FEBRUARY 1982**

It will be helpful to recall the operative part of the Judgment of 24 February 1982, to which the Court makes frequent reference.

The Court states therein the principles and rules of international law applicable to the delimitation of the areas of continental shelf appertaining respectively to Tunisia and to the Libyan Arab Jamahiriya in the disputed region. It lists the relevant circumstances which should be taken into account in achieving an equitable delimitation, and specifies the practical method to be employed in the delimitation.

The delimitation derived from the method stated by the Court is divided into two sectors:

“in the first sector, namely in the sector closer to the coast of the Parties, the starting point for the line of delimitation is the point where the outer limit of the territorial sea of the Parties is intersected by a straight line drawn from the land frontier point of Ras Ajdir through the point 33° 55' N 12° E, which line runs at a bearing of approximately 26° east of north, corresponding to the angle followed by the north-western boundary of Libyan petroleum concessions numbers NC 76, 137, NC 41 and NC 53, which was aligned on

Continued on next page

the south-eastern boundary of Tunisian petroleum concession "Permis complémentaire offshore du Golfe de Gabès" (21 October 1966); from the intersection point so determined, the line of delimitation between the two continental shelves is to run north-east through the point 33° 55' N, 12° E, thus on that same bearing, to the point of intersection with the parallel passing through the most westerly point of the Tunisian coastline between Ras Kaboudia and Ras Ajdir, that is to say, the most westerly point on the shoreline (low-water mark) of the Gulf of Gabes;

"in the second sector, namely in the area which extends seawards beyond the parallel of the most westerly point of the Gulf of Gabes, the line of delimitation of the two continental shelves is to veer to the east in such a way as to take account of the Kerkennah Islands; that is to say, the delimitation line is to run parallel to a line drawn from the most westerly point of the Gulf of Gabes bisecting the angle formed by a line from that point to Ras Kaboudia and a line drawn from that same point along the seaward coast of the Kerkennah Islands, the bearing of the delimitation line parallel to such bisector being 52° to the meridian; the extension of this line northeastwards is a matter falling outside the jurisdiction of the Court in the present case, as it will depend on the delimitation to be agreed with third States."

At the end of this summary there is a reproduction of Map No. 3, which was annexed to the 1982 Judgment, and which was produced for illustrative purposes only.

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In the Application instituting proceedings which it filed on 27 July 1984, Tunisia submitted to the Court several separate requests: a request for revision of the Judgment delivered by the Court on 24 February 1982 (hereinafter "the 1982 Judgment") submitted on the basis of Article 61 of the Statute of the Court; a request for interpretation of that Judgment submitted under Article 60 of the Statute; and a request for correction of an error. To these was later added a request for the Court to order an expert survey. The Court will deal with these requests in a single Judgment.

#### *Question of the admissibility of the application for revision (paras 11-40)*

Under Article 61 of the Statute, proceedings for revision are opened by a judgment of the Court declaring the application admissible on the grounds contemplated by the Statute. Proceedings on the merits are only undertaken if the Court has found the application admissible. Accordingly, the Court must deal first with the admissibility of the application for revision of the 1982 Judgment submitted by Tunisia. The conditions of admissibility are set out in Article 61, paragraphs 1, 4 and 5 of which read as follows:

"1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

" . . .

"4. The application for revision must be made at latest within six months of the discovery of the new fact.

"5. No application for revision may be made after the lapse of ten years from the date of the judgment."

The fact which, according to Tunisia, was unknown either to the Court or to itself before the delivery of the 1982 Judgment, was the text of the Resolution of the Libyan Council of Ministers of 28 March 1968, which determined the "real course" of the north-western boundary of a petroleum concession, granted by Libya, known as Concession No. 137, to which reference is made in the Judgment, especially in the operative part (see above, page 3).

Tunisia affirms that the real course of that boundary is very different from that resulting from the various descriptions given by Libya to the Court during the proceedings leading up to the 1982 Judgment. It also observes that the delimitation line passing through point 33° 55' N 12° E would allocate to Libya areas of continental shelf lying within the Tunisian permit of 1966, contrary to what has been clearly decided by the Court, whose entire decision, according to Tunisia, is based on the idea of alignment between the permits and concessions granted by the two Parties and on the resultant absence of any overlapping of claims up to 1974.

Without disputing the geographic facts as to the positions of the boundaries of the relevant concessions, as stated by Tunisia, Libya emphasizes that it did not present a misleading picture of its concessions. It refrained from making any statement as to the precise connection between Libyan Concession No. 137 and the Tunisian permit of 1966, and confined itself to indicating the existence of a boundary common to both these concessions, following a direction of approximately 26° from Ras Ajdir.

However, Libya disputes the admissibility of the Application for revision, for reasons of fact and law. According to Libya, the Application fails to comply with any of the conditions stated in Article 61 of the Statute, with the exception of the condition as to the ten-year limit laid down in paragraph 5. It contends

—that the fact now relied on was known to Tunisia at the time when the 1982 Judgment was delivered, or at all events earlier than six months before the filing of the Application,

—that if the fact was unknown to Tunisia, that ignorance was due to negligence on its part, and

—that Tunisia has failed to show that the fact discovered was "of such a nature as to be a decisive factor".

The Court recalls that everything known to the Court must be taken to be known also to the party seeking revision, and a party cannot claim to have been unaware of a fact regularly brought before it.

The Court examines the question raised by Tunisia, on the basis of the idea that the fact supposedly unknown in 1982 related solely to the co-ordinates defining the boundary of Concession No. 137, since the existence of an overlap between the north-western edge of Libyan Concession No. 137 and the south-eastern edge of the Tunisian permit could hardly have escaped Tunisia. It notes that, according to Libya, the information supplied to the Court was accurate as far as it went, but the exact co-ordinates of Concession No. 137 were not supplied to the Court by either Party, so that Tunisia would not have been able to ascertain the exact location of the Libyan Concession from the pleadings and other material then before the Court. The Court must, however, consider whether the circumstances were such that means were available to Tunisia to ascertain the exact co-ordinates of the Concession from other sources; and indeed whether it was in Tunisia's own interests to do so. If such be the case, it does not appear to the Court that it is open to Tunisia to rely on those co-ordinates as a fact unknown to it within the meaning of Article 61, paragraph 1, of the Statute. Having considered the opportunities available to Tunisia to obtain

this information, and arguing from these that the exact concession boundary co-ordinates were obtainable by Tunisia and that it was in its interests to obtain them, the Court concludes that one of the essential conditions of admissibility of a request for revision, laid down in Article 61, paragraph 1, of the Statute—ignorance of a new fact not due to negligence—is lacking.

The Court finds it useful to consider also whether the fact relating to the Concession co-ordinates was “of such a nature as to be a decisive factor”, as required by Article 61, paragraph 1. It points out that, according to Tunisia, the coincidence of the boundaries of the Libyan concessions and of the Tunisian Permit of 1966 is “an essential element [of] the delimitation . . . and, in truth the *ratio decidendi* of the Judgment.” The view of Tunisia as to the decisive character of that coincidence derives from its interpretation of the operative part of the 1982 Judgment (see above, page 3). That operative clause, however, according to the Court, falls into two distinct parts. In the first part, the Court establishes the starting-point of the delimitation line, that point being at the intersection of the limit of the territorial sea of the Parties and a line which it calls the “determining line”, drawn from the frontier point of Ras Ajdir through the point 33° 55' N 12° E. In the second part, the Court adds that the line runs at a specified approximate bearing, and that that bearing corresponds to the angle formed by the boundary of the concessions mentioned. It then defines the actual delimitation line as running from that intersection point north-east on that same bearing (approximately 26°) through the point 33° 55' N 12° E.

The Court finds that in the operative clause of the Judgment there is a single precise criterion for the drawing of the delimitation line, namely that it is to be drawn through two specifically defined points. The other considerations are not mentioned as part of the description of the delimitation line itself; they appear in the operative clause only as an explanation, not a definition, of the “determining line”.

The Court then considers whether it would have arrived at another decision if it had known the precise co-ordinates of Concession No. 137. Here it makes three observations. First, the line resulting from the grant of petroleum concessions was by no means the sole consideration taken into account by the Court, and the method indicated by the Court for achieving an equitable delimitation derived in fact from a balance struck between a number of considerations.

Secondly, the argument of Tunisia that the fact that the Libyan concessions did not match the Tunisian boundary on the west would have induced the Court, had it been aware of it, to adopt a different approach, proceeds from a narrow interpretation of the term “aligned” employed in the operative clause of the 1982 Judgment. It is evident that by using that word, the Court did not mean that the boundaries of the relevant concessions formed a perfect match in the sense that there was neither any overlap nor any sea-bed area left open between the boundaries. Moreover, from what had been said during the proceedings, it knew that the Libyan boundary was a straight line (at a bearing of 26°) and the Tunisian boundary a stepped line, creating either open areas or areas of overlap. The Tunisian boundary followed a general direction of 26° from Ras Ajdir, and according to the Court, the boundary of the Libyan concession was aligned with that general direction.

Thirdly, what was significant for the Court in the “alignment” of the concession boundaries was not merely the fact that Libya had apparently limited its 1968 concession so as not to encroach on Tunisia’s 1966 permit. It was the fact that both parties had chosen to use as boundary of the permits or

concessions granted by them a line corresponding roughly to a line drawn from Ras Ajdir at 26° to the meridian. Their choice was an indication that, at the time, a 26° line was considered equitable by both States.

From the foregoing it follows that the Court’s reasoning in 1982 is wholly unaffected by the evidence now produced as to the boundaries of Concession No. 137. This does not mean that if the co-ordinates of Concession No. 137 had been clearly indicated to the Court, the 1982 Judgment would have been identically worded. Some additional details might have been given. But in order for an application for revision to be found admissible, it is not sufficient that the new fact relied on might, had it been known, have made it possible for the Court to be more specific in its decision; it must also have been a fact “of such a nature as to be a decisive factor”. Yet far from constituting such a fact, the details of the correct co-ordinates of Concession No. 137 would have not have changed the decision of the Court as to the first sector of the delimitation. Accordingly, the Court must conclude that the application by Tunisia for a revision of the 1982 Judgment is not admissible according to the terms of Article 61 of the Statute.

*Request for interpretation in the first sector of the delimitation*  
(paras. 41–50)

In the event that the Court does not find admissible its Application for revision, Tunisia has submitted a subsidiary request for interpretation as regards the first sector of the delimitation line, based on Article 60 of the Statute. The Court first deals in this respect with a jurisdictional objection raised by Libya. The latter claims that, if explanations or clarifications are necessary, the Parties must go back together to the Court in accordance with Article 3 of the Special Agreement on the basis of which the Court was originally seized.<sup>1</sup> The question therefore arises of the link between the procedure contemplated in Article 3 of the Special Agreement, and the possibility of either of the Parties requesting interpretation unilaterally of a judgment under Article 60 of the Statute. Having examined the contentions of the Parties, the Court concludes that the existence of Article 3 of the Special Agreement does not pose an obstacle to the request for interpretation submitted by Tunisia on the basis of Article 60 of the Statute.

The Court goes on to consider whether the Tunisian request fulfils the conditions for admissibility such that it can be met. It considers that a dispute indeed exists between the Parties as to the meaning and scope of the 1982 Judgment, since they do not agree as to whether the indication in the 1982 Judgment that the line should pass through the point 33° 55' N 12° E does or does not constitute a matter decided with binding force; Libya argues that it does; Tunisia that it does not. It therefore concludes that the Tunisian request for interpretation in relation to the first sector is admissible.

The Court goes on to specify the significance of the principle of *res judicata* in the present case. In particular, it observes that even though the Parties did not entrust it with the task of drawing the delimitation line itself, they undertook to apply the principles and rules indicated by the Court

<sup>1</sup>Article 3 of the Special Agreement is worded as follows:

“In case the agreement mentioned in Article 2 is not reached within a period of three months, renewable by mutual agreement from the date of delivery of the Court’s judgement, 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 to arrive at the line separating the two areas of the continental shelf, and the two Parties shall comply with the judgement of the Court and with its explanations and clarifications.”

in its Judgment. As for the figures given by the Court, each element must be read in its context, to establish whether the Court intended it as a precise statement, or merely as an indication subject to variation.

Tunisia states that, in the first sector, the object of its request for interpretation is "to obtain some clarifications, notably as regards the hierarchy to be established between the criteria adopted by the Court, having regard to the impossibility of simultaneously applying these criteria to determine the starting point of the delimitation line . . .". It argues that the boundary to be taken into consideration for the establishment of a delimitation line can only be the south-eastern boundary of the Tunisian Permit of 1966. The Court has already explained, in connection with the request for revision, that the 1982 Judgment lays down for the purposes of the delimitation a single precise criterion for the drawing of the line, namely that it is to be a straight line drawn through two specifically defined points. The Tunisian request for interpretation is therefore founded upon a misreading of the purport of the relevant passage of the operative clause of the 1982 Judgment. The Court therefore finds that it cannot uphold Tunisia's submission concerning the interpretation of the Judgment in this respect, and that there is nothing to be added to what it has already said, in its reasoning on the admissibility of the request for revision, as to the meaning and scope of the 1982 Judgment (see paragraphs 32-39 of the Judgment).

*Request for the correction of an error in the first sector of the delimitation*  
(paras. 51 and 52)

As regards the Tunisian request for the correction of an error, submitted as a subsidiary request to replace the co-ordinates 33° 55' N 12° E with other co-ordinates, the Court considers that it is based upon the view expressed by Tunisia that the choice of this point by the Court resulted from the application of a criterion whereby the delimitation line was not to encroach upon the Tunisian Permit of 1966. However, this is not the case; the point in question was chosen as a convenient concrete means of defining the 26° line from Ras Ajdir. Accordingly, Tunisia's request in this regard appears to be based on a misreading, and has thus become without object. Thus no decision thereon is called for.

*Request for interpretation in the second sector of the delimitation*  
(paras. 53-63)

The Court now turns to the request made by Tunisia for an interpretation of the 1982 Judgment as it concerns the second sector of the delimitation. According to that Judgment, the delimitation line in the first sector was to be drawn "to the point of intersection with the parallel passing through the most westerly point of the Tunisian coastline between Ras Kaboudia and Ras Ajdir, that is to say, the most westerly point on the shoreline (low-water mark) of the Gulf of Gabes". Beyond that parallel, the delimitation line was to reflect the radical change in direction of the Tunisian coastline marked by the Gulf of Gabes. No co-ordinates, even approximate, were indicated in the operative part of the Judgment to identify what in the Court's view was the most westerly point of the Gulf of Gabes. According to the Judgment, "the precise co-ordinates of this point will be for the experts to determine, but it appears to the Court that it will be approximately 34° 10' 30" north".

Tunisia maintains that the co-ordinate 34° 10' 30" N given in the Judgment is not binding on the Parties, since it is not

repeated in the operative part. Libya, on the other hand, argues that since the Court had already made its own calculations, the exact plotting of the point by the experts involved a margin "perhaps of seconds" at most. That being so, the Court takes the view, for the purposes of the conditions of admissibility which it has initially to examine, that there is certainly a dispute between the Parties as to what in the 1982 Judgment has been decided with binding force. It also seems to it that the real purpose of Tunisia's request is to obtain a clarification by the Court of "the meaning and scope of what the Court has decided" on that question in the 1982 Judgment. It therefore finds admissible the Tunisian request for interpretation in respect of the second sector.

Tunisia attaches great importance to the fact that the parallel 34° 10' 30" indicated by the Court meets the coastline in the mouth of a wadi. While recognizing that there is a point in the region of this parallel where tidal waters extend as far as a more westerly longitude than any of the other points considered, Tunisia disregards this, and fixes the most westerly point on the shoreline of the Gulf of Gabes at 34° 05' 20" N (Carthage). Explaining its grounds for rejecting this, the Court says that by "the most westerly point on the shoreline (low-water mark) of the Gulf of Gabes", it simply meant the point on the shoreline which is further to the west than any other point on the same shoreline, and has the advantage of being open to objective definition. As for the presence of a wadi at approximately the latitude referred to by the Court, the Court referred merely to the familiar concept of the "low-water mark". It did not intend to refer to the most westerly point on the baselines from which the breadth of the territorial sea was, or might be, measured; and the idea that it might have referred to such baselines to exclude from its definition of the "most westerly point" a point located in the mouth of a wadi must be regarded as untenable.

As to the significance to be attached to the Court's reference in the 1982 Judgment to the latitude 34° 10' 30" N, the Court explains that it took that latitude as a practical definition of the point in relation to which the bearing of the delimitation line was to change. The definition was not binding upon the Parties, and it is significant in that respect that the word "approximately" was used to describe the latitude, also that the operative part of the Judgment made no mention of it. Moreover, the task of determining the precise co-ordinates of the "most westerly point" was left to the experts. It follows that the Court cannot uphold Tunisia's submission that the most westerly point is situated at 34° 05' 20" N (Carthage). It expressly decided in 1982 that the precise co-ordinates were to be determined by the experts, and it would not be consistent with that decision for the Court to state that a specific co-ordinate constituted the most westerly point of the Gulf of Gabes.

That being so, the Court gives some indications for the experts, saying that they are to identify the most westerly point on the low-water mark by using the available maps, disregarding any straight baselines, and proceeding if necessary to a survey *in loco*, whether or not this point is situated in a channel or in the mouth of a wadi, and whether or not it can be considered as marking a change in direction of the coastline.

*Request for an expert survey*  
(paras. 64-68)

During the oral proceedings, Tunisia made a subsidiary submission for the ordering of an expert survey for the purpose of ascertaining the exact co-ordinates of the most westerly point of the Gulf of Gabes. The Court comments in this

respect that it could only accede to the request of Tunisia if the determination of the co-ordinates of this point were required to enable it to give judgment on the matters submitted to it. However, the Court is seized of a request for interpretation of a previous judgment, and in 1982 it stipulated that it did not purport to determine these co-ordinates with accuracy, this task being left for the experts of the Parties. At that time, it refrained from appointing an expert itself, what was at issue being a necessary element in its decision as to the practical methods to be used. Its decision in this respect is covered by the force of *res judicata*. However, this does not prevent the Parties from returning to the Court to present a joint request that it should order an expert survey, but they would have to do so by means of an agreement. The Court concludes that there is no cause at present for it to order an expert survey for the purpose of ascertaining the exact co-ordinates of the most westerly point of the Gulf of Gabes.

For the future, the Court recalls that the Parties are obliged to conclude a treaty for the purpose of the delimitation. They must ensure that the 1982 Judgment is implemented so that the dispute is finally disposed of, and must consequently act in such a way that their experts engage in a sincere exercise to determine the co-ordinates of the most westerly point, in the light of the indications furnished in the Judgment.

#### OPERATIVE PROVISIONS OF THE COURT'S JUDGMENT

##### THE COURT,

###### A. Unanimously,

*Finds inadmissible* the request submitted by the Republic of Tunisia for revision, under Article 61 of the Statute of the Court, of the Judgment given by the Court on 24 February 1982;

###### B. Unanimously,

(1) *Finds admissible* the request submitted by the Republic of Tunisia for interpretation, under Article 60 of the Statute of the Court, of the Judgment of 24 February 1982 as far as it relates to the first sector of the delimitation contemplated by that Judgment;

(2) *Declares*, by way of interpretation of the Judgment of 24 February 1982, that the meaning and scope of that part of the Judgment which relates to the first sector of the delimitation are to be understood according to paragraphs 32 to 39 of the present Judgment;

(3) *Finds* that the submission of the Republic of Tunisia of 14 June 1985 relating to the first sector of the delimitation, cannot be upheld;

###### C. Unanimously,

*Finds* that the request of the Republic of Tunisia for the correction of an error is without object and that the Court is therefore not called upon to give a decision thereon;

###### D. Unanimously,

(1) *Finds admissible* the request submitted by the Republic of Tunisia for interpretation, under Article 60 of the Statute of the Court, of the Judgment of 24 February 1982 as far as it relates to the "most westerly point of the Gulf of Gabes";

(2) *Declares*, by way of interpretation of the Judgment of 24 February 1982,

(a) that the reference in paragraph 124 of that Judgment to "approximately 34° 10' 30" north" is a general indication of the latitude of the point which appeared to the Court to be the most westerly point on the shoreline (low-water mark) of the Gulf of Gabes, it being left to the experts of the Parties to

determine the precise co-ordinates of that point; that the latitude of 34° 10' 30" was therefore not intended to be itself binding on the Parties but was employed for the purpose of clarifying what was decided with binding force in paragraph 133 C (3) of that Judgment;

(b) that the reference in paragraph 133 C (2) of that Judgment to "the most westerly point of the Tunisian coastline between Ras Kaboudia and Ras Ajdir, that is to say, the most westerly point on the shoreline (low-water mark) of the Gulf of Gabes", and the similar reference in paragraph 133 C (3) are to be understood as meaning the point on that shoreline which is furthest to the west on the low-water mark; and

(c) that it will be for the experts of the Parties, making use of all available cartographic documents and, if necessary, carrying out an *ad hoc* survey *in loco*, to determine the precise co-ordinates of that point, whether or not it lies within a channel or the mouth of a wadi, and regardless of whether or not such point might be regarded by the experts as marking a change in direction of the coastline;

(3) *Finds* that the submission of the Republic of Tunisia, "that the most westerly point of the Gulf of Gabes lies on latitude 34° 05' 20" N (Carthage)", cannot be upheld;

###### E. Unanimously,

*Finds* that, with respect to the submission of the Republic of Tunisia of 14 June 1985, there is at the present time no cause for the Court to order an expert survey for the purpose of ascertaining the precise co-ordinates of the most westerly point of the Gulf of Gabes.

#### SUMMARY OF THE OPINIONS APPENDED TO THE JUDGMENT OF THE COURT

##### *Separate Opinion of Judge Ruda*

Judge Ruda's Separate Opinion refers to the relationship between Article 60 of the Statute of the Court, which deals with the interpretation of previous Judgments and Article 3 of the Special Agreement, empowering the Parties to ask from the Court "explanations or clarifications".

Judge Ruda thinks that, although Libya developed in the argument a jurisdictional objection, based on Article 3, she later waived such objection. Judge Ruda, unlike the Court, also considers that that article established a special procedure to be observed before coming to the Court; "The purpose of Article 3 is to oblige the Parties to make an effort to settle between themselves which are the points of difference, before coming to the Court; if such an effort fails, the Parties then could ask unilaterally for an interpretation under Article 60 of the Statute".

##### *Separate Opinion of Judge Oda*

Judge Oda, as a dissenting judge in the original case in 1982, stated that if the Court had been more cautious in 1982 in its reference to the former Tunisian and Libyan concessions as far as they were to constitute an important factor in the Court's determination of the delimitation line, the present case would probably not have been presented. This seems to him an essential point which the Court in the present Judgment should have more candidly recognized.

With regard to the Tunisian application for revision of the delimitation line in its first sector, Judge Oda is of the view that the Court's intention was for a straight line to be drawn linking Ras Ajdir and the mid-ocean point 33° 55' N and 12° E, and that this was not of a nature to be so affected by any newly discovered facts as to cause the Court to reconsider it. However forcefully that 1982 Judgment may be criticized,

the cause and motive underlying that Judgment, which is final, are, in Judge Oda's view, not matters subject to revision under Article 61 of the Statute.

With regard to the Tunisian requests for interpretation concerning both the first and the second sectors of the delimitation line, Judge Oda is of the opinion that these requests should have been declared inadmissible, since they were simply disguised requests for revision. The first sector was, as indicated above, an unequivocal line connecting two clear points, and the veering-point of the delimitation line for its second sector was determined by the Court on the same latitude as a small nick on the Tunisian coast which the Court happened to pick as a turning-point on the coastline. However questionable these determinations by the Court might have been, they were so clear as to leave no room for interpretation.

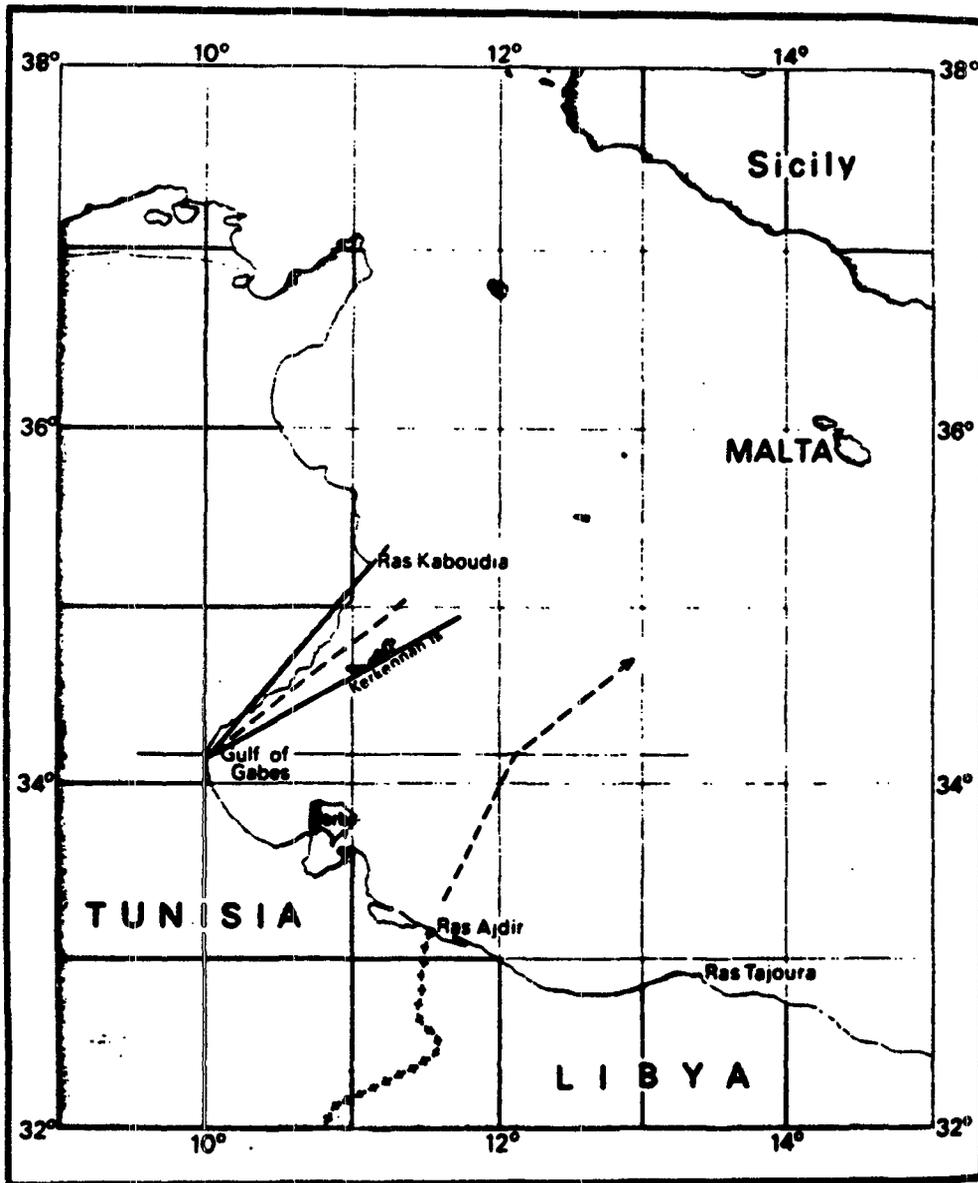
*Separate Opinion of Judge Schwebel*

Judge Schwebel expresses reservations as to the treatment

of the question whether Members of the Court in 1982 had appreciated that there was, in 1974, a measure of overlapping between the petroleum concessions of the Parties within 50 miles of the coast. In his view, the 1982 Judgment would have been worded differently had that fact been really understood. He is however satisfied that such knowledge would not have changed the Court's decision on the first sector of the delimitation line, and remains largely in accord with the present Judgment.

*Separate Opinion of Mrs. Bastid, Judge ad hoc*

In her Separate Opinion, Mrs. Suzanne Bastid, the Judge *ad hoc* chosen by Tunisia, dismisses the request for a revision on the ground that no new fact had emerged. She considers the requests for interpretation admissible. For the first sector, she criticizes the link established between the arguments on revision and those on interpretation. For the second sector, she considers it necessary to recall the meaning of the term "shoreline" (low-water mark) used in the operative part of the 1982 Judgment.



Map No. 3

For illustrative purposes only, and without prejudice to the role of the experts in determining the delimitation line with exactness  
 (Extract from I.C.J. Reports 1982, page 90)