



Tenth sessionQUESTION OF THE CONTINUATION OF THE UNITED NATIONS
TRIBUNAL IN LIBYAReport of the Secretary-General

1. The United Nations Tribunal in Libya was established pursuant to article X of resolution 388 A (V) on the economic and financial provisions relating to Libya, adopted by the General Assembly on 15 December 1950. As the resolution did not specify the period of time for which the Tribunal was established, the question of the continuation of the functions of the United Nations Tribunal in Libya was included, in conformity with the Assembly's intention, in the agenda of the eighth session. At its 453rd plenary meeting, on 23 October 1953, the General Assembly resolved that the United Nations Tribunal in Libya should continue in existence and requested the Secretary-General, after consultation with the Governments concerned regarding the future of the Tribunal, to report to the General Assembly at its tenth session (resolution 792 (VIII)).
2. The Secretary-General wrote, on 6 June 1955, to the Governments of Italy and Libya requesting their views as to the advisability of continuing the United Nations Tribunal in Libya after the expiration of the year 1955. He also communicated with the President of the United Nations Tribunal in Libya on the matter.
3. Information on the activities of the United Nations Tribunal in Libya for the period from 1 July 1953 to 15 June 1955 is contained in the annual reports on the work of the Organization presented by the Secretary-General to the ninth^{1/} and

^{1/} See Official Records of the General Assembly, Ninth Session, Supplement No. 1, chapter IV, section 11 (a).

tenth^{2/} sessions of the General Assembly. By a communication dated 5 July 1955, the President of the Tribunal informed the Secretary-General that it had rendered, on 27 June 1955, its final judgment in Case No. 2 relating to a number of institutions, companies and associations in Libya, and that as of that date there was no case pending before it. The agents of the Italian and Libyan Governments had, however, indicated that, should the negotiations between the two Governments on matters arising under General Assembly resolution 388 A (V) not result in an agreement, certain cases would be submitted to the Tribunal.

4. In reply to the Secretary-General's communication of 6 June 1955, the Minister for Foreign Affairs of Italy, by a letter dated 7 September, stated that it was the view of the Italian Government that the United Nations Tribunal in Libya should remain in existence at least until the end of 1956. It was also the Italian Government's opinion that the seat of the Tribunal should be removed to a country other than Italy or Libya. The reply of the Government of Italy is reproduced below (annex I).

5. By a letter dated 14 September 1955, also in reply to the Secretary-General's communication, the Prime Minister and Minister for Foreign Affairs of Libya stated that, in the opinion of the Libyan Government, the admission of the Tribunal had now been completed to the extent possible and that the continuation of the Tribunal would therefore no longer be justified. The reply of the Government of Libya is reproduced below (annex II).

^{2/} Ibid., Tenth Session, Supplement No. 1, chapter IV, section 14 (a) and (b).

ANNEX I

Letter from the Minister for Foreign Affairs of Italy addressed
to the Secretary-General

Rome, 7 September 1955

I have the honour to refer to your letter Leg. 453/3/01 of 6 June 1955, in which you ask for the Italian Government's views regarding the continuance of the United Nations Tribunal in Libya in order to facilitate the preparation of your report to the tenth session of the General Assembly, pursuant to resolution 792 (VIII) of 23 October 1955.

In thanking you for your courteous communication, I have the honour to inform you that the Italian Government considers that the United Nations Tribunal should remain in existence at least until the end of 1956. It was, in fact, only in June 1955 that Italy and Libya could resume their negotiations regarding the conclusion of the various agreements referred to in resolution 388 (V) of 15 December 1950.

The Italian Government is firmly resolved to bring the current discussions to a satisfactory conclusion. Nevertheless, while it is impossible to venture an estimate of their duration, we cannot exclude the possibility of disagreement on points of interpretation and the consequent need of further recourse to the Tribunal.

The Italian Government considers that, as it already stated in a similar situation in July 1953,^{3/} the continued existence of the United Nations Tribunal represents an indispensable safeguard.

The Italian Government is also of the opinion that the seat of the Tribunal should be removed outside the territory of either Party.

The Italian Government is therefore confident that the tenth General Assembly of the United Nations, mindful of the above-stated opinion, will decide that this important body should continue in existence.

(Signed) G. MARTINO

^{3/} See Official Records of the General Assembly, Eighth Session, Annexes, agenda item 55, document A/2459, annex II.

ANNEX II

Letter from the Prime Minister and Minister for Foreign Affairs of
Libya addressed to the Secretary-General

Tripoli, 14 September 1955

I deeply regret that circumstances have prevented me from replying earlier to your letter of 6 June 1955 relating to the continuation of the United Nations Tribunal in Libya. I have pleasure in informing you that I am now in a position to comply with your request and trust that my reply arrives in time. The Libyan Government considers that the Tribunal has now completed its mission to the extent that it has been possible for it to do so. Moreover, the present state of relations between Libya and Italy generally, and the position of the two parties with regard to the transfer of property, organized by resolution 388 (V), no longer justify in our opinion the continuation of so important a body as the United Nations Tribunal, since the most important and most contentious point, that of the public establishments, was settled by the Tribunal in its decision of 27 June 1955. I am also glad to be able to inform you that, in the course of the Italo-Libyan conversations which were held in June 1955 and resumed on 5 September, a great deal of common ground has been found, and we believe that an agreement between the two parties will shortly be concluded.

In any case, in the unlikely event of disagreement, the Libyan Government and the Italian Government would, in my opinion, be able to set up an appropriate conciliation or arbitral body at their own expense.

(Signed) Mustapha b. HALIM
Prime Minister and
Minister for Foreign Affairs
