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LETTER DATED 17 NOVEMBER 1981 FROM THE PERMANENT REPRESENTATIVE OF MALTA
TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The letter of Libya's Chargé d'Affaires dated 12 November 1981 and circulated as document S/14752 of the Security Council provides fresh evidence, showing how Libya tries to mislead the Security Council in order to camouflage its real intentions.

The Security Council is aware that:

1. On 10 August 1980, Libya sent armed naval units to a location distant 54 miles south of Malta and 167 miles north of Libya and forced Malta to abandon its offshore drilling activities.
2. Between May 1976 and mid-1980, Libya adopted various tactics to delay indefinitely the ratification of the Special Agreement to submit the dispute to the International Court of Justice which was solemnly signed in Malta in May 1976 during a state visit by Colonel Qaddafi, the Libyan head of State: these tactics included several attempts to force Malta to accept changes in that agreement.
3. There was never any agreement which bound the Maltese Government not to drill pending the decision of the Court. Nor could there have been one, since the question of drilling was not discussed. Indeed Malta's intention to drill was communicated verbally to Major Jalloud in mid-October 1979 by Malta's Prime Minister, confirmed by a note verbale dated 21 November 1979 and again reiterated verbally by the Prime Minister to Major Jalloud when they met on 23 April 1980: no adverse communication was received from Libya, and even the threat to use armed force to stop the actual drilling was communicated, not to the Maltese Government but to AGIP and Texaco, the Government's licensee.
4. Following the request made by Malta's Permanent Representative seeking the protection of the Security Council on 1 September 1980 (S/14140), the Special Representative of the Secretary-General visited Malta and Tripoli. In his report to the Security Council (S/14256, para. 5), Libya undertook unconditionally to submit the original text of the 1976 Agreement to the Popular Congresses for ratification, in order to have the dispute referred to the Court by mid-November of that year (1980). Notwithstanding this undertaking, ratification has been made conditional, thereby preventing the completion of the formalities necessary for submitting the dispute to the International Court of Justice.

5. The two Libyan delegations that visited Malta on 23 March and 24 July confirmed beyond doubt that Libya wanted to persist in placing conditions in the instrument of ratification which did not appear in the original Agreement, and this in spite of the undertaking given to the Special Representative of the Secretary-General as stated in paragraph 4 above.

6. Malta is still threatened with the use of force, should it dare drill in its part of the continental platform. There is, therefore, a continuing threat to Malta's security and, consequently, a threat to the security and peace of the entire region. Thus, the Libyan expression of its wish to strengthen relations and good-neighbourliness are hollow words completely devoid of real meaning.

7. The Libyan Chargé d'Affaires' assertion "as of this date, the Mission of Malta has not fully replied to the questions addressed to it" is simply not true. On the contrary, the interim report of the Secretary-General to the Security Council dated 30 October 1980 amply demonstrates that it was Libya that failed to respond to the questions addressed to it.

The Republic of Malta stresses its conviction that Libya does not want to comply with the normal practice of submitting the dispute to the International Court of Justice and will keep on using tactics to prevent the issue from being referred to that Court.

The Republic of Malta therefore seeks again the protection of the Security Council and demands that Libya be condemned for its aggressive action towards Malta and for failing to honour its commitment, given to the Secretary-General as far back as October 1980, to ratify the 1976 Special Agreement without conditions.

I would be grateful, Your Excellency, if this letter were circulated as a document of the Security Council.

(Signed) V. J. GAUCI
Permanent Representative
