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LETTER DATED 26 JANUARY 1990 FROM THE PERMANENT REPRESENTATIVE  
OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF  
THE SECURITY COUNCIL

By order of my Government, I have the honour to transmit to you herewith the document entitled "Memorandum on the Chad-Libya border dispute".

Consequently I should be grateful if you would circulate this memorandum as a document of the Security Council and include it in the Chad-Libya dossier, which remains before the Council.

(Signed) Mahamat Ali ADOUM  
Ambassador  
Permanent Representative

Annex

REPUBLIC OF CHAD  
MINISTRY OF FOREIGN AFFAIRS

MEMORANDUM  
ON THE CHAD-LIBYA BORDER DISPUTE

JANUARY 1990

## MEMORANDUM ON THE CHAD-LIBYA BORDER DISPUTE

Following the twenty-fifth session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), held at Addis Ababa from 24 to 26 July 1989, the means to achieve the peaceful settlement of the Chad/Libya border dispute seemed clear. Adopted at that session, AHG/Res.184 (XXV), while renewing the mandate of the Ad Hoc Committee as initially composed and requesting it to continue its efforts, clearly sets out the basis and direction for discussions leading to peaceful settlement through:

- (a) The total cessation of all forms of hostilities and strengthening of the cease-fire;
- (b) The settlement of the territorial dispute by peaceful and political means and the signing of a treaty of non-aggression, fraternity and good-neighbourliness;
- (c) The rectification of the consequences of the war, and the re-establishment of bilateral co-operation.

Following upon the re-establishment of diplomatic relations on 3 October 1988 and the resumption of direct talks between the two States, the resolution of the twenty-fifth Assembly plunged international opinion into deep euphoria and indeed caused undisguised optimism regarding a settlement of the dispute in the near future. All the more so because, since the twenty-fourth OAU Assembly, there had been no shortage on the Libyan side of loud declarations and media statements designed to be "reassuring" about Tripoli's intentions. In reality, there is a widening gap between the public statements and the actions of the Libyan side, both in military terms and at the negotiating table.

A review of the various stages of these discussions clearly demonstrates this gap.

### General overview

Less than two months after the much-vaunted "gift" of Colonel Qaddafi to the OAU Assembly, followed by AHG/Res.174 (XXIV), calling for a climate of confidence, normalization and the consolidation of the cease-fire between the two sides, His Excellency El-Hadj Omar Bongo, President of the Gabonese Republic, convened for the first time a meeting of the Ministers for Foreign Affairs of Chad and Libya, from 7 to 9 July 1988 at Libreville, which was chaired by the then Minister of State and Minister for Foreign Affairs of Gabon.

At that meeting, the two delegations could not reach agreement on an agenda, the Libyans rejecting even the principle of a preliminary discussion on the core of the problem: the military occupation of a large part of Chadian territory known as the "Aozou Strip". In fact, the objective of the Libyans in attending that meeting was solely to obtain the liberation of their prisoners of war. The Chadians, on the other hand, believe that one must first resolutely tackle the central issue of the border dispute before considering the question of prisoners of war, which is only a by-product of the war.

Thus, the two delegations parted in total disagreement, limiting themselves to issuing a press release in which they reaffirmed "their determination to make all the necessary efforts to settle all the issues in a spirit of fraternity".

In reality, as will be shown by subsequent events, Libya will never change its position.

Tirelessly pursuing his efforts to mediate the conflict, His Excellency President Omar Bongo convened from 14 to 18 June 1989, again at Libreville, a tripartite meeting of which the first part was attended by experts and a ministerial-level gathering followed. The objective of the meeting was to hold discussions on the basis of a draft agenda proposed by the Chairman of the Ad Hoc Committee and accepted by the two parties before their arrival in Libreville, namely:

- (1) Consideration of a draft agreement on the settlement of the Chad/Libya border dispute;
- (2) Consideration of a draft agreement on co-operation and good-neighbourliness between Chad and Libya;
- (3) Other matters.

In contrast to the Chadian side, which had commented on the two draft agreements, the Libyan side, true to its strategy of avoiding at all costs any discussion on the core of the problem, opposed the adoption of the draft agenda submitted by the Chairman of the Ad Hoc Committee. The procès-verbal signed by the Chadian and Libyan experts at the completion of the interminable debates was never to be submitted for approval to the ministers, as had been planned.

For his part, the current Chairman of OAU, His Excellency General Moussa Traoré, Head of State of Mali, had made great efforts, resulting in the historic Bamako meeting, held from 20 to 21 July 1989, between President El-Hadj Hisseine Habré and the Head of the Libyan Revolution, Muammar Qaddafi, in the presence of the Chairman of the Ad Hoc Committee, El-Hadj Omar Bongo, President Chadli Bendjedid of Algeria and President Ibrahim Badamasi Babangida of Nigeria.

Although not leading to concrete results, this Chad-Libya summit meeting nevertheless considerably relaxed the atmosphere between the two countries.

The meeting at Bamako was certainly a significant event - a first - which renewed hopes in the peoples of the two countries for a rapid settlement of their dispute on the basis of mutual confidence. Optimism was at an all-time high in the African and international communities.

In fact, several meetings between representatives of the two sides at the ministerial level led to the drafting and the signing, on 31 August 1989 at Algiers, of a "framework agreement on the peaceful settlement of the territorial dispute between the Republic of Chad and the Great Socialist People's Libyan Arab Jamahiriya".

Basing the framework agreement in particular on OAU resolution AHG/Res.184 (XXV) regarding the Chad/Libya territorial dispute and on the fundamental principles of the United Nations, the parties concerned agreed as follows:

- (1) To settle first their territorial dispute by all available political means, including conciliation, within a period of one year.
- (2) In the absence of a settlement:
  - (a) To submit the dispute for adjudication by the International Court of Justice;
  - (b) To take collateral measures in connection with the judicial settlement, concerning, in particular, the withdrawal, under the supervision of a commission of African observers, of the two countries' forces from the positions occupied by them in the disputed area as at 25 August 1989, and to refrain from establishing any new presence in the area in question;
  - (c) To carry out that withdrawal to positions to be agreed upon;
  - (d) To maintain these collateral measures in effect pending a final judgement by the International Court of Justice on the territorial dispute;
- (3) To release all prisoners of war;
- (4) To respect scrupulously the cease-fire and to cease all forms of hostility between the two parties, in particular:
  - (a) To desist from all hostile campaigns in the media;
  - (b) To refrain from any interference, whether direct or indirect, under any pretext and in any circumstance, in the internal or external affairs of the other country;
  - (c) To withhold all political, material, financial and military support from forces hostile to either country;
- (5) To proceed to the signing of a treaty of friendship, good-neighbourliness and economic and financial co-operation between the two countries;
- (6) To set up a Joint Commission to work out the arrangements for the implementation of the Agreement and to see to it that all necessary measures are taken for that purpose.

At the bilateral level

Immediate steps were taken to put this agreement into effect. The Joint Commission provided for in article 5 was established at the first meeting of Chadian and Libyan delegates, held at Tripoli from 16 to 21 September 1989.

At the first session of the Joint Commission, the Chadian side submitted to the Libyan side concrete proposals on the following points:

- Discussion of a draft protocol to give effect to the framework agreement;
- Consideration of a draft treaty of friendship, good-neighbourliness and non-aggression;
- Consideration of a draft special agreement on a settlement by adjudication of the territorial dispute between the two countries.

Once again, the Libyan side rejected these proposals by completely avoiding the question of the territorial dispute, which is the main focus of the framework agreement, and dealing instead with the question of prisoners of war, which is merely the result of the conflict between the two countries.

Indeed, the Libyan side continued to hold the same position as before.

It was in a rather uneasy atmosphere that the second session of the Chad/Libya Joint Commission was held at N'Djamena from 25 to 28 November 1989. Several weeks earlier, during the second half of the month of October, the Chadian national armed forces (FANT) had wiped out a massive and violent assault from across the border with the Sudan.

Faithful to the spirit and the letter of the framework agreement, Chad deplored this new act of aggression from the east, all the while demonstrating that it was fully prepared to continue the discussions.

It was in that context that Chad once again submitted to the Libyan side proposals on the protocol to give effect to the framework agreement. It was at that point that a consensus seemed to emerge on the following basic principles:

- The immediate withdrawal of forces from the disputed zone known as the "Aozou Strip" and the posting of African observers;
- The establishment of a subcommission of legal and cartographic experts to begin the process of delimiting the boundary between Chad and Libya;
- The adoption of a special agreement to submit the case to the International Court of Justice (valid only if a political solution is not reached);

- The release of prisoners of war;
- The signing of a treaty of friendship, good-neighbourliness, non-aggression and co-operation.

For each of those principles, certain details remained to be considered at the third session of the Joint Commission at Tripoli in order to finalize the protocol to give effect to the agreement. There was cause for optimism and hope, fuelled largely by the enthusiastic comments which the Libyan delegation made to the local press.

New reversal. At the third session, held at Tripoli from 19 to 22 December 1989, the Libyan side, showing little concern about its commitments and its solemn word, abruptly called everything into question, even the consensus reached at N'Djamena, and, from the outset of the proceedings, set a condition: a detailed list of the prisoners and the arrangements for their release before any continuation of the talks.

Despite the tireless efforts of the Chadian side to induce them to continue the talks on the basis of the progress achieved during the previous session at N'Djamena, the Libyans, suiting the action to the word, ended the meeting by submitting to the Chadian representatives new proposals which had virtually no bearing on the principal objective of the framework agreement: the peaceful settlement of the territorial dispute. In those proposals, the Libyan side makes the continuation of the talks on the territorial dispute contingent on the release, pure and simple, of prisoners of war within time-limits and according to arrangements which it deems appropriate. Forty-eight hours later, in Paris, Mr. Azuz Talhi made an "admission" on Radio-France Internationale: "Chad is blocking the dialogue on the implementation of the framework agreement"!

It should be pointed out that, up to now, Libya has made no effort to notify the Organization of African Unity (OAU) and the United Nations of that agreement, as stipulated in article 7 of the agreement.

Hostile acts. While the negotiations were taking place, with their ups and downs, at both the bilateral and the African level, Libya, as we have seen, did not for one moment cease its provocations of all kinds against Chad, going as far as open aggression described in the media, such as its aggression from Darfour in October 1989.

In that region of the Sudan, which since 1986 has become a veritable province of Libya (with the sole but by no means negligible, difference that the region was subsequently given over to armed violence and pillage), Libya is constantly reconstituting the forces of the Islamic Legion, recently renamed the "Green Force". Special headquarters have been set up for that purpose. In Libyan territory, raids are organized against Africans under the guise of a war against crime. Those taken into custody go directly to the military camps for enrolment; Chadians, in particular, have always been singled out. This was the case, for example, at Sirte, Ajdabiya, Benghazi. Even more serious, since the official opening of Embassies at N'Djamena and Tripoli on 3 October 1988, Libya has continued to maintain the "Bureau of Chadian Affairs", which is a veritable

embassy, enjoying all facilities and issuing "passports", "laissez-passer" and "consular cards"; in short, it has "respectability". One day, when an official Chadian delegation expressed its wish to visit the Embassy of Chad at Tripoli, it was taken to the "Bureau of Chadian Affairs"! The escort was simply unaware of the existence of the Chadian Embassy.

It is from this "Bureau" that all actions directed at Chad or Chadian nationals living in Libya are organized, with the close assistance of a number of senior Libyan officers.

Shortly before the convening of the third session of the Joint Commission at Tripoli from 19 to 22 December 1989, the People's Bureau for Foreign Liaison sent the accredited diplomatic representations in the Libyan capital a note in which it condemned Chad and its Government and declared that "in the current state of affairs, the Jamahiriya cannot be committed to continuing its implementation [i.e., the implementation of the framework agreement of Algiers], and the Chadian side will have to accept any consequences, and it [the Jamahiriya] reserves for itself the right to take such steps as it deems appropriate ...".

The circulation of that note before the convening of the meeting is proof, if additional proof is required, of the total lack of political will on the part of the Libyan side to go forward in the negotiations.

Another proof is the categorical rejection and total disregard for the decision of the Chadian Government to release a large number of prisoners of war as a sign of goodwill and as a gift on the occasion of the twentieth anniversary of the Al-Fatih Revolution, on 1 September 1989, the day after the signing of the framework agreement on the settlement of the territorial dispute between the two States. Where the media are concerned, Libyan officials are tireless. Insults, including personal insults, and threats regularly and continually alternate with protestations of good faith and all sorts of tricks and manipulations, often with the suspect complacency of certain "international" media.

The situation is worrying. The negotiations are not progressing. The cease-fire is periodically violated by acts of aggression from the Sudanese territory of Darfour. The Libyan side has shown not only a lack of political will in the search for peace but has also clearly demonstrated its desire for revenge.

May concerted international action help promote the cause of peace and, in so doing, prevent the degeneration of a conflict which has already caused enough damage to the two countries. Chad is prepared to contribute all its goodwill to such a peace initiative.



Appendix I

AHG/Res.184 (XXV)

RESOLUTION ON THE CHAD-LIBYA TERRITORIAL DISPUTE\*

The Assembly of Heads of State and Government of the Organization of African Unity, meeting at its twenty-fifth ordinary session at Addis Ababa, Ethiopia, from 24 to 26 July 1989,

Having heard the report of the Chairman of the Ad Hoc Committee of the Organization of African Unity on the Chad-Libya territorial dispute,

Bearing in mind the basic principles of the Charter of the Organization of African Unity,

Recalling the relevant resolutions of the Organization of African Unity relating to disputes among African States, in particular resolution AHG/16 (I) on the inviolability of borders inherited from the colonial period,

Recalling further the resolutions, decisions and recommendations of the Organization of African Unity relating to the Chad-Libya territorial dispute,

Bearing in mind decision AHG/Dec.108 (XIV) on the establishment of the Ad Hoc Committee for the mediation of the Chad-Libya territorial dispute,

Also bearing in mind resolution AHG/158 (XXII) reactivating the aforementioned Committee,

Bearing in mind resolution AHG/Res.174 (XXIV) on the Chad-Libya territorial dispute,

Noting the praiseworthy efforts exerted by Their Excellencies Presidents Moussa Traoré and El-Hadj Omar Bongo in the search for a just and definitive settlement of the Chad-Libya territorial dispute,

Welcoming the implementation of resolution 174 (XXIV), in particular the re-establishment of diplomatic relations between Chad and Libya,

Welcoming further the historic meeting at Bamako on 20 and 21 July of the Libyan and Chadian Heads of State, arranged by President Moussa Traoré and conducted with Presidents El-Hadj Omar Bongo, Chadli Bendjedid and Ibrahim Babangida present,

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\* Translated by the United Nations Secretariat.

Noting further the goodwill manifested by the two parties, Chad and Libya, with a view to promoting the settlement of the dispute between them,

1. Adopts the report of the Chairman of the Ad Hoc Committee of the Organization of African Unity on the Chad-Libya territorial dispute;
2. Commends Presidents Moussa Traoré and El-Hadj Omar Bongo, in their capacities as current Chairman of the Organization of African Unity and as Chairman of the Ad Hoc Committee of the Organization of African Unity on the Chad-Libya territorial dispute, for their particularly outstanding efforts in the process for the settlement of the Chad-Libya territorial dispute;
3. Commends further all States members of the Ad Hoc Committee of the Organization of African Unity on the Chad-Libya territorial dispute for the excellent quality of the work accomplished;
4. Reiterates its complete confidence in His Excellency El-Hadj Omar Bongo, Chairman of the Ad Hoc Committee;
5. Renews the mandate of the Committee with its original membership, and requests it to continue its efforts with a view to reaching a political settlement of the Chad-Libya territorial dispute, within the framework of the Organization of African Unity, through, in particular:
  - (a) The total cessation of all forms of hostilities and the strengthening of the cease-fire;
  - (b) The settlement of the territorial dispute by peaceful and political means and the signing of a treaty of non-aggression, fraternity and good-neighbourliness;
  - (c) The rectification of the consequences of the war, and the re-establishment of bilateral co-operation;
6. Welcomes the intention of Chad and Libya to seek a political solution, within the framework of the Organization of African Unity, to the dispute which has brought them into conflict, and invites them to continue to co-operate closely with the Ad Hoc Committee;
7. Calls upon the Chairman of the Ad Hoc Committee to report to the Assembly of Heads of State and Government at its twenty-sixth ordinary session.

Appendix II

FRAMEWORK AGREEMENT ON THE PEACEFUL SETTLEMENT OF THE  
TERRITORIAL DISPUTE BETWEEN THE REPUBLIC OF CHAD

AND

THE GREAT SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA

The Republic of Chad, on the one hand, and the Socialist People's Libyan Arab Jamahiriya, on the other hand,

On the basis, first, of the resolutions of the Organization of African Unity (OAU), especially resolution AHG/Res.6 (XXV) concerning the territorial dispute between Chad and Libya, and, secondly, on the basis of the fundamental principles of the United Nations, namely:

The settlement of international disputes by peaceful means;

The sovereign equality of all States;

The non-use of force or the threat of force in relations between States;

Respect for the national sovereignty and territorial integrity of every State;

Non-interference in the internal affairs of other States;

Determined to settle their territorial dispute by peaceful means,

Have decided to conclude the following agreement.

Article 1

The two parties undertake first to settle their territorial dispute by all available political means, including conciliation, within a period of one year, unless otherwise decided by the Heads of State, said period being specified as a frame of reference.

Article 2

Failing the achievement of a political settlement to their territorial dispute, the two parties undertake:

(a) To submit the dispute for adjudication by the International Court of Justice;

(b) To take collateral measures in connection with the judicial settlement, concerning, in particular, the withdrawal, under the supervision of a commission of African observers, of the two countries' forces from the positions occupied by them in the disputed areas as at 25 August 1989, and to refrain from establishing any new presence in the area in question;

(c) To carry out that withdrawal to positions to be agreed upon;

(d) To maintain these collateral measures in effect pending a final judgement by the International Court of Justice on the territorial dispute.

#### Article 3

All prisoners of war shall be released.

#### Article 4

The Republic of Chad and the Socialist People's Libyan Arab Jamahiriya reaffirm their decisions with regard to the cease-fire established between them; they further undertake to desist from any form of hostility and in particular:

(a) To desist from all hostile campaigns in the media;

(b) To refrain from any interference, whether direct or indirect, under any pretext and in any circumstance, in the internal or external affairs of the other country;

(c) To withhold all political, material, financial and military support from forces hostile to either country;

(d) To proceed to the signing of a treaty of friendship, good-neighbourliness and economic and financial co-operation between the two countries.

#### Article 5

The two parties hereby decide to set up a Joint Commission to work out the arrangements for the implementation of this Agreement and to see to it that all necessary measures are taken for that purpose.

#### Article 6

The Ad Hoc Committee of the Organization of African Unity (OAU) on the dispute between Chad and Libya shall be entrusted with the task of monitoring the implementation of the provisions of this Agreement.

Article 7

The Republic of Chad and the Socialist People's Libyan Arab Jamahiriya undertake to notify the United Nations and the Organization of African Unity (OAU) of this Agreement.

Article 8

This Agreement shall enter into force on the date of its signature.

Done at Algiers, on 31 August 1989

For the Republic of Chad

Acheikh IBN OUMAR  
Minister for Foreign Affairs

For the Socialist People's  
Libyan Arab Jamahiriya

Jadallah Azouz ETTALHI  
Secretary for Foreign Liaison  
and International Co-operation

This Agreement was signed in the presence of His Excellency  
Mr. Boualem BESSAÏH, Minister for Foreign Affairs of the People's Democratic  
Republic of Algeria.

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