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LETTER DATED 16 SEPTEMBER 1980 FROM THE PERMANENT REPRESENTATIVE  
OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO  
THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the letter from the Permanent Representative of Malta to the United Nations addressed to the President of the Security Council, dated 11 September 1980 and issued as a Security Council document on 12 September 1980 (S/14170). I wish to point out again that the Deputy Permanent Representative of the Libyan Arab Jamahiriya requested the adjournment of the Security Council on 4 September 1980 in order to study the contents of the Maltese representative's address and to conduct consultations with the concerned authorities in the Jamahiriya. But what is conveyed in the above-mentioned letter from the representative of Malta makes us reaffirm the following points contained in our letter to the Security Council dated 3 September 1980 and in the letter from the Libyan Secretary for Foreign Affairs addressed to the President of the Security Council and to the Secretary-General of the United Nations dated 4 September 1980.

1. The Libyan Arab Jamahiriya affirms its desire for the peace and security of the region and the world. On this basis, the Jamahiriya is anxious to maintain good neighbourly relations of friendship and co-operation with Malta. It reaffirms that the use of force or the threat of use of force has never been the intention of the Libyan Arab Jamahiriya towards Malta. The mention of the use of force in Malta's letter to the Security Council is entirely unjustifiable, particularly since the Jamahiriya did not take any action to threaten the peace and security of Malta or the region. On the contrary, it anxiously desires to support Malta in maintaining its security, independence and non-alignment. The Jamahiriya has done its utmost in all areas of co-operation to reach these goals.

2. The Libyan Arab Jamahiriya still believes that the issue of the continental shelves of the two countries is a purely technical one which can be resolved through negotiations or adjudication by the International Court of Justice, which the Jamahiriya has shown willingness to accept. The Libyan Arab Jamahiriya has also welcomed mediation by the Chairman of the Non-Aligned Movement and has shown its readiness to receive a Maltese delegation in Libya or to send a Libyan delegation to Malta at any time.

3. The mentioning of "legal rights" in the Maltese representative's letter on such a disputed issue as the continental shelves is premature, because it still remains the subject of negotiations at one of the largest and most specialized international conferences, the Third United Nations Conference on the Law of the Sea. The criteria for delimitation of the continental shelf between States with adjacent

or opposite coasts remain a subject of disagreement. The issue of the continental shelves of Libya and Malta is but one of those issues where it is legally impermissible for either party unilaterally to draw dividing lines in a disputed area. Consequently, it is impermissible for either part to exploit or carry out exploration activities in the disputed area before a resolution has been reached. Malta must refrain from conducting, and pledge not to conduct, any exploration activities in the disputed area.

The Libyan Arab Jamahiriya reiterates that the issue of the continental shelves of the two countries is a technical issue that can be resolved through bilateral agreements, including resorting to the International Court of Justice. Involving the Security Council by claiming a threat to peace has no serious justification or evidence. As for the statement of the Permanent Representative of Malta regarding those third parties who may be "too willing to settle other scores", we believe that intervention by those third parties will not serve the benefits and interests of the Libyan and Maltese people, unless their intervention is to reach an amicable solution agreeable to both parties.

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

(Signed) Mansur R. KIKHIA  
Permanent Representative