

UNITED NATIONS



# SECURITY COUNCIL OFFICIAL RECORDS

THIRTY-SIXTH YEAR

**2294<sup>th</sup>** MEETING: 30 JULY 1981

NEW YORK

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#### NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/ . . .) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

## 2294th MEETING

Held in New York on Thursday, 30 July 1981, at 12.35 p.m.

*President:* Mr. Idé OUMAROU (Niger).

*Present:* The representatives of the following States: China, France, German Democratic Republic, Ireland, Japan, Mexico, Niger, Panama, Philippines, Spain, Tunisia, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

### Provisional agenda (S/Agenda/2294)

1. Adoption of the agenda
2. Letter dated 1 September 1980 from the Permanent Representative of Malta to the United Nations addressed to the President of the Security Council (S/14140)

*The meeting was called to order at 12.35 p.m.*

### Adoption of the agenda

*The agenda was adopted.*

**Letter dated 1 September 1980 from the Permanent Representative of Malta to the United Nations addressed to the President of the Security Council (S/14140)**

1. The PRESIDENT (*interpretation from French*): In accordance with decisions taken at the 2246th meeting, on 4 September 1980, when the Security Council began its consideration of the present agenda item, I invite the representatives of Malta and the Libyan Arab Jamahiriya to take places at the Security Council table.

*At the invitation of the President, Mr. Farrugia (Malta) and Mr. Quateen (Libyan Arab Jamahiriya) took places at the Security Council table.*

2. The PRESIDENT (*interpretation from French*): Members of the Council have before them a letter dated 21 July 1981 from the representative of Malta addressed to the President of the Security Council [S/14595].

3. I should like to draw members' attention also to the following documents distributed since the Council's last meeting on this item [2246th meeting]: S/14170, containing a letter dated 11 September 1980 from the

representative of Malta; S/14176, containing a letter dated 16 September from the representative of the Libyan Arab Jamahiriya; S/14181 and S/14217, containing letters dated 19 September and 13 October from the representative of Malta; S/14228, containing a letter dated 17 October from the Secretary-General to the President of the Security Council; S/14229, containing a letter dated 22 October from the President of the Security Council to the Secretary-General; S/14256, containing a report by the Secretary-General of 13 November on the mission of his Special Representative to Malta and the Libyan Arab Jamahiriya; S/14331, containing a letter dated 14 January 1981 from the representative of the Libyan Arab Jamahiriya; S/14332 and S/14343, containing letters dated 15 January and 23 January, from the representative of Malta; S/14344, containing a letter dated 21 January from the representative of the Libyan Arab Jamahiriya; S/14348, S/14357, S/14375 and S/14498, containing letters dated 27 January, 2 February, 17 February and 3 June from the representative of Malta; S/14519, containing a letter dated 11 June from the representative of the Libyan Arab Jamahiriya; and S/14558, containing a letter dated 18 June from the representative of Malta.

4. I now call on the Secretary-General.

5. The SECRETARY-GENERAL: After the submission last November of my report to the Security Council on the mission of my Special Representative to Malta and to the Libyan Arab Jamahiriya [S/14256], I received a letter dated 14 January of this year from the representative of Libya [S/14331] informing me that the Basic People's Congresses had decided to ratify the special agreement signed by the two parties in 1976 and to submit the delimitation case to the International Court of Justice, provided that no drilling in the disputed area was allowed until the Court had reached its decision.

6. Since that time, my representative and I have maintained close contact with both parties with a view to assisting them in finalizing the exchange of instruments of ratification and the joint notification to the Court, as provided for in the special agreement.

7. In late March, following my representative's suggestions, a delegation from Libya visited Malta for the purpose of concluding those formalities. Discussions between the parties were held, but they were inconclusive, and subsequent efforts to conclude the pending formalities have not so far borne fruit.

8. Malta has taken the position that the presence in the instrument of ratification presented by Libya of what it considers to be implicit conditions regarding the question of drilling is unacceptable. Libya for its part has stated that its instrument of ratification, while referring to the People's Congresses as the highest authority which is competent to ratify international agreements, does not contain any additions or amendments to the special agreement.
9. A number of communications addressed by the two parties in this connection to the President of the Security Council or to myself have been circulated as documents of the Council. In a letter addressed to me on 2 July, the Chargé d'affaires of Malta reiterated his Government's position that the instruments of ratification could not contain any conditions and requested me to ascertain whether Libya would be prepared to give an assurance to that effect. On that occasion, however, Malta also stated that the question of whether either side would drill in the disputed areas while the case was pending before the Court was a separate legal issue on which the two parties were entitled to have and even express different views.
10. I immediately conveyed this information to the Libyan side and also urged the parties to try again to overcome the obstacles and to conclude the formalities. My representative suggested to the parties that, on the basis of Malta's statement on the question of drilling, procedural ways and means could be found to overcome the difficulties that had arisen.
11. In a letter addressed to my representative on 15 July, Libya reiterated its position on the pending questions, expressed the view that the existing obstacles were essentially procedural and further expressed its readiness to send a special envoy to Malta with a view to eliminating those obstacles and facilitating existing efforts. That message was immediately conveyed to Malta. The Government of Malta accepted the visit of a special envoy in a letter dated 17 July 1981.
12. I was informed that, following those exchanges, a special envoy of Libya was scheduled to visit Malta on 19 July. Certain misunderstandings apparently ensued concerning the actual intentions behind the meeting. Malta then requested the convening of a meeting of the Security Council [S/14595].
13. In the meantime, I renewed my appeal to the parties to give the consultations a chance, and a delegation from Libya arrived in Malta on 23 July. I was informed that the special envoy of Libya and the Foreign Secretary of Malta held meetings on 27 and 28 July. On 28 July, the Chargé d'affaires of Malta informed my representative that the meeting had been inconclusive and that the Libyan special envoy had returned to Tripoli. The Libyan Chargé d'affaires said that at the meeting the parties had considered various alternatives for resolving the pending issues. He added that the special envoy had returned to Tripoli for the purpose of holding consultations and that he intended to return to Malta for further discussions.
14. I shall continue to follow the situation carefully and shall remain in contact with the parties. I trust that the two sides will make renewed efforts in order to overcome the existing difficulties.
15. The PRESIDENT (*interpretation from French*): The first speaker is the representative of Malta, on whom I now call.
16. Mr. FARRUGIA (Malta): Mr. President, I should like first of all to congratulate you on your assumption of the presidency of the Security Council and to express my gratitude for the assistance and sympathetic consideration you have invariably extended to my delegation.
17. I take this opportunity also to express my thanks and appreciation to Mr. Muñoz Ledo of Mexico, who presided over the deliberations of the Council last month and who is now acting as the co-ordinator of the non-aligned members of the Council.
18. I also wish to thank the Secretary-General and his Special Representative, Mr. Diego Cordovez, for the interest they have invariably shown in the resolution of the problem between Libya and my country.
19. It is not my purpose today to repeat the factual information which I have previously given. All the relevant details and documentation concerning Malta's continuing dispute with Libya, together with my Government's comments thereon, are already formally before the Council, in particular as condensed in my letter to the Council dated 13 October 1980 [S/14217].
20. Rather, it is my intention on this occasion to endeavour to project a clear perspective on the situation as it has since evolved and to draw the minimum conclusions which I feel confident all members of the Council would subscribe to.
21. In August 1980, Malta felt duty bound to bring to the attention of the Council a grave and threatening situation. The nature of the incident needs to be recalled starkly, because it clearly required immediate attention from the Council.
22. The Government of Libya, without any advance notification to the Government of Malta, was blatantly and unexpectedly using the threat of force against Malta by sending naval units armed with missiles against an unarmed oil rig. That action was designed to prevent Malta from carrying out its inherent right to exploit the natural resources lying in an off-shore area. Those resources were situated well within Malta's own side of the median line between the two countries,

and the exploration was therefore in clear compliance with international law and practice. Despite Libyan denials of the incident, I would recall that it was witnessed and that the threatening warships were photographed and identified by nationals of other countries working on the rig. That evidence was submitted to, and remains before, the Security Council.

23. The armed threat was and still is the essential justification for Malta's recourse to the Council, and it is a point that the Council cannot ignore. At that time, force was actually concentrated in one area to impose Libya's illegal position. Resort to the same threat, should future occasions arise, is still implied. That is the underlying theme that I wish to stress, since it has constantly pervaded the recent Libyan attitude in its relations with Malta on this question.

24. In my statement to the Council of 4 September 1980 [2246th session] we outlined the history of the dispute between the two countries over the continental shelf and the series of painstaking efforts, spread over nearly a decade, undertaken by Malta to resolve the matter in a peaceful way, first through bilateral negotiations, and subsequently, when that failed to produce positive results, through friendly good offices. Among the efforts contemplated was the drawing up and ratification of an agreement to bring the dispute to the International Court of Justice for adjudication. In conformity with its constitutional provisions, Malta immediately ratified the agreement in 1976. Up to the time of the armed confrontation Libya had not done so. To this very day, on one pretext or another, Libya is continuing and will continue to find one excuse after another not to do so.

25. The facts, which were clearly evident at the time of the armed threat to peace and security and therefore relevant to the Security Council's deliberations in August of last year, were as follows.

26. In the first instance, Libya was acting in violation of Article 2 of the Charter of the United Nations, in particular where that Article enjoins Members to refrain from the threat or use of force in their international relations. It had, moreover, created a situation which constituted a threat to peace in the Mediterranean.

27. Secondly, it was evident from the facts submitted that Libya's direct objective was at all costs to prevent Malta from exercising its right to exploit its natural resources. When delaying tactics, hidden behind empty protestations of friendship, proved ineffective, Libya did not hesitate openly to threaten the use of force in order to accomplish its objective.

28. In this connection it should be stressed that at that time every indication was given that, had the threat and armed concentration of force not succeeded in its immediate objective of stopping Malta's peaceful activities, actual force would have been used by Libya. On that occasion the threat prevailed.

29. Thirdly, there was the clear implication that the same methods would be applied by Libya as often as necessary should future occasion arise.

30. Fourthly, it was evident not only that Libya had no legally founded rights over the area in which Malta had carried out its exploration activities but that it did not even have any moral right to claim the area as being in dispute. Libya had not only lost that claim by failing for over five years to ratify a bilaterally negotiated agreement to refer the case to the International Court, presumably because it realized it did not have a legal leg to stand on, but had not even informed Malta's contractors that the area in which they were drilling was in dispute. The area Libya indicated to the contractors was well to the south of the drilling location.

31. And, finally, there was the fact that Libya not only had immense wealth produced from oil wells on its land but also had drilled unhindered some 30 wells offshore in the sea separating the two States. As in the case of Libya, dozens of other countries similarly operate hundreds of offshore rigs throughout the world. But, in remarkable contrast, unarmed and tiny Malta, which is completely dependent on imported oil for its economic livelihood, was forcibly prevented from carrying out the one and only activity it had legitimately authorized. It is manifest that Libya does not want Malta to drill, and it is equally manifest that it wants to impose its will by fair means or foul.

32. Those factors combined could lead to no conclusion other than that Libya's fundamental objective in frustrating Malta's oil-exploration efforts was to seek to maintain a position of economic dominance over its small neighbour in a manner that is, to say the least, unworthy of a good neighbour, an alleged friend, a Member of the United Nations and a member of other regional or international organizations.

33. Conversely, Malta's exercise of self-restraint in having recourse to good offices and finally to the Security Council was in line with my Government's firm commitment to international and regional peace and security, to respect for the sovereign equality of all States, and to the principles of the Charter.

34. On 1 September 1980 and on numerous subsequent occasions, my Government patiently but persistently pointed out to the Council the continuing threat to peace arising out of Libya's illegal actions. Urgently and unequivocally, the unarmed and peace-loving Republic of Malta requested all the protection at the disposal of the Security Council in the confident expectation that, at least by ruling that Libya should desist from making further provocative threats and from taking any menacing actions, the Council would defuse the situation and allow normal peaceful activities to proceed without illegal harassment.

35. Our unhesitant and immediate recourse to the Council, together with the clear legitimacy of our

case, gave the international community a rare and valuable opportunity to forestall a potentially grave situation at its inception and to safeguard fundamental principles embodied in the Charter and cherished by all peace-loving nations.

36. That opportunity was not seized by the Council at the time. It decided only to grant Libya time to study Malta's complaint, as if Malta's complaint was for Libya something new and unheard-of, when in fact the armed threat was Libya's final, belligerent answer to eight years of patient negotiations.

37. The unfortunate hesitation of the Security Council to take early action on Malta's complaint in the face of clear and indisputable evidence of the Libyan threat to use force was not one of the Council's most imaginative acts. I say that without animosity but with regret, because I felt that what the circumstances required at that time, and what was vital for the preservation of peace, and what Malta was anxiously seeking, was for the Council, as the supreme organ of the United Nations, in its collective wisdom and with its authoritative voice, to request a solemn assurance from Libya that it would not harass or threaten with force peaceful and unarmed activities being carried out in accordance with international law and practice.

38. Yet, despite our disappointment at the hesitancy of the Council and notwithstanding our uneasy perception that Libya's unswerving objective was to grasp at any pretext further to delay fulfilment of Malta's economically vital and completely legitimate aspirations, the Government of Malta, in further manifestation of its commitment to a peaceful solution, immediately expressed its gratitude for the initiative of the Secretary-General and agreed to his proposal to send a Special Representative to the two countries to assist in the search for a mutually acceptable solution. At the same time, Malta did not hide its concern that, in spite of protestations to the contrary, Libya would attempt to utilize the Secretary-General's proposal for the purpose of further delaying a solution. Our misgivings have been proved right.

39. The commendably brief but comprehensive report of the Secretary-General's Special Representative appeared on 13 November 1980 [S/14256]. With particular reference to the question of bringing the delimitation dispute before the International Court of Justice, the report states, in its paragraph 5, 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 conclude 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."

40. Later in his report, the Secretary-General also expressed his confidence that the submission of the delimitation case to the International Court of Justice would bring about an improvement of relations between the two countries. That comment was made in the light of Malta's position, as explained in paragraph 6 of the report, to the effect that

"Malta wished to enter into negotiations with the Libyan Arab Jamahiriya whereby drilling operations in the disputed area, pending the decision of the Court, would be discussed. It wished such discussions to be conducted, not in the legal context of delimitation issues but within the framework of the traditional co-operation and understanding between the two countries."

41. I have quoted from the report not only because it was addressed to the Security Council but also because it gives an objective and independently arrived at perception of the situation. To be quite precise, the Secretary-General's representative, in drafting his report, was not in a position to check the facts as given to him by Libya to the same extent and in the same way that he was able to check those given to him by Malta, since his itinerary included Libya as the final stop. My Government sought, for the record, to rectify some inadvertent inaccuracies which had inevitably arisen in the report, through private correspondence with the Secretary-General, and we have received an official reply.

42. Regrettably, it now emerges that the Libyan Arab Jamahiriya has derived encouragement from, and is trying to take advantage of, the delay by the Council, for it has raised its demands to an even higher level of absurdity.

43. Libya even has the audacity to masquerade as the aggrieved party. It is sending bland and conflicting messages to the Council while acting with an iron fist in its relations with Malta. It is even attempting to cast doubts and to exercise restrictions on the necessary role of the Security Council in helping to resolve the dispute in accordance with the Council's responsibility as the guarantor of peace and security.

44. Libya is continuing its delaying tactics even on procedural matters, questioning, for instance, the obvious advantage of settling in one meeting both the question of the exchange of instruments of ratification and that of the letter of transmittal to the International Court of Justice, in accordance with the undertakings which Libya has given to the Security Council. These undertakings are being constantly and incomprehensibly contradicted by the Libyan authorities. It has also carried out other forms of harassment against Malta, including an unexplained ban on Malta's exports to Libya, which was subsequently lifted on 31 March 1981.

45. The latest Libyan responses contained in the letters dated 14 and 21 January 1981 [S/14331 and

S/14344], and subsequent ones received bilaterally, not only came well after the indicated deadline but, unfortunately, also justified Malta's concern and apprehensions, founded on bitter experience, regarding the sincerity of the Libyan Arab Jamahiriya.

46. The Security Council is now in a position to recognize that, whereas the Libyan Arab Jamahiriya had undertaken unconditionally to submit the original text of the agreement to the People's Congresses for ratification, a new and unilaterally imposed condition has been dictated by Libya, namely, "that no drilling in the disputed area will be allowed until the Court has concluded its consideration of the matter" [S/14331]. That constitutes a serious and objectionable unilateral departure from the commitment given to the Security Council; it also constitutes an unacceptable amendment to the original agreement, which Malta had laboriously negotiated in all honesty five long years before in the legitimate expectation that unconditional ratification would immediately follow.

47. Again I recall here that Malta immediately ratified the 1976 agreement and Libya failed to do so. As is known, my Government had all along strenuously opposed persistent attempts by Libya for over four years to amend the agreement. Even then, Libya had not specified that a condition of this nature should be spelled out.

48. For one of the parties to the agreement unilaterally to enunciate this new condition at this late stage—over five years after the original signing of the agreement—is completely unacceptable to Malta. Despite a flurry of energetic activity by Malta, in full co-operation with the Secretary-General's representative, this essential point is not resolved. For instance, we asked for the good offices of the Secretary-General's representative in obtaining agreement in advance to the texts of the necessary documents. We sent advance drafts to the Libyan Arab Jamahiriya, prepared with the expert assistance of the Secretariat. To none of these initiatives have we even had an acknowledgement, let alone a positive response. This intentional prevarication, viewed against the background of a decade of delaying tactics deployed by Libya and the threat of force demonstrated and still constantly implied, admits of no other explanation but that of sheer and deliberate bad faith.

49. Libya's bad faith is now therefore manifested not only in respect of Malta but also in respect of the Security Council and the Secretary-General.

50. What is even worse is the consideration that the new unilateral condition introduced by Libya, and its continuing obstructive tactics, destroy the confidence instilled in the Security Council as a result of the Secretary-General's report to the effect that unconditional submission to the International Court of Justice would bring about an improvement of relations between the two countries; on the contrary, the new

condition and the current tactics pre-empt the prospects of improvement which the Secretary-General himself, as well as Libya and the Security Council, understood as being related to Malta's wish to enter into negotiations whereby drilling operations would amicably and equitably be discussed pending a decision by the Court and subject to any such decision.

51. On this last question my Government has made a public declaration before this Council which is eminently just, but it seems once more to have fallen on ears which deliberately do not wish to hear.

52. At this stage it is hardly conceivable that Libya can be allowed further to camouflage its unfriendly intentions towards Malta by resorting to additional delaying tactics. The Security Council cannot but draw the inevitable conclusions regarding Libya's neighbourly and regional aspirations. These, evidently, are not difficult to perceive.

53. In spite of the fact that Libya knew all along that a conditioned instrument of ratification would be unacceptable to Malta, a delegation of the Jamahiriya visited Malta in March of this year purportedly to exchange the instruments of ratification. The purpose of the visit was obviously to gain time and to provide the necessary excuses to delay a pronouncement by the Security Council.

54. The latest in the series of Libyan tactics aimed at stopping Malta from exploiting its continental shelf unfolded during the course of this month. Malta proposed that the Libyan instruments of ratification should not contain any reference to conditions on drilling and that the question of drilling was a separate legal issue on which both sides had the right to have and to express different opinions—a proposal which led Assistant Secretary-General Diego Cordovez to reply: "In my view, procedural ways and means could on that basis be worked out in order to find a solution to the existing problem."

55. In deference to Mr. Cordovez's opinion that the Libyan suggestion of sending a high-level special envoy to discuss all matters related to the obstacles that still exist for submission of the delimitation case to the Court would enhance the possibilities of a definite solution, the Malta Government agreed to enter into discussions with the Libyan special envoy.

56. Instead of a high-level special envoy, Libya sent to Malta a delegation headed by a university professor. They arrived in Malta on 23 July and had discussions on 27 and 28 July. That delegation had only one purpose in mind: namely, to state that Libya would not remove the condition on drilling.

57. It is evident that Libya does not want a legal solution. Libya is fully aware that Malta made a declaration to the Secretary-General on 2 January 1981, in conformity with the provisions of Article 36 of the

Statute of the International Court of Justice, accepting as compulsory "*ipso facto*", without special convention, without the condition of reciprocity and without reservation, the jurisdiction of the Court on any dispute relating to the delimitation of its continental shelf. Libya is, however, refusing to challenge Malta's contention in court. It prefers to leave the legal issue undefined and send destroyers to stop Malta from drilling.

58. Libya's intention is crystal clear. By fair means and foul, it has stopped Malta from drilling for five whole years. It is now seeking to impose a further three-year delay in Maltese drilling until the Court awards a judgement. Even in the unlikely event that oil is struck on the morrow, commencement of production would take a further five to six years. This is Libya's aim—namely, to delay Malta's economic development by at least 14 years.

59. That this is the aim of Libya can be deduced from the fact that, if Malta starts drilling on the day that the instruments are exchanged, by the time the Court pronounces itself it would be physically impossible for Malta to have started production. Whatever might be the award, whoever would have the legal ownership of the area would be the only one to benefit from the work done.

60. In August last year, the members of the Security Council may not have been aware of Libya's uncompromising attitude on the continental shelf dispute with Malta. Today they can judge for themselves, not only on the merits of Malta's complaint but also on the unsatisfactory way Libya has responded to the initiative of the Secretary-General and the Council. On this occasion, in its attitude both towards Malta and now towards the Security Council, Libya has turned the method of procrastination into a fine art, thereby gaining time for its manifest determination to hold Malta's future in jeopardy.

61. For its part, Malta will now have to consider very seriously and with a minimum of self-imposed delay the options open to us to safeguard our legitimate interests and our sovereignty, as well as the interests of regional peace and stability, in the face of the irresponsible and threatening attitude adopted by Libya.

62. But Malta still seeks the protection of the Security Council as the preferred way to enable it to pursue its legitimate rights. We remain convinced that a pronouncement by the Council safeguarding Malta's rights to exploit its offshore resources and enjoining Libya to desist from provocative threats and menacing actions constitutes the basic, just and incontrovertible element essential for a peaceful solution to the problem.

63. Despite other options open to us, my Government continues to exercise self-restraint. I remain before the Council, even today, seeking on behalf of my Government a peaceful resolution of the dispute. This is not the

first time in history that a peace-loving State has had recourse to the supreme body of the Organization against oppressive tactics adopted by elements in the international community which, knowingly or unknowingly, ignore the growth of tension and the potential for conflict arising from their aggressive action.

64. Malta has tenaciously striven to maintain its freedom from the corrosive influences of such elements. Our sharp awareness of the dangers involved is heightened perhaps by our historical experience, since for centuries our little island was utilized as a tool of aggression by powerful nations. Our hard-won complete independence is of recent origin, but we are irrevocably committed to its maintenance. We will undertake all necessary measures in fulfilment of this objective, and we continue to rely on the protection and support of the international community in our openly honest endeavours.

65. As a further token of our good faith, my Government once again declares that it remains willing to have any claim which the Libyan Arab Jamahiriya may put forward examined and decided on by the International Court of Justice. Malta's declaration of 23 January, to which I have made reference, amply illustrates that Malta is prepared to abide by the jurisdiction of the Court.

66. To sum up, Libya has no justifiable claim over the area which it refuses to define but conveniently claims as being disputed; Libya is acting against international law and practice; Libya has used force and continues to threaten to do so; Libya is violating the principles of the Charter and of international law and is now prevaricating before the Council so as to continue to deny Malta its inherent rights.

67. Conversely, Malta acts in accordance with international law and practice and in conformity with its obligations as a peace-loving Member of the United Nations. Over a frustrating period of almost 10 years, it has expended tremendous resources in efforts to reach an equitable solution with Libya which will safeguard Malta's economic and political interests. Our plans for economic development have been severely dented by Libya's attitude.

68. But still, in the face of delay and provocation, Malta has honourably exercised maximum self-restraint. In the midst of a turbulent region it confidently relies on the protection of the Security Council, while safeguarding its inherent right to utilize other legitimate options open to it, should the Council fail to respond. Certainly, Malta does not expect to be faced with perpetual inaction. Let no one underestimate the seriousness with which we look on this question and our determination to uphold our sovereign rights.

69. Once again, Malta respectfully but anxiously calls on the members of the Council to exercise the



powers given to them by the Organization—that is, on the evidence before them—to condemn Libya, first, for its show of force in August 1980, which could have led to international hostilities in an already explosive Mediterranean; and, secondly, for going back on its undertaking to the Secretary-General [see S/14256] to go to the International Court of Justice as per the 1976 agreement signed by the two Governments, and to urge Libya not to perpetrate further acts of molestation and not to take the law into its own hands.

70. Just as it cherishes its obligations to the Organization, so does Malta hold equally dear its responsibilities and its rights as a small nation and people. We feel it is high time that the Security Council pronounced itself on this question of vital concern to Malta, to the Mediterranean, to the principles of the United Nations and to our continued membership of the Organization.

71. The PRESIDENT (*interpretation from French*): The next speaker is the representative of the Libyan Arab Jamahiriya, on whom I now call.

72. Mr. QUATEEN (Libyan Arab Jamahiriya): Mr. President, I wish to express the gratitude and appreciation of my country for the efforts made by the Secretary-General and his special envoy, Mr. Cordovez. I also wish to thank you and the other members of the Security Council for your fine perception of the Libyan position.

73. I have the honour to reiterate, before the Council, what the Libyan Arab Jamahiriya has conveyed in previous letters and in a statement before this body [2246th meeting] concerning its genuine wish and commitment to conclude the exchange of instruments of ratification and submit the dispute to the International Court of Justice.

74. In reiterating this genuine position, the Libyan Arab Jamahiriya has ratified the agreement and prepared the instruments of ratification and sent a Libyan delegation to Malta on 23 March 1981 with the aim of exchanging the instruments of ratification. However, the aforementioned delegation remained in Malta until 27 March 1981 without being able to accomplish its task because of the demand made by the Maltese authorities that the Libyan instrument of ratification be replaced by another instrument whose text was presented by the Ministry of Foreign Affairs of Malta. That cannot be accepted by the Libyan side because the formula of the Libyan instrument of ratification is the one applied in accordance with the Libyan legis-

lative system and conforms to international law and practice.

75. The Libyan Arab Jamahiriya has once again sent a delegation to Malta, with the aim of eliminating the obstacles still hampering the conclusion of the procedures of exchanging the instruments of ratification. On 27 and 28 July, negotiations between the two sides were conducted at the Ministry of Foreign Affairs of Malta, where a recognition was made of the details of the problems related to the exchange of instruments of ratification and the Maltese position regarding them. This position was expressed in a paper presented by Malta, which included the following: first, elimination of references to the resolutions and recommendations of the Basic People's Congresses in the Libyan instrument of ratification, and, secondly, freedom by both parties to express their positions in letters exchanged regarding drilling in the disputed area.

76. This phase of the negotiations was concluded with the hope that other phases would continue after the foregoing two points had been studied by the concerned authorities in Libya.

77. The sending of a Libyan delegation to Malta two consecutive times within a period of five months is further evidence of Libya's genuine desire to resolve the dispute and to conclude the delayed procedures. Regrettably, the creation of obstacles has always been the mark of the Government of Malta.

78. We believe that it is better to continue with the bilateral negotiations between the two countries in order to resolve the dispute and eliminate obstacles, instead of delaying the negotiations through the creation of unnecessary obstacles.

79. In short, the Libyan Arab Jamahiriya has always been anxious to maintain the relations of friendship, co-operation and good-neighbourliness with the people and Government of Malta. We hope that these negotiations between the two sides will put the special agreement into effect and consequently lead to the submission of the dispute to the International Court of Justice.

80. The PRESIDENT (*interpretation from French*): Before adjourning the meeting, I wish to appeal to the two parties to continue to show mutual moderation and goodwill and to pursue the necessary contacts with one another so as not to jeopardize their good-neighbourly relations.

*The meeting rose at 1.25 p.m.*

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### كيفية الحصول على منشورات الأمم المتحدة

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