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LETTER DATED 21 MARCH 1983 FROM THE PERMANENT REPRESENTATIVE  
OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF  
THE SECURITY COUNCIL

I have the honour to transmit to you herewith, in support of my country's complaint against Libya, the text of a memorandum, with annexes, drawn up by the Government of Chad concerning the occupation of Tibesti (northern Chad) by Libya.

I should be grateful if you would have this material circulated as a document of the Security Council.

(Signed) Ramadane BARMA  
Ambassador  
Permanent Representative

Annex

MEMORANDUM CONCERNING THE OCCUPATION OF TIBESTI BY LIBYA

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## I. THE OCCUPATION OF A PART OF CHAD TERRITORY BY LIBYA

Libya made no secret of its expansionist aims in an official road map published in 1970 by Studi Cartofici, Milano, via Sidoli 7, and distributed by Fergila Bookshop. The legend of this map states that the international frontiers as shown are not to be regarded as definitive, being liable to change.

Moreover, in addition to the inclusion in this map of what is commonly known as the "Aouzou Strip" in Libyan territory, there was in 1971 the actual military presence of Libya in Chad territory. This became particularly marked from 1973 onwards and has increased continuously since that time.

The part occupied by Libyan troops before the invasion of the whole of northern Chad constituted an area of 114,000 square kilometres. Now, in 1983, Libya occupies more than 150,000 square kilometres. It must therefore be emphasized that the term "Aouzou Strip" denotes a much smaller area than is occupied by Libya. Libya is actually occupying the entire subprefecture of Tibesti.

## II. THE UNACKNOWLEDGED REASONS FOR THE OCCUPATION OF TIBESTI

A glance at the first part of Tibesti occupied by Libyan troops would show that it corresponded exactly to the line drawn by the still-born Laval-Mussolini Treaty of 1935, which clearly has no legal existence. Libya has now nibbled away more territory, following the withdrawal of its troops from Njamena in 1981. As though by chance, this zone, which lies between the 20th and 24th degrees of latitude north, harbours vast strategic mineral resources: uranium, wolframite, copper, zinc, lead, silver, tin, graphite, cassiterite, beryl, mispickel, gold, tungsten.

Everyone knows the strategic, scientific and economic importance of these resources. The question is why a country as rich as Libya should covet the resources of another, notoriously poor country like Chad. The explanation of this covetousness lies in the fact that the whole of Libya's economy is based on a single resource, petroleum.

As Libyan oil reserves are not inexhaustible, Qaddafi is thus thinking of the future. That is why, knowing that the occupied territory is rich in valuable metals, he decided to occupy it militarily.

## III. ATTEMPTS TO ACHIEVE AN AMICABLE SETTLEMENT

In spite of the gravity of the situation described above, the Chad authorities approached Libya with a view to finding a solution at the bilateral level to the issue of the occupation of Tibesti. Thus, meetings were held at Tripoli and Njamena alternately, with both the Tombalbaye régime and the military régime. These efforts unfortunately ended in failure, and Chad was therefore obliged to take the matter first to OAU, in July 1977, and then to the Security Council, in February 1978. Libya's promises - never kept - induced the then authorities to withdraw their complaint.

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A. Statement of the foreign policy principles laid down by the Government of the Third Republic

Since the Forces Armées du Nord (FAN) came to power on 7 June 1982, Chad has undertaken, in its relations with the rest of the world in general and with neighbouring States in particular, to:

Pursue a foreign policy of friendship and co-operation with all countries committed to peace, freedom, justice and progress;

Pursue a policy of good-neighbourliness and active solidarity with neighbouring countries;

Respect the principles set forth in the Charters of the United Nations and OAU;

Review or update co-operation agreements on the basis of mutual interest and reciprocal advantages;

Support the legitimate struggle of peoples under racial and colonial domination;

Combat hegemonism and expansionism in all their forms and from whatever source;

Practise non-alignment.

This policy of good-neighbourliness, friendship and co-operation has found expression in the many journeys made by Comrade Hissein Habré, President of the Republic, Head of State, to neighbouring countries (Cameroon-Nigeria) and to a number of friendly countries, including Gabon, and to the Yamoussoukro summit meeting in the Ivory Coast in December 1982. It has been pursued at the ministerial level in several countries, including the Niger, the Sudan, Nigeria, Cameroon and the Central African Republic.

It was this desire to live in peace with all fraternal and friendly countries which prompted Chad to seek a solution, through direct negotiation, to the issue of Libya's military occupation of a part of northern Chad.

B. The Tripoli and Ndjamena meetings

The Bohiadi-Yakouma mission in 1974 and the mission led by the Vice-President of the Higher Military Council in 1976 were dispatched to Tripoli. Ndjamena, in turn, received a Libyan delegation from 22 to 28 June 1977.

1. The Tripoli negotiations

(a) The Bohiadi-Yakouma mission (1974)

In August 1974, Mr. Bohiadi Bruno, then Minister for Foreign Affairs of Chad, and Mr. Mahamat Yakouma, Presidential Secretary for Internal Affairs, went to Tripoli. During their stay in the Libyan capital, these two officials met the

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Minister of Information and Acting Minister for Foreign Affairs, the Minister of Economic Affairs and the Prime Minister. In the course of their various talks, the Chad and Libyan delegations discussed the issue of the occupation of Tibesti by Libya.

The Libyan side stated that it was not the Libyan Army but the Libyan police that was in Aouzou, to ensure the security of the peoples of both countries.

The Chad side asserted that it was indeed a military detachment that was in Aouzou, and that in any case Libya could not unilaterally carry out operations for the maintenance of order in that part of Chad territory.

In the course of these talks, the members of the Chad delegation nevertheless noted that their Libyan counterparts showed a clear desire to minimize the issue of the occupation of Tibesti in favour of questions relating to economic co-operation between the two countries.

(b) Mission of the Vice-President of the Higher Military Council

From 29 July to 5 August 1976, Colonel Mamari Djime Ngakinar, Vice-President of the Higher Military Council, Minister of State, visited Tripoli at the head of a large delegation to discuss officially the issue of the occupation of Tibesti by Libya.

In the course of the discussions, the Libyan side declared that there was no frontier problem between the two neighbouring countries but that, if Chad believed there was, it was prepared to discuss the matter. Libya produced two maps, including one in an Oxford Atlas (1956 edition) dating from the time of the monarchy, which included the "Aouzou Strip" in Libyan territory. The Chad delegation objected to the questioning of the frontier between the two countries by Libya, for which there were no other arguments than the still-born Laval-Mussolini Treaty.

The Chad side said the fact that the exchange of instruments of ratification had not taken place proved that the Treaty was legally non-existent. Libya maintained its position. Curiously, it accused Chad of harbouring annexationist claims on its territory.

"This is an insult to the Libyan Revolution," declared the Libyan side, which accused Chad of ascribing imperialist ideas to it and said that it would not tolerate such an insult so long as it had not been "publicly retracted" by Chad.

Since no settlement had been reached, it was agreed that a mixed technical commission should be established to study the issue and propose solutions. As will be seen below, the commission was to meet at Ndjamena. The two delegations therefore went their separate ways without drawing up any minutes or issuing a communiqué. The Libyan delegation blocked the discussions because it did not want some of its statements to be recorded in minutes that might bring out some of its contradictions.

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## 2. The Ndjamena negotiations (June 1977)

The Mixed Technical Commission established on the occasion of the mission of the Vice-President of the Higher Military Council to Tripoli met from 23 to 27 June at Ndjamena.

The Libyan delegation was led by Mr. Ahmad Elatrach, Deputy Secretary of State for Technical Affairs in the Secretariat of State for Foreign Affairs and Co-operation. There was only one item on the Commission's agenda: "Search for ways and means of improving co-operation between Chad and Libya". In fact, the discussions centred on the issue of the occupation of Tibesti by Libya.

The Libyan side immediately stated that there was no frontier problem between Chad and Libya and that, even if there was, it would not prevent the implementation of co-operation agreements. It asserted that Libya's present borders were in conformity with international agreements, in particular the still-born Laval-Mussolini agreement of 1935.

The Chad side argued that, although the Laval-Mussolini agreement had been signed by France and Italy, there had never been any exchange of instruments of ratification, so that the agreement had never existed legally. The legal non-existence of the Laval-Mussolini agreement of 1935 was particularly obvious from the fact that, when France and the United Kingdom of Libya had signed the Treaty of Friendship and Good-neighbourliness in 1955, they had not deemed it necessary to mention that agreement in the list of international instruments relating to the frontiers between the territories of Tunisia, Algeria, French West Africa and French Equatorial Africa.

Paradoxically, the Libyan side stated that, between 1951 and 1969, Libya had not really been free and that, accordingly, all decisions had been imposed on it by colonialism.

In view of the impasse reached in the negotiations, the Chad side proposed a draft general agreement to govern all relations between the two countries. This was flatly rejected by the Libyan side, on the ground that that text had very wide political implications and that it preferred to refer it to the Tripoli authorities for instructions. Since those instructions never arrived, the two delegations parted, as on previous occasions, without drawing up minutes or issuing a communiqué.

### C. Arguments of the parties involved

#### 1. The argument of Libya

The Laval-Mussolini agreement. According to Libya, its presence in Tibesti is justified by the still-born Laval-Mussolini Treaty of 7 January 1935 modifying the frontier lines defined by the Franco-British Conventions of 1899 and 1919.

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Libya alleges, moreover, that agreements prior to 1935 are not valid and that they were signed by colonial Powers in their own interests.

The 1955 Treaty of Friendship and Good-neighbourliness, despite the fact Libya signed it in full sovereignty with France, has been described by Libya as "replete with hypocrisy" and its articles as "ambiguous". Consequently, "the Libyan Government does not recognize the Treaty, because it has been greatly wronged as a result of it".

The Libyan delegation has maintained that, in 1955, it had on its territory American and British bases, on the one hand, and a French base to the south (Chad), on the other, with the result that it was not capable of exercising control over its territory, being under the domination of foreign forces. It claims that earlier conventions do not meet the aspirations of the Libyan people and that, if account were taken of history, Libyan territory would extend beyond its present limits. In addition to Chad, other neighbouring countries are therefore threatened!

## 2. The argument of Chad

### (a) Violation of the Charters of the United Nations and of the Cairo Declaration of 21 July 1964

Chad's position is based essentially on legal considerations. Under Article 2, paragraph 4, of the United Nations Charter, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations".

Article III of the OAU Charter provides that:

"The Member States, in pursuit of the purposes stated in Article II, solemnly affirm and declare their adherence to the following principles:

...

3. respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence".

Cairo resolution AHG/16 (I) of 21 July 1964, which is complementary to article III, paragraph 3, of the OAU Charter affirms:

1. "The strict respect by all Member States of the Organization for the principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity";

2. "That all Member States pledge themselves to respect the borders existing on their achievement of national independence".

Consequently, Libya's military occupation of Tibesti clearly constitutes a flagrant violation of the principles set forth above.

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(b) Non-existence of the Laval-Mussolini Treaty of 7 January 1935

On 7 January 1935, the negotiations between France and Italy culminated in the so-called Laval-Mussolini agreement, officially entitled "Treaty of Rome on a settlement of interests in Africa: France and Italy".

This Treaty provided for the cession to Italy of a 114,000 km<sup>2</sup> strip of territory along the frontier of the Niger (which lost a small area) and Chad, on the one hand, and Libya, on the other hand.

The Treaty of Rome was, however, destined never to enter into force. An Act of 27 March 1935, issued in French Equatorial Africa by an Order of the Governor-General of 9 May 1935, authorized the President of the French Republic to proceed with its ratification. But the exchange of the instruments of ratification was destined never to take place, because of the Ethiopian war and the Spanish Civil War. Furthermore, title I, article 1, of this Treaty made its entry into force subject to the conclusion of a convention concerning Tunisia (see below the statements of H.E. Mr. Poncet, Ambassador of France in Rome).

On 17 December 1938, Count Ciano, then Minister for Foreign Affairs of Italy, stated that the Treaty of Rome "was neither ratified nor completed and has been overtaken by history". H.E. Mr. François Poncet, Ambassador of France to Italy, taking note of Count Ciano's statement, said: "while the instruments of ratification could not be exchanged owing to a postponement of the Tunisian Convention which was to precede that exchange, France is not responsible for appraisal of the circumstances which have led Italy itself to desire that postponement". Hence there was in fact no cession of territory, because the French troops continued to occupy the posts they had established along the frontier, namely, Acuzou, Gouro, Tekro, Ouri and Qunianga.

Immediately after the Second World War, the Treaty of Peace between the Allied Powers and Italy, signed on 10 February 1947, provided in article 23, paragraph 1, that "Italy renounces all right and title to the Italian territorial possessions in Africa, i.e. Libya, Eritrea and Italian Somaliland".

Furthermore, on 15 December 1950, at its fifth regular session, the General Assembly of the United Nations adopted resolution 392 (V), entitled "Procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement". The resolution recommends, in paragraph 1: "with respect to Libya, that the portion of its boundary with French territory not already delimited by international agreement be delimited, upon Libya's achievement of independence, by negotiation between the Libyan and French Governments, assisted on the request of either party by a third person to be selected by them or, failing their agreement, to be appointed by the Secretary-General".

It was pursuant to this resolution that a Treaty of Friendship and Good-neighbourliness between France and the United Kingdom of Libya was concluded at Tripoli on 10 August 1955. This Treaty clearly states, in article 3: "The two High Contracting Parties recognize that the frontiers between the territory of Libya, on the one hand, the territories of Tunisia, Algeria, French West Africa and

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French Equatorial Africa, on the other hand, are those resulting from the international instruments in force on the date of the establishment of the United Kingdom of Libya as defined in the exchange of letters as appended hereto (annex I)".

Annex I specifies that the international instruments in question are:

The Franco-British Convention of 14 June 1898;

The Additional Declaration of 21 March 1899 to the above Convention;

The Franco-Italian Agreements of 1 November 1902;

The Franco-British Convention of 8 September 1919;

The Franco-Italian Arrangement of 12 September 1919.

The Treaty of 10 August 1955, unlike the Laval-Mussolini Treaty of 7 January 1935, was ratified by the two High Contracting Parties and entered into force.

On the French side, it was approved on 20 November 1956 by the French National Assembly. Act No. 56-1235 of 12 December 1956 authorized the President of the French Republic to ratify it. The exchange of instruments of ratification took place on 20 February 1957. The Treaty was published and put into force by Decree No. 57-436 of 26 March 1957, signed by the President of the French Republic, Mr. René Coty, and countersigned by the President of the Council of Ministers, Mr. Guy Mollet, and the Minister for Foreign Affairs, Mr. Christian Pineau.

It should be noted that the letters exchanged on the day of signature of the Treaty of 10 August 1955, constituting the annexes, contain detailed and indisputable provisions concerning the course of the frontier between Chad and Libya.

The two High Contracting Parties recognized that, between Ghat and Tummo, the frontier passes through the following three points (see attached map): the Takharkouri gap, the Anai pass and survey point 101 (Garet Derouet El Djemel).

The frontier between Chad and Libya is defined by two straight lines:

(a) The first starts at Tummo and continues to the intersection of the tropic of Cancer with the meridian of longitude 15 degrees east of Greenwich. It affects Chad only north-east of its intersection with the frontier of the Niger;

(b) The second starts from the point of intersection of the tropic of Cancer with the meridian of longitude 16 degrees east of Greenwich and continues to the point of intersection of the meridian of longitude 24 degrees east of Greenwich with the parallel of 19 degrees 30 minutes north latitude. It is at this last point that the three frontiers of Chad, Libya and the Sudan meet.

Lastly, the exchange of letters ends with the following two paragraphs:

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"The French Government is prepared to appoint experts who could serve as members of a Franco-Libyan mixed Commission to demarcate the frontier wherever that has not yet been done and where either Government may deem it necessary.

"In case of disagreement during the demarcation operations, the two parties shall each appoint a neutral arbitrator and, in case of disagreement between the arbitrators, the latter shall appoint a similarly neutral umpire, who shall settle the dispute."

To sum up, the Treaty of 10 August 1955, concluded between France and sovereign Libya, calls for the following observations:

1. It irrefutably establishes the non-existence of the Treaty of Rome (the Laval-Mussolini Treaty) of 7 January 1935;

2. It confirms the course of the frontiers defined by:

The Additional Declaration of 21 March 1899;

The Barrère-Prinetti exchange of letters of 1 November 1902;

The Franco-British Convention of 8 September 1919.

3. During the debates on ratification of the Treaty of 10 August 1955, held in the Council of the French Republic on 20 November 1956, Mr. Maurice Faure, State Secretary for Foreign Affairs, said: "This Treaty provides for the definitive renunciation by Libya of the claims which, in the Mussolini era and by virtue of the Agreements signed with Pierre Laval, Italy might have put forward to the Tibesti region (Journal Officiel, parliamentary debates, Council of the French Republic, meeting of 29 November 1956, page 2365).

(c) Violation of the agreements on friendship and good-neighbourliness concluded between Chad and Libya

In relations between Chad and Libya, the latter has deliberately violated the agreements on friendship and good-neighbourliness between them, including the Agreement on Good-neighbourliness and Friendship, signed at Tripoli on 2 March 1966, and the Treaty of Friendship, Co-operation and Mutual Assistance, signed at Tripoli on 23 December 1972.

1. Agreement on Good-neighbourliness and Friendship of 2 March 1966

Article 1, paragraph 1, of this Agreement provides that "On the frontier between the territories of the United Kingdom of Libya and the territory of the Republic of Chad, the Governments of Libya and Chad shall take all possible measures to ensure the maintenance of order and security through liaison and co-operation between their security services."

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It is apparent from this article that the two parties undertook to carry out jointly the operations for maintaining order on their frontier. It is self-evident that, by unilaterally sending its troops into Tibesti, Libya is wilfully violating the spirit of this article.

Furthermore, article 2 of the same Agreement provides that:

"The Libyan Government and the Government of Chad undertake to grant facilities for the movement of the populations established on both sides of the frontier, within the geographical zones delimited by the following points:

"With respect to the United Kingdom of Libya: Koufra, Gatroum, Moursouk, Qubaki, Ghat;

"With respect to the Republic of Chad: Zouar, Largeau, Fada."

Yet today Zouar is occupied! Thus, the 150,000 square kilometres are occupied de facto by force.

Again, article 3 of the Agreement provides that:

"Commercial and caravan traffic between the two countries, including traditional traffic, shall use the legal roads and paths designated as follows:

"1. The Zouar, Bardai, Aouzou, Koufra (and vice versa), (Koufra in Libya) path;

"2. The Largeau, Zouar, Wour, Korizo, Gatroum (and vice versa), (Gatroum in Libya) path;

"3. The Largeau, Ounianga, Tekro, Koufra (and vice versa) path;

"4. The Fada, Ounianga, Koufra (and vice versa) path.

Souar, Bardai, Aouzou, Wour, Korizo and Tekro are now occupied by Libyan troops.

It is clear from a reading of these two articles that the part occupied by Libya is very definitely in Chad territory. Actually, when this Agreement was signed on 2 March 1966, Aouzou, for instance, was under the control of the Chad central administration as an administrative post. Similarly, under the colonial administration, French military posts administered all the Chad towns and villages mentioned above.

## 2. Treaty of Friendship, Co-operation and Mutual Assistance

Article I of this Treaty states that: "The two Contracting Parties undertake to respect, in their relations, the principles of the Charters of the United Nations and the Organization of African Unity."

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By its military occupation of Tibesti, Libya is not only guilty of a serious violation of the territorial integrity of Chad but is also violating the provisions of these two Charters, in particular those concerning the non-use of force in relations between Member States, and is thus threatening peace and security in the region.

D. Breakdown of the negotiations and complaint of Chad against Libya

As shown above, the Libyan delegation has consistently refused to discuss frankly the substance of the problem, namely, the occupation of Tibesti. At various meetings, it has sought to minimize the frontier problem and has always confined itself to the idea of "co-operation" with Chad. The positions of the two parties have always, therefore, been irreconcilable.

Chad decided to place the question before the Organization of African Unity (OAU) (Fourteenth Summit, Libreville).

On the initiative of His Excellency El-Hadj Oumar Bongo, President of the Gabonese Republic, the current President of OAU, an Ad Hoc Committee of six members, namely, Algeria, Cameroon, Gabon, Mozambique, Nigeria and Senegal, was established to seek ways and means of solving this problem.

The Committee, meeting at Libreville from 10 to 12 August 1977, finally decided to adopt a recommendation, the gist of which is as follows:

The recommendation recalls, in its preamble, the relevant resolutions adopted by OAU to facilitate the peaceful settlement of disputes between member States, in particular resolution AHG/Res.16(I), which solemnly declares, inter alia, that "all Member States pledge themselves to respect the borders existing on their achievement of national independence", and resolution AGH/Res.27(II), whereby the States members of OAU solemnly undertake to act in conformity with article III of the Charter.

Article III provides, inter alia, for:

The sovereign equality of all member States;

Non-interference in the internal affairs of States;

Respect for the sovereignty and territorial integrity of each State and for its inalienable right to independent existence;

Peaceful settlement of disputes by negotiation, mediation, conciliation or arbitration.

Operative paragraph 1 of the recommendation is of primary importance, in that it reaffirms the Cairo resolution of 21 July 1964 on the inviolability of the frontiers inherited from the colonial Powers and the fundamental principles of non-violation of sovereignty and respect for the territorial integrity of member States.

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Paragraph 2 deals with the establishment of a sub-committee composed of jurists and cartographers to study the problem of the frontier between Chad and Libya in all its aspects.

The sub-committee was to visit the capitals of the parties to the dispute and also to proceed to the region under dispute in order to evaluate the situation on the spot.

In operative paragraph 4 of the recommendation, the Committee appeals to Chad and Libya to refrain from taking any action liable to impede the achievement of a peaceful solution.

In violation of operative paragraph 4, the Libyan Arab Jamahiriya refused, in mid-January 1978, to participate in the meeting of the expert sub-committee. The sub-committee was unable to carry out its work normally because the Libyan Arab Jamahiriya did not provide OAU with any documentation in support of its claims to Tibesti, which it occupies by force of arms in flagrant violation of the Charter and relevant resolutions of OAU.

E. First complaint of Chad to the Security Council and its withdrawal

At its 2060th meeting, held on 17 February 1978, the Security Council of the United Nations included the item "Complaint by Chad" in its agenda. The military régime, however, withdrew its complaint on 21 February in the hope that Libya was finally going to come to terms.

Notwithstanding all the foregoing and the persistent bellicose attitude of Libya towards Chad, the Government of Chad has made direct or indirect contacts with the Libyan Arab Jamahiriya for the primary purpose of establishing détente between the two countries. In spite of this readiness of the Government of Chad for dialogue, there is no denying that the other side has maintained a total silence.

Chad is now obliged to bring the matter once again before the Security Council because the aggression to which it is subjected by this occupation is becoming increasingly oppressive. Libya is reinforcing its military presence both in the towns and villages of the occupied zone (Bardai, Zouar, Aouzou) and in the Libyan frontier towns nearest to this zone, such as Sebha and Koufra.

In addition to the military reinforcement of Bardai, Aouzou and Zouar, to mention only these three, Libyan fighter and reconnaissance aircraft are flying daily over the towns of Faya-Largeau, Qunianga-Kebbir and Fada in Borkou and Ennedi.

The people of Chad is a peaceful people which asks for no more than to live in peace within its frontiers, for it knows better than anyone that security is the sine qua non of its development.

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That is why Chad, while it is always willing to settle this problem by peaceful means, is now appealing to the Security Council of the United Nations to help it to recover its territorial integrity and to live in peace within the frontiers which it inherited from the colonial era.

Consequently, Chad requests the Security Council to do everything possible to ensure that the territorial integrity of Chad, achieved at the time of its accession to independence on 11 August 1960, is scrupulously respected by Libya.

It calls upon the Government of the Libyan Arab Jamahiriya to bring to an end immediately and unconditionally the military occupation of the territory of Chad.

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Appendices

1. Convention of 14 June 1898 between the United Kingdom of Great Britain and Ireland and France for the delimitation of their respective possessions in Africa.
2. Additional Declaration of 21 March 1899, for the delimitation of the frontiers between Chad and Libya.
3. Franco-Italian Agreements of 1902 reaffirming the previous agreements.
4. Convention delimitating the frontiers between Tunisia and Tripolitania, signed at Tripoli-in-Barbary on 19 May 1910.
5. Convention Supplementary to the Declaration signed at London on 21 March 1899, as an addition to the Convention of 14 June 1898, which regulated the Boundaries between the British and French Possessions and Spheres of Influence to the West and East of the Niger.
6. Franco-Italian Arrangement of 12 September 1919 fixing the frontiers between Tripolitania, Algeria and Tunisia.
7. Laval-Mussolini Treaty of 7 January 1935 modifying the course of the frontiers established by the Franco-British Conventions of 21 March 1899 and 8 September 1919.
8. Letters denouncing the agreements of 7 January 1935.
9. Resolution 392 (V) of the United Nations General Assembly adopted on 15 December 1950, entitled "Procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement".
10. Treaty of Friendship and Good-neighbourliness between the French Republic and the United Kingdom of Libya (10 August 1955).
11. Letter dated 10 August 1955 from the French Legation in Libya to the Libyan Government.
12. Resolution AHG/Res.16(I) of the Organization of African Unity of 21 July 1964 on the inviolability of frontiers inherited from colonialism.

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1. CONVENTION OF 14 JUNE 1898 BETWEEN THE UNITED KINGDOM  
OF GREAT BRITAIN AND IRELAND AND FRANCE FOR THE  
DELIMITATION OF THEIR RESPECTIVE POSSESSIONS IN AFRICA

No. 19

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of the French Republic, having agreed, in a spirit of mutual goodwill, to confirm the Protocol with its four Annexes prepared by their respective Delegates for the delimitation of the British Colonies of the Gold Coast, Lagos, and the other British possessions to the west of the Niger, and of the French possessions of the Ivory Coast, Soudan, and Dahomey, as well as for the delimitation of the British and French possessions and the spheres of influence of the two countries to the east of the Niger, the Undersigned, his Excellency the Right Honourable Sir Edmund Monson, Ambassador Extraordinary and Plenipotentiary of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, accredited to the President of the French Republic; and his Excellency M. Gabriel Hanotaux, Minister for Foreign Affairs of the French Republic; duly authorized to this effect, confirm the Protocol with its Annexes, drawn up at Paris the 14th day of June, 1898, the text of which is as follows:-

Protocol.

The Undersigned, Martin Gosselin, Minister Plenipotentiary and Secretary of Her Britannic Majesty's Embassy at Paris; William Everett, a Colonel in Her Britannic Majesty's land forces and an Assistant Adjutant-General in the Intelligence Division of the War Office; René Lecomte, Minister Plenipotentiary, Assistant Sub-Director in the Department of Political Affairs in the Ministry for Foreign Affairs; Louis Gustave Binger, Colonial Governor, unattached, Director of African Affairs at the Ministry of the Colonies; delegated respectively by the Government of Her Britannic Majesty and by the Government of the French Republic in order to draw up, in conformity with the Declarations exchanged at London on the 5th August, 1890, and the 15th January, 1896, a draft of definitive delimitation between the British Colonies of the Gold Coast, Lagos, and the other British possessions to the west of the Niger, and the French possessions of the Ivory Coast, the Soudan, and Dahomey, and between the British and French possessions and the spheres of influence of the two countries to the east of the Niger, have agreed to the following provisions, which they have resolved to submit for the approval of their respective Governments:-

ART. I. The Frontier separating the British Colony of the Gold Coast from the French Colonies of the Ivory Coast and Soudan shall start from the northern terminal point of the frontier laid down in the Anglo-French Agreement of the 12th July, 1893, viz., the intersection of the thalweg of the Black Volta with the 9th degree of north latitude, and shall follow the thalweg of this river northward up to its intersection with the 11th degree of north latitude. From this point it shall follow this parallel of latitude eastward as far as the river shown on Map No. 1, annexed to the present Protocol, as passing immediately to the east of the

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villages of Zwaga (Souaga) and Zebilla (Sebilla), and it shall then follow the thalweg of the western branch of this river up-stream to its intersections with the parallel of latitude passing through the village of Sapeliga. From this point the frontier shall follow the northern limits of the lands belonging to Sapeliga as far as the River Nuhau (Nouhau), and shall then follow the thalweg of this river up or down stream, as the case may be to a point situated 2 miles (3,219 metres) eastward of the road which leads from Gambaga to Tenkrôgu (Tingourkou), via Bawku (Baukou). Thence it shall rejoin by a straight line the 11th degree of north latitude at the intersection of this parallel with the road which is shown on Map No. 1 as leading from Sansanné-Mango to Pama, via Jebigu (Djebiga).

II. The frontier between the British Colony of Lagos and the French Colony of Dahomey, which was delimited on the ground by the Anglo-French Boundary Commission of 1895, and which is described in the Report signed by the Commissioners of the two nations on the 12th October, 1896, shall henceforward be recognized as the frontier separating the British and French possessions from the sea to the 9th degree of north latitude.

From the point of intersection of the River Ocpara with the 9th degree of north latitude, as determined by the said Commissioners, the frontier separating the British and French possessions shall proceed in a northerly direction, and follow a line passing west of the lands belonging to the following places, viz., Tabira, Okuta (Okouta), Boria, Tere, Gbani Ashigere (Yassikéra), and Dekala.

From the most westerly point of the lands belonging to Dekala the frontier shall be drawn in a northerly direction so as to coincide as far as possible with the line indicated on Map No. 1 annexed to the present Protocol, and shall strike the right bank of the Niger at a point situated 10 miles (16,093 metres) up-stream from the centre of the town of Gere (Guiris) (the port of Ilo), measured as the crow flies.

III. From the point specified in Article II, where the frontier separating the British and French possessions strikes the Niger, viz., a point situated on the right bank of that river, 10 miles (16,093 metres) up-stream from the centre of the town of Gere (Guiris), (the port of Ilo), the frontier shall follow a straight line drawn therefrom at right angles to the right bank as far as its intersection with the median line of the river. It shall then follow the median line of the river, up-stream, as far as its intersection with a line drawn perpendicularly to the left bank from the median line of the mouth of the depression or dry water-course, which, on Map No. 2 annexed to the present Protocol, is called the Dallul Mauri, and is shown thereon as being situated at a distance of about 17 miles (27,359 metres), measured as the crow flies, from a point on the left bank opposite the above-mentioned village of Gere (Guiris).

From this point of intersection the frontier shall follow this perpendicular till it meets the left bank of the river.

IV. To the east of the Niger the frontier separating the British and French possessions shall follow the line indicated on Map No. 2, which is annexed to the present Protocol.

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Starting from the point on the left bank of the Niger indicated in the previous Article, viz., the median line of the Dallul Mauri, the frontier shall follow this median line until it meets the circumference of a circle drawn from the centre of the town of Sokoto with a radius of 100 miles (160,932 metres). From this point it shall follow the northern arc of this circle as far as its second intersection with the 14th parallel of north latitude. From this second point of intersection it shall follow this parallel eastward for a distance of 70 miles (112,652 metres); then proceed due south until it reaches the parallel of 13°20' north latitude, then eastward along this parallel for a distance of 250 miles (402,230 metres); then due north until it regains the 14th parallel of north latitude; then eastwards along this parallel as far as its intersection with the meridian passing 35' east of the centre of the town of Kuka, and thence this meridian southward until its intersection with the southern shore of Lake Chad.

The Government of the French Republic recognizes as falling within the British sphere, the territory to the east of the Niger, comprised within the above-mentioned line, the Anglo-German frontier, and the sea.

The Government of Her Britannic Majesty recognizes as falling within the French sphere the northern, eastern, and southern shores of Lake Chad, which are comprised between the point of intersection of the 14th degree of north latitude with the western shore of the lake and the point of incidence on the shore of the lake of the frontier determined by the Franco-German Convention of the 15th March, 1894.

V. The frontiers set forth in the present Protocol are indicated on the annexed Maps, which are marked 1 and 2 respectively.

The two Governments undertake to appoint, within a year as regards the frontiers west of the Niger, and within two years as regards the frontier east of that river, to count in each case from the date of the exchange of ratifications of the Convention which is to be concluded between them for the purpose of confirming the present Protocol, Commissioners who will be charged with delimiting on the spot the lines of demarcation between the British and French possessions, in conformity and in accordance with the spirit of the stipulations of the present Protocol.

With respect to the delimitation of the portion of the Niger in the neighbourhood of Ilo and the Dallul Mauri, referred to in Article III, the Boundary Commissioners shall, in determining on the spot the river frontier, distribute equitably between the two Contracting Powers such islands as may be found to interfere with the delimitation of the river as defined in Article III.

It is understood between the two Contracting Powers that no subsequent alteration in the position of the median line of the river shall affect the ownership of the islands assigned to each of the two Powers by the procès-verbal of the Commissioners, after being duly approved by the two Governments.

VI. The two Contracting Powers engage reciprocally to treat with consideration ("bienveillance") the native Chiefs who, having had Treaties with one of them, shall, in virtue of the present Protocol, come under the sovereignty of the other.

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VII. Each of the two Contracting Powers undertakes not to exercise any political action in the spheres of the other, as defined by Articles I, II, III, and IV of the present Protocol.

It is understood by this that each Power will not, in the spheres of the other, make territorial acquisitions, conclude Treaties, accept sovereign rights or Protectorates, nor hinder or dispute the influence of the other.

VIII. Her Britannic Majesty's Government will grant on lease to the Government of the French Republic, for the objects and on the conditions specified in the form of lease annexed to the present Protocol, two pieces of ground to be selected by the Government of the French Republic in conjunction with Her Britannic Majesty's Government, one of which will be situated in a suitable spot on the right bank of the Niger between Leaba and the junction of the River Moussa (Mochi) with the former river, and the other on one of the mouths of the Niger.

Each of these pieces of land shall have a river frontage not exceeding 400 metres in length, and shall form a block, the area of which shall not be less than 10 nor more than 50 hectares in extent. The exact boundaries of these pieces of land shall be shown on a plan annexed to each of the leases.

The conditions upon which the transit of merchandize shall be carried on on the Niger, its affluents, its branches and outlets, as well as between the piece of ground between Leaba and the junction of the River Moussa (Mochi) mentioned above, and the point upon the French frontier to be specified by the Government of the French Republic, will form the subject of Regulations, the details of which shall be discussed by the two Governments immediately after the signature of the present Protocol.

Her Britannic Majesty's Government undertake to give four months' notice to the French Government of any modification in the Regulations in question, in order to afford to the said French Government the opportunity of laying before the British Government any representations which it may wish to make.

IX. Within the limits defined on Map No. 2, which is annexed to the present Protocol, British subjects and British-protected persons and French citizens and French-protected persons, as far as regards their persons and goods, and the merchandize the produce or the manufacture of Great Britain and France, their respective Colonies, possessions, and Protectorates, shall enjoy for thirty years, from the date of the exchange of the ratifications of the Convention mentioned in Article V, the same treatment in all matters of river navigation, of commerce, and of tariff and fiscal treatment and taxes of all kinds.

Subject to this condition, each of the two Contracting Powers shall be free to fix, in its own territory, and as may appear to it most convenient, the tariff and fiscal treatment and taxes of all kinds.

In case neither of the two Contracting Powers shall have notified twelve months before the expiration of the above-mentioned term of thirty years its intention to put an end to the effects of the present Article, it shall remain in

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force until the expiration of one year from the day on which either of the Contracting Powers shall have denounced it.

In witness whereof the undersigned Delegates have drawn up and signed the present Protocol.

Done at Paris, in duplicate, the 14th day of June, in the year of our Lord 1898.

(L. S.) MARTIN GOSSELIN  
(L.S.) WILLIAM EVERETT  
(L.S.) RENÉ LECOMTE  
(L. S.) G. BINGER



2. ADDITIONAL DECLARATION OF 21 MARCH 1899, FOR THE DELIMITATION  
OF THE FRONTIERS BETWEEN CHAD AND LIBYA

The Undersigned, duly authorized by their Governments, have signed the following Declaration:-

The IVth Article of the Convention of the 14th June 1898, shall be completed by the following provisions, which shall be considered as forming an integral part of it:

1. The Government of the French Republic engages not to acquire either territory or political influence to the east of the line of frontier defined in the following paragraph, and Her Britannic Majesty's Government engages not to acquire either territory or political influence to the west of the same line.

2. The line of frontier shall start from the point where the boundary between the Congo Free State and French territory meets the water-parting between the water-shed of the Nile and that of the Congo and its affluents. It shall follow in principle that water-parting up to its intersection with the 11th parallel of north latitude. From this point it shall be drawn as far as the 15th parallel in such manner as to separate, in principle, the Kingdom of Wadai from what constituted in 1882 the Province of Darfur, but it shall in no case be so drawn as to pass to the west beyond the 21st degree of longitude east of Greenwich (18°40' east of Paris), or to the east beyond the 23rd degree of longitude east of Greenwich (20°40' east of Paris).

3. It is understood in principle, that to the north of the 15th parallel the French zone shall be limited to the north-east and east by a line which shall start from the point of intersection of the Tropic of Cancer with the 16th degree of longitude east of Greenwich (13°40' east of Paris), shall run thence to the south-east until it meets the 24th degree of longitude east of Greenwich (21°40' east of Paris), and shall then follow the 24th degree until it meets, to the north of the 15th parallel of latitude, the frontier of Darfur as it shall eventually be fixed.

4. The two Governments engage to appoint Commissioners who shall be charged to delimit on the spot a frontier-line in accordance with the indications given in paragraph 2 of this Declaration. The result of their work shall be submitted for the approbation of their respective Governments.

It is agreed that the provisions of Article IX of the Convention of the 14th June 1898, shall apply equally to the territories situated to the south of the 14°20' parallel of north latitude, and to the north of the 5th parallel of north latitude, between the 14°20' meridian of longitude east of Greenwich (12th degree east of Paris) and the course of the Upper Nile.

Done at London, the 21st March 1899.

(Signed) SALISBURY  
(Signed) PAUL CAMBON

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3. FRANCO-ITALIAN AGREEMENTS OF 1902 REAFFIRMING THE PREVIOUS AGREEMENTS

A. MR. PRINETTI, MINISTER FOR FOREIGN AFFAIRS OF ITALY, TO MR. BARRERE,  
AMBASSADOR OF THE FRENCH REPUBLIC IN ROME

Rome, 1 November 1902

Following our conversations concerning the reciprocal situation of Italy and France in the Mediterranean basin, with particular reference to the respective interests of the two nations in Tripolitania Cyrenaica and in Morocco, it seemed to us appropriate to clarify the commitments arising from the exchange of letters dated 14 and 16 December 1900 on that subject between Your Excellency and Marquis Visconti Venosta, to the effect that each of the two Powers might freely develop its sphere of influence in the above-mentioned regions at such time as it deemed appropriate, and without the action of one of them being necessarily subordinated to that of the other. It was explained on that occasion that the limit of French expansion in North Africa referred to in the above-mentioned letter dated 14 December 1900 from Your Excellency is taken to mean the frontier of Tripolitania marked on the map annexed to the Additional Declaration of 21 March 1899 to the Franco-British Convention of 14 June 1898.

We noted that that interpretation now leaves no differences outstanding between our Governments with regard to their respective interests in the Mediterranean.

On the occasion of these talks, and in order to rule out completely any possible misunderstanding between our two countries, I do not hesitate, in order to clarify their overall relations, to make the following unilateral declarations to Your Excellency on behalf of the Government of His Majesty the King:

Should France be subjected to any act of direct or indirect aggression by one or more Powers, Italy would maintain strict neutrality.

The same would apply if France, as the result of a direct provocation, were obliged, for the defence of its honour and its security, to take the initiative in declaring war. In that eventuality, the Government of the Republic shall communicate its intention in advance to the Royal Government, which would thus be enabled to verify that it was indeed a case of direct provocation.

In order to remain true to the spirit of friendship which has inspired these declarations, I am also authorized to confirm that Italy is not a party to, and will not conclude, any protocol or military arrangement of an international contractual nature which would run counter to these declarations.

I have to add that, save with regard to the interpretation of the Mediterranean interests of the two Powers, which is of a definitive nature in accordance with the spirit of the exchange of letters dated 14 and 16 December 1900 between Your Excellency and Marquis Visconti Venosta, since the preceding declarations are in keeping with Italy's present international commitments the Royal Government intends that they shall have full force until such time as the Government of the Republic has been informed of any change in those commitments.

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I should be grateful if Your Excellency would acknowledge receipt of this communication, which shall remain secret, and take formal note thereof on behalf of the Government of the Republic.

PRINETTI

B. MR. BARRERE, AMBASSADOR OF THE FRENCH REPUBLIC IN ROME  
TO MR. PRINETTI, MINISTER FOR FOREIGN AFFAIRS OF ITALY

Rome, 1 November 1902

In your letter of today's date, Your Excellency recalled that, following our conversations concerning the reciprocal situation of France and Italy in the Mediterranean basin, with particular reference to the respective interests of the two countries in Tripolitania Cyrenaica and in Morocco, it seemed to us appropriate to clarify the commitments arising from the exchange of letters dated 14 and 16 December 1900 on that subject between Marquis Visconti Venosta and myself, to the effect that each of the two Powers might freely develop its sphere of influence in the above-mentioned regions at such time as it deemed appropriate, and without the action of one of them being necessarily subordinated to that of the other.

It was explained on that occasion that the limit of French expansion in North Africa referred to in my above-mentioned letter dated 14 December 1900 is taken to mean the frontier of Tripolitania marked on the map annexed to the Additional Declaration of 21 March 1899 to the British Convention of 14 June 1898.

Since that interpretation, as we noted, now leaves no differences outstanding between our Governments with regard to their respective interests in the Mediterranean, and in order to rule out completely any possible misunderstanding between our two countries, you have been authorized by His Majesty's Government to set forth certain unilateral declarations designed to clarify the overall relationship between Italy and France.

I have the honour to acknowledge receipt to Your Excellency and to take formal note of those declarations on behalf of my Government.

I am authorized in return to set forth as follows the conditions under which France, for its part, and in the same fraternal spirit, intends to conduct its overall relations vis-à-vis Italy.

Should Italy be subjected to any act of direct or indirect aggression by one or more Powers, France would maintain strict neutrality.

The same would apply if Italy, as the result of a direct provocation, were obliged, for the defence of its honour and its security, to take the initiative in declaring war. In that eventuality, the Royal Government shall communicate its intention in advance to the Government of the Republic, which would thus be enabled to verify that it was indeed a case of direct provocation.

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I am also authorized to state that France is not a party to, and will not conclude, any protocol or military arrangement of an international contractual nature which would run counter to these declarations.

Lastly, it is understood that, save with regard to the interpretation of the Mediterranean interests of the two Powers, which is of a definitive nature in accordance with the spirit of the exchange of letters dated 14 and 16 December 1900 between Marquis Visconti Venosta and myself, since the preceding declarations, which shall remain secret, are in keeping with Italy's present international commitments they shall have full force until such time as the Royal Government has notified the Government of the Republic of any change in those commitments.

BARRERE

4. CONVENTION DELIMITATING THE FRONTIERS BETWEEN TUNISIA AND TRIPOLITANIA, SIGNED AT TRIPOLI-IN-BARBARY ON 19 MAY 1910

H.M. the Emperor of the Ottomans and H.H. the Bey of Tunis having resolved, in a spirit of concord, to delimitate the frontiers of Tunisia and Tripolitania between the Mediterranean and the territory appertaining to the town of Ghadamès, have conferred full powers on the following so that their decisions may have executory force:

H.M. the Emperor of the Ottomans: H.E. Rechid Bey, Legal Counsellor of the Sublime Porte; H.E. Major-General Tewfik Pasha; Mr. Daoud Effendi; Lieutenant-Colonel Djemal Bey;

H.H. the Bey of Tunis: Mr. Desportes de La Fosse, First Secretary of Embassy; Major Jules Le Boeuf; Captain Jules Meulle-Desjardins; Sheikh Es Seghir ben El Hadj Mansour; El Mokemini, Cadi of Djebel Abiodh,

Who, having exchanged their powers, found in good and due form, have agreed on the following articles:

ART. 1. The frontier between the Regency of Tunis and the vilayet of Tripoli shall run from Ras Adjedir point on the Mediterranean in a general north-south direction and ascend successively the thalwegs of the Mogta and the Khaoui Smeïda, placing within Tunisia all water points west of the frontier, subject to the granting to Tripolitanians of user rights over the wells of Aïn el Ferth, Aïn Nekhla, Cheggat Meztoura and Oglet el Ihneur; thereafter the frontier shall follow the watershed between the Tlets and Beni Guedal wadis as far as the Touil Déhibat massif which it will touch at the geodetic marker, which remains in Tunisia, continue to Garat er Rohi, placing the Chabet Taïda valley in Tripolitania, and run to Dahrek en Nousf and the Sidi Abdallah mosque, which is Tripolitanian.

From the col of Afina, which is Tunisian, the frontier shall place in the Regency of Tunis the valleys of both the Mortebea wadis and shall generally follow the rocky crests immediately overlooking to the east the valley of the

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Mortebea Dahri wadi as far as the Lorzot wadi, but placing in Tripolitania the upper valleys of the eastern tributaries of the Mortebea and Menzla wadis and in Tunisia the military road from Déhibat to Djeneien.

ART. 2. From the Mortebea wadi, the frontier shall follow the left bank of the Lorzot wadi, leaving the Déhibat-Djeneien military road to the north; at a point approximately 20 kilometres from the makhzen post of Djeneien, it shall turn south and run to Touil Ali Ben Amar and Zar.

Having run between the two open wells in Zar situated in the Siah el Mathel, it shall run in the direction of Mechiguig, where the existing well shall remain in Tripolitania, but dividing the water-bearing land in such a way that the resources of this region are equitably shared between the two countries.

Finally, the frontier shall run to Ghadamès along a line equidistant from the Djeneien-Ghadamès and Nalout-Ghadamès roads. From the junction of these two roads, it shall run towards Ghadamès, leaving in Tripolitania, at two kilometres' distance, the segment of the Sinaoun-Mezzezem-Ghadamès road. Thereafter it shall follow the northern bank of the channel linking the Sebkha El Melah and the Sebkha Mezezoum; it shall thereafter run first west and then south, following at one kilometre's distance the bank of the Salino and leaving the Sebkha El Melah to the town of Ghadamès.

The final segment of the frontier shall run south to a point 15 kilometres south of the parallel of Ghadamès.

ART. 3. The frontiers whose general line is determined by this Convention are shown on the annexed map.

A Sub-Commission shall be instructed to determine in situ the final position of the demarcation lines laid down in articles 1 and 2 of this Convention, and its members shall be appointed as follows:

H.H. the Bey of Tunis and the Government of Tripolitania shall each appoint three Sub-Commissioners.

The Sub-Commissioners shall be appointed within two months. They shall meet at Ouezzen on 1 November 1910 and shall delimitate the part of the frontiers of Tunisia and Tripolitania lying between the Lorzot wadi and Ras Adjedir.

The Sub-Commission shall meet again on 15 January 1911 at Ouezzen to delimitate the section of the frontiers of Tunisia and Tripolitania lying between the Lorzot wadi and the Ghadamès area.

In case of disagreement, the said Sub-Commissioners shall refer the matter to their respective Governments.

However, it is expressly understood that, even if the work of the Sub-Commissions should not produce complete agreement on all details of the line, there shall nevertheless be agreement between the two Governments on the general line described above.

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ART. 4. The Sub-Commissioners of both countries shall have full powers to make, by agreement, changes or corrections in conformity with this Convention.

The new maps required for this undertaking shall be drawn up as soon as possible by the Tunisian Government. They shall consist of a route map running from Ras Adjedir to the Ghadamès area and following within a 10-kilometre belt the general frontier line described in articles 1 and 2 of this Convention.

In their field work, these topographical missions shall be provided with an escort on each side of the frontier by the military authorities of the two countries.

#### ADDITIONAL ARTICLE

Within three months of the signing of the Convention, a Commission composed of three delegates from Tripolitania and three delegates from Tunisia shall be set up for the purpose of making a final determination on the validity of titles held by members of the indigenous population of Tripolitania to private lands which have been developed for some specific use - such as orchards, fields, dwellings, cisterns, etc. - in the Mogta, Sneïda, and Déhibat regions west of the frontier.

Nevertheless, the determination that any given property has not been put to such a specific use shall not entail the loss of the claimant's rights if he was deprived of effective enjoyment of the property as a result of force majeure, as in the case of prohibition by the local authorities of access to the lands as a security measure in the frontier zone.

The Commission shall sit successively at Ben-Gardane for six weeks, at Méchebed Salah for six weeks, and at Ouezen for three months. The Commissioners shall make their final determination by reference to local custom and within the above-mentioned periods, after which rights not claimed shall be considered forfeit.

In the event that Tunisians own private property east of the frontier, the Sub-Commission shall also make a determination, on the same terms, with regard to their claims.

In witness whereof the respective Plenipotentiaries have signed this Convention and have thereto affixed their seals.

Done in duplicate at Tripoli-in-Barbary, on 19 May 1910.

The representatives of  
the Sublime Porte:

Ahmed RECHID.  
Mehmed TEWFIK.  
M. DAOUD.  
DJEMAL.

The representatives of Tunisia:

DESPORTES.  
J. LE BOEUF.  
MEULLE-DESJARDINS.  
Mohammed ES SEGHIR.

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5. CONVENTION SUPPLEMENTARY TO THE DECLARATION SIGNED AT LONDON ON 21 MARCH 1899, AS AN ADDITION TO THE CONVENTION OF 14 JUNE 1898, WHICH REGULATED THE BOUNDARIES BETWEEN THE BRITISH AND FRENCH COLONIAL POSSESSIONS AND SPHERES OF INFLUENCE TO THE WEST AND EAST OF THE NIGER

The Undersigned, duly authorised by their respective Governments, have signed the following Declaration:

Articles 2 and 3 of the Declaration of the 21st March, 1899, are amplified as follows:--

The line of frontier shall start from the point where the boundary between the Belgian Congo and French Equatorial Africa meets the water-parting between the basin of the Nile and that of the Congo. It shall follow in principle that water-parting up to its intersection with the 11th parallel of north latitude.

From this point it shall be drawn in such manner as to separate in principle the countries of Dar Kouti, Dar Sula (Sila), Wadai and Dar Tama from the countries of the Taaisha and other tribes subject to Darfur and from those of Dar Mazalit and Dar Gimr.

In furtherance of this principle the boundary, from the 11th parallel of north latitude, shall run to approximately the junction of the Wadi Azum with the Wadi Kaja. Thence it shall follow the Wadi Kaja to the junction of that Wadi with the Wadi Azunga, and thence the Wadi Azunga to a point north of Jebel Kudri to be fixed by the Boundary Commission.

Thence the boundary shall turn approximately north-east and, following the boundary between Tama and Mazalit, pass between Birrok and Jebel Om. Thence it shall follow the eastern boundary of Dar Tama to a point east of Abu Asal and west of Um Ganatir, and continue along that boundary to the northernmost point of contact between Dar Tama and Dar Gimr. From that point it shall run to Undur, and thence in an approximately northern direction to the Wadi Howa, passing in the neighbourhood of Orba Wells. In all this portion of the line the boundary shall be drawn so as to separate in principle Dar Tama and the country inhabited by that section of the Zaghawa Kobbé who are actually subject to the French authority from the territory of the other Zaghawa tribes. The water supply of Undur shall be available on the one side to the tribes subject to Darfur and on the other side to the tribes subject to the French, and the details of the respective watering rights shall be fixed by the Boundary Commission. The wells of Orba shall in any case be included in the French sphere.

After joining the Wadi Howa, the boundary shall follow that Wadi in principle eastwards as far as the eastern limit of the French sphere, namely, the 24th degree of longitude east of Greenwich, so as to separate in principle the territories of the Bedayat and Guraan tribes to the north from those of the Zaghawa to the south.

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It is understood that when the boundary is said to follow a Wadi the existing rights of the inhabitants on either side of it to water therefrom are not prejudiced.

It is also understood that when the course of the boundary is not said to follow a Wadi, but merely to run from one point to another in such manner as to divide in principle the territory of one tribe from that of another, the existing rights of the inhabitants on either side of the boundary shall be, so far as is practicable, safeguarded.

In view of the fact that His Britannic Majesty's Government recognise that, in order to exercise an effective control over the Bedayat and Guraan tribes, it might be necessary for the Government of the French Republic to extend its sphere of control eastwards beyond the 24th degree of longitude east of Greenwich, it is hereby declared that no objection will be made by His Britannic Majesty's Government to such extension, to the north of the Wadi Howa, provided that it is understood that such extension shall in no case pass eastwards beyond the limits of the country actually inhabited by the Bedayat and Guraan tribes, nor prejudice the existing absolute rights of His Britannic Majesty's Government to the oases of Bir Natrun, Tura-el-Bedai ("Mirgi," "Nakheila," "Tumar-el-Gusar"), and Bidi ("Oyo"), which lie in the Anglo-Egyptian Sudan and outside the limits of the country inhabited by the Bedayat and Guraan. The eastern limits of the extension in question beyond the 24th degree of longitude shall be fixed as far as possible by the Boundary Commission provided for in paragraph 4 above. These limits shall not, however, go beyond the meridian 24° 30' east of Greenwich.

The two Governments bind themselves to prevent, so far as is practicable, the settlement in their respective territories of tribes or individuals who may cross the frontier without the authorisation of both Governments concerned.

It is understood that nothing in this Convention prejudices the interpretation of the Declaration of the 21st March, 1899, according to which the words in Article 3 "... shall run thence to the south-east until it meets the 24th degree of longitude east of Greenwich (21° 40' east of Paris)" are accepted as meaning "... shall run thence in a south-easterly direction until it meets the 24th degree of longitude east of Greenwich at the intersection of that degree of longitude with parallel 19° 30' of latitude."

Done at Paris, the eighth day of September, 1919.

(Signed) Arthur James BALFOUR

(Signed) S. PICHON

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6. FRANCO-ITALIAN ARRANGEMENT OF 12 SEPTEMBER 1919 FIXING  
THE FRONTIERS BETWEEN TRIPOLITANIA, ALGERIA AND TUNISIA

A

Paris, 12 September 1919

Sir,

By your letter of today's date, you have summarized as follows the conclusions resulting from the talks undertaken between you and myself concerning the settlement by agreement of certain questions relating to the interests of France and Italy in Africa:

"The Supreme Council of the Allies having recognized by its decision of 7 May 1919 that the Italian Government was justified in claiming the benefit of article 13 of the Treaty of London, the Government of His Majesty the King of Italy and the Government of the Republic have already reached agreement on the following points, while reserving other points for consideration in the near future:

"The oases of El Barkat and Fehout are assigned to Italy. The caravan route connecting Ghadamès to Ghat, passing through Titagsin, Inehoartan, Hassi-el-Misselan, Zouirat and Oued Amasin, the alternative route passing through Tarz Oulli, Oued Tarat (Aoussedgim) and Inehoartan, and any other alternative route to the west which may be necessary in order to ensure at all times and seasons good communication in Italian territory, particularly in the sections from Titagsin to Inehoartan and from Hassi-el-Misselan to Oued Amasin, are also assigned to Italy. The course of the new frontier between Tripolitania and Algeria to the west of that communication route shall be established by verification on the scene. From Ghat to Tummo the frontier shall be determined in accordance with the crest of the mountains extending between the two localities, but the direct communication lines between those localities shall be assigned to Italy. The Italian Government undertakes to occupy the posts of Ghat and Ghadamès as soon as possible.

"In Tunisia the Regency Government shall apply the same fiscal treatment to all contracts for the sale of real property, irrespective of the nationality of the contracting parties. Italian private schools shall be subject to the same régime there as French private schools. The French Government agrees to extend to Tunisia the commitments which it undertook in 1915 for Morocco vis-à-vis the Italian Government with respect to industrial accidents.

"France and Italy recognize each other's right to join their colonial railways, already built or to be built. Direct service shall be established on the joined lines, and the tariffs and conditions of carriage shall involve no differential treatment for the nationals and goods of the two Powers.

His Excellency Count Bonin Longare  
Ambassador of Italy in Paris

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"The Government of the Republic shall do all in its power to meet Italy's needs for Tunisian phosphates; those needs have an annual minimum level of 600,000 tons."

You have asked me whether the foregoing reproduces exactly the conclusions we have arrived at up to this day and is consistent in all respects with the thinking of the Government of the Republic.

I have the honour to inform you that this is so, and I take this opportunity to renew to you, Sir, the assurances of my highest consideration.

(Signed) S. PICHON

B

Sir,

Our two Governments having agreed to take advantage of the opportunity afforded by the peace negotiations to settle by agreement certain questions concerning the two countries' interests in Africa, I have the honour to summarize below the conclusions resulting up to the present time from the talks I have had with you in that connection.

The Supreme Council of the Allies having recognized by its decision of 7 May 1919 that the Italian Government was justified in claiming the benefit of article 13 of the Treaty of London, the Government of His Majesty the King of Italy and the Government of the Republic have already reached agreement on the following points, while reserving other points for consideration in the near future:

The oases of El Barkat and Fehout are assigned to Italy. The caravan route connecting Ghadamès to Rhat, passing through Titagsin, Inehoartan, Hassi-el-Misselan, Zouirat and Qued Amasin, the alternative route passing through Tarz Oulli, Qued Tarat (Aoussedgim) and Inehoartan, and any other alternative route to the west which may be necessary in order to ensure at all times and seasons good communication in Italian territory, particularly in the sections from Titagsin to Inehoartan and from Hassi-el-Misselan to Qued Amasin are also assigned to Italy. The course of the new frontier between Tripolitania and Algeria to the west of that communication route shall be established by verification on the scene. From Rhat to Tummo the frontier shall be determined in accordance with the crest of the mountains extending between the two localities, but the direct communication lines between those localities shall be assigned to Italy. The Italian Government undertakes to occupy the posts of Rhat and Ghadamès as soon as possible.

In Tunisia the Regency Government shall apply the same fiscal treatment to all contracts for sale of real property, irrespective of the nationality of the contracting parties. Italian private schools shall be subject to the same régime there as French private schools. The French Government agrees to extend to Tunisia the commitments which it undertook in 1915 for Morocco vis-à-vis the Italian Government with respect to industrial accidents.

/...

S/15649  
English  
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France and Italy recognize each other's right to join their colonial railways, already built or to be built. Direct service shall be established on the joined lines, and the tariffs and conditions of carriage shall involve no differential treatment for the nationals and goods of the two Powers.

The Government of the Republic shall do all in its power to meet Italy's needs for Tunisian phosphates; those needs have an annual minimum level of 600,000 tons.

I have the honour to request you to inform me whether the foregoing reproduces exactly the conclusions we have arrived at up to this day and is consistent in all respects with the thinking of the Government of the Republic. Thanking you in advance, I take this opportunity to renew to you the assurances of my highest consideration and have the honour to be, Sir, your most humble and obedient servant.

Paris, 12 September 1919

/...



7. LAVAL-MUSSOLINI TREATY OF 7 JANUARY 1935 MODIFYING THE COURSE OF  
THE FRONTIERS ESTABLISHED BY THE FRANCO-BRITISH CONVENTIONS OF  
21 MARCH 1899 AND 8 SEPTEMBER 1919

ITALY AND FRANCE

III

7 January 1935

ROME

His Majesty the King of Italy and the President of the French Republic, desirous of developing in Africa the relations of friendship and good neighbourliness existing between the two nations and, to do this, of settling permanently the questions pending on the subject of the conventions of 28 September 1896 on Tunisia and of Article 13 of the Agreement of London of 26 April 1915, have designated for their plenipotentiaries, as follows:

His Majesty the King of Italy:  
Benito Mussolini, Head of Government,  
Minister for Foreign Affairs; and  
The President of the French Republic:  
Pierre Laval, Minister for Foreign Affairs;

who, having recognized their credentials to be in good and due form, have agreed on the following dispositions:

TITLE I.

TUNISIAN QUESTIONS

ART. 1. The status and rights of the Italians and Italian colonial subjects in Tunisia and of the Tunisians in Italy shall be regulated by a special convention, the basis of which will be determined in a special protocol of today's date and which the High Contracting Parties undertake to negotiate with the least possible delay, so that it may come into force on the same date as the present treaty.

TITLE II.

THE FRONTIER BETWEEN LIBYA AND THE LIMITROPHE FRENCH COLONIES

ART. 2. The frontier separating Libya from French West Africa and French Equatorial Africa east of Tummo, the terminal point of the line fixed by the Treaty of Paris of 12 September 1919, will be decided as follows:

/...

A direct line leaving Tummo and meeting the Ehi Domar Doba;

from the Ehi Domar Doba, a straight line meeting the northeast extremity of the Ehi Dogologa;

from the Ehi Dogologa, a straight line joining the Enneri Turkou at a point downstream from the confluence of the latter with the Enneri Guesso, so that the section Dogologa-Enneri-Turkou of the caravan route from Fazzan to Bardai remains in French territory;

from this point, a straight line meeting the confluence of the Enneri Bardagne with the Enneri Momogoi or Ofouni;

from this confluence, the line of the heights separating the Enneri Bardagne from the Enneri Momogoi or Ofouni, then the line of the ridges as far as the Ehi Madou, so that the tributaries from the right of the Enneri Bardagne-Soumeri, notably the Enneri Odri, Tinaa, Quadame, Araye, Mecheur, Tirenno, Agnesju, Kayaga, [and] Abeche remain in French territory;

from the Ehi Madou, a straight line joining Yebigne, ten kilometres upstream from Yebbi-Ssouma;

from this point, a straight line meeting the geodesic point of Aozi;

from this point, a straight line meeting the intersection of the 24th degree of longitude east of Greenwich and the 18th degree 45' of latitude north.

This line is indicated on Map No. 1 attached to the present treaty.

ART. 3. Special commissioners, delegated for this purpose by the two governments, using the data given in the preceding article, shall proceed on the spot to make an effective demarcation. At the same time, as the result of their work, they shall submit to the governments an agreed plan for the arrangements to be made to assure effective policing in the frontier zone and to regulate the use there by the indigenous populations of the pastures and water points.

### TITLE III.

#### THE FRONTIER BETWEEN THE ERITREA AND THE FRENCH SOMALI COAST

ART. 4. The following line will be substituted for the boundary established between the Eritrea and the French Somali coast by the protocols of Rome of 24 January 1900 and 10 July 1901:

from Der Eloua on the Strait of Bab al-Mandab, a straight line meeting the Qued Weima immediately downstream from Daadato.

This line is indicated on Map No. 2 attached to the present treaty.

/...

ART. 5. Special commissioners, delegated for this purpose by the two governments, using the data given in the preceding article, shall proceed on the spot to make an effective demarcation. At the same time, as the result of their work, they shall submit to the two governments an agreed plan for the arrangements to be made to assure effective policing in the frontier zone and to regulate the use there by the indigenous populations of the pastures and water points.

ART. 6. France recognizes the sovereignty of Italy over the Island of Doumeirah and the unnamed islets adjacent to that island.

ART. 7. The present treaty shall be ratified and the ratifications exchanged at Rome with the least possible delay. It shall enter into force on the day of the exchange of ratifications.

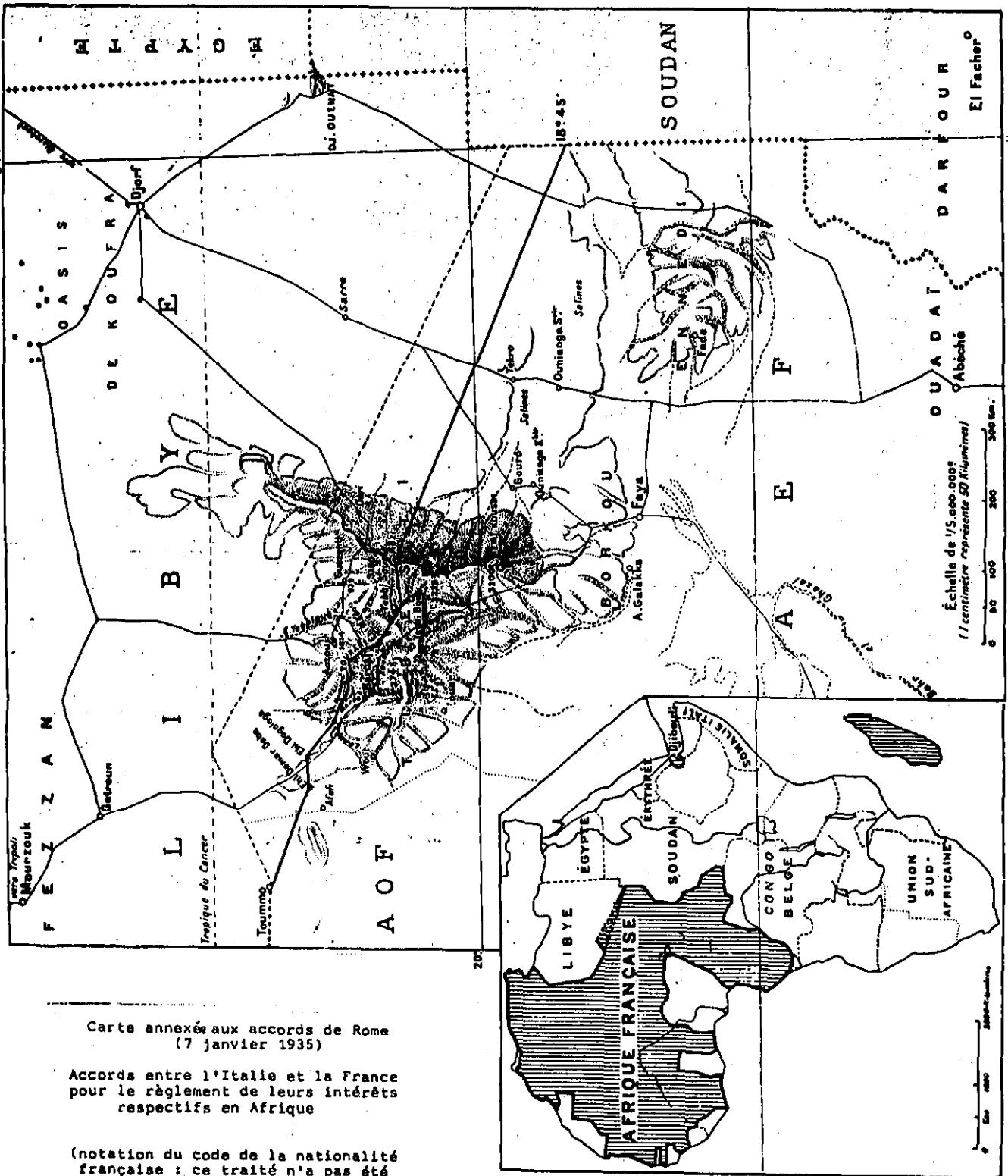
In witness whereof, the aforementioned Plenipotentiaries have signed the present Treaty, in duplicate, and have affixed their seals thereto.

DONE at Rome on 7 January 1935

MUSSOLINI

PIERRE LAVAL

/...



Carte annexée aux accords de Rome  
 (7 janvier 1935)

Accords entre l'Italie et la France  
 pour le règlement de leurs intérêts  
 respectifs en Afrique

(notation du code de la nationalité  
 française : ce traité n'a pas été  
 exécuté)

Trait noir épais = nouvelle frontière  
 proposée

8. LETTERS DENOUNCING THE AGREEMENTS OF 7 JANUARY 1935

I.O. 24.12.77

19 38

17 December 1938

I T A L Y

Sir,

In the conversation of 8 December, you conveyed to me the desire of the French Government to know whether the Italian Government considered the Italian-French agreements of 7 January 1935 to be still in force and whether those agreements could, in its view, still form the basis of Franco-Italian relations.

I replied that the question was of so vital a character and importance that I could not at once give a final answer, which would require more detailed study.

I now have the honour to inform you of the following, which confirms what I personally said to you on that occasion.

As you know, the Italian-French agreements of 7 January 1935 consist of a Treaty on a settlement of mutual interests in Africa and of a series of instruments closely related to that Treaty.

Article 7 of the Treaty states that it shall be ratified and makes its entry into force subject to the exchange of instruments of ratification. This exchange never took place. It is true that the constitutional procedures preliminary to ratification were initiated immediately after the signing, but ratification never occurred. Negotiations were never even started for the formulation of the special convention concerning Tunisia, which according to article 1 of the Treaty should have entered into force on the same date as the Treaty itself.

The Italian-French Treaty on a settlement of mutual interests in Africa was thus never completed.

In addition to these elements of a legal nature, it is also necessary to bear in mind that both the Treaty and the other instruments were concluded on the basis of very specific postulates and that these postulates were never confirmed in practice.

It will be recalled that the 1935 agreements were designed, through the settlement of a whole series of questions, to develop the friendship between Italy and France and to establish between the two States a relationship of trusting co-operation. Italy in particular consented, under the 1935 agreements, to make considerable sacrifices as regards both the rights of Italians in Tunisia and the rights which it derives from article 13 of the 1915 London pact, on the assumption of a fair understanding and a consistent attitude on the part of France with regard to Italy's needs for expansion in East Africa.

/...

However, the attitude adopted by France at the time when Italy was obliged by the action of the Negus to settle once for all the problem of its relations with Ethiopia, and also subsequently, was certainly not consistent with this intention. In fact, it was quite the opposite. While there is no need here to describe them once again, it will suffice to recall the various phases of the events which have occurred since 1935.

The agreements of January 1935 - which, moreover, have never been put into effect, as you noted during the conversation of 2 December - are thus devoid of content and obviously cannot be considered as being in force today.

Indeed, they have been overtaken by history.

Taken as a whole, they related to a general political situation which was rapidly overwhelmed by the events which followed the imposition of sanctions. In addition, the constitution of the Empire created new rights and new interests of fundamental importance. In these circumstances, and indeed in the interest of improving relations between Italy and France, such relations cannot still be based, at the present time, on the 1935 agreements. Precisely because they should be improved, these relations should obviously be reconsidered by mutual agreement between the two Governments.

Accept, etc.

(Signed) Count CIANO

/...

9. RESOLUTION 392 (V) OF THE UNITED NATIONS GENERAL ASSEMBLY  
ADOPTED ON 15 DECEMBER 1950

392 (V). Procedure to be adopted to delimit the boundaries of  
the former Italian colonies in so far as they are  
not already fixed by international agreement

The General Assembly,

In accordance with its resolution 289 C (IV) adopted on 21 November 1949, in which the General Assembly called upon the Interim Committee "to study the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement, and report with conclusions to the fifth regular session of the General Assembly",

Having taken note of the memorandum prepared at the Interim Committee's request by the Secretariat, giving information relating to the boundaries of the former Italian colonies not already fixed by international agreement, and having taken into consideration the views of the interested Governments,

1. Recommends:

(a) With respect to Libya,

That the portion of its boundary with French territory not already delimited by international agreement be delimited, upon Libya's achievement of independence, by negotiation between the Libyan and French Governments, assisted on the request of either party by a third person to be selected by them or, failing their agreement, to be appointed by the Secretary-General;

(b) With respect to the Trust Territory of Somaliland,

That the portion of its boundaries with British Somaliland, as well as with Ethiopia, not already delimited by international agreement be delimited by bilateral negotiations between the United Kingdom Government and the Administering Authority, in respect of the boundaries with British Somaliland, and between the Ethiopian Government and the Administering Authority in respect of the boundaries with Ethiopia;

In order to resolve any and all differences arising in the course of such negotiations, the respective parties to each bilateral negotiation agree, on the request of either party, to a procedure of mediation by a United Nations Mediator to be appointed by the Secretary-General and, further, in the event of the inability of the parties to accept the recommendations of the Mediator, to a procedure of arbitration;

2. Recommends further, that, with respect to any other boundaries not delimited by international agreement, the parties concerned seek to reach agreement by negotiation or by arbitration.

/...

10. TREATY 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 confirm by 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 understanding and on the basis of complete equality, independence and freedom, will facilitate the settlement of all issues which may arise for the two countries by reason of their geographical situation and their interest in Africa and the Mediterranean,

Desiring to render mutual assistance and to co-operate closely, both between themselves and with other nations, with a view to maintaining peace and opposing aggression, in accordance with the Charter of the United Nations,

Being resolved to intensify the economic, cultural and good-neighbourly relations between the two countries, in their common interest and in the interest of general prosperity,

Have decided for that purpose to conclude a Treaty and have appointed as their Plenipotentiaries:

The President of the French Republic:

For the French Republic,  
His Excellency Mr. Maurice DEJEAN, 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 on the following provisions:

Article 1

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

The High Contracting Parties shall consult together whenever their common interests so require.

/...



They shall conform, in their mutual relations, to the principles set forth in Article 2 of the Charter of the United Nations.

The High Contracting Parties shall not assume any commitment which is incompatible with the provisions of this Treaty and shall do nothing that might create difficulties for the other Party, taking into account the provisions of article 7 below.

#### Article 2

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

#### Article 3

The two High Contracting Parties recognize that the frontiers between the territories of Tunisia, Algeria, French West Africa and French Equatorial Africa, on the one hand, and the territory of Libya, on the other hand, are those resulting from the international instruments in force on the date of the establishment of the United Kingdom of Libya, as defined in the exchange of letters appended hereto (annex I).

#### Article 4

The two High Contracting Parties, considering the obligations reciprocally incumbent upon them by reason of their geographical situation, undertake, each within its own territory, to take all necessary measures for the maintenance of peace and security in the regions adjacent to the frontiers defined in the preceding article, and to maintain good-neighbourly relations between themselves.

To that end, the two High Contracting Parties have concluded a special Convention and a Good-neighbourliness Convention, which are appended to this Treaty.

#### Article 5

If one of the High Contracting Parties should find itself involved in an armed conflict affecting the territories of the African continent situated in the northern hemisphere as a result of aggression by another Power, or in case of an imminent threat of such aggression, the High Contracting Parties shall consult together with a view to ensuring the defence of their respective territories. As regards France, the foregoing refers to the territories for the defence of which it is responsible and which are adjacent to Libya, namely: Tunisia, Algeria, French West Africa and French Equatorial Africa. As regards Libya, the foregoing refers to Libyan territory as defined in article 3 of this Treaty.

/...

Article 6

The High Contracting Parties shall endeavour to intensify their economic and cultural relations, as provided for in the Convention on Economic Co-operation and the Cultural Convention appended to this Treaty.

Article 7

Nothing in this Treaty shall affect the rights and obligations arising for the High Contracting Parties from the provisions of the Charter of the United Nations and of any other duly published treaties, conventions or agreements, including, in the case of the United Kingdom of Libya, the Pact of the League of Arab States.

Article 8

Any disputes which may arise concerning the interpretation and application of this Treaty and which cannot be settled by direct negotiation shall be submitted to the International Court of Justice at the request of either Party, unless the High Contracting Parties agree on some other mode of settlement.

Article 9

In the conventions and annexes which are appended to and form an integral part of this Treaty, the term "the French Government" means the Government of the French Republic, and the term "the Libyan Government" means the Government of the United Kingdom of Libya.

Article 10

This Treaty shall be ratified and shall enter into force on the date of the exchange of instruments of ratification, which shall take place at Paris as soon as possible.

Article 11

This Treaty is concluded for a term of 20 years.

The High Contracting Parties may consult together at any time with a view to its revision.

Such consultation shall be obligatory upon expiry of a period of 10 years from the date of its entry into force.

/...

This Treaty may be terminated by either Party, 20 years after its entry into force or at any time thereafter, upon one year's notice to the other Party.

In witness whereof the aforementioned Plenipotentiaries have signed this Treaty and the Conventions and exchanges of letters annexed to it, and have thereto affixed their seals.

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

For the Government  
of  
the French Republic:  
(Signed) M. DEJEAN

For the Government  
of  
the United Kingdom of Libya:  
(Signed) BEN HALIM

/...

11. LETTER DATED 10 AUGUST 1955 FROM THE FRENCH LEGATION  
IN LIBYA TO THE LIBYAN GOVERNMENT

Tripoli, 10 August 1955

Sir,

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

"The two High Contracting Parties recognize that the frontiers between the territory of Libya, on the one hand, and the territories of Tunisia, Algeria, French West Africa and French Equatorial Africa, on the other hand, are those resulting from the international instruments in force on the date of the establishment of the United Kingdom of Libya, as defined in the exchange of letters appended hereto (annex I)."

The instruments in question are the following:

The Franco-British Convention of 14 June 1898;

The Additional Declaration of 21 March 1899 to the above Convention;

The Franco-Italian Agreements of 1 November 1902;

The Convention between the French Republic and the Sublime Porte of 12 May 1910;

The Franco-Italian Convention of 12 September 1919.

With respect to the last-mentioned agreement, and in accordance with the principles set forth therein, it has been recognized by the two delegations that between GHAT and TUMMO the frontier passes through the following three points: the TAKHARKHOURI gap, the ANAI pass and survey point 1010 (GARET DEROUET EL DJEMEL).

The French Government is prepared to appoint experts who could serve as members of a Franco-Libyan mixed commission to demarcate the frontier wherever that has not yet been done and where either Government may deem it necessary.

In case of disagreement during the demarcation operations, the two Parties shall each appoint a neutral arbitrator and, in case of disagreement between the arbitrators, the latter shall appoint a similarly neutral umpire, who shall settle the dispute.

Accept, Sir, the assurances of my highest consideration.

(Signed) DEJEAN

/...

12. RESOLUTION AHG/Res.16(I) OF THE ORGANIZATION OF AFRICAN UNITY  
OF 21 JULY 1964 ON THE INVIOABILITY OF FRONTIERS INHERITED  
FROM COLONIALISM

BORDER DISPUTES AMONG AFRICAN STATES

The Assembly of Heads of State and Government meeting in its First Ordinary Session in Cairo, U.A.R., from 17 to 21 July 1964,

Considering that border problems constitute a grave and permanent factor of dissention,

Conscious of the existence of extra-African manoeuvres aimed at dividing African States,

Considering further that the borders of African States, on the day of their independence, constitute a tangible reality,

Recalling the establishment in the course of the Second Ordinary Session of the Council of the Committee of Eleven charged with studying further measures for strengthening African Unity,

Recognizing the imperious necessity of settling, by peaceful means and within a strictly African framework, all disputes between African States,

Recalling further that all Member States have pledged, under Article IV of the Charter of African Unity, to respect scrupulously all principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity,

1. Solemnly reaffirms the strict respect by all Member States of the Organization for the principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity;
2. Solemnly declares that all Member States pledge themselves to respect the borders existing on their achievement of national independence.

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