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LETTER DATED 2 FEBRUARY 1981 FROM THE PERMANENT REPRESENTATIVE OF
MALTA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Further to my letter of 27 January 1981 (S/14348), I am instructed to inform Your Excellency of the following note verbale received by Malta's Embassy in Tripoli on 29 January 1981 from the People's Committee of the People's Bureau for Foreign Liaison of the Socialist People's Libyan Arab Jamahiriya.

"The People's Committee of the People's Bureau for Foreign Liaison in the Jamahiriya presents its compliments to the Embassy of the Republic of Malta and, with reference to the Special Agreement concluded between the Libyan Arab Jamahiriya and the Republic of Malta in Valletta on 23 May 1976 in respect of referring the dispute on defining the border of the continental shelf between the two countries to the International Court of Justice, has the honour to inform that the Basic People's Congresses have decided, in their Third Ordinary Session for 1980, to ratify the above-mentioned Special Agreement, provided that no drilling is allowed in the disputed area until the International Court of Justice completes the review of the case.

"In accordance with article 4, the aforesaid Special Agreement comes into effect from the date of exchange of the instruments of ratification by the two countries. The People's Committee has the honour to also inform that the Libyan Arab Jamahiriya is now in a position to exchange the Instruments of Ratification of the Special Agreement and would be grateful if Malta could kindly agree to fix a date and venue for the exchange of the Instruments of Ratification.

"The People's Committee suggests exchanging the documents in Tripoli but has no objection for this to take place in Valletta, if the Government of Malta so wishes."

Formal ending

Your Excellency will note that in quoting the decision of the Basic People's Congresses the ratification is said to be subject to the proviso that "no drilling is allowed in the disputed area until the International Court of Justice completes the review of the case". This proviso did not appear in the note verbale dated 26 January 1981, of which I enclosed a copy in my letter of 27 January 1981, referred to above. Malta's Chargé d'Affaires in Tripoli has therefore made it clear to the Libyan authorities that that proviso was not acceptable to the Government of the Republic of Malta.

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The Libyan reaction was that the proviso was not intended to form part of or to be added to the 1976 Agreement but was merely an expression of Libyan thinking. The Libyans added that ratification was not dependent on our acceptance of that proviso, but they were not prepared to put this in writing.

On behalf of the Government of the Republic of Malta, I must reiterate that ratification of the 1976 Agreement and the joint reference to the International Court of Justice must be unconditional in order to be acceptable to my Government. They must also take place without any further delay.

I should be grateful if you would inform the Security Council accordingly and if you would circulate this letter as a document of the Security Council.

(Signed) V. J. GAUCI
Permanent Representative
