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LETTER DATED 23 JANUARY 1981 FROM THE PERMANENT REPRESENTATIVE OF MALTA
TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to previous correspondence and other communications concerning the continued threat of force by the Libyan Arab Jamahiriya against the Republic of Malta.

As Your Excellency is aware, the Jamahiriya has failed even to honour the unconditional commitment given to your representative, Mr. Cordovez, viz., that Libya, by not later than 15 December 1980, would not only have ratified the 1976 agreement with Malta but would also have referred the dispute to the International Court of Justice (vide your report S/14256 dated 13 November 1980). Libya has not kept its promise. It is now subjecting ratification to a condition which Malta cannot reasonably be expected to accept. Had Libya, five years ago, ratified the agreement signed in 1976, the Government of Malta would have spontaneously refrained from drilling. At this late date, it is no longer equitable for Libya to impose such a condition.

In these circumstances, the duty of the United Nations and of its responsible authorities can only be that of obtaining, through all the means at their disposal, an undertaking by Libya that it will abide by its commitments under the Charter of the United Nations and will therefore not use force or threaten the use of force against Malta.

On its part, the Government of the Republic of Malta remains willing to have any claim the Jamahiriya might wish to put forward examined and decided upon by the International Court of Justice. For this purpose, it is making a further declaration under Article 36 of the Court's Statute, accepting the jurisdiction of that Court on disputes relating to delimitation of its continental shelf unconditionally and without reservations. The said declaration is being deposited with Your Excellency today.

I should be grateful if this letter be distributed as a document of the Security Council.

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