

[TRANSLATION — TRADUCTION]

TREATY¹ OF FRIENDSHIP AND GOOD-NEIGHBOURLINESS BETWEEN THE FRENCH REPUBLIC AND THE UNITED KINGDOM OF LIBYA

The President of the French Republic

And His Majesty the King of the United Kingdom of Libya,

Desiring to reaffirm through this Treaty the friendship and community of interests which exist between the French Republic and the United Kingdom of Libya,

Convinced that a Treaty of Friendship and Good-Neighbourliness, concluded in a spirit of mutual comprehension and on a basis of complete equality, independence and liberty, will facilitate the settlement of all the questions arising from the geographical situation of the two countries and their interests in Africa and the Mediterranean,

Desiring to provide mutual assistance and to cooperate closely, between themselves, as well as with other nations, to maintain peace and to oppose aggression, in accordance with the Charter of the United Nations,

And lastly, prompted by a desire to strengthen the economic, cultural and good-neighbourly relations between the two countries, in their common interest, as well as in the interest of general prosperity,

Have decided to conclude a Treaty to that end and have designated as their plenipotentiaries:

The President of the French Republic:

For the French Republic,

His Excellency Mr. Maurice Dejean, the Ambassador of France.

His Majesty the King of the United Kingdom of Libya:

For the United Kingdom of Libya,

His Excellency Mr. Mustapha Ben Halim, Prime Minister and Minister for Foreign Affairs of the United Kingdom of Libya.

Who, having exchanged their full powers, found in good and due form, have agreed as follows:

Article 1

There shall be perpetual peace and friendship between the French Republic and the United Kingdom of Libya.

¹ Came into force on 20 February 1957 by the exchange of the instruments of ratification, which took place at Paris, in accordance with article 10.

The High Contracting Parties shall consult with each other as often as required by their common interests.

In their mutual relations they shall abide by the principles set forth in Article 2 of the Charter of the United Nations.

The High Contracting Parties shall make no undertaking which is incompatible with the provisions of this Treaty and shall do nothing which is of a nature to give rise to difficulties for the other Party, giving due consideration to the provisions of article 7 below.

Article 2

Each of the High Contracting Parties shall be represented to the other Party by a duly accredited diplomatic representative.

Article 3

Both High Contracting Parties recognize that the boundaries separating the territories of Tunisia, Algeria, French West Africa and French Equatorial Africa, on the one hand, from the territory of Libya, on the other hand, are those arising from the international instruments in force at the time of the formation of the United Kingdom of Libya, as defined in the attached exchange of letters (annex I).

Article 4

In view of the reciprocal obligations incumbent upon them as a result of their geographical situation, both High Contracting Parties undertake, each on its own territory, to take all the measures necessary for the maintenance of peace and security in the regions adjacent to the boundaries defined in the preceding article, and to maintain relations of good-neighbourliness between themselves.

To that end, both High Contracting Parties have concluded a Special Convention, as well as a Convention of Good-Neighbourliness, attached to this Treaty.

Article 5

In the event that one of the High Contracting Parties should become engaged in an armed conflict involving the territories of the African continent located in the northern hemisphere and arising from an act of aggression by another Power, or in the event of an imminent threat of such an act of aggression, the High Contracting Parties shall consult each other with a view to ensuring the defence of their respective territories. In the case of France, the territories are those for whose defence it is responsible and which border on Libya, namely: Tunisia, Algeria, French West Africa and French Equatorial Africa. In the case of Libya, the territory is that of Libya as defined in article 3 of this Treaty.

Article 6

The High Contracting Parties shall strive to strengthen their economic and cultural relations along the lines set forth in the Convention on Economic Cooperation and the Cultural Convention attached to this Treaty.

Article 7

This Treaty shall in no way affect the rights and obligations of the High Contracting Parties arising from the provisions of the Charter of the United Nations and

from all other treaties, conventions or agreements duly published, including, for the United Kingdom of Libya, the Pact of the League of Arab States.¹

Article 8

Any controversies to which the interpretation and implementation of this Treaty may give rise and which cannot be settled by means of direct negotiations shall be brought before the International Court of Justice at the request of either of the Parties, unless the High Contracting Parties are able to agree on some other mode of settlement.

Article 9

In the Conventions and annexes which are attached to this Treaty and which form an integral part thereof, the phrase “the French Government” shall mean the Government of the French Republic, and the phrase “the Libyan Government” shall mean the Government of the United Kingdom of Libya.

Article 10

This Treaty shall be ratified and shall enter into force on the date on which the instruments of ratification are exchanged, which shall be done at Paris as soon as possible.

Article 11

This Treaty is concluded for a period of 20 years.

The High Contracting Parties may at any time consult each other with a view to revising it.

Such consultation shall be obligatory after a period of 10 years following its entry into force.

This Treaty may be denounced by either Party after a period of 20 years following its entry into force or at any subsequent date, provided that one year’s notice is given to the other Party.

IN WITNESS WHEREOF the aforementioned Plenipotentiaries have signed this Treaty and the attached Conventions and exchanges of letters, and have affixed their seals thereto.

DONE at Tripoli on 10 August 1955 in two originals in the French and Arabic languages, both texts being equally authentic.

For the Government
of the French Republic:

MAURICE DEJEAN

For the Government
of the United Kingdom of Libya:

MUSTAPHA BEN HALIM

¹ United Nations, *Treaty Series*, vol. 70, p. 237.

EXCHANGE OF LETTERS

ANNEX I

I

LEGATION OF FRANCE IN LIBYA

Tripoli, 10 August 1955

Sir,

Article 3 of the Treaty of Friendship and Good-Neighbourliness between France and Libya provides that:

“Both High Contracting Parties recognize that the boundaries separating the territories of Tunisia, Algeria, French West Africa and French Equatorial Africa, on the one hand, from the territory of Libya, on the other hand, are those arising from the international instruments in force at the time of the formation of the United Kingdom of Libya, as defined in the attached exchange of letters (annex I).”

Those instruments are the following:

- The Franco-British Convention of 14 June 1898;¹
- The Supplementary Declaration, of 21 March 1899, to the preceding Convention;²
- The Franco-Italian Agreements of 1 November 1902;
- The Convention between the French Republic and the Sublime Porte of 12 May 1910;
- The Franco-British Convention of 8 September 1919;³
- The Franco-Italian Arrangement of 12 September 1919.

With regard to the latter Arrangement, and in accordance with the principles stated therein, it has been recognized by both delegations that between Ghat and Toummo, the boundary runs through the following three points: the Trouée de Takharkhuri/Manfadh Takharkhuri (Takharkhuri Gap), the Col d'Anai/Mamarr Anay (Anay Pass) and Elevation Point 1010 (Garet Derouet el Djemel).

The French Government is prepared to appoint experts to be members of a joint Franco-Libyan commission entrusted with the demarcation of the boundary wherever such work has not yet been carried out and where either of the Governments might deem it necessary.

In the event of a disagreement during the demarcation exercise, each Party shall designate an impartial arbitrator and, in the event of a disagreement between the arbitrators, the latter shall designate a chief arbitrator, who shall also be impartial, to settle the dispute.

Accept, Sir, etc.

DEJEAN

His Excellency
Mr. Mustapha Ben Halim
Chairman of the Council
Minister for Foreign Affairs
of the United Kingdom of Libya
Head of the Libyan Delegation

¹ *British and Foreign State Papers*, vol. 91, p. 38.

² *Ibid.*, p. 55.

³ *Ibid.*, vol. 112, p. 722.

II

UNITED KINGDOM OF LIBYA
MINISTRY OF FOREIGN AFFAIRS

Tripoli, 10 August 1955

Sir,

I have the honour to inform you of the receipt of your letter of today's date, which reads as follows:

[*See letter I*]

I have the honour to inform you that the contents of your letter, the text of which is given above, corresponds exactly to that which was agreed between us during the talks held between our delegations on the subject.

Accept, Sir, etc.

[*Signed*]

MUSTAPHA BEN HALIM
Prime Minister
Minister for Foreign Affairs

His Excellency the Ambassador
Mr. Maurice Dejean
Head of the French Delegation
Tripoli

SPECIAL CONVENTION

Article 1

The French Government undertakes to withdraw its military forces currently located in Fezzan. This evacuation shall be completed within a period of 12 months following the entry into force of the Treaty, and no later than 30 November 1956. Until the end of that period, those forces shall be subject to the jurisdictional regime set forth in the attached exchange of letters (annex II) and shall enjoy the same supply and movement facilities as in the past.

Article 2

For its part, the Libyan Government undertakes, after the departure of the French troops currently stationed in Fezzan, to effect with exclusively Libyan forces the occupation of that territory and the carrying out of any missions of a military nature that the circumstances might require.

Article 3

The Libyan Government shall receive favourably, within the limits set by a letter of interpretation (annex III), the requests submitted to it by the French Government for the passage along track No. 5 of military convoys of the French forces proceeding to or from Chad. That letter of interpretation shall also define the itinerary known as track No. 5, as well as the jurisdictional regime which shall apply to the French forces in transit.

Article 4

The Libyan Government authorizes the French Government to utilize, for the relief, maintenance and supply of the French posts of Fort-Saint and Djanet, the itineraries currently in use for that purpose.

This authorization is granted for the period necessary for the establishment on the other side of the border of suitable means of communication, in accordance with the attached exchange of letters (annex IV).

Article 5

At the end of the period set for the evacuation of the French forces from Fezzan, the French Government shall hand over to the Libyan Government the airfields of Sebha, Ghat and Ghadames and the technical installations pertaining thereto (aeronautical radio and meteorological buildings and equipment and staff quarters). The installations shall become the property of the Libyan Government on the expiry of this Convention, provided that the Libyan Government has been able to maintain at those airfields a majority of French technicians on the terms stipulated by the letters attached hereto (annex V).

With a view to facilitating French air links between northern and central Africa, and in view of the absence, at the date of signature of this Convention, of French airfields in the region referred to above, the Libyan Government shall, when notified, grant French military aircraft, from the time the French forces are evacuated from Fezzan, the right to fly over and make technical stops at, for a period of five years, the airfield of Sebha, and for a period of two years, the airfields of Ghat and Ghadames, on the terms and within the limits set by the attached exchange of letters (annex VI).

At the end of this period of five years, the Libyan Government shall examine favourably the requests submitted by the French Government for French military aircraft to fly over and make technical stops at the airfield of Sebha.

Article 6

This Convention shall be ratified at the same time as the Treaty to which it is annexed. It shall enter into force on the date on which the instruments of ratification are exchanged. It may be revised and it shall cease to have effect under the same conditions as the Treaty itself.

DONE at Tripoli on 10 August 1955 in two originals in the French and Arabic languages, both texts being equally authentic.

For the Government
of the French Republic:
MAURICE DEJEAN

For the Government
of the United Kingdom of Libya:
MUSTAPHA BEN HALIM

CONVENTION OF GOOD-NEIGHBOURLINESS

The French Government and the Libyan Government, desiring to regulate their neighbourly relations, in accordance with article 4 of the Treaty of Friendship and Good-Neighbourliness, have agreed as follows:

CHAPTER I

BORDER SECURITY

Article 1

On the borders, as defined by article 3 of the Treaty of Friendship and Good-Neighbourliness, between the United Kingdom of Libya and the territories for whose defence France is responsible, as defined by article 5 of the said Treaty, the French and Libyan Governments shall take all measures to ensure the maintenance of order and security through liaison and cooperation of their respective police forces.

It is understood that the above provisions shall not affect the right of asylum as exercised in accordance with international usage.

CHAPTER II

TRANSHUMANCE

Article 2

The French Government and the Libyan Government undertake to provide transhumance facilities to the tribal nomads who traditionally migrate across the border between Algeria and Libya.

Article 3

To that end, on either side of that border, an open zone shall be established for all the nomads referred to in article 4 below who hold transhumance permits.

This zone shall be bounded:

On the French side: by a line running from the border west of Ghadames through Oued Tinfouchaye, Ohanet, Hassi Takouazet, Hassi Issendjel, Tin Henka, Adrar Mariaou and In Ezzane to Elevation Point 1010 (Garet Derouet El Djemel).

On the Libyan side: by a line running from Gara Nalout through Derj, Argoubech Cherma, Aouinet Ouenin, Bir Sehil, Hassi Ifentas, Zbaren, Tin Haliouine, Hassi Souis, Oubari and Anou El Khomoude to the Col d' Anai/Mamarr Anay (Anay Pass).

Article 4

The transhumance permits shall be issued, upon request, to nomads who come under the following administrative authorities, by those authorities:

French territory: the administrative authorities of Fort Flatters, Fort Polignac and Djanet.

Libyan territory: the administrative authorities of Ghadames, Ghat and the Oraghen Tuaregs.

Article 5

The transhumance permits shall be valid for a maximum period of nine months. One permit shall be issued to each family, showing the following information in French and Arabic:

- Name of head of family
- Tribe Clan
- Names of members of family
- Number of heads of livestock
- Destination zone
- Period of validity
- Date issued
- Signature and stamp of issuing authority

Article 6

Nomads holding transhumance permits may, in their search for pasture, freely cross the border and move about within the destination zone assigned to them by the permit provided for in article 5.

Within that zone, they may move about with their herds without having to pay any customs duty for their animals or their personal effects and provisions; they shall also be exempt from any grazing or watering fees, as well as from all other taxes relating to entry or stay in the territory, or exit therefrom.

Article 7

All nomads holding transhumance migration permits shall have such permits stamped by the administrative authorities of the place to which they travel.

Article 8

Where required by circumstances, similar transhumance facilities may also be provided on either side of the border between Tunisia and Libya.

CHAPTER III

CARAVANS AND BORDER TRAFFIC

Article 9

The French Government and the Libyan Government undertake to provide passage facilities to the tribal nomads who traditionally trade on both sides of the border between Algeria, French West Africa and French Equatorial Africa on the one hand, and Libya on the other hand, in order to maintain the traditional caravan movements between the regions of Tibesti, Ennedi, Borkou, Bilma and Ajers on the one hand, and those of Koufra, Mourzouk, Oubari, Ghat, Edri and Ghadames on the other hand.

Article 10

To that end, on either side of the border, an open zone shall be established for the caravan traffic engaged in by the nomads referred to in article 11 below who hold caravan traffic permits.

This zone shall be bounded:

On the French side: by a line running from the border west of Ghadames through Tinfouchaye, Timellouline, Ohanet, Fort Polignac, Fort Gardel, Bilma, Zouar, Largeau and Fada, and thence in a straight line to the Franco-Sudanese border.

On the Libyan side: by a line running from Sinaouen through Derj, Edri, El Abiod, Ghoddoua, Zouila, Ouaou En Namous and Koufra, and thence in a straight line to the Libyan-Egyptian border.

Article 11

The caravan traffic permits shall be issued, upon request, to nomads who come under the following administrative authorities, by those authorities:

French territory: the administrative authorities of Fort Flatters, Fort Polignac, Djanet, Bilma, Zouar, Largeau and Fada.

Libyan territory: the administrative authorities of Ghadames, Ghat, Mourzouk, Koufra and the Oraghen Tuaregs.

Article 12

The caravan traffic permits shall be valid for a maximum period of five months. They shall be issued to individuals, showing the following information in French and Arabic:

- Name of head of family
- Tribe Clan
- Occupation
- Destination
- Reason for trip
- Goods exported
- Period of validity
- Date issued
- Signature and stamp of issuing authority

Article 13

Nomads holding caravan traffic permits may freely cross the border, carrying with them the following goods without having to pay either customs duty or taxes relating to entry into or movements in the territory in question:

To Libya: livestock on the hoof, butter, cheese, hides, handicraft items, dried meat.

To French territory: grain, dates, handicraft items, dried tomatoes.

All other goods shall be subject to customs duty, but shall not require import or export licences as long as they remain within the border zone.

Article 14

All nomads holding caravan traffic permits shall have them stamped by the administrative authorities of the place to which they travel, and if needed, by those encountered on the way there.

Article 15

The French and Libyan Governments undertake to provide facilities for passage across the border between Algeria and Libya to persons residing within the border zone described in article 10 of this Convention and owning immovable property on the other side of the border within the border zone.

The same shall apply to persons residing at Dehibat and owning immovable property in the region of Ouezzen, and for persons residing at Ouezzen and owning immovable property in the region of Dehibat.

Article 16

All facilities shall be provided to such persons to enable them to cross the border with the produce of their property without having to pay customs duty or other taxes.

Article 17

The French and Libyan border authorities shall also provide passage facilities to farm workers who perform seasonal work each year on the other side of the border.

Such workers shall be free to bring home goods received as payment for their work.

Article 18

The persons referred to in articles 15 and 17 shall be provided with border crossing permits issued by the administrative authorities of the place of origin which shall be stamped by the border authorities of the country to which they travel; one permit shall be issued to each family, showing the following information:

- Name of holder
- Tribe Clan
- Destination
- Period of validity
- Number of persons accompanying holder
- Date issued
- Signature and stamp of issuing authority

CHAPTER IV

JOINT PROVISIONS

Article 19

Holders of transhumance permits, caravan traffic permits or border crossing permits shall be subject to the laws and regulations in force in the country in which they are present, and in particular to the laws and regulations pertaining to public order and security.

Article 20

The French and Libyan border authorities shall take all measures aimed at preventing the theft of animals, eliminating smuggling and prosecuting offenders.

Article 21

Disputes which may arise from the implementation of this Convention shall be submitted to arbitral commissions which shall meet at times to be determined by joint agreement, alternately in the French or Tunisian border zone and the Libyan border zone. The commissions shall consist of equal numbers of representatives of each border zone. Their decisions shall be enforceable if, within a period of 30 days, the administrative authorities of either of the Parties do not raise any objection.

Article 22

This Convention shall be ratified at the same time as the Treaty to which it is annexed. It shall enter into force on the date on which the instruments of ratification are exchanged. It may be revised and it shall cease to have effect under the same conditions as the Treaty itself.

DONE at Tripoli on 10 August 1955 in two originals in the French and Arabic languages, both texts being equally authentic.

For the Government
 of the French Republic:
 [MAURICE DEJEAN]

For the Government
 of the United Kingdom of Libya:
 [MUSTAPHA BEN HALIM]

CONVENTION ON ECONOMIC COOPERATION

The French Government and the Libyan Government, being equally desirous of strengthening economic and commercial relations between the two countries, in accordance with article 6 of the Treaty of Friendship and Good-Neighbourliness, have agreed as follows:

Article 1

The High Contracting Parties undertake to consider jointly what measures, within the framework of their national regulations, they may take in order to develop commerce between the two countries.

To that end, they may conclude all the agreements and conventions which they may deem necessary. In particular, they may conduct negotiations with a view to signing a treaty of commerce and establishment of commercial enterprises, and, if warranted by the development of trade, a commercial agreement.

Article 2

Each High Contracting Party undertakes henceforth, in respect of customs duties, indirect taxes, exchange regulations and, in general, all measures relating to foreign trade, not to treat goods originating in the territory of the other Party in a discriminatory manner *vis-à-vis* the terms of its own national regulations for similar goods originating in other foreign countries, with due allowance being made for the provisions relating to the obligations arising for either Party from its participation in regional economic agreements, and in particular, in the case of France, the European Coal and Steel Community, and in the case of Libya, the Arab League.

Article 3

The same undertaking not to discriminate shall apply to the industrial, agricultural and commercial enterprises of both High Contracting Parties.

Consequently, the industrial, agricultural and commercial enterprises of one High Contracting Party carrying on their activity in the territory of the other High Contracting Party may not be placed under conditions different from those granted to similar enterprises of other countries.

Also in accordance with this undertaking, the industrial, agricultural and commercial enterprises of one High Contracting Party shall be admitted to invitations to tender and auctions held by the other High Contracting Party under the same conditions as those under which the enterprises of other foreign countries are admitted.

Article 4

The High Contracting Parties undertake to authorize transfers of capital between the monetary zone of the French franc and Libya under the conditions provided for by their respective general exchange regulations.¹

Article 5

Goods arriving from or bound for the monetary zone of the French franc in transit through Libya shall be admitted to Libyan territory free from customs duty, under the conditions laid down by the Libyan transit regulations.

¹ See annex VII hereinafter, p. 292.

Reciprocal measures shall be granted to goods arriving from or bound for Libya in transit through the monetary zone of the French franc.

Article 6

In order to help Libya to develop its industrial and agricultural resources and to increase its trade potential, the French Government shall provide economic and technical cooperation to Libya.

Article 7

At the request of the Libyan Government, the French Government shall place at its disposal technicians in whatever specializations it may need.

The Libyan Government shall grant such technicians conditions of employment which are as favourable as those granted to foreign technicians of any other nationality.

Article 8

The French Government shall promote the study and execution by French firms of industrial and agricultural equipment projects which are entrusted to them in Libya.

It may facilitate, while adhering to the rules of its State system of loan guarantees, the financing through loans of the industrial supplies involved in such equipment projects.

Article 9

With the agreement of the Libyan Government, the French Government itself may, within the credit limits approved by the Parliament of the French Republic, contribute to the financing of projects of economic or technical interest and to the capital of institutions whose purpose is the realization of such projects.

Article 10

All the questions mentioned in this Convention may be the subject of mutual consultations between the two Governments as often as they deem necessary.

Article 11

This Convention shall be ratified at the same time as the Treaty to which it is annexed. It shall enter into force on the date on which the instruments of ratification are exchanged. It may be revised and it shall cease to have effect under the same conditions as the Treaty itself.

DONE at Tripoli on 10 August 1955 in two originals in the French and Arabic languages, both texts being equally authentic.

For the Government
of the French Republic:
[MAURICE DEJEAN]

For the Government
of the United Kingdom of Libya:
[MUSTAPHA BEN HALIM]

CULTURAL CONVENTION

The French Government and the Libyan Government, being equally desirous of maintaining and developing the excellent relations between the two countries in the field of education and scientific research, and wishing to implement on a reciprocal basis article 6 of the Treaty of Friendship and Good-Neighbourliness, have agreed as follows:

Article 1

The French Government and the Libyan Government shall facilitate, within the framework of their respective legislation, the exchange between their countries of cultural materials, particularly books, films and scientific equipment.

Article 2

Within the framework of its educational programme, the Libyan Government shall encourage the teaching of the French language in Libyan educational establishments.

To that end, the Libyan Government may request the help of the French Government in recruiting qualified staff and shall provide such staff with all facilities necessary for them to carry out their functions.

Special arrangements may be made in that regard by agreement between both Governments.

Article 3

The French Government shall grant annual scholarships to Libyan students wishing to pursue or complete their studies at educational or scientific research establishments.

Special arrangements shall be made to that end between the two Governments.

Article 4

The French Government and the Libyan Government shall promote, on a reciprocal basis, research of a scientific nature which is of interest to both countries.

Article 5

Each year, the two Governments shall exchange information regarding the implementation of the provisions set forth in the preceding articles and shall agree on measures aimed at developing cultural relations between the two countries.

Article 6

This Convention shall be ratified at the same time as the Treaty to which it is annexed. It shall enter into force on the date on which the instruments of ratification are exchanged. It may be revised and it shall cease to have effect under the same conditions as the Treaty itself.

DONE at Tripoli on 10 August 1955 in two originals in the French and Arabic languages, both texts being equally authentic.

For the Government
of the French Republic:

[MAURICE DEJEAN]

For the Government
of the United Kingdom of Libya:

[MUSTAPHA BEN HALIM]

EXCHANGES OF LETTERS

ANNEX II

I a

LEGATION OF FRANCE IN LIBYA

Tripoli, 10 August 1955

Sir,

With reference to article 1 of the Special Convention, I have the honour to confirm that the French Government recognizes that the French forces are bound to respect the independence, sovereignty and laws of the United Kingdom of Libya and to refrain from all activities which are incompatible with that obligation or with the spirit of the Treaty of Friendship and Good-Neighbourliness concluded between the French Government and the Libyan Government.

Furthermore, I have the honour to propose that the jurisdictional regime of those forces shall be defined as follows:

I. *Civil matters*

(a) Subject to paragraph (b) below, the Libyan courts shall be competent for all civil matters in which members of the French forces are involved. In such cases, the competent French authorities shall, at the request of the Libyan authorities, take all measures in their power to ensure that the judgements and rulings of the Libyan courts are respected, and, as far as security considerations allow, shall provide assistance to the Libyan authorities in the enforcement of the said judgements and rulings. However, no member of the French forces shall be liable to be dismissed from service by any judgement or ruling by the court, and the enforcement of such a ruling or judgement shall not be prejudicial to his person, pay, arms and ammunition, or equipment.

(b) The French Government shall pay an equitable indemnity for damage caused by members of the French forces in the execution of their duty. Such matters shall not be brought before the courts.

(c) The Libyan Government shall pay an equitable indemnity for damage caused to the French forces or their members in the execution of their duty by persons directly employed by the Libyan Government.

II. *Criminal matters*

(a) Subject to the reservations set forth in paragraph (b) below, the Libyan courts shall be competent unless the Libyan Government relinquishes their right to exercise their jurisdiction. The Libyan Government shall view sympathetically all requests by the French authorities for cases to be removed from the Libyan courts, whether because the said authorities attach great importance to such removal, or in order that a suitable sanction may be imposed through disciplinary channels without going through a court. In the latter case, the French Government shall inform the Libyan Government of the said sanction.

(b) The courts and authorities of the Government of the French Republic may exercise their jurisdiction and authority over the members of the French forces, as granted to them by French law, in the following cases, namely:

1. Crimes or misdemeanours committed against the property of the French Government or against the person or property of another member of the French forces;
2. Crimes or misdemeanours committed exclusively within French posts;

3. Crimes or misdemeanours which exclusively endanger the security of the French Government, including treason, sabotage, the violation of any law on the protection of secrecy or any secrets connected with the national defence of the French Republic;

4. Misdemeanours arising from any acts or omissions exclusively connected with the execution of duty;

and, wherever such French jurisdiction or authority exists, the members of the French forces shall not be subject to the jurisdiction of the Libyan courts.

(c) The French and Libyan authorities shall assist each other in order to arrest and hand over to the competent authorities members of the French forces to be judged in accordance with the above provisions. The Libyan authorities shall immediately inform the French authorities of the arrest of a member of the French forces. If the French authorities request the release of a member of the French forces being held on remand, the Libyan authorities shall hand that person over to the custody of the French authorities, provided the latter authorities undertake to deliver the person in question to the Libyan courts for any investigation or trial proceedings.

(d) The French and Libyan authorities shall provide assistance to each other for the completion of any investigations which may be necessary and for the collection of evidence, including the presentation of witnesses at the trial and the attachment and submission of exhibits, which shall subsequently be returned.

(e) When a member of the French forces is brought before a Libyan court, he shall have the right:

1. To be judged promptly and speedily;
2. To be informed, before being brought to court, of the charges against him;
3. To be confronted with the witnesses for the prosecution;
4. To avail himself of legal means to ensure the appearance of the witnesses for the defence;
5. To have recourse to a lawyer of his choice;
6. To have recourse to a qualified interpreter;
7. To communicate with the authorities of the French Government, a representative of which shall be present at the hearings.

(f) The authorities of the Libyan Government shall communicate to the French authorities the judgements passed by any Libyan court on a member of the French forces.

(g) The French Government shall have the right, within the French posts, to organize policing, to maintain order, to arrest any suspects, and, if they are liable to trial by Libyan courts, the French Government shall deliver them to the Libyan authorities to be tried.

Finally, I propose that, notwithstanding article 6 of the Special Convention, the provisions of this letter shall come into force as soon as the said Convention is signed.

I should be grateful if you would confirm the agreement of the Libyan Government to the above proposals.

Accept, Sir, etc.

DEJEAN

His Excellency
Mr. Mustapha Ben Halim
Chairman of the Council
Minister for Foreign Affairs
of the United Kingdom of Libya
Head of the Libyan Delegation

II a

UNITED KINGDOM OF LIBYA
MINISTRY OF FOREIGN AFFAIRS

Tripoli, 10 August 1955

Sir,

I have the honour to inform you of the receipt of your letter of today's date, which reads as follows:

[See letter I a]

In reply, I have the honour to confirm that the Libyan Government agrees to the above proposals.

Accept, Sir, etc.

[Signed]

MUSTAPHA BEN HALIM
Prime Minister
Minister for Foreign Affairs

His Excellency the Ambassador
Mr. Maurice Dejean
Head of the French Delegation
Tripoli

ANNEX III

I b

LEGATION OF FRANCE IN LIBYA

Tripoli, 10 August 1955

Sir,

Article 3 of the Special Convention provides that:

“The Libyan Government shall receive favourably, within the limits set by a letter of interpretation (annex III), the requests submitted to it by the French Government for the passage along track No. 5 of military convoys of the French forces proceeding to or from Chad. That letter of interpretation shall also define the itinerary known as track No. 5, as well as the jurisdictional regime which shall apply to the French forces in transit.”

I. The limits in question shall be as follows:

- The maximum frequency of passage shall be: one convoy every two months on average, or a total of six convoys per year;
- No convoy shall exceed a total of 30 vehicles;
- The total number of military personnel included in each convoy shall be a maximum of 150 men;
- The convoys shall be able to make the stops necessary for the resting of personnel, the maintenance of equipment and the taking on of fresh supplies of water, provisions and fuel;
- The duration of the passage in Libyan territory of each convoy shall not exceed 12 days, except in cases of *force majeure*.

II. Track No. 5 is that itinerary which, starting from the region of Remada, runs through the point called Touil Ali ben Amer approximately 30 kilometres north-east of Bir Zar, and on through Sinaouen, Derj, Bir Ghazeil, the region of Aouinet Ouenin, Serhir ben Afian, Kneir, Sebha, Oum el Araneb, the region of Mejdoul, Gatroun and Uigh el Kebir, entering Chadian territory in the region of Muri Idie, along with any variants which the state of the itinerary given above might make easier to use.

In the event that, in the future, a new itinerary should be established providing the same communications in a manner more direct or less arduous for the vehicles and equipment, the convoys referred to should, subject to agreement with the Libyan Government, have the option of using all or part thereof.

III. Jurisdictional regime of the French forces in transit

I have the honour to confirm that the French Government recognizes that the French forces in transit are bound to respect the independence, sovereignty and laws of the United Kingdom of Libya and to refrain from all activities which are incompatible with that obligation or with the spirit of the Treaty of Friendship and Good-Neighbourliness concluded between the French Government and the Libyan Government.

Furthermore, I propose that, until the expiry of the period set for the evacuation of the French forces from Fezzan, the jurisdictional regime which applies to the French forces in transit under the conditions provided for by this letter shall be the same as that which applies to the French forces stationed at Fezzan, as set forth in annex II to the Special Convention. After that date, that is, no later than 1 December 1956, the following provisions shall come into force:

1. *Civil matters*

(a) Subject to paragraph (b) below, the Libyan courts shall be competent for all civil matters in which members of the French forces in transit are involved. In such cases, the competent French authorities shall, at the request of the Libyan authorities concerned, take all measures in their power to ensure that the judgements and rulings of the Libyan courts are respected, and, as far as security considerations allow, shall provide assistance to the Libyan authorities in the enforcement of the said judgements and rulings. However, no member of the French forces in transit shall be liable to be dismissed from service by any judgement or ruling by the court, and the enforcement of such a ruling or judgement shall not be prejudicial to his person, pay, arms and ammunition, or equipment, it being understood that the French Government shall ensure the enforcement of the judgement or ruling.

(b) The French Government shall pay an equitable indemnity for damage caused by members of the French forces in transit in the execution of their duty.

(c) The Libyan Government shall pay an equitable indemnity for damage caused to the French forces in transit or their members in the execution of their duty by persons directly employed by the Libyan Government.

2. *Criminal matters*

(a) Subject to the reservations set forth in paragraph (b) below, the Libyan courts shall be competent for all criminal matters in which members of the French forces in transit are involved, unless the Libyan Government relinquishes their right to exercise their jurisdiction.

(b) The French judicial authorities shall have competence over the members of the French forces in transit in the following cases, namely:

- Crimes or misdemeanours committed against the property of the French Government or against the person or property of another member of the French forces in transit;
- Crimes or misdemeanours which exclusively endanger the security of the French Government, including treason, sabotage, the violation of any law on the protection of secrecy or any secrets connected with the national defence of the French Republic;
- Misdemeanours arising from any acts or omissions exclusively connected with the execution of duty. Such misdemeanours shall be recorded in an attestation by the diplomatic representative of France in Libya, which shall be recognized as valid by the Libyan courts.

(c) The French and Libyan authorities shall assist each other in order to arrest and hand over to the competent authorities members of the French forces in transit to be judged in accordance with the above provisions. The Libyan authorities shall immediately inform the French authorities of the arrest of a member of the French forces in transit. Such person shall be transferred as rapidly as possible to a locality where there is a French consular authority, to enable that authority to enter into contact with him.

(d) The French and Libyan authorities shall provide assistance to each other for the completion of any investigations which may be necessary and for the collection of evidence, including the presentation of witnesses at the trial and the attachment and submission of exhibits, which shall subsequently be returned.

(e) When a member of the French forces in transit is brought before a Libyan court, he shall have the right:

- To be judged promptly and speedily;
- To be informed, before being brought to court, of the charges against him;
- To be confronted with the witnesses for the prosecution;
- To avail himself of legal means to ensure the appearance of the witnesses for the defence;
- To have recourse to a lawyer of his choice;
- To have recourse to a qualified interpreter;

— To communicate with the authorities of the French Government, a representative of which shall have the opportunity of being present at the hearings.

(f) The authorities of the Libyan Government shall communicate to the French authorities the judgements passed by any Libyan court on a member of the French forces in transit.

IV. *Identity documents*

(a) On entry into Libyan territory, the leader of the convoy shall bear a document showing:

- His name and rank;
- The name and rank of each member of the convoy;
- The number and type of vehicles;
- The stages planned;
- The presumed date of exit from Libyan territory.

This document shall be stamped by the Libyan border authorities, who may, if they wish, keep a copy thereof, and shall serve as a collective safe conduct until the time of exit from Libyan territory.

(b) With regard to driving licences, the Libyan Government agrees to consider valid the French documents carried by the drivers in accordance with regulations.

The Libyan Government shall not require the vehicles in convoy to comply with Libyan regulations.

For its part, the French Government undertakes to take reasonable precautions to avoid any damage to property or persons arising from a fault in the construction or equipment of the vehicles.

I should be grateful if you would confirm the agreement of the Libyan Government to the preceding proposals.

Accept, Sir, etc.

DEJEAN

His Excellency
Mr. Mustapha Ben Halim
Chairman of the Council
Minister for Foreign Affairs
of the United Kingdom of Libya
Head of the Libyan Delegation

II b

UNITED KINGDOM OF LIBYA
MINISTRY OF FOREIGN AFFAIRS

Tripoli, 10 August 1955

Sir,

I have the honour to inform you of the receipt of your letter of today's date, which reads as follows:

[See letter I b]

In reply, I have the honour to inform you that the Libyan Government agrees to the above proposals.

Accept, Sir, etc.

[Signed]

MUSTAPHA BEN HALIM
Prime Minister
Minister for Foreign Affairs

His Excellency the Ambassador
Mr. Maurice Dejean
Head of the French Delegation
Tripoli

ANNEX IV

I c

LEGATION OF FRANCE IN LIBYA

Tripoli, 10 August 1955

Sir,

Article 4 of the Special Convention provides that:

“The Libyan Government authorizes the French Government to utilize, for the relief, maintenance and supply of the French posts of Fort-Saint and Djanet, the itineraries currently in use for that purpose.

This authorization is granted for the period necessary for the establishment on the other side of the border of suitable means of communication, in accordance with the attached exchange of letters (annex IV).”

1. The itineraries referred to above are as follows:

(a) For the post of Fort-Saint: An itinerary which starts in the region of Remada and runs through the point called Touil Ali Ben Amer approximately 30 kilometres north-east of Bir Zar, and on towards Sinaouen, Derj, Ghadames and Fort-Saint.

(b) For the post of Djanet: An itinerary which starts in the region of Fort-Polignac, runs through El Aouinet and Ghat and reaches the region of Tin Alkoum, ending at Djanet.

2. The period necessary for the establishment of means of communication to replace those specified above is set at two years from the signature of the Convention.

3. The maximum frequency and size of the convoys which are to use the itineraries specified above shall be:

(a) Fort-Saint itinerary: One convoy per month on average, or 12 convoys per year, each made up of no more than 10 vehicles carrying 60 men.

(b) Djanet itinerary: One convoy per month on average, or 12 convoys per year, each made up of no more than 12 vehicles carrying 100 men.

4. Such transit shall be effected as rapidly as possible.

5. Should circumstances require an occasional overstepping of the limits set in paragraph 3 above, the Libyan Government shall give sympathetic consideration to the requests submitted to it for that purpose by the French Government.

6. The jurisdictional regime provided for in annex III of the Special Convention for the personnel of the French forces in transit along track No. 5 shall apply to the personnel of the French forces in transit along the itineraries specified in this letter.

I should be grateful if you would confirm the agreement of the Libyan Government to the preceding proposals.

Accept, Sir, etc.

DEJEAN

His Excellency
Mr. Mustapha Ben Halim
Chairman of the Council
Minister for Foreign Affairs
of the United Kingdom of Libya
Head of the Libyan Delegation

II c

UNITED KINGDOM OF LIBYA
MINISTRY OF FOREIGN AFFAIRS

Tripoli, 10 August 1955

Sir,

I have the honour to inform you of the receipt of your letter of today's date, which reads as follows:

[See letter I c]

In reply, I have the honour to confirm that the Libyan Government agrees to the above proposals.

Accept, Sir, etc.

[Signed]

MUSTAPHA BEN HALIM
Prime Minister
Minister for Foreign Affairs

His Excellency the Ambassador
Mr. Maurice Dejean
Head of the French Delegation
Tripoli

ANNEX V

*Id*UNITED KINGDOM OF LIBYA
MINISTRY OF FOREIGN AFFAIRS

Tripoli, 10 August 1955

Sir,

With reference to the first paragraph of article 5 of the Special Convention, which we have today signed on behalf of the Libyan Government and the French Government respectively, I have the honour to inform you that my Government intends to maintain the airfields of Sehha, Ghat and Ghadames in their present operational state, with a view to fulfilling the international obligations of Libya in the field of aviation.

To that end, when it takes possession of the said airfields, my Government shall offer the French technicians currently in service there renewable two-year contracts; those technicians shall have the status of foreign employees of the Libyan Government.

I take this opportunity to propose, on behalf of my Government, that the French Government should reimburse the Libyan Government for all the expenses incurred by the latter to ensure the operation and maintenance of the technical installations mentioned in article 5 referred to above, as well as pay the salaries of the French technicians at those airfields.

I should add that the Libyan Government views sympathetically the retention of a majority of French technicians responsible for technical operations at those airfields for the entire duration of the said Convention.

Finally, I propose that the French Government should contribute to the technical training of the Libyan personnel who will be called upon in future to collaborate with the French technicians.

If the preceding declarations and proposals are acceptable to you, I have the honour to propose that this letter and your reply hereto shall constitute an agreement between our Governments in this regard.

Accept, Sir, etc.

[Signed]

MUSTAPHA BEN HALIM
Prime Minister
Minister for Foreign Affairs

His Excellency the Ambassador
Mr. Maurice Dejean
Head of the French Delegation
Tripoli

II d

LEGATION OF FRANCE IN LIBYA

Tripoli, 10 August 1955

Sir,

You have kindly addressed to me, on behalf of your Government, the following letter:

[See letter I d]

I have the honour to confirm that the French Government agrees to the above proposals.
Accept, Sir, etc.

DEJEAN

His Excellency
Mr. Mustapha Ben Halim
Chairman of the Council
Minister for Foreign Affairs
of the United Kingdom of Libya
Head of the Libyan Delegation

ANNEX VI

I e

LEGATION OF FRANCE IN LIBYA

Tripoli, 10 August 1955

Sir,

The second paragraph of article 5 of the Special Convention provides that:

“With a view to facilitating French air links between northern and central Africa, and in view of the absence, at the date of signature of this Convention, of French airfields in the region referred to above, the Libyan Government shall, when notified, grant French military aircraft, from the time the French forces are evacuated from Fezzan, the right to fly over and make technical stops at, for a period of five years, the airfield of Sebha, and for a period of two years, the airfields of Ghat and Ghadames, on the terms and within the limits set by the attached exchange of letters (annex VI).”

The terms and limits of the right to make technical stops shall be as follows:

1. Twenty-four hours' notice for a maximum of four aircraft per month on average, or 50 per year; in the event of a serious emergency, the length of the notice may be reduced;
2. Should circumstances necessitate an occasional overstepping of the above limits, the Libyan Government shall give sympathetic consideration to the requests submitted to it for that purpose by the French Government;
3. The crews of military aircraft in transit through Sebha shall be able to use accommodation there for the duration of the technical stop;
4. The preceding provisions shall also apply to military transport using civilian aircraft;
5. The jurisdictional regime stipulated in annex III to the Special Convention shall apply to military personnel carried by the aircraft referred to above.

I should be grateful if you would confirm the agreement of the Libyan Government to the preceding proposals.

Accept, Sir, etc.

DEJEAN

His Excellency
Mr. Mustapha Ben Halim
Chairman of the Council
Minister for Foreign Affairs
of the United Kingdom of Libya
Head of the Libyan Delegation

*I I e*UNITED KINGDOM OF LIBYA
MINISTRY OF FOREIGN AFFAIRS

Tripoli, 10 August 1955

Sir,

I have the honour to inform you of the receipt of your letter of today's date, which reads as follows:

[*See letter I e*]

In reply, I have the honour to confirm that the Libyan Government agrees to the above proposals.

Accept, Sir, etc.

[*Signed*]

MUSTAPHA BEN HALIM
Prime Minister
Minister for Foreign Affairs

His Excellency the Ambassador
Mr. Maurice Dejean
Head of the French Delegation
Tripoli

ANNEX VII

*If*UNITED KINGDOM OF LIBYA
MINISTRY OF FOREIGN AFFAIRS

Tripoli, 10 August 1955

Sir,

With reference to article 4 of the Convention on Economic Cooperation, which we have signed today on behalf of our respective Governments, and with further reference to the conversation that took place between us during the negotiations preceding the signature of the said Convention, I have the honour to recall your favourable disposition regarding several questions of a financial nature arising from the desire of some Libyan emigrés to return to their country and to bring with them their assets from their places of residence in the monetary zone of the French franc.

I have taken note with thanks of the assurances which the French delegation has kindly given to the Libyan delegation to the effect that the provisions of article 4 of the Convention on Economic Cooperation should make it possible to resolve the majority of cases which may arise in the future to the satisfaction of those concerned.

In taking note of these assurances, I should like to draw your kind attention to other cases which may arise and for which the general French exchange regulations may not provide a completely satisfactory solution where the assets or the capital to be transferred exceed the limits set by the said general regulations.

I should be extremely grateful if you would kindly confirm the intention of your Government to view with sympathy the requests which may be submitted by the persons concerned for transfer permits for property or assets which are in line with French legislation in those cases where the amounts of such requests exceed the limits set by the French exchange regulations.

Accept, Sir, etc.

[Signed]

MUSTAPHA BEN HALIM
Prime Minister
Minister for Foreign AffairsHis Excellency the Ambassador
Mr. Maurice Dejean
Head of the French Delegation
Tripoli

If

LEGATION OF FRANCE IN LIBYA

Tripoli, 10 August 1955

Sir,

You have kindly addressed to me, on behalf of your Government, the following letter:

[See letter If]

I have the honour to confirm that my Government agrees to the various points mentioned in your letter.

Accept, Sir, etc.

DEJEAN

His Excellency

Mr. Mustapha Ben Halim
Chairman of the Council
Minister for Foreign Affairs
of the United Kingdom of Libya
Head of the Libyan Delegation

ANNEX VIII

I g

LEGATION OF FRANCE IN LIBYA

Tripoli, 10 August 1955

Sir,

I have the honour to inform you that, as soon as the total evacuation of the French forces from Fezzan is completed, the French Government will implement the following arrangements with regard to the buildings occupied by the French troops, services or technicians and to the equipment indicated on the attached lists:

I. The former Italian buildings, as well as the buildings built by the French forces, with the exception of the group of buildings marked "G" on the attached map, shall be transferred with full property rights to the Libyan authorities.

II. The buildings built by the French civilian authorities marked in plain unlined yellow on the attached map,¹ with the exception of the buildings marked "H", shall become the property of the Libyan authorities. However, the Libyan Government shall undertake to use them, for the duration of the Treaty, for the accommodation of Libyan civil servants of French nationality.

III. The buildings marked "G" shall become Libyan property; however, for the entire duration of the Treaty, the Libyan Government shall let them to the French Government for an annual rent of one Libyan pound, to be used for the purposes referred to in paragraph I, fourth subparagraph, of the exchange of letters annexed to the Special Convention (annex III).

IV. The buildings marked "H", housing *inter alia* the French Consulate, its staff and its annexes, shall remain French property.

V. The technical buildings and the living quarters of the technical services personnel of the airfields (air navigation and meteorology) shall remain at the disposal of those services under the conditions laid down by the Special Convention. Those buildings and living quarters are marked "T" on the map.

VI. The arms, ammunition and radio equipment leased or lent by the French forces to the Fezzan police shall remain at the disposal of the latter. However, if such arms and equipment should no longer be — partly or wholly — in effective service with the Fezzan police, they shall be returned to the French authorities.

Accept, Sir, etc.

DEJEAN

His Excellency

Mr. Mustapha Ben Halim
Chairman of the Council
Minister for Foreign Affairs
of the United Kingdom of Libya
Head of the Libyan Delegation

¹ See insert in a pocket at the end of this volume.

ARMS AND AMMUNITION LEASED TO THE FEZZAN POLICE

	<i>Quantity</i>
1916-model musket rifles	409
1892-model revolvers	25
No. 24-29 machine-guns	6
Sten submachine-guns	14
Musket cartridges	36 210
1892-model revolver cartridges	980
No. 24-29 machine-gun cartridges	8 000
Sten-gun cartridges	6 000
22-model rifle ramrods (short)	31
24-model rifle ramrods (short)	5
1874-model weapons accessory kits	66
Magazine slings	309
Rifle shoulder straps	309
Magazine belts	309
Revolver holsters	20

MILITARY RADIO EQUIPMENT LENT TO THE FEZZAN POLICE

	<i>Quantity</i>
Battery cases	3
Unipolar circuit breakers	3
26 (b) radio transmitters	3
26 (b) radio receivers	3
Transmitter reactance coils	5
Receiver reactance coils	3
Transmitter power-supply cables	3
26 (b) radio-wave monitors	3
Twin-earphone headsets with cord and plug	4
Manipulator with cord and plug	4
Crank-operated generators	3
Generator cranks	6
Generator stands	9
15 TM valves	22
2 TM valves	24
6 V 50 AH cadmium nickel battery	1
6 V 3 AH cadmium nickel battery	3
Alarm clock	1

II g

UNITED KINGDOM OF LIBYA
MINISTRY OF FOREIGN AFFAIRS

Tripoli, 10 August 1955

Sir,

I have the honour to inform you of the receipt of your letter of today's date, which reads as follows:

[See letter I g]

I have the honour to confirm that the Libyan Government agrees to the proposal contained in your above-mentioned letter.

Accept, Sir, etc.

[Signed]

MUSTAPHA BEN HALIM
Prime Minister
Minister for Foreign Affairs

His Excellency the Ambassador
Mr. Maurice Dejean
Head of the French Delegation
Tripoli
