Security Council

REPORT OF THE SECRETARY-GENERAL ON THE DISPUTE BETWEEN MALTA AND THE LIBYAN ARAB JAMAHIRIYA

1. The members of the Security Council will recall that, after the Council became seized of this question in September 1980, the Secretary-General, with the agreement of the members of the Council, sent his Special Representative, Mr. Diego Cordovez, to discuss the issues at hand with the Governments of the Republic of Malta and of the Socialist People's Libyan Arab Jamahiriya, in order to assist in the search for a mutually acceptable solution. The results of the consultations held by the Special Representative in Malta and the Libyan Arab Jamahiriya from 29 October to 2 November 1980 were outlined in the report submitted to the Council on 13 November 1980 by the Secretary-General (S/14256). In that report, the Secretary-General expressed the view that the early ratification of the 1976 Special Agreement, whereby the parties would submit the question of delimitation of the continental shelf areas to the International Court of Justice, would be an essential first step towards an easing of tensions that had arisen between them. The Secretary-General also stated his readiness to assist the parties in carrying out the relevant formalities, should they so request.

2. On 14 January 1981, the Chargé d'Affaires of the Libyan Arab Jamahiriya informed the Secretary-General that the Basic People's Congresses had decided to ratify the Special Agreement of 1976.

3. Since then, the efforts of the Secretary-General and his Special Representative have been directed to overcoming the specific difficulties that had arisen in respect of the exchange of instruments of ratification and the joint notification by the parties to the International Court of Justice. Some of the issues involved and steps suggested to overcome them were outlined in the report of the Special Representative which was submitted to the Security Council by the Secretary-General under cover of a note dated 9 December 1981 (S/14786).

4. On 26 March 1982, the Secretary-General was informed by the Secretary of the People's Committee of the People's Bureau for Foreign Liaison of the Libyan Arab Jamahiriya that the two countries had, on 20 March 1982, completed the exchange of instruments of ratification pertaining to the Special Agreement. Accordingly, the Special Agreement entered into force on that date.

5. On 10 May 1982, the Permanent Representative of Malta also informed the Secretary-General that the difficulties that had held up the completion of the exchange of ratifications had been resolved. The Permanent Representative of Malta further advised the Secretary-General that the Special Agreement had been jointly registered with the United Nations Secretariat on 19 April 1982, in accordance with Article 102 of the Charter of the United Nations.

6. In their communications, both parties expressed appreciation for the efforts made by the Secretary-General and his Special Representative to achieve an amicable resolution of the dispute.

7. The Secretary-General has been informed by the Registrar of the International Court of Justice that, on 26 July 1982, pursuant to Article 40, paragraph 3, of the Statute of the Court, the Governments of the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta filed in the Registry of the Court a Joint Notification of the Special Agreement "For the submission to the International Court of Justice of a Difference". The Secretary-General is therefore pleased to inform the Security Council that the matter has, accordingly, been formally placed before the International Court of Justice.

8. The Secretary-General expresses his confidence that the Socialist People's Libyan Arab Jamahiriya and the Republic of Malta will thus reach a definite settlement of the question at issue and that the relationship of co-operation and friendship which has traditionally existed between them, and which has undergone a period of temporary difficulty, will be fully restored.