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LETTER DATED 18 JUNE 1973 FROM THE PERMANENT REPRESENTATIVE OF THE
UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

As a matter of record, I regard it as necessary to comment briefly on some of the principal points made in a letter dated 30 May addressed to you by the Permanent Representative of the Libyan Arab Republic. The text of that letter was circulated as an official document to the Security Council and I would ask that this letter be treated in the same fashion.

The Government of the Libyan Arab Republic has accused the Government of the United States of America of carrying out a policy of aggression. That accusation is based on two incidents referred to in the letter to you from the Libyan Permanent Representative.

The first incident, on 21 March, involved the alleged entry into Libyan air space by an American military C-130 aircraft. As my Government has already made clear, the aircraft in question was in flight far outside the 12-mile territorial waters claimed by the Libyan Arab Republic and therefore in international air space. This unarmed aircraft was nevertheless intercepted and fired upon by aircraft of the Libyan Arab Republic Air Force.

As for the second so-called incident, on 30 April, there can be no basis for the conclusion that the operations of an aircraft carrier and its aircraft well beyond the territorial sea or sovereign air space of the Libyan Arab Republic and clearly in or over international waters constitutes a "threat to the peace and security of the area". Again, at no time did aircraft or vessels of the United States enter or overfly the claimed 12-mile territorial sea of Libya, nor was there any interference with the operation of Libyan military forces.

The letter of the Libyan Permanent Representative labels as aggressive the presence of, and the carrying out of reconnaissance and other normal operations by, the United States Sixth Fleet in the Mediterranean. Under established principles of international law, the use of the high seas is restricted only by the obligation to act with reasonable regard to the interests of other States in their exercise of that freedom. The actions of the Sixth Fleet in the Mediterranean have at all times been in compliance with that obligation.

None of the activities mentioned, nor the general presence of the Sixth Fleet in the Mediterranean, constitutes aggression or reflects an aggressive intent on the part of the United States. Indeed the United States Government cannot but feel concerned at the nature of the intention expressed by the Libyan Government to carry out actions similar to those taken on 21 March against aircraft of the United States in Libya's so-called "restricted area". The establishment by the Libyan Government of this "restricted area" within a radius of 100 nautical miles from Tripoli is inconsistent with the Convention on International Civil Aviation, to which the Libyan Arab Republic is a party, and with generally recognized principles of international law. The United States has made this clear in a Diplomatic Note to the Libyan Government on 10 April 1973, which followed two verbal discussions of the subject with Libyan officials on 27 November 1972 and 21 February 1973.

It is a matter of regret that the Libyan Arab Republic has not responded to the repeated offers by the United States before and after the incident of 21 March to discuss any problems which the Libyan Government might feel were being caused by the operation of American aircraft over international waters in the Mediterranean. The United States Government does not believe that its air and naval operations in the Mediterranean should be regarded as a cause of tension in the area.

My Government would like to reiterate that it remains prepared to discuss with the Libyan Government any issues which the latter may regard as damaging to normal relations.

(Signed) John SCALI
