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LETTER DATED 27 JANUARY 1981 FROM THE PERMANENT REPRESENTATIVE OF  
MALTA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I am enclosing copies of an exchange of note verbales between the Government of Malta and the Libyan Arab Jamahiriya which speak for themselves.

The official notification conveying the decision of the Basic People's Congress of the Jamahiriya to the Government of the Republic of Malta does not make ratification in any way subject to any condition. This point should be noted by Your Excellency and in due course reported to the Security Council.

Because the ratification of the agreement by the Jamahiriya is not made conditional the Republic of Malta finds no objection to accepting the exchange of instruments of ratification. It expects however that Libya will also keep its promise to complete the necessary formalities at about the same time by formulating and then signing the joint notification of the agreement to the Court.

The Government of the Republic of Malta recalls that almost five years have now passed since the agreement was signed, and even the date by which the Jamahiriya had undertaken to complete the procedures for the joint notification is more than six weeks overdue. Every effort must therefore now be made by all concerned to make up for lost time.

The Maltese Government would therefore be grateful if Your Excellency would indicate a day, possibly in the next week, on which your representative could be in Malta for the finalization of the necessary formalities and procedures.

I should be grateful if you would kindly circulate this communication as a document of the Security Council.

(Signed) V. J. GAUCI  
Permanent Representative

Annex I

Text of note verbale No. 4/24/54 dated 26 January 1981 from the Popular Office of the Socialist People's Libyan Arab Jamahiriya addressed to the Ministry of Foreign Affairs of the Republic of Malta

The Popular Office of the Socialist People's Libyan Arab Jamahiriya presents its compliments to the Ministry of Foreign Affairs and has the honour to inform of the following.

As You are aware, the leader of the great 1st September Revolution, Colonel Mu'Ammar Gaddafi suggested in the beginning of September 1980 to the People's Congresses, the importance of the ratification of the Continental Shelf Treaty between Malta and Libya.

You know also that Staff Major Abdussalam Ahmed Jalloud in the beginning of October 1980 had informed Mr. D. Cordovez the envoy of the United Nations Secretary-General that the agreement between Libya and Malta concerning the Continental Shelf will be submitted to the Peoples' Congresses in its final session by the end of 1980 to look at the question of its ratification.

While the Popular Office of the Socialist People's Libyan Arab Jamahiriya conveys officially to your esteemed Ministry that the Basic Peoples Congresses have ratified the treaty to be transferred to the International Courts of Justice at the Hague we would like to inform you that the coming step is to exchange the documents of ratification between the two countries, thus the necessary procedures will be taken to transfer the dispute to the International Courts of Justice.

Therefore, the People's Foreign Liaison Bureau (Tripoli) is ready now to exchange the above-mentioned documents either in Valletta, the capital of the Republic of Malta or in Tripoli, the capital of the Libyan Jamahiriya, according to international traditions between countries.

In the meantime, the People's Foreign Liaison Bureau is ready to receive a Maltese Delegation in Tripoli or to send a Libyan Delegation to Valletta to finalize the exchange of these documents at a convenient time.

The Libyan Popular Office, as usual avails itself of this opportunity which has put an end to the dispute between the two countries.

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

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Annex II

TEXT OF NOTE VERBALE DATED 27 JANUARY 1981 FROM  
THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC  
OF MALTA ADDRESSED TO THE POPULAR OFFICE OF THE  
SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA

The Ministry of Foreign Affairs presents its compliments to the Popular Office of the Socialist People's Libyan Arab Jamahiriya and has the honour to refer to its Note Verbale No. 4/24/54 of 26 January 1981.

The Ministry notes that the Basic People's Congresses have ratified the agreement signed in May 1976 between the Jamahiriya and the Republic of Malta to refer the dispute concerning their Continental Shelves to the International Court of Justice. The Ministry further notes that the Libyan authorities are now prepared to exchange the instruments of ratification.

The Ministry refers also to paragraph 5 of the report of the Secretary-General of the United Nations (S/14256) in which he stated that the Jamahiriya has undertaken not only to exchange the instruments of ratification but also to formulate the joint notification of the agreement to the Registrar of the Court. The Secretary-General further expressed his readiness to assist the parties in carrying out these formalities.

The Ministry therefore proposes that both the exchange of instruments of ratification and the formulation and signature of the joint notification of the agreement to the Court should take place in Valletta as early as practicable on an agreed date in the presence of a representative of the Secretary-General.

For this purpose, the Ministry invites a Libyan Delegation to Valletta and suggests that an early date should be agreed in consultation with the Secretary-General. Every effort should now be made to make up for lost time.

In order to expedite matters the Ministry submits the attached document as a draft joint notification.

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

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Annex III

TEXT OF DRAFT LETTER OF TRANSMITTAL TO INTERNATIONAL COURT  
OF JUSTICE REFERRED TO IN THE PENULTIMATE PARAGRAPH OF THE  
NOTE VERBALE FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE  
REPUBLIC OF MALTA

The Registrar  
International Court of Justice  
The Hague

Sir,

With reference to Article 40, paragraph 1, of the Statute of the Court and Article 39, paragraph 2 of the Rules of the Court, and in pursuance of Article IV of the special agreement between the Republic of Malta and the Socialist People's Libyan Arab Jamahiriya for the submission of a difference concerning their Continental Shelves to the International Court of Justice, we have the honour jointly to notify you of that agreement and of its entry into force and to transmit to you herewith a certified copy thereof, in each of the languages of the agreement, for submission to the Court.

The special agreement was signed at Valletta on 23 May 1976, corresponding to 24 Jwada El Oula 1396 H and came into force in accordance with Article IV thereof on ..... February 1981. It was registered with the United Nations Secretariat in accordance with Article 102 of the Charter of the Organization on ..... February 1981. A certified copy of the process of exchange of instruments of ratification of the special agreement together with a certified Arab translation, are also enclosed.

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With reference to paragraph 3 of Article 40 of the rules of the Court:

- (A) ..... has been appointed agent of the Socialist People's Libyan Arab Jamahiriya and ..... is his address for service at the Seat of the Court, and
- (B) ..... has been appointed agent of the Republic of Malta and ..... is his address for service at the Seat of the Court.

Please accept the assurance of our high consideration.

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For the Socialist People's  
Libyan Arab Jamahiriya

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For the Government of  
the Republic of Malta

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