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LETTER DATED 17 FEBRUARY 1981 FROM THE PERMANENT REPRESENTATIVE OF
MALTA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

It has always been the strong wish of the Maltese Government that Your Excellency's representative should be present in Valletta for the ratification and notification to the International Court of Justice of the 1976 Malta/Libya agreement concerning the Continental Shelf. The Libyan Government on the contrary has strongly opposed such a presence on the grounds that this was a bilateral matter.

In order to show their good faith and not to place obstacles to an amicable agreement, at least on this issue, the Maltese Government accepted - very much against their wishes - to receive a Libyan delegation to Malta to implement their promise repeatedly made to Your Excellency and to the Security Council. That promise - to quote from Mr. Cordovez's letter to the Permanent Mission of the Jamahiriya dated 6 February 1981 - was that the "Jamahiriya is ready to exchange the instruments of ratification of the special agreement with Malta and to formalize the submission of the delimitation case to the International Court of Justice."

In Your Excellency's report to the Security Council (S/14256 of 13 November 1980) you stated that "the Libyan Arab Jamahiriya has undertaken unconditionally to submit the original text of the agreement to the Popular Congresses for ratification during their current session, which is scheduled to concluded on 22 November, with a view to exchanging the instruments of ratification and formulating the joint notification to the Registrar of the International Court of Justice, as provided for in Article IV of the agreement, during the first two weeks of December 1980."

On Sunday 15 February Malta's Charge d'Affaires in Tripoli was officially informed that a Libyan delegation was about to visit Malta for the exchange of the instruments of ratification. When asked about the formal submission of the case to the International Court of Justice, he was bluntly informed that this would be negotiated and finalized at some unstated future date.

This perhaps explains why Libya did not desire Your Excellency's representative to be present in Valletta. The Jamahiriya has once more broken a promise it has solemnly given. What makes it more serious this time is that the promise Libya has now broken was made to the Security Council itself and to Your Excellency. It is therefore not only more grave but also indisputable.

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The Government of the Republic of Malta cannot but express the hope that the Security Council will now have no further doubt that unless it acts and acts quickly, the dispute will not be settled and can therefore only degenerate into a situation threatening once more the security of the region.

I should be grateful if you would kindly arrange for this letter to be issued as a Security Council document.

(Signed) V. J. GAUCI
Permanent Representative
