
Nru.134

15. 5. 90

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Eddie Fenech Adami, M.P., Prim Ministru, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' Mejju, 1990.

ATT biex jemenda l-Att ta' l-1984 għar-ratifika ta' Trattat ta' Hbiberija u Koperazzjoni bejn Malta u l-Libja.

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Eddie Fenech Adami, M.P., Prime Minister, and read the First time at the Sitting of the 2nd May, 1990.

AN ACT to amend the Malta-Libya Treaty of Friendship and Co-Operation (Ratification) Act, 1984.

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex jemenda l-Att ta' l-1984 għar-ratifika ta' Trattat ta' Hbiberija u Koperazzjoni bejn Malta u l-Libja.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1990 li jemenda l-Att dwar Trattat ta' Hbiberija u Koperazzjoni bejn Malta u l-Libja, u għandu jinqara u jftiehem haġa waħda ma' l-Att ta' l-1984 dwar Trattat ta' Hbiberija u Koperazzjoni bejn Malta u l-Libja, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali". Titolu fil-qosor.
Att XXII ta' l-1984.
2. Fl-artikolu 2 ta' l-Att prinċipali, minflok il-kliem "fl-Iskeda li tinsab ma' dan l-Att," għandhom jidhlu l-kliem "fl-Ewwel Skeda li tinsab ma' dan l-Att, u l-Ftehim bejn il-Gvern tar-Repubblika ta' Malta u l-Ġemahirija Għarbija Libjana Popolari Soċjalista dwar Emendi relattivi għall-istess trattat u ffirmat fid-19 ta' Frar, 1990, liema Ftehim jinstab fit-Tieni Skeda li tinsab ma' dan l-Att,". Emenda ta' l-artikolu 2 ta' l-Att prinċipali.
3. (1) L-Iskeda li tinsab ma' l-Att prinċipali għandha tiġi enumerata mill-ġdida bhala l-Ewwel Skeda. Skedi li jinsabu ma' l-Att prinċipali.
- (2) Minnufih wara l-Ewwel Skeda li tinsab ma' l-Att prinċipali kif enumerata mill-ġdid għandha tiżdied din it-Tieni Skeda li ġejja:

“IT-TIENI SKEDA

(Artikolu 2)

FTEHIM BEJN IL-GVERN TAR-REPUBBLIKA TA' MALTA
U L-ĠEMAHIRIJA GĦARBIJA LIBJANA POPOLARI SOĊJALISTA
DWAR EMENDI GĦAT-TRATTAT TA' ĦBIBERIJA U KOPERAZZJONI
FFIRMAT BEJN IŻ-ŻEWĠ PAJJIŻI FIL-25 SAFAR 1394 D.P.
LI TIKKORRISPONDI GĦAD-19 TA' NOVEMBRU 1984

Il-Gvern tar-Repubblika ta' Malta, wara li fisser ix-xewqa tiegħu li jemenda xi artikli tat-Trattat ta' Ħbiberija u Koperazzjoni bejn Malta u l-Libja iffirmit f'Valletta fil-25 Safar 1394 D.P., li tikkorrispondi għad-19 ta' Novembru 1984,

u l-Ġemahirija l-Kbira Għarbija Libjana Popolari Soċjalista, wara li wiegħbet għal din ix-xewqa,

u wara li ż-żewġ naħat eżaminaw id-dispożizzjoni ta' dan it-Trattat,

u fl-implimentazzjoni ta' l-għaxar artiklu ta' l-imsemmi Trattat,

ftehm u kif ġej:

ARTIKLU (1)

It-test tal-preambolu tat-trattat għandu jiġi emendat biex jaqra kif ġej:

“Il-Gvern ta' Malta u l-Ġemahirija l-Kbira Għarbija Libjana Popolari Soċjalista,

b'konferma tar-rabtiet qawwija li jeżistu bejn iż-żewġ pajjiżi u billi jixtiequ jrawmu u jiżviluppaw koperazzjoni f'diversi oqsma fuq is-sisien ta' l-interess reċiproku tagħhom bil-għan li jgħibu 'l quddiem il-ġid taż-żewġ popli ħbieb tagħhom;

konxji mill-fatt li l-iżvilupp u l-koperazzjoni jistgħu jiffjorixxu l-aħjar f'atmosfera ta' paċi u sigurtà, u li ż-żewġ pajjiżi jistgħu jkollhom parti pożittiva f'dan ir-rigward, fuq is-sisien taċ-*Charter* tal-Ġnus Magħquda u l-prinċipji ta' non-alinejament;

u sabiex jissottolinjaw il-politika tagħhom li hija mibnija fuq in-newtralità, l-irroftar ta' bażijiet militari barranin fuq it-territorju tagħhom, kif ukoll shubija f'allejanzi militari, u b'konferma ta' l-interess reċiproku tagħhom għas-sigurtà u l-paċi fid-dinja in ġenerali u l-Mediterran b'mod partikolari;

ftehm u kif ġej:”.

ARTIKLU (2)

It-testi tat-tieni u tielet artikli tat-Trattat għandhom jiġu emendati u magħquda f'artiklu wieħed li għandu jissejjaħ artiklu “2” u jaqra kif ġej:

“Iż-żewġ pajjiżi jwiegħdu li ma jippermettux it-twaqqif ta' bażijiet militari barranin fuq it-territorji tagħhom u li ma jippermettux li dawn it-territorji jintużaw militarment kontra s-sigurtà u l-integrità territorjali tal-parti l-oħra.”.

ARTIKLU (3)

Ir-raba' u l-hames artikli tat-Trattat għandhom jingħaqdu f'test wiehed li għandu jissejjaħ artiklu "3" u għandu jaqra kif ġej:

"Iż-żewġ naħat jappoġġaw u jsahhu l-koperazzjoni bejn iż-żewġ pajjiżi tagħhom f'diversi oqsma speċjalment fl-oqsma Ekonomiċi, Kummerċjali, tat-Tagħrif, Soċjali u Kulturali u f'dan il-kwadru iddeċidew dan li ġej:

A. Li jiżviluppaw koperazzjoni fl-oqsma ta' *joint ventures*, bdil kummerċjali bilanċjat, u fl-impiegi;

B. Li jiżviluppaw koperazzjoni fit-tagħrif u fil-kultura bil-għan li jissahhu r-rabtiet bejn il-popli taż-żewġ pajjiżi;

Ċ. Il-ftehim kollu li ġie jew jiġi konkluz bejn iż-żewġ pajjiżi għandu jiġi meqjus bħala parti minn dan it-Trattat. Lista ta' Ftehim eżistenti tidher f'anness għal ma' dan it-test."

ARTIKLU (4)

Is-sitt artiklu tat-Trattat għandu jiġi emendat u mqieghed bħala artiklu "4" u jaqra kif ġej:

"Iż-żewġ naħat jagħmlu konsultazzjonijiet fuq kwistjonijiet politiċi u ekonomiċi internazzjonali li jolqtu l-interessi ta' naħa jew oħra minnhom, biex hekk ikun garantit il-benefiċċju reċiproku tagħhom u jsehħ il-għan ta' dan it-Trattat."

ARTIKLU (5)

Id-disa' artiklu tat-Trattat għandu jiġi emendat u mqieghed bħala artiklu "7" biex jaqra kif ġej:

"Kull differenzi li jistgħu jinqalgħu dwar l-interpretazzjoni tad-dispożizzjonijiet ta' dan it-Trattat għandu jintlaħaq ftehim dwarhom amikevolment."

ARTIKLU (6)

Waqt li l-artiklu "1" tat-Trattat jibqa' jzomm il-pożizzjoni tiegħu, l-artikli 7, 8, 10, 11 għandhom jiġu rranġati skond l-emendi miftehma dwarhom u għandhom rispettivament isiru: 5, 6, 8, 9.

ARTIKLU (7)

Dan il-Ftehim huwa suġġett għal ratifika skond il-proċeduri legali li huma applikabbli f'kull wiehed miż-żewġ pajjiżi, u jidhol fis-seħħ fid-data tal-bdil tad-dokumenti tar-ratifika u jsir minnufih parti integrali tat-Trattat ta' Hbiberija u Koperazzjoni.

Magħmul f'Valletta fid-19 ta' Frar 1990 li tikkorrispondi għall-24 Rajab 1399 D.P. f'żewġ oriġinali, fl-ilsien Inġliż u fl-ilsien Għarbi, iż-żewġ testi awtentiċi ndaqs.

Għall-Gvern tar-Repubblika
ta' Malta

Għall-Ġemahirija l-Kbira Għarbija
Libjana Popolari Soċjalista

Dr Edward Fenech Adami
Prim Ministru u Ministru
ta' l-Affarijiet Barranin ta' Malta

Eng Jadallah Azzuz Al-Talhi
Segretarju tal-Kumitat Popolari ta'
l-Uffiċċju Popolari għal Relazzjonijiet
Barranin u Koperazzjoni Internazzjonali

ANNEX

Ftehim dwar koperazzjoni ekonomika, xjentifika u teknika ffirmat f'Valletta fil-31 ta' Mejju, 1968.

Ftehim kummerċjali ffirmat f'Valletta fil-31 ta' Mejju, 1968.

Ftehim dwar self iffirmit fi Tripoli, Awissu 1971.

Ftehim dwar visi ta' dhul u hruġ iffirmit f'Valletta fid-9 ta' Lulju, 1972.

Ftehim kulturali ffirmat fi Tripoli fil-5 ta' Ottubru, 1972.

Ftehim dwar il-Parteċipazzjoni ta' Kumpanniji kontraenti Maltin fl-eżekuzzjoni ta' proġetti ta' djar fil-Libja, iffirmit fi Tripoli fil-5 ta' Ottubru, 1972.

Ftehim għall-helsien mit-taxxa doppja dwar taxxi fuq l-income iffirmit fi Tripoli fil-5 ta' Ottubru, 1972.

Ftehim għall-inkoraġġiment tal-moviment ta' Kapital għall-Investment iffirmit f'Valletta fit-8 ta' Frar, 1973.

Ftehim biex Malta tiġi fornuta b'żejt raffinat/grezz iffirmit fi Tripoli fit-28 ta' April, 1975.

Ftehim dwar it-twaqqif ta' *Holding Company* iffirmit fi Tripoli fid-19 ta' Mejju, 1975.

Ftehim dwar ix-xandir iffirmit f'Valletta fl-20 ta' Ġunju, 1975.

Ftehim dwar self iffirmit f'Valletta fid-29 ta' Lulju, 1975.

Ftehim speċjali għas-sottomissjoni lill- *International Court of Justice of Difference* iffirmit f'Valletta fit-23 ta' Mejju, 1976.

Ftehim dwar Xogħol iffirmit fi Tripoli fis-27 ta' Mejju, 1978.

Ftehim għat-twaqqif ta' kumpannija Maltija/Libjana għas-Sajd iffirmit fi Tripoli fis-17 ta' Lulju, 1978.

Ftehim dwar Koperazzjoni iffirmit f'Valletta fl-10 ta' Awissu, 1984 u l-emendi tiegħu ta' l-24 ta' Settembru, 1985 u t-30 ta' Marzu, 1988.

Ftehim dwar Koperazzjoni bejn il-Korporazzjoni Telemalta u l-*Libyan Jamahiriya Broadcasting* iffirmit f'Valletta fl-10 ta' Awissu, 1984.

Ftehim kummerċjali iffirmit fi Tripoli fid-19 ta' Diċembru, 1984.

Ftehim biex jiġu regolati servizzi ta' l-ajru *scheduled* bejn u lil hinn mit-territorji rispettivi tagħhom iffirmit fi Tripoli fil-15 ta' Jannar, 1985.

Ftehim dwar Koperazzjoni iffirmit f'Valletta fil-5 ta' Novembru, 1985.

Ftehim li jimplementa l-Artiklu III tal-Ftehim Speċjali u d-Deċiżjoni ta' l-ICJ iffirmit f'Valletta fl-10 ta' Novembru, 1986.

Ftehim dwar is-Sigurtà Soċjali iffirmit f'Valletta fis-6 ta' Mejju, 1988.

Ftehim dwar it-twaqqif ta' *joint venture company* biex topera u tmexxi *supermarkets* fil-Ġemahirija Għarbija Libjana Popolari Soċjalista iffirmit f'Valletta fit-28 ta' Ottubru, 1988."

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa r-ratifika tal-Ftehim Bejn il-Gvern tar-Repubblika ta' Malta u l-Ġemahirija Għarbija Libjana Popolari Soċjalista Dwar Emendi għat-Trattat ta' Hbiberija u Koperazzjoni ffirmit bejn iż-żewġ Pajjiżi fid-19 ta' Novembru, 1984.

**A BILL
entitled**

*AN ACT to amend the Malta-Libya Treaty of Friendship and
Co-Operation (Ratification) Act, 1984.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

Act XXII of 1984.

Amendment of
section 2 of the
principal Act.

Schedules to the
principal Act.

1. This Act may be cited as the Malta-Libya Treaty of Friendship and Co-Operation (Ratification) (Amendment) Act, 1990, and shall be read and construed as one with the Malta-Libya Treaty of Friendship and Co-Operation (Ratification) Act, 1984, hereinafter referred to as “the principal Act”.

2. In section 2 of the principal Act, for the words “in the Schedule to this Act,” there shall be substituted the words “in the First Schedule to this Act, and the Agreement between the Government of the Republic of Malta and the Socialist People’s Arab Jamahiriya concerning Amendments relative to the same treaty and signed on the 19th February, 1990, which Agreement is contained in the Second Schedule to this Act,”.

3. (1) The Schedule to the principal Act shall be renumbered as the First Schedule.

(2) Immediately after the First Schedule to the principal Act as renumbered there shall be added the following Second Schedule:

"SECOND SCHEDULE

(Section 2)

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
MALTA AND THE SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA
CONCERNING AMENDMENTS TO THE TREATY OF FRIENDSHIP AND
CO-OPERATION SIGNED BETWEEN THE TWO COUNTRIES ON 25 SAFAR
1394 D.P. CORRESPONDING TO 19 NOVEMBER 1984.

The Government of the Republic of Malta, having expressed its desire to amend some articles of the Treaty of Friendship and Co-operation between Malta and Libya signed in Valletta on 25 Safar 1394 D.P., corresponding to 19 November 1984,

and the Great Socialist People's Libyan Arab Jamahiriya having responded to this desire,

and both sides, having reviewed the provision of this Treaty,

and in the implementation of the tenth article of the said Treaty,

have agreed as follows:

ARTICLE (1)

The text of the preamble of the treaty is to be amended to read as follows:

"The Government of Malta and the Great Socialist People's Libyan Arab Jamahiriya,

in confirmation of the strong bonds which exist between the two countries and desirous to foster and develop co-operation in various fields on the basis of their mutual interest with the aim of promoting the welfare of their friendly peoples;

conscious of the fact that development and co-operation can best flourish in an atmosphere of peace and security, and that both countries can play a positive role in this respect, on the basis of the United Nations Charter and the principles of non-alignment;

and to underline their policies which are built on neutrality, rejection of foreign military bases on their territory, as well as membership in military alliances, and in confirmation of their mutual concern for the security and peace in the world in general and the Mediterranean in particular;

have agreed as follows:".

ARTICLE (2)

The text of the second and third articles of the Treaty are to be amended and joined in one article to be referred to as article "2" and reads as follows:

"The two countries pledge not to allow the establishment of foreign military bases on their territories and not to allow these territories to be used militarily against the security and territorial integrity of the other party."

ARTICLE (3)

The fourth and fifth articles of the Treaty are to be joined in one text to be referred to as article "3" and to read as follows:

"The two sides will support and strengthen the co-operation between their two countries in various fields especially in the Economic, Commercial, Information, Social and Cultural fields and in this framework, they decided on the following:

A. To develop co-operation in the fields of joint ventures, balanced trade exchanges, and employment;

B. To develop co-operation in information and culture with the aim of strengthening the bonds between the peoples of the two countries;

C. All agreements which were or will be concluded between the two countries are to be regarded as part of this Treaty. A list of existing Agreements appears in an annex to this text."

ARTICLE (4)

The sixth article of the Treaty is to be amended and placed as article "4" and reads as follows:

"The two sides will hold consultations on international political and economic issues which affect the interests of either of them, so as to guarantee their mutual benefit and realise the aim of this Treaty."

ARTICLE (5)

The ninth article of the Treaty is to be amended and placed as article "7" to read as follows:

"Any differences which may arise about the interpretation of the provisions of this Treaty are to be settled amicably."

ARTICLE (6)

While article "1" of the Treaty retains its position, articles 7, 8, 10, 11 are to be arranged in accordance with the amendments agreed upon to become respectively: 5, 6, 8, 9.

ARTICLE (7)

This Agreement is subject to ratification in accordance with the legal procedures that are applicable in each of the two countries, and will enter into effect on the date of the exchange of instruments of ratification and will become immediately an integral part of the Treaty of Friendship and Co-operation.

Done in Valletta on 19th February 1990 corresponding to 24 Rajab 1399 D.P. in two originals, in the English and Arabic languages, both texts being equally authentic.

For the Government of
The Republic of Malta

For the Great Socialist
People's Libyan Arab Jamahiriya

Dr Edward Fenech Adami
Prime Minister and Minister
of Foreign Affairs of Malta

Eng Jadallah Azzuz Al-Talhi
Secretary of the People's Committee
of the People's Bureau for Foreign
Liaison and International Co-operation

ANNEX

Economic, scientific and technical co-operation agreement signed in Valletta on 31st May 1968.

Trade agreement signed in Valletta on 31st May 1968.

Loan agreement signed in Tripoli, August 1971.

Entry and exit visas agreement signed in Valletta on the 9th July 1972.

Cultural Agreement signed in Tripoli on the 5th October 1972.

Agreement on the Participation of Maltese contracting Companies in the execution of housing projects in Libya signed in Tripoli on the 5th October 1972.

Agreement for the avoidance of double taxation with respect to taxes on income signed in Tripoli 5th October 1972.

Agreement for the encouragement of the movement of Capital for Investment signed in Valletta on the 8th February 1973.

Agreement to supply Malta with refined/crude oil signed in Tripoli on 28 April 1975.

Agreement for the establishment of a Holding Company signed in Tripoli on the 19th May 1975.

Agreement on broadcasting signed in Valletta on 20 June 1975.

Loan agreement signed in Valletta on 29 July 1975.

Special Agreement for the submission to the International Court of Justice of Difference signed in Valletta on the 23rd May 1976.

Manpower Agreement signed in Tripoli on the 27th May 1978.

Agreement for the establishment of a Maltese/Libyan fishing company signed in Tripoli on the 17th July 1978.

Co-operation Agreement signed in Valletta on the 10th August 1984 and its amendments of 24th September 1985 and 30th March 1988.

Co-operation Agreement between Telemalta Corporation and the Libyan Jamahiriya Broadcasting signed in Valletta on the 10th August 1984.

Trade Agreement signed in Tripoli on the 19th December 1984.

Agreement for regulating scheduled air services between and beyond their respective territories signed in Tripoli on the 15th January 1985.

Agreement on Co-operation signed in Valletta on the 5th November 1985.

Agreement implementing Article III of the Special Agreement and the Judgement of the ICJ signed in Valletta on the 10th November 1986.

Agreement on Social Security signed in Valletta on the 6th May 1988.

Agreement on the setting up of a joint venture company to operate and run supermarkets at the Socialist People's Libyan Arab Jamahiriya signed in Valletta on the 28th October 1988.”.

Objects and Reasons

The Object of this Bill is the ratification of the Agreement Between the Government of the Republic of Malta and the Socialist People's Libyan Arab Jamahiriya Concerning Amendments to the Treaty of Friendship and Co-operation signed between the two Countries on the 19th November, 1984.