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LETTER DATED 15 SEPTEMBER 1981 FROM THE CHARGE D'AFFAIRES A.I. OF THE
PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of a cable addressed to
Your Excellency from Mr. Abdulati Al-Obeidi, Secretary of the People's Committee
of the People's Bureau for Foreign Liaison concerning the issue over the
continental shelf with the Republic of Malta.

I would be grateful if the aforementioned cable would be circulated as a
document of the Security Council.

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

Annex

Telegram from the Secretary of the People's Committee of the People's Bureau
of Foreign Liaison addressed to the President of the Security Council

On 30 May 1976 an agreement was concluded between the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta to submit to the International Court of Justice the dispute concerning "what principles and rules of international law are applicable to the delimitation of the area of the continental shelf which appertains to the Libyan Arab Jamahiriya and the area of the continental shelf which appertains to the Republic of Malta and how in practice such principles and rules can be applied by the two parties in this particular case in order that they may without difficulty delimit such areas by an agreement".

The Basic People's Congresses ratified the aforementioned Special Agreement, and on 4 January 1981 the General People's Congress formulated the text of the ratification resolution as contained in the Congresses' resolution, including the Congresses' view that "drilling in the disputed area will cease pending the decision of the International Court of Justice".

The Republic of Malta claims that it ratified the aforementioned Special Agreement. Following the resolutions of the People's Congresses, on 21 March 1981 the People's Bureau for Foreign Liaison prepared the instruments of ratification, which were signed by the Secretary of the People's Committee of the People's Bureau for Foreign Liaison in accordance with the used forms of instruments of ratification issued by the Socialist People's Libyan Arab Jamahiriya. The Libyan Arab Jamahiriya has declared at every forum and level its desire to conclude the exchange of instruments of ratification of the agreement in either Malta or the Jamahiriya. The United Nations was then duly informed through the Special Representative of His Excellency the Secretary-General. The Government of the Republic of Malta was also informed in spite of the obstacles persistently created by the Maltese Government to hamper the procedures of exchanging the instruments of ratification by calling for the amendment of the instrument issued by the Libyan Arab Jamahiriya and by making it conditional that the exchange of instruments of ratification and informing the Registrar of the Court of the Special Agreement should take place simultaneously. This is a legally unacceptable condition. Despite the spurious clamour consistently made by the Government of the Republic of Malta the Libyan Arab Jamahiriya continued its course, which runs in accordance with the provisions of international law. This is evidenced in the Jamahiriya's acceptance to conclude the exchange of instruments of ratification as they are by both parties. In fulfilment of this goal the Libyan Arab Jamahiriya sent on 23 March 1981 a delegation to Valletta, Malta with the aim of exchanging the instruments of ratification with the Government of the Republic of Malta. However, the Maltese delegation refused to exchange the instruments of ratification on the pretext that Libyan Arab instruments of ratification contained a reference to the resolutions of the People's Congresses.

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On 24 July 1981 a delegation from the People's Bureau for Foreign Liaison left for Valletta, Malta with the intention of exchanging the instruments of ratification with a delegation from the Republic of Malta, but the Government of Malta refused to conclude the exchange of the instruments of ratification for the same aforementioned pretext. From the above review the following becomes clear:

1. The Socialist People's Libyan Arab Jamahiriya has ratified the Special Treaty signed with the Republic of Malta on 4 January 1981, which is the date on which the People's General Congress formulated the resolutions to be adopted by the Basic People's Congresses in conformity with those resolutions already in force in the Jamahiriya and in accordance with the applicable constitutional procedures in the Libyan Arab Jamahiriya.
2. In preparing the ratification instrument the People's Bureau for Foreign Liaison has made a reference to the resolutions adopted by the Basic People's Congresses which constitute the legal base for this instrument.
3. The Socialist People's Libyan Arab Jamahiriya has used all possible means and done its utmost in order to bring about the exchange of the ratification instruments. To this end, the Libyan Arab Jamahiriya sent two delegations to Malta, one on 23 March 1981 and the other on 24 July 1981, but the Maltese Government refused to conclude the procedure.
4. The Government of the Republic of Malta hinders the conclusion of exchanging the instruments of ratification by referring to the resolutions of the Basic People's Congresses and by demanding that the instrument of ratification of the Libyan Arab Jamahiriya be amended in a manner dictated by the Government of Malta, without taking into consideration the constitutional procedures in the Jamahiriya and by demanding further that the Registrar of the International Court of Justice be notified at the very same time the instruments of ratification are exchanged, a matter which the Special Agreement stipulates be implemented after it enters into force.
5. The Government of Malta consistently turned the issue of exchanging the instruments of ratification into political wrangling dictated by internal and external circumstances that are extraneous to the procedures of exchanging the instruments of ratification.

The Socialist People's Libyan Arab Jamahiriya, while stating all these facts, stresses at the same time its willingness to proceed with the exchange of the instruments of ratification of the Special Agreement in their present formula and within the framework of this proceeding itself, whether in Tripoli or Valletta. The Maltese Government is solely responsible for the consequences of its prevaricating attitude and for making any conditions that would delay the exchange of instruments of ratification.

Abdulati AL-OBEIDI
Secretary of the People's
Committee of the People's
Bureau for Foreign Liaison
