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LETTER DATED 11 JUNE 1981 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE
UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Recalling all that concerns the issue of the continental shelf with Malta, and with reference to all the memoranda and letters exchanged and/or addressed to Their Excellencies the Secretary-General of the United Nations and the President of the Security Council, particularly the Report of the Special Representative of the Secretary-General, we would like to stress that all these confirm beyond any doubt that the Libyan Arab Jamahiriya wishes to reach a solution to this issue and it is prepared to exchange the instruments of ratification and recourse to the International Court of Justice.

Those who are aware of the memoranda, letters and reports concerning this issue will find solid evidence that the Libyan Arab Jamahiriya is true to its position, while delays and creation of obstacles have continuously been the characteristic of the Maltese position.

The efforts of the Secretary-General, the President of the Security Council and the Special Representative of the Secretary-General to remove every difficulty that may stand in the way of reaching a solution have been quite welcomed by the Libyan Arab Jamahiriya which is trying continuously to overlook with flexibility the Maltese objections and interpretations.

In the latest development, the Libyan Arab Jamahiriya sent a delegation to Malta carrying the instrument of ratification to exchange it with the Maltese authorities. But Malta with an inexplicable pretext demanded that the formula of the Libyan instrument of ratification be changed. This is the formula used by the Libyan Arab Jamahiriya in accordance with its procedures and it complies with international law and practice.

Regrettably, because of Malta's position in this regard, this attempt to settle the matter and conclude the exchange of instruments of ratification between the two countries has failed.

Another point that we wish to be clear is that Malta's repeated statements about prior conditions contradict with the spirit and the content of the Special Agreement itself. The preparation of the Special Agreement represents an admission that there is in fact a dispute over delimitation of the continental shelf between the two countries. Therefore, taking into consideration that agreements are based

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on good will, neither of the two parties should foster the intention of exploiting the disputed area. This is an implicit condition dictated by the nature of the dispute itself and does not need to be declared.

In conclusion, the Libyan Arab Jamahiriya is prepared to exchange the instruments of ratification with Malta at any time whether in Tripoli or Valletta. But the Jamahiriya is not prepared to have dictated upon it a formula different than that of the instruments of ratification used by the Jamahiriya and presented at either bilateral or multilateral agreements.

As for the existence of a prior condition the content of the agreement and the nature of the dispute make the condition valid whether it was explicitly stated or not.

I will be grateful, Excellency, if this letter be circulated as a document of the Security Council and would like to inform that a copy of this letter has been forwarded to the President of the Security Council for his information.

(Signed) Awad S. BURWIN
Minister Plenipotentiary
Charge d'Affaires, a.i.
