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LETTER DATED 4 SEPTEMBER 1980 FROM THE PERMANENT REPRESENTATIVE
OF MALTA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour to refer to the letter dated 3 September addressed to Your Excellency by the Deputy Permanent Representative of the Libyan Arab Jamahiriya to the United Nations (S/14145), in answer to mine of 1 September (S/14140), concerning the serious incident provoked by the illegal action taken recently by naval forces of the Libyan Arab Jamahiriya against legitimate Maltese interests.

The letter from the Deputy Permanent Representative of Libya attempts to cloud the issue by misrepresenting the facts.

The agreement to refer to the International Court of Justice any dispute between the two countries over the continental shelf was finally signed, after four years of negotiation, in 1976. Despite innumerable representations by the Maltese side, and frequent promises by the Libyan side accompanied by delaying tactics, the agreement has up to this day not been ratified. It has now been mentioned that the People's Congress may have the treaty referred to it late in 1980.

To call the drilling by the Maltese Government unexpected is completely inaccurate. Notice was publicly announced by the Malta Government in November 1979. Despite having been given nine months' notice in advance, there was no reply from the Libyan Government to the Maltese Government concerning the notice, but there was of course a sudden, unannounced and grave threat to use force against unarmed personnel and equipment carrying out legitimate activities well within Malta's half of the median line between the two countries. A copy of the telex sent on 20 August by the Libyan Minister of Oil to the concessionaries is attached for information.*

The area of the activities referred to in the telex is approximately 130 miles distant from the Libyan coastline, yet is described as "territorial waters".

To describe "the Libyan efforts" to settle the issue under the threat of the use of force as "amicable" seems to me a very odd description of the normal

* Document available in the files of the Secretariat.

standard of inter-State practice. The clear facts are that a Libyan naval vessel is actually moored to one of the buoys of the rig and has uninterruptedly been there for the last 48 hours to make sure that the drilling rig will not only plug the well but will also leave the area.

It is patently absurd to try to give the impression that Libya is seeking a peaceful solution when at this very minute it is still using force to prevent Malta from carrying out its inherent rights under international law and practice, and intimidating contractors working under a valid licence.

It is precisely this unlawful act of the Libyan Government that has necessitated recourse to the Security Council, as the guardian of international peace, by my country, which faithfully carries out its obligations under the United Nations Charter and the principles of international law. For us this is by no means a secondary issue, but a question of fundamental importance. No country, particularly a small unarmed country, should have its legitimate activities unlawfully molested by others. That is an objective which all countries should respect.

I have the honour to request that this letter also be circulated urgently as a Security Council document.

(Signed) V. J. GAUCI
Permanent Representative of Malta
to the United Nations
