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LETTER DATED 13 OCTOBER 1980 FROM THE PERMANENT REPRESENTATIVE  
OF MALTA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF  
THE SECURITY COUNCIL

More than six weeks ago Malta brought to the attention of the Security Council the armed threat by Libyan warships against Maltese, American, Italian and other citizens engaged in peaceful off-shore activities authorized by the Government of the Republic of Malta in full accord with international law and practice.

The representatives of the Libyan Arab Jamahiriya at the United Nations had then asked for time to prepare a reply. The statements made since then by the Libyan representatives in the Security Council and in the General Assembly of the United Nations must now be considered as the official Libyan reply.

This briefly amounts to:

- (1) A denial that Libya had anything but friendly relations with Malta and, in particular, a refusal to admit that there had been an armed threat; and
- (2) An assertion that the matter was purely technical and the Libyan Arab Jamahiriya were prepared to accept settlement by the International Court of Justice.

As a counter reply to the first point, I am directed by my Government to enclose:

- (a) The official records of the telexes and other correspondence that passed between the Libyan Government, the Maltese licensees and their contractors about the incidents;\*
- (b) A copy of a photograph taken by a member of Malta's Oil Division from the Italian rig showing the Libyan armed vessel C-411 threatening the Italian rig.\*

The rig, as can be seen from the vessel's log book, was some 58 miles south east of Malta and some 138 miles north of Libya - well outside the area Libya could reasonably claim as its own.

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\* Documents and photograph available in the files of the Secretariat.

What is even more serious is the fact that the Libyan Arab Jamahiriya has no intention of giving up the threats or the use of force, whilst at the same time it is looking for all excuses to avoid referring the matter to the International Court of Justice.

Indeed the Libyan Arab Jamahiriya, instead of appreciating the great self-control exercised so far by the Republic of Malta in having recourse only to diplomatic means of self-defence, are now threatening the people of Malta that they will not even keep their word given in the Assembly and in the Security Council to go to the International Court of Justice, if Malta's representative at the United Nations continues to press for a decision by the Security Council. The official written communication received at Malta's Foreign Office last Friday, 10 October 1980, is as follows:

"The Popular Office of the Socialist People's Libyan Arab Jamahiriya presents its compliments to the Ministry of Foreign Affairs and wish to confirm what Mr. Shweihdi has informed you on Friday morning in your Office is as follows:

It has been agreed that the question of the continental shelf will be submitted to the People's Congresses for rectification and transfer to the International Court of Justice, but if the Government of Malta would like the matter to be discussed in the General Assembly of the United Nations, it means that the question will be different and there will be no need to submit the matter to the People's Congresses.

The Popular Office of the Socialist People's Libyan Arab Jamahiriya avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurance of its highest consideration."

(SGD) Salem Shweidhi

The interpretation that can be given to this Libyan Note Verbale is at best that the Jamahiriya is peeved and wants the matter to be shelved without any undertaking on their part, and, at worst, that they intend to continue defying not only Malta but also the highest international authority - the Security Council - in threatening and using force, even though they had agreed four and a half years ago to accept the award by the International Court of Justice.

Malta would be placed in a difficult situation if, through further postponements, the Council fails to give a ruling binding Libya not to resort to the threat or the use of force. If Libya even considers recourse to the United Nations as such a hostile act that they refuse to abide by their own promises, freely given by their representatives in these international fora, they are leaving the people of Malta no choice but either to give up their legitimate rights, or else to ask for the intervention of a more powerful individual State to meet force with force.

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The Government of the Republic of Malta knows the great consequences that would follow from such a course and this is why Malta again and strongly urges the Security Council to fulfil the task expected of it.

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

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

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