

UNITED



NATIONS

**ANNUAL REPORT
OF THE UNITED NATIONS
COMMISSIONER IN LIBYA**

**PREPARED IN CONSULTATION WITH
THE COUNCIL FOR LIBYA**

GENERAL ASSEMBLY

**OFFICIAL RECORDS: FIFTH SESSION
SUPPLEMENT No. 15 (A/1340)**

LAKE SUCCESS, NEW YORK, 1950

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NOTE

All United Nations documents are designated by symbols, i.e., capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

TABLE OF CONTENTS

	<i>Page</i>
LETTER OF TRANSMITTAL	v
I. INTRODUCTION	3
II. THE COMMISSIONER'S INITIAL STEPS	3
III. THE THREE REGIONS OF LIBYA	
A. Geography	4
B. Population	4
C. Economy	5
IV. POLITICAL CONDITIONS AND DEVELOPMENTS IN LIBYA	7
A. Political and administrative conditions at the time of adoption of the resolution	7
B. Political and administrative developments following adoption of the General Assembly resolution	9
V. THE CONSTITUTION OF THE COUNCIL FOR LIBYA	13
VI. GENERAL ACTIVITIES OF THE COUNCIL FOR LIBYA	15
VII. THE CONSTITUTIONAL DEVELOPMENT OF LIBYA: CONSULTATIONS WITH THE COUNCIL	19
VIII. TECHNICAL ASSISTANCE IN THE ADMINISTRATIVE, ECONOMIC AND SOCIAL FIELDS	27
IX. CONCLUDING REMARKS	33
<i>ANNEXES</i>	
I. Text of the Commissioner's statement on his arrival in Tripoli on 18 January 1950	39
II. Record of the Commissioner's official travels outside Tripolitania ..	39
III. Memorandum from the Commissioner to the Council, dated 19 April 1950, on his activities since 10 December 1949	40
IV. The Commissioner's request for advice, dated 15 April 1950, regard- ing the scope of his work	44
V. The Commissioner's request for advice, dated 16 April 1950, regard- ing a plan for the constitutional development of Libya	45
VI. The advice of the Council given on 11 May 1950 concerning infor- mation to be obtained regarding action by the Administering Powers in pursuance of paragraph 10 (a) and (b) of General Assembly resolution 289 (IV)	46
VII. The advice of the Council given on 2 August 1950 on Press matters ..	47
VIII. Memorandum from the Commissioner, dated 4 July 1950, regarding the implementation of the advice given by the Council for Libya on 11 May 1950 (annex VI), requesting information relating to steps taken or contemplated by the Administering Powers in pur- suance of paragraph 10 (a) and (b) of General Assembly resolu- tion 289 (IV)	47
IX. Memorandum from the Commissioner, dated 7 July 1950, regarding the implementation of the advice given by the Council for Libya on 11 May 1950 (annex VI), requesting information relating to steps taken or contemplated by the Administering Powers in pur- suance of paragraph 10 (a) and (b) of General Assembly resolu- tion 289 (IV)	49
X. Memorandum from the Commissioner, dated 19 July 1950, regard- ing the implementation of the advice given by the Council on 11 May 1950 (annex VI), requesting information relating to steps taken or contemplated by the Administering Powers in pursuance of paragraph 10 (a) and (b) of General Assembly resolu- tion 289 (IV)	50
XI. Text provided to the Secretariat by the representatives of Pakistan, the United Kingdom, the United States of America and the Minorities in Libya of the statements made by them in the course of the consideration by the Council for Libya of a request by the representative of Pakistan for information on the steps taken to transfer authority to the people of Libya (For Council's debate, see A/AC.32/Council/SR.29-35)	
A. Statement by the representative of Pakistan at the 29th meeting of the Council, 22 July 1950	52

	<i>Page</i>
B. Statement by the representative of the United Kingdom at the 30th meeting of the Council, 24 July 1950.....	59
C. Statement by the representative of the United States of America at the 32nd meeting of the Council, 26 July 1950.....	61
D. Statement by the representative of the Minorities in Libya at the 33rd meeting of the Council, 27 July 1950.....	63
XII. Statement made by the Commissioner at the 33rd meeting of the Council for Libya on 27 July 1950 in the course of the consideration by the Council of a request by the representative of Pakistan for information on the steps taken to transfer authority to the people of Libya.....	64
XIII. Request of the Council for Libya, dated 31 July 1950, for information on the steps taken by the Administering Powers to ensure freedom of movement in Libya.....	69
XIV. The Commissioner's request for advice, dated 7 June 1950, regarding a modified plan for the constitutional development of Libya.....	70
XV. The advice of the Council, given on 14 June 1950, on the modified plan for the constitutional development of Libya.....	74
XVI. The Commissioner's request for advice, dated 14 June 1950, regarding the consultations for the selection of twenty-one outstanding personalities from the three territories to prepare a plan for the convocation of a National Assembly.....	75
XVII. The advice of the Council, given on 16 June 1950, on the Commissioner's consultations for the selection of twenty-one outstanding personalities from the three territories to prepare a plan for the convocation of a National Assembly.....	76
XVIII. The Commissioner's request for advice, dated 22 June 1950, on the question arising from his consultations with the Amir as to whether Italian participation in the Committee of Twenty-One and in the National Assembly might prejudice the settlement of the legal status of the Italians in Libya after the country had promulgated its constitution and achieved its independence....	77
XIX. The advice of the Council, given on 24 June 1950, on the question of Italian participation in the Committee of Twenty-One or in the National Assembly.....	77
XX. Letter, dated 27 June 1950, from the Chief of Cabinet of the Amir of Cyrenaica to the Commissioner, transmitting the decision of the Committee set up to consider the Council's advice concerning the possibility of the inclusion of a representative of the Minorities in Tripolitania in the Committee of Twenty-One.....	78
XXI. The Commissioner's request for advice, dated 7 July 1950, regarding a list of seven outstanding personalities of Tripolitania to serve on the Committee of Twenty-One.....	78
XXII. The advice of the Council, given on 11 July 1950, on the selection of the seven representatives of Tripolitania to serve on the Committee of Twenty-One.....	80
XXIII. The advice of the Council, given on 3 May 1950, on the scope of the Commissioner's work.....	80
XXIV. The advice of the Council, given on 2 August 1950, regarding administrative, economic and financial studies.....	81
XXV. The advice of the Council, given on 22 July 1950, regarding technical assistance to Libya.....	81
XXVI. Memorandum on the position of the Minorities in Libya, submitted by the representative of the Minorities on the Council for Libya.....	82
XXVII. Memorandum submitted by the representatives of Cyrenaica and Tripolitania on the Council for Libya commenting on the memorandum submitted by the representative of the Minorities in Libya (annex XXVI).....	83
XXVIII. Memorandum on educational organization in Libya under Italian Administration, submitted by the representative of Italy on the Council for Libya.....	84
MAP OF LIBYA.....	<i>inside back cover</i>

LETTER OF TRANSMITTAL

Geneva, 4 September 1950

Sir,

I have the honour to transmit herewith my annual report on which, in accordance with paragraph 5 of part A of resolution 289 (IV) of the General Assembly, I have consulted with the Council for Libya. The draft of the report was submitted to members of the Council on 1 August. The consultations took place during nineteen meetings in Geneva from 16 August to 2 September. All members of the Council were present, except the representative of the Fezzan, who was absent owing to illness.

I have the honour to request further that you make this report available to the General Assembly for discussion during its forthcoming fifth session.

In accordance with the resolution of the General Assembly, I have attached to the report, as annexes I-X and XII-XXV, a number of documents which I wish to bring to the attention of the United Nations, consisting for the most part of my requests to the Council for advice, and the advice rendered me. There are also attached, as annexes XI and XXVI to XXVIII, certain documents and memoranda which members of the Council wish to bring to the attention of the United Nations, as also provided in paragraph 5. The text is also annotated at the request of some representatives, who wished to elaborate or comment on statements contained in the body of my report, or to differ with my appreciation. In the course of the consultations I have accepted a considerable number of suggestions from members of the Council which thus have become an integral part of the report.

As foreseen by paragraph 10 (c) of the aforementioned resolution, the Administering Powers, the United Kingdom and France, in co-operation with me as Commissioner, have submitted separate reports* to the General Assembly on the steps taken to implement the recommendations contained in the resolution. In the course of this co-operation an effort has been made to avoid, as far as possible, overlapping between my report and those of the Administering Powers.

The aim of the General Assembly, in passing the resolution regarding the disposal of the former Italian colonies, was that Libya, comprising Cyrenaica, Tripolitania and the Fezzan, shall be constituted an independent and sovereign State as soon as possible and not later than 1 January 1952 and that the constitution, including the form of the government, shall be determined by the representatives of the people of Libya meeting in a National Assembly.

I feel certain that, notwithstanding serious obstacles and difficulties, but counting on the keen desire of every Libyan to see his country independent in the shortest possible time, the aim of the General Assembly resolution will be attained within the time limit prescribed and perhaps somewhat earlier.

However, the Libyan people will face many serious problems during the forthcoming years to establish an effective administration, a sound financial system and a viable economy offering the prospect of a gradually improving standard of life for the Libyan people. To attain this, as I have already had the honour urgently to draw to your attention several times, the Libyan people need technical and financial assistance from the United Nations, its specialized agencies and Member Governments.

I fully share the strong belief of the Libyan people that the United Nations, by adopting the resolution of 21 November 1949 providing that Libya should become independent in a brief period of time, assumed a special responsibility towards their country. This responsibility will be partly discharged by advising them on their constitutional development and by providing them with technical assistance, but ways must also be found to provide financial aid, both in the interim period and after independence, through the United Nations, governmental or private sources.

* To be distributed later.

To avoid the possibility of the cessation of financial and technical assistance to Libya after it has become independent, but has not yet become a Member of the United Nations, I wish to stress again the urgency of the United Nations taking an immediate decision that an independent Libya, not yet a Member, will be entitled to United Nations assistance.

I am glad to be able to record my appreciation of the consideration and helpfulness shown to me by the Administering Powers, both in London and Paris and in the three territories of Libya. We have, in the nature of our several responsibilities, differed on certain aspects of the implementation of the resolution, as I have mentioned in my report, and indeed differences may re-occur. Nevertheless, I have on all occasions been heard with the greatest courtesy and attention and with a sincere desire for mutual accommodation. I feel sure that the cordial atmosphere which prevails between us will stifle such differences of opinion as may confront us in the future.

I should like to take this opportunity to express to you my sincere thanks for the wholehearted co-operation and assistance which at all times you have afforded me in the discharge of my functions. I feel confident that the General Assembly, the other organs of the United Nations, and its specialized agencies, will similarly lend their full support to the implementation of the Assembly resolution.

(Signed) A. PELT
*United Nations Commissioner
in Libya*

Mr. Trygve Lie
Secretary-General
United Nations
Lake Success, N. Y.

Chapter I

INTRODUCTION

1. In accordance with the Treaty of Peace with Italy, the four Powers, having failed to determine jointly the final disposal of the Italian territorial possessions in Africa, referred the matter to the General Assembly on 15 September 1948. Furthermore, the four Powers had agreed to accept the recommendation of the General Assembly on the disposal of the former Italian colonies and to take appropriate measures for giving effect to it. The General Assembly, at its 250th plenary meeting held on 21 November 1949, adopted, in resolution 289 (IV), its recommendations for the disposal of Libya as well as of the other colonies. The relevant part of the resolution follows:¹

"The General Assembly . . .

"With respect to Libya, recommends:

"1. That Libya, comprising Cyrenaica, Tripolitania and the Fezzan, shall be constituted an independent and sovereign State;

"2. That this independence shall become effective as soon as possible and in any case not later than 1 January 1952;

"3. That a constitution for Libya, including the form of the government, shall be determined by representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan meeting and consulting together in a National Assembly;

"4. That, for the purpose of assisting the people of Libya in the formulation of the constitution and the establishment of an independent Government, there shall be a United Nations Commissioner in Libya appointed by the General Assembly and a Council to aid and advise him;

"5. That the United Nations Commissioner, in consultation with the Council, shall submit to the Secretary-General an annual report and such other special reports as he may consider necessary. To these reports shall be added any memorandum or document that the United Nations Commissioner or a member of the Council may wish to bring to the attention of the United Nations;

"6. That the Council shall consist of ten members, namely:

"(a) One representative nominated by the Government of each of the following countries: Egypt, France, Italy, Pakistan, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

"(b) One representative of the people of each of the three regions of Libya and one representative of the minorities in Libya;

"7. That the United Nations Commissioner shall appoint the representatives mentioned in paragraph 6 (b), after consultation with the Administering Powers, the representatives of the Governments mentioned in paragraph 6 (a), leading personalities and representatives of political parties and organizations in the territories concerned;

"8. That, in the discharge of his functions, the United Nations Commissioner shall consult and be guided by the advice of the members of his Council, it being understood that he may call upon different members to advise him in respect of different regions or different subjects;

"9. That the United Nations Commissioner may offer suggestions to the General Assembly, to the Economic and Social Council and to the Secretary-General as to the measures that the United Nations might adopt during the transitional period regarding the economic and social problems of Libya;

"10. That the Administering Powers in co-operation with the United Nations Commissioner:

"(a) Initiate immediately all necessary steps for the transfer of power to a duly constituted independent Government;

"(b) Administer the territories for the purpose of assisting in the establishment of Libyan unity and independence, co-operate in the formation of governmental institutions and co-ordinate their activities to this end;

"(c) Make an annual report to the General Assembly on the steps taken to implement these recommendations;

"11. That upon its establishment as an independent State, Libya shall be admitted to the United Nations in accordance with Article 4 of the Charter."

2. At its 276th meeting held on 10 December 1949, the General Assembly appointed Mr. Adrian Pelt, at that time Assistant Secretary-General of the United Nations in charge of the Department of Conference and General Services, to the office of United Nations Commissioner in Libya. The Commissioner officially assumed his functions on 1 January 1950.

3. In accordance with paragraph 6 (a) of the resolution, the following members of the Council were appointed by their respective Governments on the dates shown:

Egypt: Mohammed Kamel Selim Bey, Ambassador, formerly Under-Secretary of State and for twelve years

¹ The full text of the part of the resolution 289 (IV) referring to Libya was included in the body of this chapter in accordance with the unanimous wish of the Council for Libya on the grounds that the reproduction of its terms of reference was essential to the proper introduction and easy understanding

of the report. The Commissioner agreed to its inclusion after he had expressed to the Council his opinion that, in accordance with the administrative rules of the Secretariat, texts already published should not be reprinted.

Secretary-General of the Egyptian Government; 19 December 1949.

France: M. Georges Balay, Ambassador, career diplomat, previously *Chargé d'Affaires ad interim* in Rome and Minister Plenipotentiary in Baghdad; 25 April 1950.

Italy: Baron Giuseppe Vitaliano Confalonieri, Ambassador, career diplomat, formerly Minister Plenipotentiary and Consul-General in Geneva charged with relations with the European Office of the United Nations and the specialized agencies in Geneva; 4 January 1950.

Pakistan: Abdur Rahim Khan, formerly Permanent Representative of Pakistan to the United Nations; 13 February 1950.

United Kingdom: Sir Hugh Stonehewer-Bird, formerly Ambassador to Iraq, succeeded by Mr. J. C. Penney, former Political Adviser to the Chief Civil Affairs Officer for ex-Italian Colonies in Africa, later Political Adviser to the Chief Administrator, Tripolitania; 30 March 1950.

United States of America: Mr. Lewis Clark, Ambassador, previously Minister Plenipotentiary and *Chargé d'Affaires ad interim* in China; 14 February 1950.

² *The representative of Pakistan requested the inclusion of the following footnote to this paragraph:*

All the members of the Council present (except the French, British and the United States of America) have asked the Commissioner:

1. To give them orally a very brief summary of the contents of the reports which have been drawn up by the Administering Powers in co-operation with the Commissioner.

2. To inform the Council, in the light of the above-mentioned co-operation, what suggestions he made to the Administering Powers to add to or modify their reports and which of these have been accepted or rejected.

3. To inform the Council if those reports have been prepared to his satisfaction as Commissioner.

To all these items the Commissioner persistently refused to comply as if the matter should be kept in perfect secrecy from the Council or as if it has no bearing whatsoever on the mission of the Council. The Council was treated as an outsider and although paragraph 8 of the resolution stipulates that, in the discharge of his functions, the Commissioner shall consult and be guided by the advice of the members of the Council,

And although he discharged his functions as a Commissioner by his co-operation with the Administering Powers which prepared their reports to the General Assembly,

And although the report of the Commissioner which is being studied and modified by the Council has been sent to London and Paris and the local administrations in the three zones of Libya and is well known to all of them,

Yet the Commissioner, despite all these facts, persisted in not saying one single word on the items he has been asked about and preferred to keep the Council for Libya in ignorance with regard to the intentions and views of the Administering Powers about their duties and achievements for Libya as portrayed in their reports.

For detailed discussions in the Council on this subject, see summary records of the Council proceedings of 24 August 1950 (SR.43).

The representative of France requested the addition of the following footnote:

With regard to the above note, the French delegation desires to state:

4. In accordance with paragraph 7 of the resolution, the Commissioner on 6 April 1950 appointed the following as members of the Council (see chapter V);

Cyrenaica: Ali Assad el Jerbi, Minister of Public Works and Communications.

Tripolitania: Mustapha Mizran, President of the Nationalist Party and Vice-President of the National Congress.

The Fezzan: Ahmed el Hadj Es Senoussi Sofou, Qaid of Murzuk.

Minorities in Libya: Signor Giacomo Marchino, agriculturalist and Vice-President of the Savings Bank of Libya, Tripoli.

5. The United Nations Council for Libya met for the first time on 25 April 1950 in Tripoli.

6. In the following chapters the Commissioner reports the action he has taken both before the Council came into being and, later, with the advice of the Council, in furtherance of the resolution of the General Assembly. The steps taken by the Administering Powers to implement the resolution are the subject of reports drawn up by them in co-operation with the Commissioner.²

1. That, as regards the question of form, it would be more truly in keeping with the discussions to say "the following members of the Council: Cyrenaica, Egypt etc.," than "all the members of the Council present, with the exception of France, United Kingdom and the United States of America";

2. That, on the question of substance, the Administering Powers, under paragraph 10 of the resolution, are required to make a report to the General Assembly, in co-operation with the Commissioner, no provision being made for the intervention of the Council. Moreover, it would seem to be contrary to custom to transmit a document to third parties, much as they may be concerned in the matter, before the body for whom it is intended, namely the General Assembly, has been able to take cognizance of it;

3. That, finally, the wording of the said note does not, in the opinion of the French delegation, take account of the position adopted by the Commissioner in the course of the discussions nor of his efforts to abide by the spirit and letter of paragraph 10 of the resolution.

Note by the United Nations Commissioner:

The Commissioner regrets that he was unable to communicate the draft reports of the Administering Powers to the Council either in whole or in résumé. It was not his intention to withhold information from the Council. He felt that it would be improper to communicate to a third party documents which were not his property and which had been transmitted to him in provisional form and under confidential cover by their authors. It would evidently have been impossible for the Commissioner to have discussed his comments on those draft reports without disclosing their contents, and in the absence of any suggestion by the Administering Powers that he might transmit their contents, he decided that consultation could not be undertaken. The Administering Powers took the view that their reports were addressed to the General Assembly and that, while they were to seek, and had sought, the co-operation of the Commissioner, in accordance with paragraph 10 (c) of the resolution, in the form of suggestions which they might or might not accept, they were neither called upon nor properly entitled to submit them to any person or body other than the General Assembly.

(Note: The representative of the Fezzan was not present at this discussion.)

Chapter II

THE COMMISSIONER'S INITIAL STEPS

7. Bearing in mind the need to establish early and close relations with the members of the Council, the Commissioner, within a few days of his appointment, undertook informal consultations with the Permanent Representatives to the United Nations of the States mentioned in paragraph 6 (a) of the resolution of the General Assembly. He discussed with them his intended visits to their capitals.

8. The Commissioner left New York for Libya on 12 January 1950 to acquaint himself at first hand with the particular problems of each of the three territories, to initiate the consultations necessary for the selection of the Libyan members of the Council, and at the same time to explain to the leaders and peoples of the three territories the import of the resolution of the General Assembly and to learn their views.

9. The Commissioner arrived in Tripoli on 18 January 1950 and, on the same day, made a public statement in which he explained that he had purposely made his first official contacts as Commissioner with the people in Libya in order to assure them of his co-operation and of his readiness to receive them and hear their proposals at all times. He explained that his terms of reference were to assist the people of Libya in the formulation of their constitution and in the establishment of an independent government, and, after consultation with the Administering Powers, the members of the Council, and the leaders and representatives of the political parties and organizations in Libya, to appoint the representatives of Libya on the Council. He em-

³ See annex I.

phasized that it was not for him to govern the country, a function which remained within the competence of the Administering Powers until assumed by the Libyans themselves. During the three weeks of his first visit to Libya he intended to learn the views and suggestions of the Libyans, particularly with regard to the choice of their representatives on the Council, and to make preliminary contacts with the representatives of the Administering Powers. On his return, and after bringing the Council together, he intended to take the first steps towards setting up a National Assembly, the chief task of which would be to frame a constitution. It was, therefore, the privilege and duty of the people of Libya to draw up that constitution, which would be the charter freely accepted by them for the ordering of their future national life. The Commissioner's part in these events would be to advise and guide the people of Libya. He hoped that the constitution, while taking into account the special characteristics of the country, would be based on solid democratic foundations, so that everyone might exercise his civil and political rights in peace and freedom and perform his duties as a good citizen for the benefit of the whole community. He suggested that they should seek to unite, in harmonious association, their heritage from the past with certain methods of the West, thus contributing to the reconstruction of the country and promoting its economic development and social progress.³

10. A record of the official journeys undertaken by the Commissioner is appended to this report.⁴

⁴ See annex II.

Chapter III

THE THREE REGIONS OF LIBYA

A. GEOGRAPHY

11. Libya covers an area of approximately 1,750,000 square kilometres,⁵ bounded by Egypt, the Anglo-Egyptian Sudan, French Equatorial and West Africa, Southern Algeria, Tunisia and the Mediterranean Sea. Its component regions—Cyrenaica, Tripolitania and the Fezzan—are separated from each other by wide deserts.

12. Cyrenaica extends over 700,000 square kilometres. It lies between the Western Desert of Egypt on the east and Tripolitania on the west. In the south, it reaches to the Anglo-Egyptian Sudan and the mountain wilderness of the Tibesti, in French Equatorial Africa. Its area is almost entirely desert, which is rainless throughout the year. In the north, however, a low plateau of limestone hills benefits from rainfall adequate for the profitable cultivation of cereals and fruit. A number of fresh-water springs are also to be found in the hills, which support a considerable vegetation. This plateau is fringed by a narrow coastal belt, where the rainfall again declines. The plateau gradually falls away to plains in the south and east, which provide pasture over a considerable area and where barley is grown as the rainfall permits, year by year. In the few oases of the southern desert, date palms and some vegetables are grown.

13. The existing administrative division between Tripolitania and the Fezzan was agreed between France and the United Kingdom for the duration of the occupation of Libya. Tripolitania, by this definition, extends over some 250,000 square kilometres between Tunisia and Cyrenaica. The greater part of its area is desert. The thickly settled parts of Tripolitania consist, first of the narrow coastal belt of oases between Misurata and Zuara, which contains 60 per cent of the population of the territory and, secondly, of the northern edge of the Jebel, a broken plateau running north-east from the Tunisian frontier to Homs, where it intersects the coastal belt. The Jebel is separated from the coastal area by a wedge of steppe, and south and west of the Jebel this merges into semi-desert and desert country suitable only for pastoralism and the shifting cultivation of barley. The total area of productive land varies with the annual rainfall, but only about 1.6 per cent of the total area is devoted to static farming. This area is, however, generally well watered and offers a fertility in striking contrast to the greater part of Libya.

14. The Fezzan is bounded on the west by southern Algeria, southern Tunisia and Tunisia, on the south by French West Africa and French Equatorial Africa, on the east by Cyrenaica and on the north by Tripolitania.

⁵ This, and subsequent estimates of the area, are derived from the report of the Four-Power Commission of Investigation for the Former Italian Colonies.

It is a vast depression, of an area of some 800,000 square kilometres, enclosed within plateaux which isolate it from the sea, some 500 to 600 kilometres distant, and from the neighbouring lands. Within the depression lie three oases, Sebha, Brak and Murzuk, around which is grouped the sedentary population. Widely scattered and thinly planted palm groves are also to be found in the Zelaf.

15. Communications in Libya consist of a metalled road running the whole length of the coast, a network of metalled roads covering the thickly settled part of Tripolitania, a few secondary metalled roads in Cyrenaica and, for the rest, only motorable tracks. The few railways are at present of little importance.

B. POPULATION

16. The population of Cyrenaica is estimated at about 300,000,⁶ the overwhelming majority of whom are Arabs. There is a Jewish minority of some 200, reduced from 4,500 in 1948, and small Maltese and Greek communities. Except for a few priests and nuns, the Italian pre-war population left the country before its final occupation by the Allied Forces.

17. The town-dwellers number some 85,000. The rural population consists mainly of semi-nomadic tent-dwellers, mostly inhabiting the coastal plateau, where they cultivate their barley and herd their animals. On the plateau, tribal boundaries are well defined and nomadism consequently severely restricted. In the desert fringes to the south of the plateau, the vagaries of the rainfall necessitate a greater latitude of movement, but it is only a minority who leave their habitat on the plateau to graze and cultivate in the desert. The rural population is organized in tribes, among which the land is divided. The main tribes (Sa'adi) hold their land by right of conquest dating from the Arab invasion in the eleventh century. In addition, there are dependent fractions (Marabitin) who have attached themselves to the powerful Sa'adi tribes. All the Bedouin claim pure Arab extraction, but there is undoubtedly an admixture of Berber stock, especially in the oases to the south of the plateau.

18. The population of Tripolitania is estimated at some 800,000 persons. The indigenous population, numbering about 730,000, is Arab with a considerable admixture of Berbers, of whom some groups in the western part of the country have retained their distinction of community and their language, and continue

⁶ This figure, as well as all subsequent estimates of population, is derived from the report of the Four-Power Commission of Investigation, supplemented by data provided by the Administering Powers concerned, and is believed to be the best available.

to follow the schismatic Ibadite rite. Arabs and Berbers live amicably together in spite of past differences. All are Moslems; the religious followers of the Senussi Order have been estimated at 30 per cent of all Moslems.⁷

19. The urban population is about 165,000. Some 105,000 Moslems live in the towns, principally engaged in handicrafts and small trade. Most of the rural population are settled farmers living in the coastal oases and in the Jebel. Semi-nomads are numerous, both in the Jebel and in the steppe areas bordering the oases. Inasmuch as many of the sedentaries combine pastoralism and shifting cereal cultivation with static farming during parts of the year, it is impossible rigidly to classify the population by numbers according to way of life. The wholly nomadic population is much less important than in Cyrenaica and is found principally in the Sirtica and Ghibla areas. Only among the nomads and a few of the hill tribes exists the closely knit tribal structure which characterizes Cyrenaica. In the more prosperous and populous coastal area, the tribe is gradually giving way to a village and town society.

20. The Minorities comprise about 45,000 Italians, 13,000 Jews, 2,000 Maltese and 400 Greeks.

21. The level of the Italian community has, as far as possible, been maintained numerically by the British Administration at the point to which it had fallen at the end of the war. The Italians, about half of whom are town dwellers, have large commercial and agricultural interests which had been developed during Italian rule.

22. The Jewish minority, now almost exclusively urban, has been rapidly diminishing in the last eighteen months because of emigration, largely to Israel. This exodus has reduced the Jewish community from about 29,000 in 1948 to 13,000. The rate of emigration has recently slackened.

23. The population of the Fezzan is estimated at approximately 50,000,⁸ of whom one-fifth are nomads or semi-nomads. The sedentary population is found within the depression; on its fringe and beyond live the nomadic or semi-nomadic peoples. In the north, these are tribes of fair-skinned stock with a strong Berber influence. In the south, in the foothills of the Tibesti and in all the area as far as Fort Lamy, are found Tebbous of Hamitic origin. In the Tassili, in the west, there are sections of the Berber Confederation of the Tuareg-Adjer who are scattered between Timbuctoo and Nigeria.

24. Ethnically, the sedentary population of the interior is mixed, containing elements of both fair-skinned and dark-skinned races. They live among palm trees, cultivating wheat, dates, barley, millet and sorghum. This population can be divided into two groups; three-quarters of the people are very poor, deriving their livelihood from the harsh and unremitting labour with which they irrigate small lots of land; the remaining quarter might be described as the middle class of the country, living in

relative ease. These are the landowners, traders and officials.

C. ECONOMY

25. The economy of Cyrenaica is handicapped by the lack of natural resources and the under-development of its land and water. It is based on the raising of live-stock which is carried on, together with the shifting cultivation of barley, by the majority of the rural population. On the northern plateau, however, and in some parts of the coastal belt, wheat is grown by modern methods, and olives, vines, apricots and other fruits thrive, together with market vegetables. The development of this area is actively encouraged by the Ministry of Agriculture, and Cyrenaican farmers are being successfully settled on former Italian farms as permanently as the laws governing such property permit. Sheep form an important item of export, to Egypt and Greece in particular. Cyrenaican wool is of good quality, and further research is expected to raise its export value. There are also sponge fisheries exploited mostly by Greek nationals who come seasonally, and, although the sponge trade suffered severely during the war, revenue from it, though still small, is rising slightly.

26. During the past few years, the balance of trade has gradually been improved, but the financial position of the territory still shows a serious deficit, requiring grants-in-aid from the Government of the United Kingdom. Both subjects will be reported upon by the Administering Power.

27. The economy of Tripolitania is based principally on agriculture, animal husbandry and fisheries, with esparto grass and rough handicrafts as auxiliary resources. Olives, barley, citrus fruits and grapes, which cover a considerable area of the coastal belt, are the principal crops. The Moslem population of the coastal belt lives chiefly by gardens and palm groves, cultivating market crops and fruit trees irrigated from wells mostly operated by animal power. Some Arabs have, however, undertaken farming on a larger scale. In the northern part of the Jebel, olives and other fruits are grown in important quantities, and tobacco, which is under a monopoly of the British Administration as it was of the Italian, is grown with some success, although it is mostly of inferior quality. In the steppe and semi-desert sheep and goats are pastured and barley cultivated by scratch ploughing.

28. The Italian community outside the town is chiefly engaged in the cultivation of olives, citrus fruits, vines, almonds and, on a lesser scale, wheat. The Italian farms, both private concessions and para-statal settlements, represent a remarkable feat of pioneering and land reclamation which, chiefly owing to the comparatively long period of immaturity of the olive tree, has only recently begun to demonstrate its full productive value. Indeed, many of the plantations will not bear fully for some years to come. They are, however, the greatest economic asset of the territory, an asset which can easily be lost if constant care to prevent erosion and other deterioration is not maintained. Both the con-

⁷ The political followers of the Amir Idriss El Senussi must be distinguished from members of the Senussi Order. Reference to the former will be found in chapter IV of the present report.

⁸ The representatives of Cyrenaica, Pakistan and Tripolitania requested that it be noted that, according to the information provided at Lake Success and available to them, the population of the Fezzan did not exceed 40,000.

cessions and the settlements were assisted by the considerable tax exemptions, subsidies and credit facilities accorded to agriculture by the Italian Government. A certain unbalance is becoming apparent in their financial position as a result of the gradual expiration of these facilities, and it is likely that some measures will be needed in order to maintain the latter, since production and markets are not yet proportionate to the capital and maintenance outlays.

29. After two years of serious droughts in 1947 and 1948, the territory has enjoyed good harvests, and exportable surpluses of agricultural products have increased.

30. The balance of trade still shows a considerable deficit, as does the financial position of the territory, a situation which will be referred to in the report of the Administering Power.

31. The subsistence economy of the Fezzan, based upon an oases palm-garden culture, is handicapped by the difficulty of obtaining water and by primitive methods of irrigation and of cultivation. The depressed economic situation is reflected in the under-nourishment of the population and the annual emigration, which further aggravates the problem of manpower.

32. The chief resource of the Fezzan is the date palm. Estimates of the number vary considerably, but most of them are wild and uncultivated, and it is probable that not more than one million date palms are productive. The date crop, of about 15,000 tons annually, is in excess of local needs, and the surplus is bartered for oil and barley, with the nomads, or exported by caravan or lorry.⁹ The poor quality of the crop, together with the cost of transportation to markets, limits its export value. Local production of grain is insufficient to meet the requirements of the population

⁹ The Council, with the exception of the representative of France, requested the addition of the following footnote: "Under the Italian regime this trade was oriented toward Tripoli; under the French Administration it is oriented toward Tunis." The representative of France requested the addition

and must be supplemented by imports. The meagre grazing supports few animals.

33. In the three principal valleys of the Fezzan, a water table of varying depth makes it possible to increase the area of irrigated land, either by open wells in the areas where the phreatic folds are near the surface or by flowing wells from the artesian level. Open wells, in the present stage of technical development, can only be exploited by traditional methods, efforts to introduce gasoline pumps having proved a failure. Artesian wells, which do not require the labour of man and beast, not only relieve the pressure on the utilization of manpower, but also provide for a greater area of irrigable land in proportion to expenditure.

34. The condition of the serf-like *jebbad* or drawer of water, bound by a system of contracts to the proprietor and receiving only a share of the harvest, has been progressively improved during the French Administration. The lot of the *jebbad* and the entire population can be improved by the further distribution of newly irrigated lands, continued supervision of the harvesting and storage of crops and maintenance of the security of the sedentaries against raids by nomads.

35. The only known mineral resource of commercial value is natron (sodium carbonate), the annual export of which is less than 100 tons. There is no industry; rudimentary handicrafts have only limited local importance.

36. The ordinary budget of the Fezzan is almost balanced, but extraordinary expenses necessary to improve the irrigation of the territory and for the maintenance of roads and tracks require annual subventions. Additional information about these questions will be found in the report of the Administering Power to the General Assembly.

of the following footnote: "The French delegation pointed out that the report of the French Government on the Fezzan has given all the pertinent information on the question, particularly on the quality of the Fezzanese dates and on the possible markets for this product."

Chapter IV

POLITICAL CONDITIONS AND DEVELOPMENTS IN LIBYA

37. As a result of the last war, Libya was placed and remains under three separate administrations. Cyrenaica and Tripolitania are administered by the United Kingdom, and the Fezzan by France. When the resolution of the General Assembly entered into force on 1 January 1950, Cyrenaica had already undergone some political evolution, Tripolitania and the Fezzan remained respectively under the undivided jurisdiction of the United Kingdom and France. The first section of this chapter gives an outline of the political and administrative conditions obtaining in the three territories when the General Assembly adopted its resolution concerning them. In the second section are described the developments which followed the action of the General Assembly up to the consideration of the constitutional development of Libya by the Council.

A. POLITICAL AND ADMINISTRATIVE CONDITIONS AT THE TIME OF ADOPTION OF THE RESOLUTION

Cyrenaica

38. On 1 June 1949, His Highness the Amir Sayid Mohammed Idriss el Mahdi el Senussi announced the desire of Cyrenaica to achieve its national aim of independence and his intention of forming a government based on an elected parliament. He also requested the recognition by the Government of the United Kingdom of his assumption of all functions of government. On the same day, the Chief Administrator declared that the United Kingdom Government had recognized the Amir as "the freely chosen leader of his people, as the head of the Cyrenaican Government" and that they "formally recognize the desire of Cyrenaicans for self-government and will take all steps compatible with their international obligation to promote it; that they agree to the formation of a Cyrenaican government with responsibility over internal affairs . . . ; that in taking these steps they wish to emphasize that nothing will be done to prejudice the eventual future of Libya as a whole".

39. On 16 September 1949, the Chief Administrator issued the Transitional Powers Proclamation, which empowered the Amir to enact by edict a Constitution and defined the powers which that Constitution should confer. It also listed the matters in which power was to be reserved to the representative of the Government of the United Kingdom, who was thereafter known as the British Resident in Cyrenaica.

40. The powers granted to the Amir covered the internal administration and legislation of Cyrenaica. Those reserved to the British Resident covered all matters involving its external relations. In addition, there were a few subjects which, although they were internal, implied external connexions. These, for example, the

alienation of mineral deposits, were subject to agreement between the Amir and the British Resident. The United Kingdom also retained the right to decide upon the validity of any legislation under the Transitional Powers Proclamation and to comment upon all financial measures, with the ultimate power of decision.

41. Under the reserved powers, foreign affairs and trade, defence, air navigation, external communications, currency, immigration and the issue of passports and visas and—pending the settlement of the former Italian colonies—Italian state, para-statal and private property were the subject of legislation by Ordinance of the British Resident. Moreover, the Constitution might not be suspended or amended without the approval of the British Resident, who, until full independence was achieved, reserved full power to revoke, alter or amend the Transitional Powers Proclamation, provided that no amendment should alter the authority of the Amir in internal affairs without his prior agreement.

42. The Constitution of Cyrenaica was enacted by the Amir and proclaimed by the Chief Administrator on 18 September 1949. Besides guaranteeing the civil rights of all persons, the Constitution named the Amir as first Amir of Cyrenaica and Head of the Government. It also provided for a Council of Ministers, an Assembly of Representatives and a Judiciary, and regulated the principles governing the finances of the country, its civil service, army and police force.

43. The Cyrenaican Government is divided among several departments, grouped under the Ministries of the Interior, Justice, Public Works and Communications, Health, Education, Agriculture and Finance. These ministries are headed in each case by a member of the Council of Ministers and are staffed by the civil service. Some directors of departments are Libyans and some British, and in some departments there is a foreign adviser. These advisers, like all other foreign officials, are subject to the Cyrenaican Civil Service Law and are employed by the Cyrenaican Government.

44. Since the Amir is the Chief of the executive branch of the Government, the Council of Ministers does not follow the cabinet system. Most matters of importance are referred to it rather than decided by individual ministers, and the advice which the Council of Ministers gives to the Amir in the course of its constitutional duty is normally conveyed by the Prime Minister in its name.

45. Local administration is carried out by Libyan officials, assisted in certain cases by British advisers. For this purpose, the country is organized into districts and municipalities. A *mutasarrif*¹⁰ is in charge of each

¹⁰ Since the establishment of self-government, the Arabic administrative designations formerly used in the Turkish Em-

pire have been brought back into use. A *mutasarrif* is the principal administrator of a region or district.

district and is assisted by other officials. As far as possible, the Government uses the traditional tribal councils and controls for the exercise of its authority within the tribes, while nevertheless ensuring that questions of general concern are regulated by independent officials and are not made the subject of tribal contention.

46. The Constitution enables the Amir to enact legislation either on the advice of the Council of Ministers or upon its submission by the Assembly of Representatives.

47. Until the Assembly of Representatives was elected, the Amir, whenever he thought it necessary, sought the advice of the National Congress of Cyrenaica. This was a body which he himself had formed in January 1948, in order to assemble representatives of all shades of political opinion and all elements of the population. By 1950, it had 149 members, including a senior representative of the Jewish community. It remained in session continuously, in committee or in full assembly, until its dissolution by the Amir in March 1950 upon his decision to hold elections for the Assembly of Representatives.

48. Besides the National Congress, another political group which made itself felt was the Omar Mukhtar Club. This was originally formed as a sporting and social club, but, being composed almost entirely of the younger elements amongst the urban populations, it became progressively more active in politics. Taking its name from an erstwhile hero of the Arab resistance to the Italians, this Club advocated the unity and independence of all Libya under a constitutional monarchy and held strongly nationalist opinions. The Club, together with all other political parties and organizations, was dissolved in December 1947, in consequence of the Amir's decision to form the National Congress. It later received permission to reform for social and sporting purposes. By the end of 1949, the Club again had more of the characteristics of a political party than of a sporting club, directing its appeal to the nationalist aspirations of the educated young men and town dwellers. Finally, in January 1950, the Club was re-formed as the National Association. A further organization is the National Youth League, containing mostly young men who support the policies of the Government.

49. In preparation for the eventual holding of elections, the Cyrenaican Nationality Law was enacted on 31 December 1949. When the text of this law was communicated to the Commissioner, it seemed to him to indicate an emphasis on Cyrenaican, as opposed to Libyan, statehood, which might be prejudicial to the future unity of the country. However, on making representations to the British Resident, the Commissioner was informed that the purpose of the law was only to define who might participate as Cyrenaicans in the elections, and an assurance to this effect was subsequently received from the Prime Minister of Cyrenaica.

Tripolitania

50. Tripolitania has been administered by the United Kingdom since 1943. Until April 1949, responsibility for the territory lay with the War Office; the Foreign Office then assumed it, but the administrative system was not thereby changed, and the Chief Administrator and the majority of his staff remained as civilian officials. The departments of the Administration are in all cases headed by British officials, although a number of Libyans are employed in responsible positions.¹¹ For administrative purposes, Tripolitania is divided into three provinces, each under a British Commissioner and sub-divided into districts.

51. Legislation which was in force at the time of occupation remained valid, unless altered or over-ridden by proclamation of the Chief Administrator. In particular, laws of evident fascist ideology were revoked. Islamic and Jewish laws continued to apply for matters relating to the personal status of the members of the communities concerned.

52. Since 1948, a limited amount of self-government had been granted by the election for municipal councils¹² in sixteen¹³ municipalities. These councils, which represent all elements of the population, including all minorities, in proportion to the composition of the electorate of each municipality, are subject to the authority of the British Provincial Commissioners, who have to approve all decisions before they can be put into effect. The Chief Administrator may, at any time, suspend or remove from office any mayor or suspend or cancel any decision made by the municipal councils. He may suspend or dissolve any municipal council at any time for reasons of incapacity or public order. These powers have never been exercised. Moreover, the amount of supervision required from the Provincial Commissioners has steadily decreased as the councils gained experience.

53. The municipal councils have received power to take decisions on local administrative questions such as are generally recognized as falling within the competence of municipal councils, for example, the administration of such affairs as markets, vital statistics, public works, water supply and levying of municipal taxes. They have proved useful in developing a sense of local administrative responsibility and their organization can easily be adapted to fit the requirements of the new State. They have also afforded an opportunity for a number of Libyans to be trained in local administration.

54. It has not been possible to establish with any degree of accuracy the following enjoyed by the parties, which are apt to reflect to some extent the shifting of the local scene. They themselves claim numbers which cannot be verified. It would appear, nevertheless, that the following five parties or groups command a considerable though varying adherence among the Moslem population, the first three having combined in 1948 to

¹¹ For details of the programme of Libyanization see the footnote to paragraph 71.

¹² See appendix to annex XIV.

¹³ *The representatives of Italy and Pakistan requested the inclusion of the following footnote:*

"Under the Italian Administration there were in Tripolitania twenty-one municipal councils. All the several ethnic groups of the population were represented on them. These bodies functioned for a long time, discussing all problems of local interest, and offering to their members the opportunity to share and progressively to become familiar with public administration."

form what was, at that time, by far the largest and most influential political group in Tripolitania:¹⁴

- (a) National Congress of Tripolitania;
- (b) United National Front;
- (c) Nationalist Party;
- (d) Independence Party;
- (e) Free National Bloc.

55. In addition, there exist three parties of lesser importance, the Egypto-Tripolitanian Union Party, the Liberal Party and the Labour Party.

56. The Italian community has two political parties: the Democratic League and the Political Association for the Progress of Libya, the latter having some Moslem members. Two other organizations play an active part in the life of the community, namely, the Catholic Action and the Economic Front, which has also Moslem participation.

57. The Jewish, Maltese and Greek minorities have not taken an active part in the political life of Tripolitania. They are chiefly concerned with safeguarding the rights of members of their respective communities.

The Fezzan

58. The Fezzan is administered by the French military authorities through the intermediary of Fezzanese officials. Responsibility for the territory is divided between three local administrations under two Ministries in Paris. A Resident, posted in Sebha, exercises authority over the whole of the Fezzan with the exception of the Region of Ghat-Serdeles which, for administrative purposes, is attached to the southern military territories of Algeria, and of the Circumscription of Ghadames which, for administrative purposes, is attached to the southern military territories of Tunisia.

59. In France, questions concerning the Fezzan are shared by two final authorities: the Ministry of Foreign Affairs, for matters touching the external relations of the Fezzan, and the Ministry of the Interior, for matters concerning the relations between the Fezzan and the adjoining French territories and for the internal administration of the territory.

B. POLITICAL AND ADMINISTRATIVE DEVELOPMENTS FOLLOWING ADOPTION OF THE GENERAL ASSEMBLY RESOLUTION

Cyrenaica

60. When the Commissioner arrived in Benghazi in January 1950, he was informed that the Government of the United Kingdom was contemplating the transfer to the Amir of some of the powers hitherto reserved to the British Resident. The Amir had, in fact, made known his wish that the reserved powers should be transferred to him.

61. In March 1950, the Commissioner was once more made aware of the ambition of the Cyrenaicans

to obtain immediately greater independence. During an audience which he gave the Commissioner on 20 March, the Amir made clear his anxiety to assume the reserved powers held by the British Resident. In this attitude he had the support of the great majority of the country, expressed by the National Congress and by the National Association. Already in January, the Government of the United Kingdom had indicated to the Commissioner its willingness to grant further independence to Cyrenaica if the Amir persisted in his request.

62. It now appeared that an agreement was contemplated whereby the reserved powers would be transferred to the Amir. In the view of the Commissioner, the conclusion of such an agreement would have invested so large a measure of authority in the ruler of this one portion of Libya as to cause prejudice to the unity and sovereignty of the country as a whole as recommended by the General Assembly. The United Kingdom Government, agreeing that it could only grant authority, and not sovereignty, assured the Commissioner that any agreement to do so would contain specific safeguards concerning the United Nations resolution and would furthermore expire on 31 December 1951. In the course of several conversations, the Amir himself assured the Commissioner that united Libya was a possibility only in federal form. In each territory there should be an independent local government and parliament, and there should be a higher body which might represent the three territories in everything which concerned the federation. Nevertheless, the Commissioner advised the Amir not to press for an extension of his powers at that time, and upon securing similar advice from the British Resident, the Amir, on 18 April 1950, agreed to postpone his request.

63. At the same time, another question arose concerning the transfer of the reserved powers to the Amir, which caused much speculation both inside and outside Cyrenaica. This was a rumour that Cyrenaica intended to build up a sizeable army to be commanded by a British officer and out of proportion to its budget. The Commissioner discussed with the Amir the implications of such a move on Libyan unity, and the heavy increase it would mean in Cyrenaican expenditure. The Amir undertook to correct the impression which had been created by inaccurate reports. What had been termed an "army" was, in fact, a body at present of fewer than a hundred but which might reach six hundred men, mostly to be transferred from the existing Cyrenaican Defence Force. Their task would be to provide a personal guard for the Amir and maintenance and communications staff. The expenditure on this body would be partly offset by savings on the police budget.

64. Meanwhile, the electoral law was being drafted. The division of the country into towns, on the one hand, and tribal districts, on the other, made the determination of constituencies more than usually difficult, and, in the end, it was not until 5 April 1950 that the law was finally enacted.

estimate the strengths of parties without elections or other equally efficacious means of verification.

The representative of Egypt requested the addition of the following note:

"The National Congress of Tripolitania is by far the largest political party in the territory. This information is derived from the British Administration, which supplied all the figures and other items of information in this report."

¹⁴ No estimate of the present relative importance of the political parties is given. The Commissioner, on April 4, stated to the governmental representatives on the Council that, in his opinion, the National Congress was by far the largest political grouping. The majority of members of the Council, at the time of the consultations on this report, maintained this estimate. Nevertheless, as was pointed out by the representatives of France and the United States of America, it is impossible to

65. The general elections for the Assembly of Representatives were held on 5 June 1950. It was estimated that about 80 per cent of townsmen and 66 per cent of tribesmen exercised the franchise. The Assembly, consisting of fifty elected members and ten members nominated by the Amir, was inaugurated by him on 12 June.

66. In his inaugural address to the Assembly of Representatives, the Amir announced the policy of his Government. Realization of the United Nations resolution came in the forefront, with special reference to the Government's desire for the removal of existing restrictions upon its autonomy. He reiterated thanks to the Government of the United Kingdom for its aid in liberating the country and for its continuing material and moral assistance. He expressed the desire that this relationship should continue and improve. Economic distress was to be attacked at once, and studies for the establishment of a national bank and other projects would be undertaken. He invited private capital, indigenous or foreign, to assist in developing the resources of the country. Efforts would continue to reduce further the budgetary deficit, to restore the balance of trade and stimulate foreign commerce, to remove the restrictions on trade with Tripolitania and to encourage tourism. The Government attached great importance to a proper settlement of war damage claims and to the regulation of land tenure, especially with regard to Italian lands administered by the Custodian of ex-Enemy Property. Improvement of public education, public health, social security, agricultural methods and reconstruction of the country were paramount policies of the Government. The judicial and taxation systems would be improved.

67. The people of Cyrenaica, in so far as they have expressed their opinions, are unanimous in their desire for an independent and united Libya under the Senussi Amirate. The only difference of opinion concerned the form of the State. The majority of the elements formerly represented by the National Congress favour a federal form of government in order to ensure that Cyrenaican internal affairs as such remain inviolate, while the members of the National Association, although initially in favour of a more unitary State, have now come round to a similar view. The Amir himself and members of the Cyrenaican Cabinet have repeatedly indicated that they strongly advocate a federal Constitution for the future State of Libya.

68. The Amir assured the Commissioner and some members of the Council who visited Cyrenaica at the end of May that he and the people of Cyrenaica warmly supported the resolution of the General Assembly and welcomed the efforts of the Commissioner and the Council to achieve the independence and unity of Libya at the earliest possible date. Members of the Council declared their confidence that the resolution would be promptly implemented, and the representative of Trip-

olitania expressed the hope that the Amir would become the King of united Libya.

69. The Prime Minister delivered two addresses during the same visit. He stressed Cyrenaica's contribution to the Allied victory and the fact that it had established governmental machinery before a decision had been taken by the United Nations. Cyrenaica had thus shown its ability to manage its internal affairs and was entitled to a special place in the consideration of the future of Libya. He hoped that, under the leadership of the Amir, the territories of Libya would reach the common goal of freedom and independence, in accordance with the resolution of the General Assembly.

Tripolitania

70. In January 1950, the Commissioner received from the Government of the United Kingdom a memorandum informing him of its intention to establish by progressive steps an autonomous Tripolitanian government for internal affairs.

71. It was proposed first to set up an executive council consisting of three British *ex officio* members, one or two nominated British officials, five to seven nominated Libyan members and one nominated Italian member. The functions of this council were, at the outset, to be advisory, but the Chief Administrator would consult it on all important matters of Tripolitanian internal policy. At the same time, electoral rolls would be prepared for a legislative assembly. The Libyanization of the civil service would be accelerated.¹⁵

72. Secondly, it was proposed that after some six months a legislative assembly would be inaugurated consisting of the three British *ex officio* members, some twenty-five to forty elected members and about ten nominated members. It was envisaged that the minorities would be represented in this legislative assembly. This assembly would have the power to pass bills which would become law upon the approval of the Chief Administrator. The latter, however, would still retain powers in certain reserved subjects which the assembly could not discuss, for example, the position of His Majesty's forces and the constitutional development of Libya as a whole. The Chief Administrator would retain also the power to enact any measure necessary for good government. Other subjects, such as the powers of the assembly itself, could be discussed only with the agreement of the Chief Administrator. At the same time, the composition of the executive council would be altered to comprise the three British *ex officio* members and a balance to be chosen by the Chief Administrator from among the members of the assembly. The functions of the council would then approximate more closely to those of a council of ministers, and individuals would become identified with and possibly responsible for groups of departments.

¹⁵Libyanization refers here to the gradual process of replacing non-Libyan personnel in the administration services by Libyans. The number of Libyans employed by the British Administration as well as the level of responsibility assumed by them have steadily increased. At the end of 1946, only 584 Libyans were employed; by 31 March 1950, there were over 6,000 or about 63 per cent of a total number of officials of approximately 9,570. About 1,395 Libyans were in the professional, administrative, clerical and supervisory staff. A number

of Libyans were also assigned to supernumerary posts in order to train them at first hand in work at present still done by British or Italian officials.

The Italian representative requested the addition of the following note:

"In 1942, 1,373 Libyans were permanently employed in the civil service. A further 5,000 were employed in temporary posts."

73. Thirdly, the final stage would see the development of the powers and responsibilities of both the assembly and the executive council with a view to their shouldering final responsibility by the date laid down in the resolution of the General Assembly.

74. Finally, the Government of the United Kingdom expressed the view that regional self-government was an essential preliminary to any steps in the direction of unity. On the other hand, it recognized its obligation to promote unity and would consider specific action to that end towards the end of 1950.

75. The Commissioner held the view that the establishment of regional governments in the territories of Libya, especially if this were done without preliminary consultation with the inhabitants, would place a *de facto* limitation upon the liberty of choice of the Libyan National Assembly which, according to the General Assembly resolution, was to decide upon the constitution of Libya, "including the form of government". Such a development in Tripolitania was not, in his opinion, made necessary by the similar previous action taken in Cyrenaica; the difficulties which might ensue from the latter would rather be repeated than balanced. On the other hand, the Commissioner fully recognized the need for associating Libyans as soon as possible with the affairs for which they would be responsible in the near future.

76. The Commissioner therefore held a series of informal conversations both with the Chief Administrator in Tripoli and at the Foreign Office in London, as a result of which agreement was reached, on 23 February 1950, along the following lines.

77. First, the proposed council would be named the Administrative Council, rather than the Executive Council. Secondly, the membership originally proposed by the Government of the United Kingdom was considered generally suitable, provided that the criterion for the selection of members would be that of individual competence, that there should be a Libyan majority and that expert advisers could, at any time, be called in. Thirdly, the competence of the Council would be restricted to Tripolitanian administrative matters, and it would not discuss matters concerning the constitutional development of Libya as a whole. Fourthly, the United Kingdom plan for the legislative body, which might be called the Administrative Chamber, was considered to provide a useful outline of the steps that should be taken to train the Tripolitans in the legislative side of government, and its details would be the subject of discussion between the Commissioner and the Administration when the time came. Finally, the Administration would do everything possible to advance the Libyanization of the civil service, while the Commissioner would co-operate in providing training for Libyans in the administrative field through whatever United Nations resources were open to him. It was understood that both the composition and functions of the Administrative Council should be continually under review in consultation with that body itself, in order that it might evolve in the desired direction. It was also understood that the United Kingdom plan for a legislative chamber provided for the extension or modification of that body's power at any time, should such extension or modification

be necessary in order to meet the requirements of the Libyan constitution. The original United Kingdom proposal was thus superseded by the above-mentioned agreement.

78. Only in one respect did the Government of the United Kingdom find itself unable to meet the Commissioner's wishes. He had suggested that the Chairmanship of the Administrative Council should be taken not by the Chief Administrator, as was proposed, but by an elected Libyan member. This was considered undesirable by the Government of the United Kingdom, but the Chief Administrator subsequently arranged that the Council should elect a Libyan Vice-Chairman who would preside in his absence.

79. The Administrative Council held its first meeting on 15 May 1950. Some account of the functioning of this Council will be found in the report of the Administering Power to the General Assembly.

80. Further development of the agreed plan for constitutional progress was delayed. The Tripolitanian Legislative Chamber could not be convened as early as had been hoped because it proved difficult to hold elections in the summer. The preparation of an electoral law, electoral registers and other preliminaries required considerable time and raised the delicate problem of Italian participation. Moreover, the majority of the Tripolitanian political leaders opposed the holding of elections before the proclamation of Libyan independence. They held, in effect, that such elections would not be free, since the Administering Power would be able to direct them in its interests. The draft electoral law which had been prepared by the British Administration was submitted to the Administrative Council for its advice. The representative of the United Kingdom on the Council for Libya subsequently remarked that, in view of practical circumstances, the British Administration would not be in a position to organize elections in Tripolitania until the Libyan National Assembly had had an opportunity to draw up a plan for the future constitution of Libya.

81. During the whole of the period under review in this chapter, as also thereafter, the Commissioner maintained constant touch with the political parties in Tripolitania, consulting their leaders on all important matters.

The Fezzan

82. When the Commissioner arrived in Tripoli, the French Government had completed its study of a plan to establish an autonomous Fezzanese Government as the United Kingdom had done in Cyrenaica. Under it, the Fezzanese would be given authority in certain matters, while such reserved subjects as currency, foreign relations, security and defence, immigration, sub-soil exploitation and ex-enemy property, would remain within the competence of the Administering Power.

83. This plan was shelved at the suggestion of the Commissioner, who pointed out to the French Government that it might prejudice the decisions which were to be taken by the Libyan National Assembly concerning the constitution and form of government of Libya as a whole. In agreement with the Commissioner, and taking account of the need to associate the Fezzanese

with the management of their own affairs as soon and as closely as possible, the French Government established an organization in the Fezzan the competence of which was, broadly speaking, confined to administrative matters.

84. On 20 January 1950, the French Resident decided on the election of a Chief of the Territory of the Fezzan by an Assembly of Representatives.

85. In February 1950, elections took place in the Fezzan to an Assembly of fifty-eight representatives.¹⁶ The method of election conformed to the tradition of the country, and representatives of the villages and tribes took part in it.¹⁷ The basic political sub-division is the *mudiria*,¹⁸ where representatives of the *jemaa*¹⁹ of the tribes and of the villages meet together.

86. On 12 February 1950, the Assembly of Representatives unanimously elected Ahmed Bey Seif el Nasr Chief of the Territory. Having gone with his family into exile in the Chad in 1930, after the final occupation of the Fezzan by the Italians, the Chief of the Territory returned to the oases of the territory in 1943 with the columns of General Leclerc, with which he and his fellow tribesmen took part in the operations against the forts of Murzuk, Sebha and Brak.

87. No candidate was proposed in opposition. The followers of Abdurrahman Ben Mohammed el Barkouli, of Djedid in the Oasis of Sebha, demanded the incorporation of the Fezzan in Tripolitania and therefore saw

¹⁶ Further information about the elections in the Fezzan will be found in the report of the Administering Power to the General Assembly.

¹⁷ *The representative of Pakistan requested the insertion of the following footnote:*

"The elections were not held in accordance with modern democratic methods, in so far as there was no electoral law, no list of voters, no voting by individuals, no election booths and no secrecy of election."

no purpose in the election of a Chief of the Territory for the Fezzan. The representatives of Ghat refused to take part in the election, holding themselves to be members of the Confederation of Adjer-Tuaregs and therefore bound to the lands upon which the 350,000 members of that Confederation lead their lives.²⁰

88. On 13 February, the Chief of the Territory chose three principal advisers from among the members of the Assembly of Representatives, one each for Justice and Finance, and one for Health and Education. He also chose eight assistant advisers. The French Resident continues to hold the executive power.

89. In May 1950, Ahmed Bey Seif el Nasr declared to the Commissioner and to some members of the Council who had travelled to Sebha that he accepted the Amirate of Sayid Idriss el Senussi over the whole of Libya and that he supported it on grounds of Moslem brotherhood and because it would promote the cause of union among the peoples of the country. He moreover gave notice of his intention to establish direct personal relations with the Amir in the name of the Fezzan. It was his view that Libya should be constituted on a federal basis by the three territories of Cyrenaica, Tripolitania and the Fezzan and that in it the Fezzanese would continue to manage their own affairs. The principal adviser to the Chief of the Territory expressed the gratitude of the Fezzanese people for the assistance received from France and said that they would look to France for help in the future.

¹⁸ *Mudiria* are the administrative sub-divisions of the Fezzan, numbering seventeen, given the additional political function for the election to the Assembly of Representatives.

¹⁹ *Jemaa* is the name given to a Council of Elders of a tribe or village.

²⁰ *The representative of France requested the addition of the following footnote:*

"A petition reaffirming this attitude was sent on 16 May 1950 from the inhabitants of Ghat and its Region to the Commissioner and to the Secretary-General of the United Nations."

Chapter V

THE CONSTITUTION OF THE COUNCIL FOR LIBYA

90. The Commissioner was required by the resolution of the General Assembly to appoint the four members, representing respectively the three Libyan territories and the Minorities in Libya, after consultation with the Administering Powers, with the representatives of the Governments on the Council and with leading personalities and representatives of political parties and organizations in the territories concerned.

91. The Commissioner arrived in Tripoli on 18 January 1950, and immediately initiated the required consultations in the three territories so that the Council could be constituted at the earliest possible date. These consultations fell into two phases.

92. From 19 January to 7 February, the Commissioner visited Tripolitania, Cyrenaica and the Fezzan to obtain the views of the local leaders on the most suitable candidates for the Council, and at the same time to study the situation in Libya and the aspirations of the people.

93. During the course of these visits, the Commissioner also had a number of conversations with the Chief Administrator for Tripolitania, the British Resident in Cyrenaica and the French Governor of the Fezzan, as well as with the officials of the three Administrations; with His Highness the Amir of Cyrenaica, the Prime Minister and members of the Cyrenaican Government; with the heads of religious communities; with the representatives of political parties and organizations in Tripolitania and Cyrenaica; with various notables in the Fezzan; and with the representatives of the Italian, Jewish, Maltese and Greek communities in Tripolitania.

94. During these preliminary conversations, the Commissioner requested Libyan leaders and those of the Minorities to submit to him not later than 15 March 1950, the name of one agreed candidate for each of the seats to which they were severally entitled.

95. On 7 February, the Commissioner left Libya for official visits to Cairo, Rome, Paris, London, United Nations Headquarters and Washington,²¹ while the Deputy Principal Secretary pursued the consultations in Tripoli on the Commissioner's behalf.

96. On his return to Tripoli on 17 March, the Commissioner opened the second phase of his consultations, since the desired agreement among the parties and groups concerned had not been reached. In the Fezzan alone was the name of a single candidate submitted to the Commissioner within the prescribed time by the Assembly of Representatives, although another candidate was presented later by a small opposition group of about 520 people.²² This situation obliged the

Commissioner to review the tentative programme of work which he had drawn up and to postpone the first meeting of the Council, which was to have taken place early in April 1950.

97. During this phase of the consultations the Commissioner found it necessary to extend the date for the presentation of candidates to 28 March. He made it clear to all concerned that, if no agreement were reached by that date, he himself would have to make the choice.

98. By that date the Amir of Cyrenaica had presented a panel of eight names to the Commissioner inviting him to select any one of them. In Tripolitania, the political parties were unable to present an agreed candidate and submitted seven names with varying degrees of support.

99. The selection of a nominee to represent the four Minorities in Libya, or, more accurately speaking, in Tripolitania, since only in that region of Libya were there important minority groups, presented particular difficulties. The three non-Italian groups agreed that the representative of the Minorities should be an Italian if the Italians themselves could agree on a single candidate acceptable to the Arab population; but all efforts to secure agreement among the Italian groups failed, and in the end ten names from the Minorities were submitted to the Commissioner.

100. The problem for the Commissioner was then to select out of these twenty-seven candidates the four who, in his judgment, were best qualified to represent the territories and the Minorities. After having consulted and obtained the agreement of the two Administering Powers on the nominations he proposed to make, as required in paragraph 7 of the resolution of the General Assembly, the Commissioner, on 28 March 1950, submitted the names of four candidates to the representatives of Governments on the Council.

101. The consultations between the Commissioner and the representatives of the six Governments on the Council took place at Geneva on 4 and 5 April. The nominees chosen by the Commissioner to represent Cyrenaica, Tripolitania and the Fezzan were unanimously approved. In the case of the nominee for the Minorities in Libya, it was pointed out that the candidate originally proposed by the Commissioner was an Italian government official and that it was not desirable to have two Italian officials sitting on the Council; that it would, moreover, be desirable that the representative of the Minorities be competent to speak for their economic interests in Libya and that he enjoy the greatest possible confidence among the Arab population. On 5 April, the

²¹ The Commissioner had hoped to visit Karachi also, but time did not permit.

²² See paragraph 87; the group referred to was that of Djedid.

representative of Italy informed the Commissioner and the other representatives that the leaders of the Italian community had, on the previous day, agreed on a candidate who possessed these qualifications and who had been suggested at the previous meeting by the representative of Pakistan. This candidate met with the approval of the other representatives who spoke and

of the Commissioner, who then formally recommended him.

102. Accordingly the Commissioner appointed the representatives of the three regions of Libya and the representative of the Minorities as recorded in paragraph 4 of the present report.

Chapter VI

GENERAL ACTIVITIES OF THE COUNCIL FOR LIBYA

MEETINGS OF THE COUNCIL

103. The Council for Libya met for the first time on 25 April 1950 in Tripoli. It elected as its provisional Chairman the representative of Pakistan and heard opening statements by the Commissioner and by its members. Since then it has been in continuous session. The representative of Pakistan was subsequently elected as the first regular Chairman. Thereafter the Chairmanship rotated every two months in the English alphabetical order. The representative of Pakistan was succeeded on 1 July by the representative of Cyrenaica, and the latter, on 1 September, by the representative of Egypt.

104. The Council early agreed that it would hold its meetings in public,²³ unless otherwise decided, and the public has followed its discussions with increasing interest. Its meetings have been attended by as many people as the Council Chamber permitted. Between 25 April and 31 August, the Council held fifty-two meetings, of which some were private.

105. The Council established its principal seat in Tripoli. The possibility of sitting in Benghazi and Sebha, the capitals of Cyrenaica and the Fezzan, was considered but found impracticable for technical reasons. The Council also decided to maintain a seat at the European Office of the United Nations, to which it would withdraw from time to time to study such information as it had collected and to examine with the Commissioner his reports to the Secretary-General.

106. Arabic was adopted as a working language in addition to English and French.

107. The Council established five sub-committees as follows:

(a) Sub-Committee on Rules of Procedure, comprising the representatives of Cyrenaica, Egypt, France, the Minorities and the United States of America;

(b) Sub-Committee on Work and Travel, comprising the representatives of the Fezzan, Italy, Pakistan, Tripolitania and the United Kingdom;

(c) Sub-Committee on Matters relating to the Press, comprising the incumbent Chairman and two other members elected for two months;

(d) Sub-Committee of Needs and Requirements of Libya in the technical assistance field, comprising the representatives of Cyrenaica, the Fezzan, the Minorities, Pakistan and Tripolitania;

(e) Sub-Committee for finding Ways and Means to finance the requirements of Libya in the technical

field, comprising the representatives of Egypt, France, Italy, the United Kingdom and the United States of America.

108. On 26 April, before the Council had considered its rules of procedure, the representative of Pakistan requested that a draft resolution submitted by him be placed on the agenda before the Commissioner's report on his activities up to that time and before the other items which followed therefrom. This draft resolution was intended to advise the Commissioner to obtain from the Administering Powers information on all steps which they contemplated taking under paragraph 10 (a) and (b) of the resolution of the General Assembly and to request them to suspend all such steps until the Council had been able to consider them and advise the Commissioner on them. The representative of Pakistan was supported in his request for early consideration of this proposal by the representatives of Egypt and Tripolitania, but upon being informed that the information sought had been furnished to the Commissioner and by him, in turn, to the Council, he agreed not to press it. At the 8th meeting on 3 May, he again agreed to a postponement of its consideration since he was informed by the Commissioner that execution of the steps in question was about to be discussed with the political leaders in Tripolitania and that the Commissioner would keep the Council informed of the results.

109. The Council meanwhile proceeded to the adoption of its rules of procedure and to the formation of the Sub-Committee on Work and Travel.

110. Thereafter, the Council took note of the Commissioner's memorandum on his activities since his appointment.²⁴ The representatives of Egypt and Pakistan expressed their fear that the existing tendency of the Administering Powers was towards separation of the three territories of Libya; the representatives of the United Kingdom, France and the United States of America argued that it seemed logical to establish regional governments which might merge into a Libyan government; and the representative of Cyrenaica stated that his country favoured Libyan unity on a federal basis. The Commissioner, for his part, held that any judgment on the manner in which to conceive unity would be premature at that time, and that, in so far as regional action had been taken in the Fezzan, it had been taken with his knowledge and approval.

111. There followed the consideration by the Council of the Commissioner's requests for advice on the scope of his work²⁵ and on the constitutional develop-

²³ The Council requested the addition of the following footnote:

"The discussions on this subject are most interesting and important, and it is recommended that the reader refer to

summary records A/AC.32/Council/SR.2, 5, and 6, for detailed debates in the Council on this subject."

²⁴ See annex III.

²⁵ See annex IV.

ment of Libya.²⁶ Analysis of these and the related discussions, which were the most important features of the Council's work, are given in chapters VIII and IX respectively. The debate on the former was over and on the latter well advanced when, at the 12th meeting on 11 May, the representative of Pakistan re-submitted his earlier draft resolution which was referred to in paragraph 108 above. The first part of the resolution, that which sought information from the Administering Powers, was adopted by the Council.²⁷ The second part, which sought the suspension of measures contemplated by the Administering Powers, was withdrawn upon the assurance of the Commissioner that he would not fail to consult the Council before endorsing any measure which the Administering Powers might envisage for the implementation of the resolution of the General Assembly.

112. It was during the discussion of this resolution that the subject of the relationship between the Commissioner and the Council was first raised. The debate was not conclusive on this point, however, and it was not until a subsequent debate, which is analysed below in paragraphs 114 to 119, that the question was subjected to close argument.

113. The Council next formed the Sub-Committee on Matters relating to the Press, on the basis of a resolution proposed by the representative of France. In addition to reviewing Press releases reporting closed meetings, this Sub-Committee was also instructed, by amendments introduced by the representative of Pakistan, to recommend to the Council ways and means whereby the acts of the Commissioner and the Council would receive due publicity in Libya and abroad, and to suggest improvements in the media of publicity in Libya. In this connexion, several members deplored the absence of an independent Press, particularly in Tripolitania, and the general inadequacy of means of keeping the public in Libya informed. During a discussion on this subject, the Council, while appreciating the practical difficulties which had hitherto discouraged the appearance of independent newspapers and the natural disinclination of would-be newspaper owners to risk their money in what was almost certain to be an unprofitable investment, took the opportunity to suggest that the general position might be improved by an amendment of the relevant law. The representative of the United Kingdom informed the Council that while the Press Law dating from fascist times was still in force in Tripolitania, a new draft law was in fact at that very moment being considered by the Administration. The Commissioner continued to share the Council's concern over this matter, considering that the development of a free Press was one of the first and most vital steps in the preparation of a country for independence. The Council agreed to the Commissioner's suggestion that the matter be re-examined after the receipt of further information from the Administering Power. Such information was received and was considered by the Sub-Committee on matters relating to the Press. The Council consequently advised the Com-

missioner to request the Administering Power to expedite decisions upon requests for licences to publish newspapers in Tripolitania, which were awaiting the new law, and to issue them under the old law. It further advised him that his legal adviser should study the draft Press law for the benefit of the Sub-Committee. Finally, it recommended the widest dissemination by the Secretariat of pertinent information in Arabic about the United Nations in general and the Council for Libya in particular.²⁸

114. Meanwhile, the Commissioner, acting upon the advice of the Council, obtained from the Administering Powers information relating to the steps taken or contemplated by them, under paragraph 10 (a) and (b) of the resolution of the General Assembly, and transmitted it to the Council.²⁹ At the same time, the Council was occupied either in the journeys of its members in Libya (see paragraph 122 *et seq*) or in discussing the constitutional development of Libya.

115. On 23 July, the Council entered upon the discussion of a request which the representative of Pakistan addressed to the Commissioner for information on the steps taken by the Administering Powers to transfer authority to the people of Libya. This debate lasted through seven meetings, and it was during it that the question of the relationship between the Commissioner and the Council was again broached.

116. The representative of Pakistan made it clear in his opening statement³⁰ that, in his opinion, the Administering Powers were required by the resolution gradually to transfer authority to the people of Libya even before the establishment of a duly constituted Libyan Government representing that people. He held that since the United Nations had pronounced Libya to be fit for independence, it was incumbent upon the Administering Powers to consult its people on all the measures to be taken during the transitional period. Proceeding from this assumption, he criticized the British Administration in Tripolitania for its alleged failure to consult the political leaders on the steps taken or contemplated in various fields of its activities. In particular, he regretted the omission of such consultations before the establishment of the Administrative Council of Tripolitania and in the selection of Libyan officials in the Administration, which he alleged to be part of the programme for the constitutional development of the territories. In this connexion, he urged that a Civil Service Commission or some analogous body be created.³¹ He asked the Commissioner whether the British Administration in Tripolitania had consulted him on the steps in question, contending that, if that was the case and the Commissioner had agreed to them or suggested other steps, he had done so on his own responsibility since he had not sought the guidance of the Council. He interpreted the absence of any preliminary reference of such matters to the Council as an assumption by the Administering Powers that paragraph 10 (a) and (b) of the resolution of the General Assembly concerned only the Commissioner and them-

²⁶ See annex V.

²⁷ See annex VI.

²⁸ See annex VII.

²⁹ See annexes VIII, IX and X.

³⁰ See annex XI A.

³¹ The representative of the United Kingdom requested the insertion of the following footnote:

"A civil service committee was set up in Tripolitania by the Chief Administrator early in 1950, before the arrival in Libya of the Council for Libya. Some account of its work is given in the report of the Administering Power."

selves and that the Council had no part in it, whereas, in his opinion, the Commissioner was required to consult and be guided by the Council on matters in which he co-operated with the Administering Powers under paragraph 10.

117. These views in general were endorsed, with some amplification, by the representatives of Egypt,³² Tripolitania³³ and the Minorities.³⁴

118. The representative of the United Kingdom³⁵ held it to be outside the competence of the Council to criticize or question the administrative actions of the Administering Powers. The United Kingdom recognized no responsibility on its part to the Council. The Chief Administrator had, in fact, held prolonged consultations with political leaders before establishing the Administrative Council but would in no circumstances allow political interests to affect the selection of Libyan civil servants. The representative of France,³⁶ for his part, concurred with the opinion that the Council was not competent to act as a tribunal or board of inquiry and that the measures referred to had been taken in accordance with paragraph 10 of the resolution, which concerned the obligations of the Administering Powers, in co-operation with the Commissioner, and which did not provide for the intervention of the Council. The representative of the United States of America³⁷ maintained that it was unfortunate that there were signs of pride rising as an obstacle between the Commissioner, the Council and the Administering Powers, who should, in the interests of Libya, work in harmony. He was convinced of the sincerity of all three parties, and although he would not endeavour to give a legal interpretation of their mutual relationships under the resolution, he could and did urge them that harmony was essential and that irksome trivialities, which would in any case disappear, should be overlooked. He would condone no errors by the Administering Powers, but he urged the Council to acknowledge their *de facto* position and to offer constructive suggestions rather than simple criticism. If constitutional progress in Tripolitania had been slower than in Cyrenaica and the Fezzan, at least some progress was being made, and local institutions of self-government in any form were useful; nor could they prejudice the future, since they were only transitory.

119. Since the debate centred round the interpretation of the inter-relationship between the Council, the Commissioner and the Administering Powers, the Commissioner felt obliged to state his point of view, based on the best legal advice at his disposal.³⁸ He considered that the Administering Powers were solely responsible to the General Assembly for their actions. They had invariably consulted him before acting in pursuance

³² See annex XI.

³³ See annex XI.

³⁴ See annex XI D.

³⁵ See annex XI B.

³⁶ See annex XI.

³⁷ See annex XI C.

³⁸ See annex XII.

³⁹ See annex XIII.

⁴⁰ The representative of Pakistan requested the insertion of the following footnote:

"The decision on the subject should be reproduced, which is as follows: 'The Council decided by 6 votes to none, with 3 abstentions, that all members who wished to visit the Fezzan would go in one party' (A/AC.32/Council/SR.10)."

of paragraph 10 of the resolution, and he, in his turn, had kept the Council duly informed, requesting its advice on all questions of importance. The resolution did not provide for any transfer of power to the people of Libya during the transitional period, but only to a duly constituted independent Government. With regard to the Libyanization programme, the Commissioner expressed the view that in this particular field consultation with political leaders was to be avoided, at least as far as the selection of individual officials was concerned. Such consultation could only lead to favouritism, nepotism and eventually to corruption. In his opinion, Libyan officials entering the Administration should be selected for their qualifications and competence. Finally, while fully recognizing his obligation to seek and be guided by the advice of the Council, he did not hold himself so categorically bound by the Council's advice as to become merely its executive organ.

120. The Commissioner's interpretation of the resolution was contested by the representatives of Pakistan and Egypt. The former insisted on the right of the Council, under paragraph 8 of the resolution, to be consulted by the Commissioner on any matter in which he might co-operate with the Administering Powers under paragraph 10 (a) and (b). The representative of Egypt not only upheld this viewpoint, but asserted that the Commissioner was indeed bound by paragraph 8 of the resolution to accept and to follow the advice of the Council in all cases. He requested the Commissioner to draw attention to the difference of opinion on this issue in his report to the Secretary-General.

121. On 31 July, the Council considered a draft resolution submitted by the representative of Tripolitania concerning the removal of all existing restrictions on the movement of all persons and goods between the three territories of Libya. The Council requested the Commissioner to ask the Administering Powers for information on restrictive regulations in force and to request them to eliminate such regulations as might be unjustified.³⁹

VISITS OF MEMBERS OF THE COUNCIL TO THE THREE TERRITORIES

122. The Council decided at the outset to visit the different territories of Libya⁴⁰ so that its members might acquire first-hand knowledge of the various parts of the country and meet leading personalities. Accordingly, members of the Council made a few brief tours in Tripolitania, spent a week in the Fezzan and a fortnight in Cyrenaica.⁴¹

The Commissioner adds the following note:

"The Council also decided, by 5 votes to 1, with 3 abstentions, 'that its members should visit Ghat while they were in the Fezzan.'

"It further decided unanimously that '26 May 1950 should be fixed as the date for the departure of the Council for Cyrenaica.'" (*ibid.*)

The phrase in the text which is here annotated refers to rule 11 of the Council's rules of procedure.

⁴¹ Places visited were: in Tripolitania: Zanzur, Zavia, Zuara, Sabratha, Tarhuna, Castel Benito, Cussabat, Homs, Leptis Magna, Zliten, Tajura and Misurata; in the Fezzan: Sebha, Murzuk, Brak, Ghat, Ghadames and nearby oases; in Cyrenaica: Benghazi, El Agheila, Agebadia, El Abbiar, Sidi Maius, Tokra, El Marj, Cyrene, Gegebe, Ras el Hilal, Appollonia, Derna, Tobruk, Bardia and Gubba.

123. In Tripolitania, members of the Council visited, during the month of May, all the important towns on the coast and a few localities inland. There they saw agricultural and industrial establishments and discussed with the local authorities, leading personalities and agriculturalists local political and other problems.

124. In the Fezzan, from 14 to 21 May, the representatives of Cyrenaica, the Fezzan, France, Tripolitania, the United States of America, and the advisers of the representatives of Italy and of the United Kingdom had interviews with the Acting French Resident, the Chief of the Territory and his advisers, and notables of the region.

125. While the members of the Council were visiting the Fezzan, the representatives of Egypt and Pakistan visited Benghazi and other parts of Cyrenaica.

were received by the Amir and met leading personalities. They subsequently prepared a memorandum on their studies and conclusions which was issued as a document of the Council.

126. On 25 May, the representatives of Cyrenaica, France, Italy, Tripolitania, the United Kingdom and the United States of America left Tripoli by road for Cyrenaica. The Commissioner and the representative of the Minorities joined them in Benghazi a few days later.

127. They were received by His Highness the Amir and the Acting British Resident and conferred with the members of the Cyrenaican Council of Ministers, political leaders and government officials, and visited agricultural stations, farms and other points of interest.

Chapter VII

THE CONSTITUTIONAL DEVELOPMENT OF LIBYA: CONSULTATIONS WITH THE COUNCIL

THE COMMISSIONER'S FIRST PLAN

128. Following his consultations during the first three months of the year, the Commissioner worked out a plan for the implementation of paragraph 3 of the resolution of the General Assembly, according to which a constitution for Libya, including the form of government, would be determined by the representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan, meeting and consulting together in a National Assembly. In numerous conversations, the Commissioner had suggested that, as a step towards the preparation of the constitution by the National Assembly, a Preparatory Committee should be created in which the three territories would be equally represented. The principle of this suggestion was accepted by the Administering Powers, the Amir of Cyrenaica, the Chief of the Territory of the Fezzan, the leaders of the most important political parties and leading personalities in the three territories.

129. The Commissioner then submitted to the Council for its advice his plan concerning the constitutional evolution of Libya by which the country would become an independent and sovereign State as soon as possible and not later than 1 January 1952. In particular, this plan foresaw:

(a) Election of local assemblies in Cyrenaica and Tripolitania during June 1950;

(b) Selection of a Preparatory Committee of the National Assembly not later than July 1950 for the purpose of recommending the method of election, including composition, of the Libyan National Assembly, and of drafting a constitution;

(c) Election and convening of the Libyan National Assembly during the fall of 1950;

(d) Establishment, by the National Assembly, of a provisional Libyan Government early in 1951;

(e) Adoption of a constitution, including the form of government for Libya, by the National Assembly during 1951;

(f) Proclamation of independence by Libya and formation of a definitive Libyan Government before 1 January 1952.

⁴² See annex V.

⁴³ The representatives of Pakistan and Italy requested the insertion of the following footnote:

"The information contained in paragraph 1 of document A/AC.32/Council/R.40 (annex XXI), viz, 'based on an understanding between the Commissioner and several political leaders in Tripolitania, H. H. the Amir of Cyrenaica and Ahmed Bey Seif el Nasr, the Committee should be composed of an entirely Libyan membership with five representatives for each of the Libyan territories,' was conveyed to the Council for the first time on 15 June, i.e. after the Pakistan resolution setting up the Committee of Twenty-One was passed."

130. The request for advice on the above plan was transmitted to the Council with an explanatory memorandum which stated that, after securing the advice of the Council, the Commissioner contemplated recommending such a plan to the Administering Powers and the people of Libya. Also, after receiving such advice, he contemplated a joint announcement with the Administering Powers of the constitutional development plans for Libya.⁴² He emphasized, in particular, that the establishment of a Preparatory Committee for the Libyan National Assembly, in early July 1950, would be an initial step towards the constitutional development of Libya. The Preparatory Committee was to be composed of Libyan members only, to the number of five for each of the three territories.⁴³

131. The representatives of Cyrenaica and Tripolitania were to be selected by local assemblies which existed or which the Administering Authority, with the concurrence of the Commissioner, had proposed should be selected in the near future. The representatives of the Fezzan were to be selected by the Assembly which had elected the Chief of the Territory and nominated the Fezzanese representative on the Council for Libya. The Preparatory Committee was to discuss the basic principles of the Constitution and, if possible, draw up a draft constitution and a plan for the form of the future Libyan State. The resulting draft was then to be submitted to the National Assembly for final discussion and adoption. The Preparatory Committee was also to recommend the electoral methods by which the National Assembly was to be chosen, the composition of that Assembly and the means by which it should be convened.

132. It is important to emphasize that both the Administering Authorities and the persons already consulted in Cyrenaica, Tripolitania and the Fezzan had assured the Commissioner that the establishment of the Preparatory Committee was acceptable to them, and the majority of them had agreed to the proposed composition and method of selection of its members.

133. Strong objections to Italian participation had been raised, notably by the Amir of Cyrenaica, by Ahmed Bey Seif el Nasr, and by certain political

The Commissioner adds the following note:

Paragraph 3 of document A/AC.32/Council/R.3 (annex V) dated 16 April 1950, contains the following sentence: "The Preparatory Committee should be composed of an entirely Libyan membership, with five members from each of the three territories." Paragraph 8 of the same document states: "Both of the Administering Authorities and the leaders of public opinion in Cyrenaica, Tripolitania and the Fezzan, in consultation with the Commissioner, have agreed on the desirability of establishing such a Preparatory Committee as well as on the proposal for its composition . . ." Cf. also paragraph 133 *infra*.

leaders of Tripolitania. The Commissioner had therefore agreed that the Preparatory Committee should be composed of Libyan members only. The Commissioner had also proposed that the representation of each of the three territories be equal in order that Cyrenaica and the Fezzan would agree to convene with the representatives of Tripolitania. Acting in the spirit of the resolution of the General Assembly, the Commissioner had made these suggestions in order to embody for the first time the idea of Libyan unity in a policy-making organ common to the three territories. It was also his opinion that the members of the Preparatory Committee, as well as those of the National Assembly, should preferably be indirectly or directly elected in order to conform with the democratic spirit of the resolution of the General Assembly, which required that the Constitution including the form of government should be determined by representatives of the inhabitants of the three territories.⁴⁴

DISCUSSION OF THE FIRST PLAN

134. The Commissioner's request for advice was first considered by the Council for Libya at its meeting on 4 May 1950.

135. The representative of the United States strongly endorsed the Commissioner's programme of constitutional development, and urged the Council to approve it in principle so that the Commissioner and the Administering Authorities might continue the implementation of the resolution in an orderly and logical fashion.⁴⁵ Members of the Council generally favoured elections, some of them on condition that they were held on a uniform basis in all three territories and were modelled, as far as possible, on the procedure established for Cyrenaica. The representative of Egypt and certain other representatives, however, favoured the principle of proportional representation on the basis of the populations of the three territories. The representative of Pakistan, on the other hand, claimed that elections would not be free in Tripolitania, where the Legislative Chamber and Administrative Council would be under the control of the Chief Administrator. Tripolitania had a long history and a number of established political parties, and it seemed a simple matter to select the Tripolitanian representatives by consultation with the leaders of those parties, a method whose adoption he therefore recommended.

136. Despite the opposition of the Egyptian representative, who advocated an early decision on this vital subject and was supported by three other members, the

⁴⁴ *The representative of Italy requested the insertion of the following footnote:*

"The representative of Italy draws attention to the democratic inspiration of the resolution of the United Nations in its affirmation that it is for *the inhabitants of the three territories* to formulate the constitution and to determine the form of government. This is contrasted with the attitude adopted by the Commissioner in regard to the composition of a Preparatory Committee, to the exclusion of the Minorities, as it is expressed in the first part of paragraph 133."

The representatives of Cyrenaica and Tripolitania requested the addition of the following footnote:

"The representatives of Cyrenaica and Tripolitania do not agree with the interpretation of the meaning of the word *inhabitants*' expressed by the representative of Italy in the above note and during the Council's discussion of the participation of the Minorities in the Preparatory Committee. Their view was formulated by the representative of Cyrenaica on 29 June

Council preferred — as the Commissioner suggested when the debate developed — to withhold its conclusions on this matter until after the visits which members intended to make in the various territories, which would allow them to acquaint themselves at first hand with the situation and to determine what should be done to implement paragraph 3 of the resolution of the General Assembly.

137. Meanwhile, the Commissioner was obliged by circumstances beyond his control, to modify his plan in part. For various reasons, it proved impossible to hold elections in Tripolitania in June or July.⁴⁶ In particular, the question of Italian participation in the elections raised serious difficulties, since the majority of the Arab political leaders were in general opposed to Italian participation in the political life of the territory before the final regulation of their legal status in Libya. Consequently, the Legislative Chamber in Tripolitania, which should have elected the representatives of that territory to the Preparatory Committee, could not be constituted. Faced with this difficulty, the Commissioner sought some other elected body to select the Tripolitanian representatives. He found that the only bodies in existence whose members had been elected were the municipal councils. Accordingly, he altered the plan which he had submitted to the Council suggesting that three of the Tripolitanian representatives to the Preparatory Committee be elected by the municipal councils and that the remaining two be nominated by the Chief Administrator in agreement with the Commissioner.⁴⁷ This method of selection was intended to ensure that some, at least, of the Tripolitanian representatives would be indirectly elected, while leaving at the same time the possibility of adding a few others on the ground of outstanding personal competence.

138. On the return of those Council members who had travelled to the Fezzan and Cyrenaica, the Council resumed, on 12 June, its examination of the plan, which had meanwhile been modified in the manner described. The representative of Tripolitania spoke against it on the grounds that the interpolation of a Preparatory Committee with the competence and functions intended by the Commissioner was apt to delay indefinitely the convening of the National Assembly. He considered, moreover, that under paragraph 3 of the resolution, it was for the National Assembly and not for a Preparatory Committee to determine the constitution of the future Libyan State. Finally, he held that if some of the members of the Preparatory Committee were chosen by the Administering Power, and some elected by the

as set forth in paragraph 155. In the absence of any official interpretation of the word *'inhabitants'* the term can be applied only to the Arabs of Libya and not to persons who, as large numbers of members of the Minorities had done, had retained their foreign nationality." See also footnote 57 to paragraph 159.

⁴⁵ *The representative of the United States of America requested the inclusion of the following footnote:*

"At this stage of the discussion the question of minority participation was not yet at issue before the Council."

The representative of Pakistan requested the addition of the following footnote:

"The members of the Council were at this stage expressing only general views and were not discussing the question in detail."

⁴⁶ See paragraph 80 above.

⁴⁷ See annex XIV.

municipal councillors, the British Administration would, in effect, be in a position to choose the representatives of Tripolitania to the Preparatory Committee. In these circumstances, the representative of Tripolitania was of the opinion that elections should not be held because, on the one hand, elections in present conditions might lead to disturbances in the country, and on the other, the resolution of the General Assembly had not specified the method by which the National Assembly of Libya was to be constituted. It was, therefore, a matter for the inhabitants of the territory to decide.

139. The representative of Tripolitania was supported by the representatives of Egypt and Pakistan, who criticized the Commissioner's plan for the same and various other reasons. The representative of Pakistan maintained that the Commissioner's proposals were outside the framework of the resolution of the General Assembly, were not sound and did not command the support of the majority of the Libyan political leaders. He emphasized that the Tripolitanian leaders were against any form of elections in the existing conditions, on the grounds that such elections would mean the return of the nominees of the Administering Power. The municipal councils could not claim truly to represent the people of Tripolitania, and therefore could not be entrusted with the task of electing three of the Tripolitanian representatives for the Preparatory Committee. Furthermore, the Administering Power had no authority to appoint the other two. It was for the National Assembly alone to decide what body should be entrusted with the task of preparing a draft constitution. He therefore submitted to the Council a draft resolution in which he proposed the establishment of a Preparatory Committee with a composition and competence different from those contemplated by the Commissioner. He said his proposal could not be described as undemocratic, since he was suggesting the very method the General Assembly had chosen for the appointment of the four representatives of Libya on the Council.

140. The representative of Egypt objected both to the form and to the functions of the Preparatory Committee proposed by the Commissioner. In his view, the municipal councils lacked the freedom, the capacity and the political experience required for the election of members of the Preparatory Committee. He urged the Commissioner to consult the leaders of the Tripolitanian political parties who were well versed in politics and thus were in a position to present to the Council the names of candidates likely to command the greatest possible support of those parties. He considered that the suggested elaboration of a draft constitution by the Preparatory Committee was highly irregular, since the Commissioner had no authority to transfer to another body the functions assigned to the National Assembly by the resolution of the General Assembly. Moreover, the elaboration of a draft constitution by the Preparatory Committee would mean the indefinite postponement of the convocation of the National Assembly and a consequent delay in the establishment of the Libyan State. In conclusion, he supported the draft resolution of the representative of Pakistan.

141. Another draft resolution had been submitted to the Council by the representative of the United

States of America. It invited the Commissioner to continue his negotiations for the establishment of a Preparatory Committee along the general lines of his revised plan, but without resorting to the municipal councils for the selection of the representatives of Tripolitania, unless requested by the inhabitants; it advised that further study be given to the terms of reference of the proposed Preparatory Committee, and invited the Commissioner to find an alternative method of selection which would be acceptable to the Tripolitanian political leaders. The representative of the United States still considered that the Commissioner's plan was a logical and practical approach to the problem, although it was obvious to him that, in view of the opposition manifested to the Commissioner's proposals, a new method should be found. It appeared necessary that the Commissioner be given an opportunity to explore the various aspects of the problem further with the Tripolitanian political leaders, even though that procedure necessarily involved further delay. In his view, the resolution of Pakistan provided for an undemocratic procedure that he was reluctant to accept until every possibility of finding a democratic method had been exhausted.

142. The representative of France expressed himself in favour of elections in the three territories and urged that elections be held in Tripolitania. He was also in favour of the establishment of a Preparatory Committee with the specific tasks assigned to it by the Commissioner, although, in his view, the municipal councils should not be used for the election of Tripolitanian members for the Preparatory Committee. The representative of the United Kingdom disagreed with the contention that the progressive steps advocated by the Commissioner were in any way inconsistent with the resolution of the General Assembly; the fact that the resolution did not mention a Preparatory Committee did not mean that such a committee would be contrary to the terms of the resolution. He was in favour of the United States draft resolution, because it advised the Commissioner to re-explore all possible solutions, while the Pakistan draft resolution limited the Council to one single course of action, and this at a time when the political background might be tending to change and the relative strength and influence of political parties might be in a state of flux. He maintained that the sooner the electoral principle was introduced in Tripolitania the better, although he recognized that there were practical difficulties in organizing elections in Tripolitania in time to serve the purpose of providing Tripolitanian members for the Preparatory Committee.

143. The draft resolution of Pakistan was also supported by the representatives of Cyrenaica, Italy and the Minorities. The representative of Italy was of the opinion that only a National Assembly, based on democratic principles and with the powers of a Constituent Assembly could set up a committee to draft the Constitution; any other system would be unnatural. Moreover, it would be discourteous to the future National Assembly to submit to it a draft constitution drawn up by a body which was not under its jurisdiction. The representative of the Minorities said that Libya was sufficiently advanced to make it unnecessary for its constitutional development to be too gradual a process. To ask the leaders of the Tripolitanian political parties

to nominate the Tripolitanian members of the Preparatory Committee was the most practical way of consulting the wishes of the population, since elections were considered undesirable by some and too uncertain a method by others.

144. The Commissioner, in his reply to the members of the Council who had spoken about his modified plan for the constitutional development of Libya, observed, in the first place, that he could not impose any solution of the problem, but could merely make whatever suggestions seemed to him the most advisable; his proposals could be approved, rejected or modified by the Council. He assured the Council that he had repeatedly consulted the political leaders of the country on the principle and the mechanism of the Preparatory Committee, and that they had expressed to him their approval of his proposals. It now appeared that some of them had later changed their opinion without informing him. He upheld the principle of elections in Tripolitania; elections in occupied territories were liable to be influenced by the Administering or Occupying Power, but such elections had taken place recently in Western Germany, Japan and Cyrenaica with satisfactory results. He regretted the fact that Tripolitania did not want elections, either direct or through the municipal councils. He bowed to the decision of the Tripolitanian leaders and of the members of the Council who shared their opposition to elections, leaving to them the full responsibility for the result of their decision. As regards the Preparatory Committee, he was not proposing to entrust to it the functions which the resolution gave to the National Assembly. The former would prepare an electoral law, without which no National Assembly could be elected, and draw up a draft constitution, which the National Assembly would be free to adopt, reject or amend. Such a procedure would save time;⁴⁸ but, if the Council so wished, he was prepared to delete the preparation of a draft constitution from the terms of reference of the Preparatory Committee, whose task would then be only to prepare the electoral law. He was also prepared to accept the suggestion that the Tripolitanian members of the Preparatory Committee should be chosen after consultation with political leaders.

145. The United States resolution was rejected, and the draft resolution of Pakistan was adopted by the Council on 14 June 1950 by 6 votes to none, with 3 abstentions, the representative of the Fezzan being absent.⁴⁹ The Council advised the Commissioner by this resolution to take the following action:

(a) Request the Amir to propose the names of seven representatives from Cyrenaica;

(b) Consult the political leaders in Tripolitania, and, after obtaining their views on the subject, propose, for the advice of the Council, the names of seven outstanding personalities of Tripolitania to be invited by the Commissioner to join the representatives of Cyrenaica; and

⁴⁸ The representative of Egypt requested the addition of the following footnote:

"The representative of Egypt made it clear in his speech, supported by many members of the Council, that it would be a waste of time since the National Assembly would have to create its own Preparatory Committee, to study and formulate a draft constitution."

(c) Request the Chief of the Territory of the Fezzan to nominate seven representatives from the Fezzan who should consult the representatives of Cyrenaica and Tripolitania, meeting in Tripoli not later than 1 July, and prepare a plan whereby the representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan should meet in a National Assembly for the purposes stated in paragraph 3 of the resolution of the General Assembly.⁵⁰

THE QUESTION OF MINORITY REPRESENTATION

146. In order to follow the above advice, certain clarifications were necessary, and the Commissioner found himself obliged to request a meeting of the Council in order to ask its advice on the manner in which he should conduct the suggested consultations.⁵¹ He emphasized that both the resolution and the suggestion made by certain members of the Council during the discussion, to the effect that the Commissioner should follow a procedure analogous to the one laid down in paragraph 7 of the resolution of the General Assembly in choosing the representatives of Tripolitania to the proposed committee, might eventually lead to the participation of a representative of the Minorities in that Committee. He therefore thought it necessary that the Amir of Cyrenaica and Ahmed Bey Seif el Nasr should be consulted about the possibility that an Italian as representative of the Minorities might eventually be included among the representatives of Tripolitania, since, in response to their pressing requests, the Commissioner had previously agreed to the idea of a Preparatory Committee with only Libyan members, without Italian participation. The Commissioner also wished to have the advice of the Council concerning the procedure by which representatives of political parties, leading persons and organizations were to be consulted and on the authority which was to appoint or accredit the Tripolitanian members of the Preparatory Committee.

147. In the discussion, a majority of the members declared for the participation of the Minorities in the Preparatory Committee. The representative of Pakistan opposed the exclusion of the Minorities from the consultations to be held by the Commissioner before drawing up the list of seven Tripolitanians; he would moreover do everything in his power to see that the Minorities were not excluded from the representation of Tripolitania. The representative of Egypt associated himself with the representative of Pakistan, adding that he had good reason to believe that the political leaders of Tripolitania had no objection to a representative of the Minorities sitting with them in the Preparatory Committee. The representatives of Italy and the Minorities stated that they were certain that the adoption of the resolution of Pakistan, which they had welcomed, would strengthen the bonds between the Italians and the Arabs, the representative of the Minorities adding that it would conform strictly to the decision of the General Assembly that the National Assembly should be selected by the inhabitants of the country, including the Minorities. The representative of Cyre-

⁴⁹ The summary records of the debates preceding the adoption of this resolution are contained in documents A/AC.32/Council/SR.13-19.

⁵⁰ See annex XV.

⁵¹ See annex XVI.

naica reminded the Council that Cyrenaica was an Arab country which wished to have good relations with other people. The Council should not see in Cyrenaican hospitality more political significance than it had. Finally, the representative of the United Kingdom said that his Government would welcome the inclusion of the Minorities in the Preparatory Committee, either for purposes of consultation or as a representative of Tripolitania, if that was the wish of the majority of the inhabitants of the territory. The representative of France expressed a similar attitude.

148. On 16 June, the Council unanimously advised the Commissioner as follows:

(a) To conduct the required consultations in Tripolitania according to his best judgment and ability, generally following a procedure analogous to, but where necessary to be modified at his discretion, that laid down in paragraph 7 of the United Nations resolution of 21 November 1949;

(b) To consult with the Administration in Tripolitania on the question as to how the seven agreed representatives in Tripolitania should be accredited in order that they might have a status similar to that of the Cyrenaican and Fezzanese representatives;

(c) To consult with H. H. the Amir of Cyrenaica and with Ahmed Bey Seif el Nasr, through the good offices of the Cyrenaican and Fezzanese representatives on the Council, and if necessary by personal contacts, regarding the meeting mentioned in the last paragraph of the Council's resolution of 14 June 1950.⁵²

149. In conformity with this advice, the Commissioner on the same day began consultations with the Amir through the intermediary of the representative of Cyrenaica on the Council. At the Amir's invitation, the Commissioner, accompanied by the Cyrenaican and the Tripolitanian members of the Council, went to Benghazi on 18 June 1950.

150. The political leaders in Cyrenaica had made no secret of the anxiety which a return of Italian political influence in Libya would cause them. Considering that the recent recommendations of the Council might, and probably would, lead to Italian participation in the Preparatory Committee, the Commissioner earnestly requested the Amir to admit the idea of such participation as a demonstration of goodwill, since, in any case, it would not give rise to serious difficulties. The Acting British Resident indicated his agreement with the policy followed by the Commissioner on this occasion. Nevertheless, the Amir considered that Italian participation in the Preparatory Committee could have such serious consequences for the future of the country that he was unwilling to decide on his sole responsibility. In these circumstances, he wished to consult the members of his Council of Ministers and the Assembly of Representatives. At the same time, he thought fit to ask the Council for Libya, if, in its opinion, Italian participation in the Committee of Twenty-One, and later in the National Assembly, would not prejudice the settlement of the legal status of the Italians after the promulgation of the Libyan constitution and the proclamation of the country's independence. The Amir emphasized that he wished to have

the Council's opinion in order to assist the deliberations of the Council of Ministers and the Assembly of Representatives on the subject.

151. Following these conversations, the Commissioner returned to Tripoli and put the Amir's question before the Council for advice.⁵³ After a discussion on 24 June, the Council expressed the following opinion: Italian participation in the Committee of Twenty-One or in the National Assembly would not prejudice the settlement of the legal status of the Italians after the promulgation of the Libyan constitution and the attainment of Libya's independence.⁵⁴

152. The Commissioner returned to Benghazi to present this opinion to the Amir, who, at his request, renounced his plan to convene the Assembly of Representatives on account of the delay which it would have caused. The Amir consulted with the members of his Cabinet, the President of the Assembly of Representatives, the representatives of Cyrenaica to the Preparatory Committee and the Commissioner. The Commissioner then received a letter from the Chief of Cabinet of the Amir, in which it was stated that the Joint Committee of representatives of the Government and people of Cyrenaica had agreed not to oppose Italian participation on the Committee of Twenty-One if the Tripolitanians agreed to it, while disclaiming any responsibility for the consequences arising therefrom. As for Italian participation in the National Assembly, the Amir left it to the Committee of Twenty-One to decide.⁵⁵ The Acting British Resident made it known that his Government shared these views.

153. The Commissioner returned from Benghazi on 28 June, and presented the results of his mission to the Council on the following day. The Council unanimously took note with satisfaction of the result of the consultations held by the Commissioner with the Amir.

154. At this meeting of the Council, both the representative of Italy and the representative of the Minorities made clear their position with regard to Italian participation in the Committee of Twenty-One and the National Assembly. They explained that, in their opinion, the resolution of the General Assembly had settled the question by using, in paragraph 3, the term "inhabitants", which referred to persons habitually resident in Libya, whatever their nationality, and that these persons had therefore the right to take part in determining the Libyan constitution.

155. At the same meeting, the representative of Cyrenaica stated that he did not agree with the interpretation given by the representatives of Italy and the Minorities to the term "inhabitants". In his opinion, this term, in the absence of any official interpretation, could be applied only to the Arabs of Libya and not to persons, who, as large numbers of members of the Minorities had done, had retained their foreign nationality. He stated that the Cyrenaican acceptance of the principle of participation by the Minorities in the Committee of Twenty-One was not based on the interpretation of the word "inhabitants", used in the resolution of the General Assembly, as meaning the whole popula-

⁵² See annex XVII.

⁵³ See annex XVIII.

⁵⁴ See annex XIX.

⁵⁵ See annex XX.

tion of Libya; it was based on the desire of Cyrenaica to co-operate with the Tripolitarians, if the latter considered that the acceptance of a representative of the Minorities would serve the cause of Libyan independence.

156. During the debate which lasted from 24 to 29 June, some members of the Council expressed the opinion that the Tripolitarians themselves should decide whether or not a representative of the Minorities should be included among the representatives of Tripolitania.

157. The representative of the United States of America, who spoke at the first of these meetings on 24 June, expressed the opinion that the justification for allowing the Minorities, and particularly the Italians, to take part in the preparatory work preceding Libyan independence and the promulgation of the Constitution was that, at the present time, there was no Libyan nationality that they could acquire. The situation would be quite different once a Libyan nationality was established and a law on nationality enacted.

158. Following the recommendation of the Council of 29 June regarding consultations with Ahmed Bey Seif el Nasr, who had also indicated his opposition to the inclusion of a representative of the Minorities, and, in particular, of an Italian, in the Tripolitanian membership of the Committee, the Commissioner went to Tunis, where Ahmed Bey Seif el Nasr was at that time convalescent. After several meetings, the Chief of the Territory of the Fezzan finally accepted the principle of Italian participation in the Committee of Twenty-One, but no more. The representative of the Fezzan on the Council assisted the Commissioner in this mission, while the French authorities in Tunis indicated their support of the Commissioner's policy.

159. On his return to Tripoli, the Commissioner completed his consultations with the chiefs of political parties and leading personalities of Tripolitania regarding the choice of the seven representatives of that territory to the Committee of Twenty-One. On 11 July, he submitted his conclusions to the Council for its advice.⁵⁶ He informed the Council that five political parties had presented identical lists of Arab candidates and four of them had included the name of an Italian as representative of the Minorities.⁵⁷ The leaders of two other parties, the Independence Party and the Free National Bloc, did not oppose the inclusion of a member of the Minorities among the Tripolitanian representatives to the Committee of Twenty-One. In this respect, however, the Commissioner noted that, during his consultations with leading Tripolitanian personal-

ities, he had received much evidence of disagreement with the inclusion of a representative of the Minorities, and in particular of an Italian, on the Committee of Twenty-One.⁵⁸ These individuals held that persons with foreign passports should not take part in the constitutional development of Libya. They were unable to believe that such had been the intention of the resolution of the General Assembly. They nevertheless expressed their sincere wish to co-operate with the Italian minority in the economic field and stated that they favoured the inclusion of guarantees of the rights of minorities in the Constitution of the future independent Libya.

160. On the other hand, two important political parties, the Independence Party and the free National Bloc, had refused to present lists of candidates for the Committee of Twenty-One on the ground that representation on that Committee should take into account the size of the population of each territory and that therefore the territories should not have equal numbers of representatives.⁵⁹

SELECTION OF THE TRIPOLITANIAN REPRESENTATIVES ON THE COMMITTEE OF TWENTY-ONE

161. The Commissioner stated that he had finally chosen seven representatives for Tripolitania after considering, in the first place, the list submitted by the political parties and taking also into account the personal competence of the candidates.

162. The Commissioner's list was criticized by the representative of Pakistan, who maintained that the inclusion of two particular persons in it had complicated a simple task. He pointed out that one of those two persons, the Mufti of Tripolitania, had not been suggested by the party to which he belonged;⁶⁰ the other was Mayor of Misurata, a member of the Ahliya Court and of the Administrative Council, from which it could be assumed that he was not hostile to the British Administration,⁶¹ while his own party objected to his nomination. On the other hand, five political parties had submitted identical lists of seven candidates—a fact which was remarkable in view of the earlier difficulties experienced by the Commissioner in choosing a member for the Council for Libya—and it appeared that the reason for which this offer had been rejected lay in the Commissioner's consultation of independent persons, not leaders of parties, which had not been intended in the resolution of 16 June. Leaders of parties, and they alone, should have guided the Commissioner in his choice. The Mufti, however, was too important a personage to oppose—too important, indeed, for the task given to him—and the representa-

reserve and delicacy, refused to reveal the names and political positions of the 'leading Tripolitanian personalities' whom he reports to have shown 'much evidence of disagreement with the inclusion of an Italian in the Committee of Twenty-One'. The Italian representative draws attention to the statements made on this question by the representatives of Egypt, France, Pakistan and the United States of America, which are contained in the summary record." (A/AC.32/Council/SR.51).

⁵⁶ See paragraph 163.

⁵⁷ The representative of Tripolitania is a Vice-President of the National Congress of Tripolitania. He was subsequently elected Chairman of the Committee of Twenty-One.

⁵⁸ See paragraph 163.

⁵⁹ The Mufti of Tripolitania is a Vice-President of the National Congress of Tripolitania. He was subsequently elected Chairman of the Committee of Twenty-One.

⁶⁰ Salem el Qadi, at that time also a member of the National Congress of Tripolitania.

tive of Pakistan therefore requested the substitution of a single name.

163. The representative of Egypt stated that he, together with the representatives of Pakistan and Tripolitania, had thought that they would be of assistance to the Commissioner in his task. They had therefore recommended the political parties to agree among themselves on a list chosen from all parties, and had been agreeably surprised to learn that a majority of them had agreed. If they had been unable to persuade the two abstaining parties to submit lists it was for the good reason that neither party could accept the principle of equal representation of the Fezzan with its population of only 40,000 as compared with Tripolitania with its population of 800,000. The principle applied equally to Cyrenaica, but they offered no active opposition to its waiver in this case for political reasons. He concluded by accepting the nomination of the Mufti, but demanded the substitution of the leader of the Egypto-Tripolitania Union for the Mayor of Misurata. This suggestion was supported by the representative of Tripolitania, and the Commissioner agreed to accept it as a compromise.

164. The representative of the United Kingdom refrained from commenting upon the persons proposed as representatives of Tripolitania, and from voting upon any list, being content to remark that he considered the procedure followed by the Commissioner to have been in accordance with the advice given to him, and that, since it could hardly be maintained that a person belonging to a political party was for that reason necessarily endowed with political wisdom, in the absence of an electoral process the list proposed by the Commissioner was probably the best that he could have submitted.

165. The representative of France also criticized the process which had resulted in the abstention of two important parties and consequently in a partial representation of Tripolitania. It was important to be guided by democratic principles, which should form the basis of any modern State, and the proposed procedure deviated from them. He, moreover, thought it improper that the representative of the Minorities on the Council should be also a member of the Committee of Twenty-One. The representative of Italy concurred in the recommendation of democratic principles, which he hoped would inspire the Committee of Twenty-One to propose elections throughout the territory for the National Assembly. He regretted that the inequality of representation has led the Independence Party and the Free National Bloc to abstain from submitting lists, but in the circumstances he approved the list of Tripolitanian representatives, as amended.

166. The representative of Pakistan then asked what democratic principle entitled the Fezzan, with a population of 40,000 to have as many representatives as Tripolitania, with a population of 800,000.

167. Finally, the Council, by 6 votes to none, with 4 abstentions, advised the Commissioner that Tripolitania should be represented by the list which he had submitted, as amended during the debate.⁶²

168. During an earlier meeting, the representative of the United Kingdom had observed that, under exist-

ing conditions, the only authority competent formally to appoint representatives for the territory of Tripolitania was the Chief Administrator. The latter had been anxious to avoid too great an emphasis on competence in this respect and had hoped for a less formal method than appointment.

169. In this connexion, the representative of Egypt had suggested that the Commissioner consult his legal adviser on the position created by paragraph 2 of the Council's advice (see paragraph 148 (b)). For, while the advice foresaw the appointment of the Cyrenaican and Fezzanese members by the Amir and the Chief of the Territory respectively, it provided that the Commissioner himself should appoint the Tripolitanians. In both the former cases, he argued, competence to accredit was derived from the *règle de renvoi*, i.e., the Council's advice, and the same *règle de renvoi* made the Commissioner competent in the third case. He adduced the following additional arguments: the Administration had no part in the selection and could therefore have none in the accreditation; the Council could accredit them to no third party, since the Commissioner, being the agent of selection, could not be the object of accreditation.⁶³

170. The representative of Egypt again raised the question after the Council's decision on the Tripolitanian list of candidates. The Commissioner stated that the legal opinion he had received was that, although to be a representative on the Committee of Twenty-One was to exercise a function independent of the administration of the territory, the Administering Powers, under paragraph 10 (a) and (b) of the resolution of the General Assembly, were required to initiate all necessary steps for the transfer of power to a duly constituted independent government, and to administer the territories for the purpose of assisting in the establishment of Libyan unity and independence and cooperate in the formation of governmental institutions; that the designation of the representatives on the Committee of Twenty-One was one of the "necessary steps for the transfer of power" and was also inherent in the administration of the territories for the purposes stated; and that the Commissioner's power of appointment was exhausted upon the completion of his duties under paragraph 7 of the resolution. If no action were taken by the Administering Authority, the representatives of Tripolitania would sit as private individuals, and accreditation or recognition by that Power would therefore be useful. From this the representative of Egypt dissented, emphasizing that paragraph 10 did not operate here. It concerned something altogether different.

171. The representative of Pakistan also held that in this case the operative paragraphs of the resolution of the General Assembly were paragraphs 3 and 4, and that paragraph 10 was not applicable.

172. After the Council had advised him regarding the list of Tripolitanian representatives, the Commissioner discussed the question of accreditation or recognition with the Acting Chief Administrator. The latter informed the Commissioner that he intended to submit the list for advice to the Administrative Council on the grounds that it was the only body with a preponderance of Libyan members whose advice he could seek within the framework of the Administration, and

⁶² See annex XXII.

⁶³ See A/AC.32/Council/SR.26.

that he considered it preferable to refer the question to it rather than to give an arbitrary opinion unsupported by advice from any Libyan source.

173. The Commissioner, reminding the Acting Chief Administrator that he, the Commissioner, had agreed upon the list with the Council for Libya, advised him against referring the list to the Administrative Council. Nevertheless, on 21 July, the Acting Chief Administrator informed the Commissioner that he had done so, in view of the method by which the Tripolitanian representatives had been selected but without implying any criticism of the character or competence of any of the persons chosen. He reported that the Libyan members of the Council had unanimously condemned the method of selection of the seven nominees, and had observed that the Executive Committee of the National Congress had not been consulted on that party's candidates and that some electoral method would have been preferable. The Acting Chief Administrator, being advised to withhold his recognition from the list submitted, had recommended that the Administrative Council seek a compromise with the Council for Libya by limiting their alterations to the minimum. In consequence, he had secured agreement to his recognition of the Commissioner's list if two nominees were replaced by alternative candidates. One of these replacements would have removed the Minority nominee, and the other an Arab nominee, both being replaced by Arabs. The Acting Chief Administrator further reported that the Jewish and Italian members of the Administrative Council would have preferred the reinstatement of the Minority representative in the place of the leader of the Egypto-Tripolitanian Union. The Acting Chief Administrator informed the Commissioner that he felt obliged to accept the views of the Administrative Council.⁶⁴

⁶⁴ *The representative of Egypt requested the inclusion of the following footnote:*

"The representative of Egypt mentioned the following undisputed facts in the statement he delivered in the Council's meeting of 31 August 1950.

"1. The competence of the Administrative Council of the British Chief Administrator, in the words of the Commissioner's report itself, 'is restricted to Tripolitanian administrative matters and it will not discuss matters concerning the constitutional developments of Libya as a whole'. Its consultation and its decision on the list of the seven members were outside of its competence.

"2. The assertion that the Libyan members of the Administrative Council were unanimous in their condemnation of the method of selection of the seven persons carried no weight. This unanimity of the Libyan members was and is worthless, because it did not even represent a decision by the Administrative Council of which they are members. It is also worthless because they changed their minds about it and, by so doing, the Administrative Council came to a different decision and 'agreed that the list would be suitable if two alterations were made. One of these alterations would have removed the representative of the Minorities and replaced him by a Tripolitanian Arab'.

"3. This suggested alteration has no weight, because it does seem odd that they object to the temporary participation of one representative of the Minorities in a temporary body like the Committee of Twenty-One and they forget the glaring fact they accept the permanent participation of two representatives of the Minorities in the Administrative Council itself.

"4. The name of the leader of the Egypto-Tripolitanian Party was recommended to remain on the list of the seven by a majority vote of the Council, because he was selected and strongly recommended by all the political parties of Tripolitania that took part in submitting lists, whereas the Mayor of Misurata was only suggested and recommended by the British Administration — not by any political Tripolitanian party.

174. The Commissioner informed the Council of this development but, at its meeting of 25 July, the Council decided not to reopen the question.

THE COMMITTEE OF TWENTY-ONE

175. On 25 July, the Commissioner invited the persons named in the list approved by the Council for Libya to sit on the Committee of Twenty-One. He so informed the Acting Chief Administrator. The Committee of Twenty-One, so constituted, met for the first time, on 27 July 1950, at the office of the Commissioner in Tripoli. It proceeded to adopt its rules of procedure and elected as its Chairman one of the Tripolitanian representatives, and as Secretaries one representative from the Fezzan and one from Cyrenaica. It also adopted an agenda for the study of a plan whereby the representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan should meet in a National Assembly as envisaged in paragraph 3 of the resolution of the General Assembly.

176. The Committee agreed to discuss the composition and number of representatives in the National Assembly, the mode of selection of the representatives and their accreditation, the date and place of the meeting of the National Assembly, and the question of the representation of the Minorities.

177. On 7 August, the Committee decided that the National Assembly should be composed of sixty representatives on the basis of equal representation for the three territories of Libya. On 30 August, the Committee rejected a proposal to the effect that representatives to the National Assembly be chosen by means of election.

"5. The Acting Chief Administrator had no right to endorse or not endorse the list of the seven members, as the General Assembly of the United Nations passed a resolution authorizing the United Nations Commissioner to appoint, after consultations, four local members on the Council for Libya. So the Council for Libya passed a resolution authorizing the United Nations Commissioner to choose seven local members on the Committee of Twenty-One. Both cases are similar, and the Acting Chief Administrator had nothing to do with them. This theory was elaborated in a previous meeting of the Council (see summary record of the 20th meeting, 16 June 1950).

"6. The Commissioner was in full agreement with the Council when, at its meeting of 25 July, the Council decided not to reopen the question after it had been completely settled by the Council. The Emir Senussi of Cyrenaica and Ahmed Bey Seif El Nasr had already agreed to it too."

The representative of the United Kingdom requested the addition of the following note:

"1. Whatever the future duties of the Committee of Twenty-One were to be — and this was admittedly not a matter in which the Administration was competent to intervene — it was in the opinion of the Administering Power a matter of 'internal' administrative concern that the Tripolitanian members should be persons of integrity, competence, and standing, and that the method of their selection should be representative. On these points the Administrative Council was rightly consulted by the Acting Chief Administrator.

"2. The Administrative Council does not take decisions: they advise the Chief Administrator when wanted to do so. On this occasion, they recorded, in so far as their Libyan members were concerned, their profound disapproval of the *method* by which the Tripolitanian members of the Committee of Twenty-One had been selected. At the same time, on examining the list from the angle of the *individuals* who composed it, they expressed the view that it could be sufficiently strengthened by the replacement of two of the Council for Libya nominees by two of their own, to justify its recognition by the Acting Chief Administrator. There was nothing inconsistent in the expression of these two opinions."

Chapter VIII

TECHNICAL ASSISTANCE IN THE ADMINISTRATIVE, ECONOMIC AND SOCIAL FIELDS

178. Since he assumed his duties, the Commissioner has been convinced that, because the General Assembly had recommended that Libya should become an independent and sovereign State not later than 1 January 1952, the United Nations had a special responsibility to assist the Libyan people, not only in formulating their Constitution, but also in establishing sound administrative services fitted to the needs and resources of the country, and in promoting a viable economy, in order that the State might endure. Libya indeed stands in great need of technical and financial assistance. The leaders and the people at large frequently and urgently requested the Commissioner to summon the resources of the United Nations to achieve the unity and independence of their country and at the same time to assist them in its economic development.

179. The General Assembly, in its resolution of 21 November 1949, acknowledged that Libya might need assistance by authorizing the Commissioner to offer suggestions to the General Assembly, to the Economic and Social Council and to the Secretary-General as to measures that the United Nations might adopt during the transitional period regarding the economic and social problems of Libya.

GENERAL ECONOMIC PROBLEMS

180. Libya is an under-developed area with a marginal agricultural economy, basically handicapped by inadequate rainfall and poor soil. Subsoil mineral resources have not been found in commercially exploitable quantity. Great areas of the country are completely desert, but in the coastal regions and in the oases, irrigation, dry-farming and animal husbandry offer the possibility of a viable agricultural economy. There are off-shore fishing possibilities, particularly in tuna and sponge-fishing, which might be developed further. However, the indigenous population is untrained in the proper utilization of land and the conservation of water, and lacks the material resources and technical knowledge to tap underground water except by simple surface wells. It is believed that the country could grow the crops and flocks needed for its subsistence and for a small export trade by careful dry-farming and by greater and more efficient drawing of water for irrigation. Up to the present, however, the crop surplus for export has been small and irregular, limited not only by the lack of human skill and capital resources, but also by recurrent severe droughts. Libyan agricultural products which might be exported are generally of inferior quality and high cost; this is due not only to poor methods of agriculture, but also to a lack of marketing skill and facilities.

** The representative of Italy requested the inclusion of the following footnote:*

181. Under Italian rule, Libya received from Italy very substantial subsidies and assistance, with small regard to the possibilities of repayment from the resources of the country. Under the fascist administration, the interests of the indigenous inhabitants did not receive the same consideration as did those of the Italian community, with the result that the technical and financial assistance received by the former was less favourable than that granted to the Italian agricultural economy. This explains why today the Arab population of Libya stands in need of as much financial and technical assistance as the United Nations can supply. The various forms of subsidies and exemptions granted to the Italian community brought temporary prosperity to the country. The substantial capital investment, the material improvement and development and the technical skill of the Italian settlers remain as assets for the future of the country.

182. The cessation of the subsidies, followed by the exhaustion and destruction of war, have brought into sharper focus the substantial adverse trading and fiscal balance of Libya. Because of the deficit, the Administering Powers have had to make substantial grants to the country to maintain its services and economic life, even on a modest scale, with limited rehabilitation and development work. The present Administrations have informed the Commissioner that their combined average annual grants-in-aid in recent years have exceeded 4,750,000 dollars, exclusive of occupation costs. Although the Commissioner is awaiting expert assistance to have these figures properly analysed, it is obvious that the country requires very substantial outside assistance to maintain even its present standards, and yet more for development in the economic and social fields.

183. A further serious hindrance to the economic life of Libya arises from the almost complete lack of credit and banking facilities following the closure of the Italian banks in 1943 upon the defeat of the Italian forces.

184. Yet another serious economic problem is raised by the uncertain status of the considerable amount of property which the Administering Powers continue to treat as ex-enemy property, particularly Italian state and para-statal property. The Administering Powers inasmuch as they are Occupying Powers, have not been free to settle this complicated and difficult problem which, in the Cyrenaican view, is closely related to that of reparations.⁶⁵ The serious destruction of property and productive plant during the war delivered a serious blow to the economy of the country.

"The Italian Government does not share the view of the Cyrenaican delegation on this matter and reserves its position."

The Libyan people keenly desire the solution of these problems, in order that the extensive properties concerned may be effectively utilized. The solution of these problems is subject to the provision of the Treaty of Peace with Italy that the economic and financial provisions to be applied in the former Italian colonies should form part of the arrangements for the final disposal of these territories. The whole question of the disposal of these territories having been referred to the General Assembly, the solution of these problems awaits a decision by that body. The destruction of foreign property during the hostilities presents a further unresolved problem.

185. Unless means are found to improve the agricultural techniques of the country and to bring in new capital investment, there is a grave danger that the Libyan economy will sink back toward a pastoral economy of nomadism, with inevitable social and political consequences which may jeopardize the very existence of the new State.

EDUCATION

186. During the fascist period, the Libyan people were afforded only limited educational opportunities. A few thousands attended primary schools annually but only a handful received secondary education.⁶⁶ Political and financial considerations strictly limited study abroad for the Libyans. A considerable porportion of the curriculum was devoted to the study of the Italian language, which was also used as the language of instruction for many of the classes.

187. All schools were closed in 1942, with the result that the Administering Powers were faced with the problem of re-establishing public education. They were, however, severely handicapped, even after the cessation of hostilities outside Libya, by a lack of funds and trained teachers.

188. Primary schools for Arabs were gradually opened in the three territories. At present, the total number of students has risen to about 39,000, not including those in Koranic schools. Approximately 26,000 students are from the Arab population, about a threefold increase since the Italian occupation. Only a few more than 400 Arab students are in secondary schools in Cyrenaica and Tripolitania.

⁶⁶ *The representative of Italy requested the inclusion of the following footnote:*

"Educational conditions developed continuously under the Italian Administration in Libya until 1940, in parallel with the standard of life of the local peoples. There were 183 school buildings with more than 1,000 classes; 11,552 Arab pupils attended these schools during the school year 1938/39, 7,721 in primary classes and 3,831 in secondary classes.

"The methods of teaching and the school equipment were the most modern and perfected, as has been recognized in the official publications of the present Administering Power.

"In 1930, the Italian Administration had under study a project to establish a Moslem University in Tripoli. A certain number of Libyan students attended university courses both in Italy and in near eastern countries at the expense of the Italian Government.

"The Italian language was taught together with Arabic, in order to allow those Libyan students who so wished to continue their studies in institutes of advanced study in Italy."

The representatives of Cyrenaica and Tripolitania requested the addition of the following footnote:

"The above statistics, apparently dating from fascist sources, are inaccurate and misleading. The fact is that during fascist

189. The first post-war secondary school for Arabs in Tripolitania was opened in 1946, and in Cyrenaica in 1948. There are no facilities for higher education in Libya. The existing schools are severely handicapped by lack of equipment and adequately trained teachers although, particularly in Cyrenaica, a number of teachers have been brought in from abroad.

190. The school population and the standard of education are both inadequate. The former is far below the average in a normal State which may be taken as 20 per cent of the population. To raise it to this level, educational facilities would be needed for somewhat more than 200,000 persons. Even if it were assumed that the proportion of the school-age population attending school would be relatively low among the nomadic and semi-nomadic group, the number of students for whom education would have to be provided would considerably exceed 100,000. It must also be borne in mind that the long period without educational facilities has produced a large number of students whose education had been arrested and requires completion.

191. The Arab population feels keenly the need of education but the present financial resources and the trained teachers of the country are too few to meet it.

PRELIMINARY ACTION BY THE COMMISSIONER

192. The needs of Libya were more apparent to the Commissioner after his initial tour of the territory, even though he did not then have the time or staff to conduct an exhaustive survey. Of the number of problems which he discovered, the most pressing seemed to be the training of personnel for administrative posts, ranging from the clerical to the executive level, to provide personnel for the Libyanization programme in the administration services.

193. At an early date, the Commissioner tentatively explored the possibilities of securing aid through the United Nations and the specialized agencies, particularly under the technical assistance programme. He at once found that there were but few practical means to aid Libya until more detailed studies had been made and funds became available under the United Nations expanded programme of technical assistance. The Secretary-General and the heads of the specialized agencies, including the Food and Agriculture Organization, the International Bank for Reconstruction and

times there was very little and very poor education for the Arabs of Libya. The proof of this is that today there are among our people no doctors, no engineers, no scientists, no trained agriculturists and not enough trained technicians. It is for that reason that the Libyan people keenly desire technical assistance and urgently ask the United Nations and its specialized agencies to help them. We appreciate the larger number of Arabic schools which the United Kingdom has brought us. We need even more of them. We cannot furnish counter-statistics to those submitted by the representative of Italy because we do not have access to any records or files. However, from our own knowledge we can say that there were never 3,000 Arabs in secondary schools. The number who were in secondary courses must have been less than 100. We also know that there were no Arab headmasters in the schools and very few Arab teachers. The whole policy of fascist colonialism was to deny our people educational and other opportunities, to neglect our interests, and to favour the Italian colonists. Their oppressive policy and the loss of our lands and flocks explain why our people fought so long and bravely and why we have so strongly appealed to the United Nations to grant us independence and help us to make it endure."

Development, the International Monetary Fund and the United Nations Educational Scientific and Cultural Organization, assured him that they recognized the special urgency of Libyan needs and would afford whatever assistance they could.

194. As soon as the Council convened, the Commissioner placed before it a request for advice as to whether and to what extent he should study and make recommendations to the Administering Powers concerning United Nations assistance and advise and assist the people of Libya regarding the administrative, economic and social problems of the country in order to facilitate the establishment of a viable Libyan State.⁶⁷ He held that he and his staff, under the terms of the General Assembly resolution, and with the help of the United Nations and the specialized agencies, should devote a considerable part of their time to thorough studies of the administrative services of the future Libyan State and its economic and social development, with a view to recommending action.

195. The Commissioner desired that qualified officials of the United Nations and the specialized agencies should, in co-operation with him and the Administering Powers, study the needs of Libya and draft plans for their relief. To avoid duplication and loss of time, they would use as much as possible the planning already done by the Administering Powers. They would take into account the particular needs of Libya, its resources and capacity to pay, both in the present and future, envisaging not only programmes for the transitional period but also the continuing needs of Libya after its independence.

196. Such studies and plans would be intended as bases for requests for technical assistance from the United Nations, the specialized agencies and Governments, as well as for projects for which loans might be obtained from the International Bank for Reconstruction and Development, Governments or private investors.

197. The Commissioner pointed out to the Council that it was obvious, even in the absence of definitive studies covering the whole territory of the future Libyan State, that it was necessary to train personnel for the civil service, establish budgetary and fiscal services, develop and improve agriculture, animal husbandry, marketing, and the use of soil, water and forest resources, expand educational facilities and improve public health services. He indicated that closer examination might reveal further problems for study. The Council promptly and unanimously advised the Commissioner that he should proceed as he had suggested.⁶⁸

198. After numerous discussions with Libyan leaders and officials of the Administering Powers, the Commissioner came to the conclusion that, before making specific requests for technical assistance, it was essential to have a thorough survey of Libyan immediate and long-term needs, correlated with the probable economic, financial and personnel resources of the new State. Such a survey would not only serve as a basis for precise requests to the United Nations, the specialized agencies and interested Governments, but would also

avoid unrealistic projects unsuited to the needs, capacities and desires of the people of the country. Proper regard must also be paid to the capacity of the country to pay for its share and to furnish trained personnel to maintain programmes once undertaken.

199. The Commissioner constantly had in mind a basic conception of the United Nations technical assistance programme: to help people help themselves. In the formulation of any plans, the Libyan leaders, as well as the Administering Powers, must be consulted and kept fully informed. Their views must be taken into account in order that the programmes adopted would be in conformity with the desires of the country and be fully understood and supported.

200. The Government of the United Kingdom made available to the Commissioner and his staff several studies, some of which were already being implemented in whole or in part, while others had been left in abeyance for lack of funds. The Italian Government has furnished from its files data on Libyan agriculture and related matters.

201. Although these studies have great utility, a number of them are already somewhat out-dated. Others were drawn up with a view to securing capital investment which is beyond the scope or resources of a United Nations programme. Still others are incomplete and themselves recommend additional studies. None had been prepared on an all-Libyan basis but referred to parts of each territory. Therefore, although they will be of great assistance to future surveys, they must be reviewed and revised in order to become fully useful.

SUGGESTIONS TO THE ADMINISTERING POWERS

202. In March and early April 1950 the Commissioner suggested to the Governments of France and the United Kingdom, as Administering Powers, that they ask the Secretary-General of the United Nations to make available, under the United Nations technical assistance programme, the services of a technical assistance expert to begin the initial planning and subsequently to serve as co-ordinator of a technical assistance programme in Libya. The Governments concerned did not comply with this request. The United Kingdom later informed the Commissioner that it wished to make application for a full-scale survey team. Since only Governments may make requests under the technical assistance programme, it was not possible for the Secretary-General to act.

203. No full-scale technical assistance survey could be made until funds were available under the United Nations expanded programme of technical assistance. The needs of Libya, however, could not afford to wait, in view of the short time remaining before 1 January 1952. Therefore, in May 1950, the Secretary-General, at the request of the Commissioner acting under paragraph 9 of the resolution of the General Assembly, made funds available for the immediate recruitment of a few qualified technical advisers, including advisers in the fields of agriculture, currency and banking, budgetary and administrative organization and problems of land tenure. At the same time, the Secretary-General

⁶⁷ See annex IV.

⁶⁸ See annex XXIII.

also agreed to send to Libya a small exploratory technical assistance survey team to make a preliminary survey and recommendations regarding the planning of studies for a comprehensive technical assistance programme. The report of this party, which visited the three territories of Libya during July, has been submitted to the Technical Assistance Board.

204. On 13 June, the Government of the United Kingdom formally requested the Secretary-General to initiate a "comprehensive exploratory survey of the economic situation of Cyrenaica and Tripolitania under the United Nations Expanded Programme of Technical Assistance". His Majesty's Government suggested that a team of experts should survey the economic situation of the territories and produce a long-term development plan covering the next twenty or thirty years, with recommendations for its implementation by stages. The phases should be based on plans of capital investment so designed as to ensure the minimum initial capital investment required for the progressive financing of succeeding stages from accruing national wealth. Therefore, studies would be required of the approximate cost of recommendations, of the economic and social activities of the inhabitants and of the nature and character of the soil and climate. Studies suggested in the economic field included agriculture, horticulture, irrigation, animal husbandry, soil conservation, forestry, secondary processing industries and the possibilities of low-cost power for agriculture and industry.

205. The Commissioner suggested to the Government of France that it should associate itself with the United Kingdom request in order that it might become an all-Libyan study. He has received an assurance that the French Government intends to do so immediately.

206. The Commissioner, under the authority of paragraph 9 of the resolution of the General Assembly, suggested to the Secretary-General that the United Nations should give the earliest favourable consideration to the United Kingdom request.

207. The United Kingdom also applied for United Nations fellowships in the field of public administration on behalf of a number of Libyans employed in the two Administrations. The Commissioner supported these applications before the Secretary-General. Three fellowships were granted, and it is likely that several additional fellowships will become available under the expanded technical assistance programme.

TECHNICAL ASSISTANCE FOR EDUCATION

208. A draft programme of assistance by the United Nations and the specialized agencies in education and in training in public administration for the development of a Libyan civil service was formulated with the aid of a representative of the United Nations Educational, Scientific and Cultural Organization, who came to Libya at the request of the Commissioner. The Government of the United Kingdom requested technical assistance from the United Nations Educational, Scientific and Cultural Organization to enlarge an existing clerical and training programme in Tripoli so that it could accommodate 250 trainees from October 1950. As soon as this programme was formulated and prior to the availability of funds, the Commissioner,

under the authority of paragraph 9 of the resolution of the General Assembly, suggested to the Secretary-General of the United Nations and also to the Director-General of the United Nations Educational, Scientific and Cultural Organization that this request too might be given special consideration. He made a similar request to the Technical Assistance Board. The United Kingdom request was approved by the Technical Assistance Board on 16 August. The United Nations Educational, Scientific and Cultural Organization will furnish funds for the recruitment of a principal and twelve teachers, while the larger part of the expenditure representing local costs will be borne by the United Kingdom. The Commissioner suggested to the Government of France that it should associate itself with this request so that students from the Fezzan might attend the Centre. However, after consideration, that Government stated that there were no Fezzanese sufficiently trained to profit by attendance at the Centre at this time.

209. As a related part of the same training programme, the Government of the United Kingdom has requested the United Nations Educational, Scientific and Cultural Organization, the United Nations and the Food and Agriculture Organization for fellowships and scholarships to train abroad twenty-nine Libyans, presently employed in the Administration. The aid requested under this heading was designed to meet specific needs in connexion with the Libyanization programme in Tripolitania and Cyrenaica. Qualified candidates are immediately available. Funds from the expanded programme of technical assistance are being made available for such fellowships and scholarships. In connexion with the same programme, the Government of France has requested ten fellowships from the United Nations Educational, Scientific and Cultural Organization for training teachers. That organization has indicated that it would meet this request for assistance.

PUBLIC HEALTH

210. The World Health Organization was requested by the Commissioner to send a member of its staff to study the public health requirements of Libya. A consultant of the organization visited the three territories during June and prepared a preliminary survey.

211. This preliminary inquiry showed that the chief prerequisite in the Libyan public health field is education. There are no indigenous Libyan doctors and only a few qualified medical assistants. The present educational facilities in Libya are inadequate to prepare students for advanced medical studies. Two Libyans are now studying medicine abroad. A few Libyans are qualified for training as auxiliary medical personnel.

212. The medical services are assured by a staff of approximately eighty Italian doctors, 60 per cent of whom are members of the Italian Colonial Service, under the supervision of medical officers of the British Administration. The latter pays their salaries plus an adjustment to meet the increased cost of living and this income is supplemented by private practice. The Administration collects contributions at the rate prescribed by the Italian law which was in force at the time of occupation, and these sums are held in suspense to meet their pension and life assurance rights, which

rights are preserved by the Italian Government. There is an understandable uncertainty among them about their future. Medical services in the Fezzan are furnished by three French doctors, also in government service. There are eighteen British and foreign doctors in Cyrenaica, and this number will shortly be increased to twenty.

213. The most serious and immediate task in the field of public health is to make arrangements that will maintain even the existing level of services after the independence of Libya. The preliminary survey indicates that there is no possibility of finding qualified replacements for the existing medical staff in the immediate future. The problem will be to retain as much of the existing staff and facilities as can be afforded and to build upon them. There appears to be no source of official international funds for providing supplies or staff. The possibility of aid from private institutions has yet to be explored.

214. Health conditions in Libya are relatively good, if compared with other African territories, but low in comparison with many other parts of the world. There have been no major epidemics for a long time, but serious health problems arise from the incidence of venereal disease, tuberculosis and trachoma. The medical techniques appear to be adequate, although additional supplies and physical facilities are needed to extend the treatment to the indigenous population on a broad scale. This is a financial rather than a technical question. Expansion of medical care in these, as well as in other fields, is obstructed by the limited financial capacity of the country, and the continuance of even the existing standards of medical care will raise grave financial problems for the new State. It is probable that the existing equipment and techniques established under the Italian Administration will have to be adjusted to fit them more closely to the needs of the population and the resources of a Libyan public health budget.

215. The Commissioner has requested the World Health Organization further to explore the possibilities of fellowships for medical assistants—if properly qualified personnel can be found—and of securing expert advice on a Libyan public health administration, including budget, sanitary codes and related matters, the establishment of a system of collection of vital statistics, a programme for maternal and child health care, and of obtaining instructional material for medical assistants and books and periodicals for medical libraries.

THE COMMISSIONER'S SUGGESTIONS TO THE ECONOMIC AND SOCIAL COUNCIL

216. The Economic and Social Council, at its eleventh session in July and August 1950, had on its agenda consideration of the economic and social problems of the former Italian colonies, as well as the technical assistance programme. Accordingly, the Commissioner communicated to that Council a statement under the authority of paragraph 9 of the resolution of the General Assembly.⁶⁹

217. The Commissioner pointed out that, since the General Assembly had decided that Libya should

become an independent and sovereign State not later than 1 January 1952, the United Nations had a special responsibility to assist the Libyan people not only in the formulation of their constitution, but also in the establishment of sound administrative services fitted to the needs and resources of the country, and to assist in establishing a viable economy in order that the State of Libya would endure. He pointed out the great needs of Libya and the frequent and urgent requests to him from Libyans to bring them the resources of the United Nations to assist them in their economic development. Referring to the advice of the Council for Libya concerning the need for studies regarding the establishment of the administrative services of future Libya and its economic and social development,⁷⁰ he strongly urged that the United Nations, the specialized agencies and Member States should assist the Libyans first through technical assistance and later through financial assistance.

218. He informed the Economic and Social Council that, for lack of time and expert advice, it was impossible for him then to submit specific proposals for assistance to Libya.

219. After referring to the studies in progress, he suggested that the Economic and Social Council should recommend to the General Assembly and Member States that, in view of the special responsibilities of the United Nations to assist Libya to organize its administration and a viable economy, the Secretary-General, within the terms of the technical assistance programme, should give particular consideration to Libyan needs on the submission of requests for such assistance by the Administering Powers, on the completion of the studies contemplated.

220. The Commissioner suggested that assistance should be envisaged both for the transitional period and for the longer-range needs of Libya after the achievement of independence.

221. In view of the fact that only Member States of the United Nations or the specialized agencies are eligible for technical assistance, the Commissioner strongly urged that special provision be made to continue a technical assistance programme for Libya during the possible hiatus between the achievement of independence and the time when, under the rules and practices of the United Nations and the specialized agencies, the formalities can be completed for Libya to become a Member of the United Nations—in accordance with the provisions of paragraph 11 of the resolution of the General Assembly—and also a member of the specialized agencies. He pointed out that, unless such special provision were made, United Nations technical assistance to Libya would lapse immediately upon its attainment of independence. Thus, Libya would in effect be penalized for attaining the early independence envisaged by the resolution of the General Assembly. He urged that this paradoxical situation be avoided by action of the United Nations.

222. The Commissioner made a statement before the Economic and Social Council at its 413th plenary

⁶⁹ See E/1758/Rev.1.

⁷⁰ See annex XXIII and XXV.

meeting on 15 August.⁷¹ He explained the pressing need for early technical and financial assistance to Libya, and the need to request the General Assembly at its next session to consider proposals by which Libya could become eligible for technical assistance between the time of its independence and its attainment of membership in the United Nations or a specialized agency. The Economic and Social Council, on that same day, passed a resolution⁷² drawing the attention of the Secretary-General and the heads of the specialized agencies participating in the expanded programme of technical assistance to the special need for early consideration of the needs of Libya, and requesting the Secretary-General to present to the next session of the General Assembly specific proposals as to the procedure which would enable Libya to continue to receive technical assistance after its independence has been achieved and before it has become a Member of the United Nations or of a specialized agency participating in the expanded programme.

ADVICE OF THE COUNCIL OF LIBYA

223. In answer to a request for information from the representative of Pakistan, the Commissioner's memorandum to the Council regarding his activities in preparing for studies of Libyan needs in the field of technical assistance and economic development gave rise in mid-July to a discussion in the Council for Libya on Libyan technical assistance needs. All members emphasized the great need of Libya for economic and particularly for financial assistance. They expressed the opinion that all the resources of the United Nations should be brought to bear. Some members stressed the necessity of consulting the Libyan leaders regarding the nature and type of assistance they wanted. The Commissioner pointed out that experience had shown the impossibility of securing loans or grants unless precise and detailed plans for economic or social development had been worked out by experts. He also pointed out that the United Nations had no funds for capital development and that such funds could be obtained from international agencies, Governments and private investors only on the basis of carefully prepared studies. The representative of the United States of America supported this view.

224. The Council, in a resolution introduced by the representative of Pakistan, advised the Commissioner to keep it regularly informed of action taken by the Technical Assistance Board, the Administering Powers and the technical experts who visited the country. He was also advised to inform the General Assembly as fully as possible regarding the requirements of Libya in economic and social matters and to request the General Assembly and the various organs of the United Nations to provide all necessary assis-

tance to Libya. The Council also advised him to inform the Secretary-General of its hope that, while taking into account paragraph 3 of Article 101 of the Charter, he might be able to arrange for the recruitment of advisers on the staff of the Commissioner first from Middle East countries and, if suitably qualified persons were not available there, to select advisers who had a working knowledge of the local language and considerable experience in the Middle East.⁷³

225. The Council, in accordance with this resolution, established two sub-committees, one to study the needs and requirements of Libya in the technical assistance field and the other to find ways and means to finance the requirements of Libya in the technical field. They were formed for the purpose of consulting with and advising, through the Council and the Commissioner, the technical experts who might come to Libya. They would report to the Council with a view to ensuring that, as far as possible, the requirements of Libya be examined and dealt with in accordance with the wishes of the representatives of the country. The priorities among different schemes would also be prepared in accordance with the wishes of the representatives of Libya on the Council.

226. On the basis of a report from the Sub-Committee on Needs and Requirements, the Council advised that a most urgent task for the Commissioner was to study, with technical experts, the probable economic and financial resources and the essential expenditures of the future Libyan Government. It advised the Commissioner that, in preparing studies on the needs for technical assistance in administration and economic development, there should be studied as soon as possible the subjects of banking and currency, credit, education and public health. It further advised the Commissioner to request the Secretary-General to do all in his power to implement fully and urgently, upon the request of the Administering Powers, the recommendations of the Preparatory Mission on Technical Assistance to Libya, and to inform him of the decisions of the Technical Assistance Board on the subject. The Commissioner accordingly wrote to the Secretary-General in this sense.

227. The Sub-Committee suggested that it be authorized to invite Libyans to appear before it to express their views on Libyan needs. This suggestion met with some opposition in the Council on the ground that it would put the Sub-Committee in the position of a board of inquiry, a position which the authors of the suggestion wished to avoid. The Council decided that, while the Sub-Committee was unable to summon Libyans before it, it might invite them to express their views on Libyan needs orally or in writing.⁷⁴

⁷¹ See E/SR/413.

⁷² See Economic and Social Council resolution 322 (XI).

⁷³ See annex XXV.

⁷⁴ See annex XXIV.

Chapter IX

CONCLUDING REMARKS

228. The resolution of the General Assembly concerning Libya has now been in force for eight months and the Commissioner has been in Libya for somewhat over seven months. Although this is a brief moment in the history of a country, it is for Libya an important fraction of the transitional period before the achievement of unity and independence. Nevertheless, it is long enough to permit an analysis and appraisal of some of the principal problems and difficulties which have emerged. The achievements of this period can then be seen in their true perspective.

INITIAL MISUNDERSTANDINGS

229. Soon after the Commissioner arrived in Libya on 18 January 1950, he found that there existed certain misunderstandings, both among the Libyan public and among some officials of the British and French Administrations, with regard to the exact functions of each of the parties concerned with the implementation of the resolution.

230. It was not unusual for some Libyans to ask the Commissioner what kind of constitution he intended to grant them. Apparently, they did not then fully realize that the determination of their constitution and of the form of their government was thenceforward their own responsibility. The Commissioner had repeatedly to explain to them the importance of the part they had to play in determining their own future.

231. Another misconception which was evident in the early months of 1950, particularly amongst certain uninformed sections of the population, was that the Commissioner or the Council, or both, had in fact come to Libya to take over the administration of the country or, at least, to control the Administrations. The Commissioner undertook to make it clear that the administration of the three territories was within the sole competence of the Administering Powers until the establishment and proclamation of an independent Libyan Government.

232. On the other hand, responsible officials of the Administrations clearly understood that, according to

⁷⁵ *The representative of the United Kingdom requested the inclusion of the following footnote, with which the representative of France associated himself in so far as it expressed the view, mutatis mutandis, of his Government, and which applies also to paragraph 232:*

"His Majesty's Government have always been fully cognizant of their obligations under the General Assembly resolution, obligations which include co-operation with the Commissioner in the execution of paragraph 10. They took the view, however, that, if the objective of a united and independent Libya were to be effectively achieved, the essential preliminary step should be the development of local institutions of self-government in each of the territories for the administration of which they were responsible. His Majesty's Government held that, since the inhabitants of the territories were unpractised in the management of their own affairs and correspondingly unprepared

the resolution, the Administering Powers were to remain answerable for the administration of their respective territories until power could be transferred to a duly constituted independent government. They did not, however, show as perfect an understanding that, by using that phrase, the General Assembly intended the creation of a single Libyan Government, rather than three separate governments, one for each territory. The prevailing policy seemed to be that, if each territory were helped to establish its own governmental institutions, the resulting three governments would of themselves decide the form of the future government of a united and independent Libya.

233. Certain sections of local public opinion in all the territories also appeared convinced that the establishment of local governmental institutions was an essential pre-requisite to the drafting and approval by the National Assembly of a constitution and a government for the whole of Libya.

234. During this initial stage, the Administering Powers put forward a number of suggestions for the development of the constitutional machinery of each of the three territories. Therefore, they offered no proposals for promoting the unity and independence of Libya as a whole for which the General Assembly resolution held them responsible, severally and together. This was illustrated by their attitude with regard to the convening of the Libyan National Assembly for which they considered the Commissioner solely responsible.⁷⁵ As a matter of fact, this view was likewise shared by some sections of the Libyan public. It took some time before all parties understood the precise role which each was to play in the implementation of the resolution.

235. Finally, many Libyans believed—a misconception not yet quite dispelled—that the United Nations had decided not only to help Libya to become independent, but also to provide the financial assistance necessary to put it on a sound economic footing. This belief undoubtedly sprang from the understandable impression that the United Nations had assumed a special responsibility for Libya which it would have to discharge with all its resources. This conviction might

to cope with the problems which would later confront them, any precipitate action on the part of the Administering Power might commit them to a form of government or a pattern of unity upon which they had been unable to exercise a considered judgment. In the initial stages, therefore, His Majesty's Government designedly confined themselves to putting forward suggestions for the creation and development of local organs of self-government in which the inhabitants might gain experience while at the same time making it clear, as they did to the Commissioner during their first conversations with him in February 1950, that further specific action towards the promotion of unity would follow at a later and more appropriate stage."

in principle stand unchallenged. The Libyan public is not yet entirely aware of the extremely limited capacity of the United Nations and its specialized agencies to render financial assistance to under-developed countries, of which Libya is one among many. In order to enable Libyans to appreciate the real situation, the difference between technical assistance and financial assistance must be clearly explained. It should nevertheless be emphasized that a sense of disillusionment may accompany the rendering of technical assistance alone unless some financial assistance can be found.

236. Most of these misunderstandings seem to be gradually disappearing.

237. The people of Libya are now to a large extent conscious of their own responsibility for their own constitution and government. The preparations for the convening of the National Assembly are in the hands of the Committee of Twenty-One. The Commissioner made it clear beyond doubt that the administration of the territories was within the sole competence of the Administering Powers. Furthermore, the Commissioner hopes that the assistance of various experts on his staff in such fields as public finance, banking and currency, will facilitate co-operation in these highly technical fields and aid the Administering Powers in implementing the full co-ordination of their activities, a responsibility they have assumed under the resolution.

FORM OF STATE

238. During the eight months the Commissioner has been in Libya, the concept of Libyan unity has grown steadily throughout the country. While at first unity was explicitly advocated as a political programme by the more intellectual section of the population and the younger generation in general, support for it has now spread through the hinterland. Each time the Commissioner had an opportunity of sounding opinion in the interior, he found some noticeable increase in the understanding of this concept.

239. While the support for Libyan unity was spreading, a problem directly arising from it, and of which the political leaders as well as the Administering Powers had been aware for several years, acquired new prominence. This was the problem of the form of unity Libya should adopt and therefore of the form of its governmental institutions.

240. Two alternatives presented themselves to Libyans: a federal State or a unitarian State. Broadly speaking, it may be said that, while opinion in Tripolitania is divided between preference for a unitarian and a federal principle for the future Libyan State, Cyrenaica and the Fezzan emphatically prefer a federal structure. It should be noted that the differences between the three territories in size of population and in degree of political, social and economic development are important factors in this issue. Cyrenaica and the Fezzan are wary of possible Tripolitanian interference in their local affairs. In Tripolitania, on the other hand, there is a strong feeling that, owing to its traditional position, larger population and, in some respects, more advanced stage of development, it should be entitled to the leading position in the new State.

241. While these differing conceptions concerning the form of the future State are still debated, the idea of a unified Libyan State, in one form or the other, appears to have taken firm root.

242. In the course of the first two journeys which the Commissioner made in the three territories, in January, February and March, he perceived that the issue of federalism versus unitarianism might delay the achievement of Libyan unity, unless it could be solved by compromise. A compromise could best be achieved in consultation and negotiation between representatives of the three territories. It was with this aim, amongst others, in view that the Commissioner took the initiative in suggesting the formation of a committee preparatory to the National Assembly.

243. An account has been given in previous chapters of the stages through which the idea of a preparatory committee passed in consultations between the Commissioner, the Council and political leaders in the three territories, until it culminated in the present Committee of Twenty-One, which is charged with preparing a plan for the convening of the National Assembly.

244. The question of the relative representation of the territories was immediately raised when the composition of the Committee of Twenty-One came to be determined: was it to be composed of an equal number of representatives for each territory or was the number to be proportionate to their populations.

245. For the reasons already given, such a Committee proved acceptable in Cyrenaica and in the Fezzan only if the three territories were represented on the basis of equality. On the other hand, this basis proved difficult for the Tripolitanians to accept but the leaders of the most influential political grouping in that territory finally renounced their claim to larger representation for the sake of Libyan unity. Some influential leaders, however, did not abandon their opposition to the principle of equality of territorial representation in the Committee of Twenty-One. It is to be expected that this question of representation will continue to figure in the deliberations of the Committee of Twenty-One itself and particularly in those of the National Assembly.

246. The outcome of the controversy about the form of the future State cannot be precisely foreseen. In so far as a forecast can be made, there is good reason to believe that a compromise will be reached between extreme unitarians and those favouring a loose form of federation. It goes without saying that, in accordance with the letter and spirit of the resolution, this essential matter is to be settled by the Libyans themselves meeting in the National Assembly. The decision on the Constitution, including the form of the government, is outside the competence of the Administering Powers.

247. The assistance of the Commissioner, aided and advised by the Council, is freely offered to the people of Libya, who are at liberty not to follow it if they have valid reasons.

248. In this connexion, however, the Commissioner has not failed to observe to Libyan leaders that any

action on their part which might be inconsistent with the resolution or with the principles of the Charter of the United Nations might prejudice the future membership of Libya in the United Nations and even create the danger of reopening the Libyan question in the General Assembly.

RELATIONS BETWEEN THE COMMISSIONER AND HIS COUNCIL

249. In the course of their labours, the Council and the Commissioner have repeatedly discussed their relationship in the light of paragraphs 4 and 8 of the General Assembly resolution of 21 November 1949. The Commissioner and certain members of the Council interpreted these paragraphs in different ways.⁷⁶ The principal point under discussion was whether an advice of the Council is or is not under all circumstances binding upon the Commissioner. After lengthy discussions, the Council unanimously decided on 1 September, and the Commissioner agreed, that no useful purpose could be served by trying to solve the problem by strict legal interpretation and that in order to further a constructive relationship, in the interest of Libya, the only practical solution was for the Council and the Commissioner to co-operate on a basis of mutual confidence respecting each other's views as to their respective duties and responsibilities and to reach agreement from case to case as circumstances might require. The Commissioner is glad to state that so far he has always followed the advice of the Council.

250. However, the measures to be taken in the execution of paragraph 10 of the resolution are the exclusive responsibility of the Administering Powers in co-operation with the Commission. Such co-operation does not imply that the Commissioner shares the responsibilities of the Administering Powers, to

⁷⁶ *The representative of France requested the addition of the following footnote:*

"The representative of France, while appreciating the spirit which motivated the drafting of paragraph 249 of the report, and while gladly recognizing that this new text describes exactly the present relations of the Commissioner with the members of the Council, considers that, for the sake of information, it is appropriate to set forth in detail, as did the Commissioner in an earlier draft, the account of the facts as they appear in the two following paragraphs:

"The resolution of the General Assembly clearly laid down that the function of the Council was to aid and advise the Commissioner, while it was incumbent upon the latter to consult the members of the Council and be guided by their advice. This presupposed a marked degree of co-operation and understanding between the Commissioner and the members of the Council. In fact, the relationship between the Commissioner and the Council has not been uniformly interpreted, with the result that the partnership has been less harmonious than the Commissioner had hoped. Certain members of the Council have advocated an interpretation of the resolution according to which the Council should give direct aid and advice to the people of Libya and should take the Administering Powers to task, instead of confining its efforts to the function attributed to it by the resolution. At the same time, these same members have expressed the opinion that the Commissioner should consider any advice he may receive from the Council as binding upon him. The Commissioner acknowledges that, under his terms of reference, he 'shall consult and be guided by the advice of the members of his Council' and that as a rule he should follow such advice. He has always desired and endeavoured to maintain close co-operation with the Council and has always made it clear that he considered it his duty to ask for the Council's advice on any question of importance which might arise in the course of the implementation of the resolution. He has done so from the outset and intends to continue to do so in the future.

whom he may make suggestions but who remain free to accept or reject such suggestions on their own responsibility. Suggestions of this kind must of course be limited to measures pertaining to the implementation of the resolution, and, in important cases, the Commissioner considers that he should obtain the advice of the Council.

251. It is only natural that the Council should want to be kept informed as to whether the Administering Powers expeditiously and fully carry out the obligations which they have assumed under the resolution. Such information, however, is to be secured through the Commissioner. The Administering Powers are nevertheless not responsible to the Commissioner or to the Council for the way in which they implement the resolution, but directly to the General Assembly.

252. After more than four months of practical experience of co-operation with the Council, the Commissioner is convinced that the establishment by the General Assembly of a Council to aid and advise him was necessary. Indeed, his functions in dealing with the Libyan people and the Administering Powers are so delicate and complicated that their exercise by a single man, without the advice of a body like the Council, would have been undesirable. As the record shows, the Commissioner has received much valuable advice, sometimes the more useful in that it led him to modify his original opinion.⁷⁷

THE PROBLEM OF THE MINORITIES

253. The settlement of the future status of the Minorities is scarcely less important to the Libyan people than to the Minorities themselves. If the future of the Italian community is particularly delicate, especially in view of its large economic and financial inter-

Advice which the Council has thought fit to tender him on its own initiative has proved of great value. He is fully aware that he must have extremely serious reasons for not following advice given to him by the Council. Nevertheless, the Commissioner believes that he is correct in understanding that, while the resolution obliges him to be guided by the Council's advice, it does not bind him to follow it in each and every case, especially if circumstances and his best judgment were to make it impossible for him to do so. He is not the executive organ of the Council, since he acts under his own responsibility towards the General Assembly and towards the General Assembly alone. Up to now the Commissioner has never rejected advice tendered to him by the Council. However, should the necessity arise, he will keep the Council fully informed and he will have to justify his action before the General Assembly.

"The functions which the resolution assigned respectively to the Commissioner and to the Council are different but complementary. They can best be performed in the interest of Libyan unity and independence if mutual confidence, co-operation and understanding prevail between the Commissioner and the Council and if each respects the duties and responsibilities of the other." (A/AC.32/Council/W.5/Add.4) "For the completion of this account see the footnote number 77 to paragraph 252."

⁷⁷ *The following paragraphs complete the account referred to by the representative of France in footnote number 76 to paragraph 249:*

"Nevertheless, the Council has shown a tendency to become a forum for speeches and statements seemingly intended for the public gallery. Thus, valuable time has been lost. In making these remarks the Commissioner does not object to the practice of holding public meetings; he only deplores its abuse.

"The Commissioner also regrets that the rules of procedure of the Council have occasionally been used rather as the levers of political manoeuvre than as the machinery for facilitating orderly debate."

ests, the other minorities, legally and morally, have equal interests to safeguard. All, however, bring a vigour to the life of the country without which its future development would be jeopardized.⁷⁸

254. The problem is difficult and complex. The Commissioner does not pretend that, during his seven months at work in Libya, he has mastered all its intricacies; even less does he pretend that he has formed a definite opinion on possible solutions. Many considerations of a political, legal, economical, financial, social, cultural and religious nature, must first be weighed. Indeed, it will only be possible to find and to effect an agreed solution as the constitutional development and political organization of Libya proceeds. The desire of the minority groups for quick decisions and solutions to put an end to the prevailing uncertainty is understandable, but it is the Commissioner's conviction that none of the interested parties would benefit from haste.

255. Experience indicates that it would be easier to find a solution if the problem were removed from its political context. If an understanding between the Libyans and the Minorities were sought only in the administrative, economic, social, financial, cultural and religious fields, there would be a good chance of solving the problem as a whole. The injection of political considerations such as minority participation in Libyan political bodies during the transitional period may delay both the achievement of Libyan unity and an agreed settlement of the minority problem.

256. A procedure which might recommend itself both to the Minorities and to the Arab population could be conceived in the form of negotiations, under the auspices of the Commissioner, if so desired by both parties, between a delegation of the Minorities and a Committee appointed by the National Assembly for the purpose of achieving agreement on the clauses to be inserted in the Constitution for the safeguarding of the rights and interests of the Minorities in Libya.

⁷⁸ *The representative of the Minorities requested the inclusion of the following footnote:*

"The Minorities wish to emphasize that their request to participate in the formation of the future Libyan State is founded upon the interpretation of the letter and spirit of the resolution of 21 November 1949, as they emerge also from the discussions preparatory to the resolution.

"Their request is motivated by their desire to co-operate with the majority in an atmosphere of agreement and in a constructive spirit, free of any political calculation other than the natural interest of the Minorities in the formation and well-being of the new State.

"The problem today is such that it appears necessary to obtain an authentic interpretation of paragraph 3 of the resolution of 21 November 1949, upon which opinions vary. The representative of the Minorities requests the consideration of the memorandum submitted as annex XXVI of this report as a request to the General Assembly for such an interpretation."

The representative of Italy requested the addition of the following note:

"The representative of Italy is in agreement with the interpretation given by the representative of the Minorities in Libya of paragraph 3 of the resolution of 21 November 1949, because the Assembly, in using the term 'inhabitants', intended not to discriminate among the population. This was confirmed by the fact that the resolution provided that the Minorities in Libya should have a seat on the United Nations Council for Libya, thus stressing that they were entitled to share in the fullest manner in the formation of the new State. In these circum-

THE FUTURE

257. The aim of the General Assembly is that Libya, comprising Tripolitania, Cyrenaica and the Fezzan, shall be constituted an independent and sovereign State as soon as possible and not later than 1 January 1952, and that the Constitution including the form of government shall be determined by the Libyans themselves.

258. It is the firm conviction of the Commissioner, after having observed political conditions in Libya for the last eight months, that, notwithstanding serious obstacles and difficulties, but rather counting on the keen desire of every Libyan to see his country independent in the shortest possible time, the aim of the General Assembly will be attained within the time limit prescribed and perhaps somewhat earlier. It is his sincere belief that, if the Libyan political leaders continue to show the sense of responsibility and constructiveness which they have increasingly displayed over the last eight months, they will reach their goal. It is, of course, indispensable that the Administering Powers continue to administer the territories for the purposes set forth in the resolution. When the Libyan National Assembly has adopted a constitution, including the form of government, the Administering Powers should proceed to take all the necessary steps for the progressive transfer of functions to a provisional Libyan administration. As more detailed measures have to be taken, both within the territorial spheres and on the over-all Libyan level, the co-ordination of the activities of the Administering Powers will become progressively more necessary, particularly in the fields of administration, finance, currency and economy. The Commissioner may have to suggest at a not too distant date the establishment of a standing co-ordination committee, comprising officials of the Administering Powers and perhaps also of the Cyrenaican Government and the Fezzanese Administration, together with an appropriate representative of Tripolitania.

259. Libya, like any other State, cannot base its independence on the mere constitution of a govern-

stances, the representative of Italy declares that there is no justification for depriving the Minorities of their political rights at the most important moment, that is, during the formation of the Libyan State.

"If the suggestions made by the Commissioner were to be accepted, it would imply the acceptance *ipso facto* by the Minorities to be considered, not as such, but as a foreign community.

"For these reasons, the representative of Italy, while associating himself with the decision of the representative of the Minorities to appeal to the General Assembly of the United Nations, expresses the hope that the Committee of Twenty-One, with the advice of the Commissioner, will recognize that the participation of the Minorities in the forthcoming National Assembly is both right and opportune.

"The representative of Italy emphasizes furthermore that the parties in Tripolitania—the region in which the Minorities reside—have formally declared to the Commissioner that they favour the participation of the Minorities in the constitutional development of Libya, holding a fruitful collaboration between majority and minority to be indispensable."

The representative of the United Kingdom requested the addition of the following footnote:

"The representative of the United Kingdom wished it to be recorded that the position of his Government as regards the interpretation of the word 'inhabitants' was still that stated by the representative of the United Kingdom in the Political Committee in the autumn of 1949."

ment. If the new State is to acquire and maintain a stable position in the family of nations, a properly organized and competent administration with a carefully planned budget, supported by a viable economy, is no less essential.

260. None who have read the preceding chapters will be astonished if the Commissioner expresses the belief that the establishment of an effective administration, a sound financial system, and a viable economy offering the prospect of a gradually improving standard of life for the Libyan people, is certain to take more time than the period set for the achievement of Libyan independence.

261. This last statement implies no mental reservation regarding the establishment of an independent Libyan State within the time allotted by the resolution. When Libya achieves its independence, it will certainly not be the only independent State in the world requiring assistance to organize its administration and to balance its finances and economy.

262. As has been remarked earlier in this report, the Libyan people strongly believe that the United Nations, by adopting the resolution of 21 November 1949, assumed a special responsibility towards their

country. The Libyan people feel that this responsibility is not discharged merely by granting political and technical assistance; they feel that the United Nations, in granting independence to a poor country in dire need of direct financial assistance, also has the responsibility to provide financial aid both in the interim period and after independence. The Commissioner shares the feeling that the United Nations has a special responsibility towards Libya and reiterates to the States Members of the United Nations the necessity of arranging financial assistance to Libya through the United Nations, governmental, or private sources. **Financial assistance, together with technical assistance,** is particularly needed in the interim period and in the period before Libya becomes a Member of the United Nations. To avoid the possibility of the cessation of financial and technical aid to Libya after it has become independent but has not yet become a Member of the United Nations, the Commissioner once again stresses the urgency of the United Nations taking an immediate decision that an independent Libya not yet a Member be entitled to United Nations assistance. The Commissioner, in concluding his report, expresses the hope that the United Nations will discharge its peculiar responsibility to Libya to the utmost of its capacity not only before but after independence.

ANNEXES

Annex I

Text of the Commissioner's statement on his arrival in Tripoli on 18 January 1950

It is a matter of special gratification to me to have arrived among you, to make your acquaintance and to bring you my greetings. The pleasure I feel at setting foot on the soil of your beautiful country is equalled only by my pride at having been appointed by the General Assembly of the United Nations to help you on the road to independence.

After leaving Lake Success to take up my duties as Commissioner, I made a point of seeing that my first official contacts were with you. You may take this as a pledge of my wholehearted co-operation; my door will be open to you, and your visits and proposals will be welcome. I propose to go on to Cyrenaica and the Fezzan in order to visit and to hear those spokesmen of public opinion and tribal chiefs whom I have not the honour of seeing in Tripolitania.

I should like to assure you all, whether present or absent, of my friendship. I am not yet able to express myself in your beautiful language; yet I say this in the same spirit which animates you, for I am not entirely unfamiliar with the traditions, history, culture and science of the Arabs.

I should like to take this opportunity to tell you in general terms the purpose of my mission. My terms of reference are clear: they lay down that the United Nations Commissioner will assist the people of Libya in the formulation of their constitution and in the establishment of an independent government. The Commissioner is also instructed, after consultation with the Administering Powers, the members of the Council and the leaders and representatives of the political parties and organizations in Libya, to appoint the representatives of Libya in the Council. It is not my function to govern your territory; that remains within the competence of the Administering Powers until you assume it for yourselves.

My first visit to Libya will last three weeks and will be, as it were, an exploration. For the moment my

purpose is simply to learn your views and hear your suggestions, particularly with regard to the choice of your representatives in the Council, and to make preliminary contacts with the representatives of the Administering Powers.

On my final return to Libya, about the middle of March, the first task will be to bring the Council together and then to take the first step towards setting up a National Assembly. As you know, the chief task of that Assembly will be to frame a constitution. It will, therefore, be at once your privilege and your duty to draw up that constitution, which will be the charter freely accepted by the people of Libya for the ordering of its future national life. My part in these events will be to advise and guide you, and it is my hope that the constitution, while taking into account the special characteristics of the country, will be based on solid democratic foundations, so that everyone may exercise his civil and political rights in peace and freedom and perform his duties as a good citizen for the benefit of the whole community. In short, it would seem that you should seek the union of the noble heritage of your past with certain methods of the West, in harmonious association. Such an association should contribute to the reconstruction of the country and so promote the economic development and social progress of all its people.

May I, in conclusion, in the generous spirit of the men of the desert, offer you my labour and my advice, and in return ask you for your co-operation in the complete fulfilment of our common task, which is to transform Libya into an independent and sovereign country before the end of next year.

In this age in which we live, and in face of the great task awaiting us, we must not count on miracles. Only with hard work, with much goodwill and with a spirit of intelligent co-operation can we merit the assistance of the Almighty in attaining our great and noble purpose.

Annex II

Record of the Commissioner's official travels outside Tripolitania

12 January 1950	.....Departure from New York	4-7 February	.....In Tripoli
18 January	.....Arrival in Tripoli	8-11 February	.....In Cairo
18-24 January	.....In Tripoli	12-15 February	.....In Rome
24-29 January	.....In Benghazi	16-18 February	.....In Paris
29 January-4 February	...In the Fezzan	19-24 February	.....In London

1 March	.....Arrival in New York	18 April	.....In Tripoli
5-7 March	.....In Washington	14 May	.....To Sebha with members of the Council
16 March	.....Departure from New York	16 May	.....Return to Tripoli
17 March	.....In London	30 May	.....To Benghazi with members of the Council
17 March	.....Arrival in Tripoli	2 June	.....Return to Tripoli
17-20 March	.....In Tripoli	18 June	.....To Benghazi
21-22 March	.....In Benghazi	21 June	.....Return to Tripoli
23-24 March	.....In the Fezzan	26 June	.....To Benghazi
25-28 March	.....In Tripoli	28 June	.....Return to Tripoli
29 March-1 April	.....In London	30 June	.....To Tunis
3-5 April	.....In Geneva	6 July	.....Return to Tripoli
6 April	.....In Paris	12 August	.....To Geneva
7-8 April	.....In London		
10-15 April	.....In Tripoli		
16-18 April	.....In Benghazi		

Annex III

Memorandum from the Commissioner to the Council dated 19 April 1950, on his activities since 10 December 1949⁷⁰

1. Within a few days of his election by the General Assembly as the United Nations Commissioner in Libya, on 10 December 1949, the Commissioner called informal meetings of the permanent representatives to the United Nations of the six Governments represented on the Council, on 19 December 1949 and 9 January 1950, to discuss with them the initial steps which he contemplated in order to implement as expeditiously as possible the resolution adopted by the General Assembly on 21 November 1949 (resolution 289 (IV)) in so far as it affected Libya.

2. The Commissioner stated that he intended to make an exploratory visit to Libya with the purpose of (a) obtaining a first-hand impression of the present state of affairs in Cyrenaica, the Fezzan, and Tripolitania; (b) meeting the representatives of political parties and organizations, as well as leading personalities in the three territories; (c) establishing contact with the United Kingdom and French Administering Authorities on the spot; and (d) beginning consultations with regard to the appointment of the four local members of the Advisory Council, as provided by paragraph 7 of section A of the General Assembly resolution 289 A (IV). Furthermore, the Commissioner stated his intention to visit Cairo, Rome, Paris, London and Washington, for the purpose of holding consultations with the Governments concerned. He expressed regret that he would be unable for the time being to go to Karachi for consultations with the Pakistani Government. The Commissioner's plan, as set out above, was endorsed by the representatives of the six Governments, who assured him of their fullest co-operation in the task ahead.

3. A third informal meeting of the representatives of the six Governments was held in New York on 10 March 1950 before the Commissioner's departure for Libya; at this meeting he informed them of his first trip and outlined his future plans.

4. The Commissioner left New York for Libya on 12 January 1950. For the Commissioner's itinerary between that date and 18 April, see annex II.

5. After his initial visit to Libya, the Commissioner discussed, in London, with the Secretary of State for Foreign Affairs and high officials of the Foreign Office, the measures to be taken by the United Kingdom for the constitutional development of Tripolitania as envisaged in paragraph 10 (a) and (b) of section A of the General Assembly resolution. As a result of these consultations, the United Kingdom Government, with the concurrence of the Commissioner, drew up a plan for Tripolitania along the following lines:

(i) An Administrative Council would be set up in the near future. It would include the three Secretaries of the British Administration (the Chief Secretary, the Legal Secretary and the Financial Secretary), one nominated member, possibly a business man, one Italian member, and at least seven nominated Libyan members. The exact composition of the Administrative Council was still to be determined but, whatever its final composition, the majority would consist of Libyans and the criterion for selection would be individual competence. Expert advisers could at any time be called in when the Administrative Council discussed special matters. The Administrative Council would have a purely advisory competence confined to administrative matters, with the explicit exclusion of questions concerning the constitutional development of Libya. Certain other subjects would be outside its competence. The purpose of the Administrative Council would be to acquaint the Tripolitanians with the administration of the territory and, in a general way, to enable them gradually to gain experience in the administration of their local affairs. Accordingly, it was agreed that both the composition and functions of the Administrative Council should be continually under review in consultation with the Administrative Council itself, in order that it might evolve in the desired direction.

⁷⁰ A/AC.32/Council/R.5.

(ii) In June or July 1950, it is intended to hold elections for a legislative body in accordance with an electoral law to be elaborated by the Chief Administrator in consultation with the Administrative Council. The legislative body might be called the Administrative Chamber for Tripolitania. It would be composed of three *ex officio* members (namely, the three Secretaries of the Administration), twenty-five to forty members elected by the population on a constituency basis and, if need be, ten nominated representatives. The Assembly would have power to pass bills which would, however, be subject to the approval of the Chief Administrator. It could also discuss finances. There would be, however, certain reserved subjects which that body could not discuss, such as the position of the United Kingdom forces, the constitutional development of Libya as a whole, and also special subjects which could be discussed only with the agreement of the Chief Administrator, such as the powers of the legislative body itself. One of the tasks of the Administrative Chamber would be to draw up its basic law, with due regard to the deliberations which would take place concerning the form of the Libyan Government. The powers of the Assembly would be extended at any time if such extension were called for.

(iii) The Tripolitanian Civil Service would be "Libyanized" as quickly as feasible; to that end, it would be necessary to increase the training facilities presently available, possibly with the financial and technical aid of the United Nations.

6. In Paris, the Commissioner held consultations with the French Minister of the Interior, who is responsible for the administration of the Fezzan, as well as with high officials of the Quai d'Orsay, on constitutional developments in the Fezzan. On 12 February 1950, Ahmed Bey Seif el Nasr was elected unanimously as *Chef du Territoire* by an assembly of fifty-eight representatives of the people of that territory. Representatives of the territory of Ghat, in the south-western part of the Fezzan adjoining Southern Algeria, refused to take part in the election on the ground that they preferred to be incorporated into the adjoining territory of the Adjirs. An Administrative Council of three councillors and eight assistants with advisory functions was established by the French authorities to aid the *Chef du Territoire* in the administration of the Fezzan under the responsibility of the French Military Governor, whose title was changed to that of Resident.

7. When, on 21 November 1949, the General Assembly adopted resolution 289 (IV) with regard to Libya, there existed in Cyrenaica a situation which was in certain respects different from those prevailing in Tripolitania and in the Fezzan. On 1 June of that year, the United Kingdom Government announced its recognition of His Highness Sayed Mohammad Idriss el Senussi as Amir of Cyrenaica and, in conformity with his wishes, declared its intention of establishing a Government with responsibility over internal affairs in Cyrenaica with the Amir as its head.

8. That announcement was followed by a Proclamation (Proclamation No. 187) issued on 16 September 1949, whereby the Chief Administrator of Cyrenaica empowered the Amir, subject to certain conditions, to enact, by edict, a Constitution for Cyrenaica. His Majesty's Government of the United Kingdom was

henceforth to be represented by a British Resident. The legislative and administrative powers conferred by the Constitution covered internal matters. Certain matters were, however, specifically reserved to the British Resident. These were:

"(a) External affairs, including foreign trade and the facilitation thereof, and all administrative and legislative measures necessary in connexion with such affairs or trade;

"(b) The defence of Cyrenaica, including the maintenance of peace and order if the local authorities are unable to deal with it and including the use, after consultation with the Amir, of land, buildings and facilities therefor and, in agreement with the Amir, the payment of adequate compensation in respect of such land, buildings or facilities;

"(c) The control and regulation of air navigation and the use of land, buildings and facilities therefor and, in agreement with the Amir, the payment of adequate compensation in respect of such land, buildings or facilities;

"(d) Matters affecting the British naval, military and air forces in Cyrenaica, including land, buildings and facilities for their use and the importation of goods and animals for them, and the imposition of custom or other duties thereon;

"(e) Submarine cables and exterior matters connected with posts, telegraphs and telecommunications;

"(f) Any change in the currency which, however, will not be altered except in the interests of the territory and in agreement with the Amir;

"(g) Immigration, but provisions relating to the introduction of workers and the settlement of persons in the territory shall be made in accordance with the interests of the territory and after consultation with the Amir;

"(h) The issue and the visa of passports relating to foreign travel;

"(i) Extradition to or from foreign countries, and the removal of persons, other than inhabitants of Cyrenaica, serving sentences of imprisonment;

"(j) The person and the official residence of the British Resident;

"(k) Pending arrangements to be made under article 19 of annex XIV of the Treaty of Peace with Italy, powers relating to Italian State, parastatal and private property including interests held in property by the Italian State, Italian parastatal organisations or Italian nationals".

9. A Constitution for Cyrenaica was enacted by the Amir and came into force on 18 September 1949. Its main provisions may be summarized as follows: The Amirate of Cyrenaica is created, with His Highness Sayed Mohammad Idriss el Senussi as the first Amir, the succession to the Amirate to be determined by a succession law. The Constitution provides that the Amir shall be the head of the Cyrenaican Government, and establishes a Council of Ministers and an Assembly of Representatives. The former is composed of a Prime Minister and such other Ministers as the Amir, on the advice of the Prime Minister, shall see fit to appoint; the latter consists of such number of nominated or elected members as may be prescribed by law. The

Amir is given full power and authority to enact such laws as may be necessary for the peace, order and good government of Cyrenaica, after receiving the advice of his Council of Ministers or a submission from the Assembly of Representatives. The Constitution contains sections dealing with the judiciary, finance, civil service, army and police, the rights of the people and the emergency suspension of the Constitution.

10. Since the promulgation of the Constitution, the Amir has, on various occasions, expressed the desire that the powers still retained by the United Kingdom Government might be transferred to His Highness and his Government and that, as a result of such transfer, Cyrenaica might be proclaimed an independent State. Such was the situation as the Commissioner found it on his first visit to Benghazi from 24-29 January 1950.

11. In the course of the first conversation which the Commissioner had with His Highness the Amir on 25 January 1950, regarding the implementation of the General Assembly resolution and the part to be played therein by Cyrenaica, His Highness stated that he favoured a united Libya with one Constitution, one Government and one Parliament.

12. At the same time, it also became clear that the United Kingdom Government, fully recognizing its obligations under the General Assembly resolution, had a sympathetic understanding of the Amir's wishes regarding the transfer of the still reserved powers. In this connexion, the United Kingdom Government recalled the statement made by the Minister of State, Mr. Hector MacNeil, on 9 November 1949, in the First Committee of the General Assembly, to the effect that, if the Amir insisted on a further transfer of powers, the United Kingdom Government would feel in honour bound to comply with His Highness' wishes. It was also explained to the Commissioner that, in the opinion of the United Kingdom Government, such action would be entirely consistent with the General Assembly resolution, provided that His Highness the Amir were to undertake an obligation on behalf of Cyrenaica to conform to the provisions of that resolution, particularly with regard to the provision that Libya, comprising Cyrenaica, Tripolitania and the Fezzan, should be constituted an independent and sovereign State.

13. During further conversations, the Amir agreed to postpone all discussion of a future transfer of powers at least until such time as representatives of Cyrenaica on the proposed Preparatory Committee for the Libyan National Assembly (see A/AC.32/Council/R.3, annex V) had had an opportunity to consult on this matter with their colleagues from Tripolitania and the Fezzan.

14. His Highness again assured the Commissioner of his entire agreement with the establishment of a united and independent Libyan State comprising Cyrenaica, Tripolitania and the Fezzan, as foreseen in General Assembly resolution 289 (IV).

15. The United Kingdom Government also reiterated its firm intention to fulfil its obligations under the resolution and actively to further its ends.

16. Paragraph 3 of section A of the General Assembly resolution provides that a Constitution for Libya, including the form of government, should be determined

by representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan meeting and consulting together in a National Assembly. With a view to preparing the establishment of the National Assembly and at the same time reaching as soon as possible the largest measure of agreement among the representatives of the Libyan people on the main principles to be incorporated in the Constitution for Libya, the Commissioner, in the course of his consultations both with the Administering Powers and with the representatives of public opinion in Libya, suggested the establishment of a Preparatory Committee, in which the three territories would have equal representation. The Commissioner's suggestion was accepted by the Administering Powers and all the groups consulted. A more detailed account of the Commissioner's views on the subject of the Preparatory Committee will be found in the "Request of the United Nations Commissioner for advice regarding the measures to be taken for the constitutional development of Libya" (annex V).

17. The Commissioner also paid brief visits to Cairo, Rome and Washington. In Cairo, he discussed Libyan affairs with the Egyptian Foreign Minister, with leading members of the Libyan Liberation Committee in that city, and with the Secretary-General and Libyan members of the Arab League. In Rome, the Commissioner had conversations with the Italian Foreign Minister, the Under-Secretary for Foreign Affairs and high officials of the Italian Foreign Office, with whom he reviewed the Libyan problem in general, and the question of the Italian minority and its economic interests in Tripolitania in particular. In Washington, the Commissioner had a general exchange of views on the Libyan question with senior officials of the Department of State, including the possibility of economic assistance for Libya.

18. The Commissioner took the fullest advantage of his stay in Libya, especially during his initial visit to the three regions, to establish contact and enter into close relations both with the officials of the Administering Powers and with local political leaders. In particular, he had a number of talks with the Chief Administrator for Tripolitania, the British Resident in Cyrenaica and the French Resident in the Fezzan; with His Highness the Amir of Cyrenaica, the Prime Minister and members of the Cyrenaican Government, and leaders of the two political organizations in that territory; with the leaders and representatives of the six political parties in Tripolitania; with various notables in the Fezzan; with a number of non-political leading personalities in Tripolitania and Cyrenaica; and with the representatives of the four minorities actually in Tripolitania, namely the Italian, Jewish, Maltese and Greek communities. These conversations and exchanges of views, on the one hand, enabled the Commissioner to obtain a first-hand knowledge of the present situation in the three regions of Libya; on the other hand, they afforded him an opportunity to explain the meaning of the General Assembly resolution. On all these occasions, he stressed his firm determination that the constitution of a united independent and sovereign State in Libya should be an accomplished fact by the date laid down by the General Assembly of the United Nations.

19. The first main task which the Commissioner had to perform in implementing the resolution of the

General Assembly was the appointment of the four local representatives on the Council. Paragraph 7 of Section A of the General Assembly resolution reads:

"That the United Nations Commissioner shall appoint the representatives mentioned in paragraph 6 (b) (i.e., one representative of the people of Cyrenaica, the Fezzan and Tripolitania, and one representative of the minorities in Libya) after consultation with the Administering Powers, the representatives of the Governments mentioned in paragraph 6 (a) (i.e., the representatives on the Council nominated by the Governments of Egypt, France, Italy, Pakistan, the United Kingdom and the United States of America), leading personalities and representatives of political parties and organizations in the territories concerned".

20. The consultations referred to in the preceding paragraph took place between 18 January and 5 April 1950. The Commissioner endeavoured to persuade the representatives of the political parties and groups in each of the three regions of Libya, as well as of the minorities, to submit to him not later than 15 March 1950 the name of only one candidate who enjoyed their confidence. The political parties and groups and the minorities were left free in their choice and were given ample time to select a suitable candidate; no pressure of any kind was exercised upon them by the Commissioner as regards the selection to be made by them. At this stage the Commissioner, and the Deputy Principal Secretary, who was in charge of the Commissioner's office during the latter's absence from Libya, limited themselves to offering advice, when requested, with a view to getting the various parties together. Unfortunately, the efforts of the Commissioner and of his representative were not crowned with success. Especially in the case of the nominee for Tripolitania and for the minorities, the difficulties to be overcome in order to secure agreement on a single candidate were insurmountable. In the Fezzan alone, the name of a single candidate was submitted to the Commissioner within the prescribed time; subsequently, however, a second candidate was presented to him by a group of Fezzanese (see paragraph 22). In a final effort to achieve agreement, the Commissioner, on his return to Libya from New York on 17 March, once again visited the three territories. He impressed upon the Cyrenaican and Tripolitanian leaders the need and the urgency of an understanding, and extended the date of the presentation of a candidate or candidates to 28 March 1950.

21. In Cyrenaica, where there are two political organizations, namely, the National Congress of Cyrenaica and the National Committee, the latter being the former Omar Muktar Club, it was desirable that the candidate should be a personality enjoying the confidence of both. During the period when the negotiations for the submission of a Cyrenaican nominee were in process, the National Congress of Cyrenaica was dissolved by the Amir. Finally, notables of the territory assembled and submitted to the Amir the names of the following eight candidates: Mohamed Bourahim, Khalil al Kallal, Ali Assad Jerbi, Buseif Tasin, Fathi el Khekhia, Omar Pasha Mansour, Omar Cheneib and Hussein Taher. These names were presented by the Amir to the Commissioner.

22. In the Fezzan, an Assembly of fifty-eight representatives of the inhabitants designated Ahmed el Hadj

Es Senussi Sofou as the candidate for representative of that territory. In the latter part of March, during his second visit to Sebha, the Commissioner received petitions with about 500 signatures opposing the nomination of Ahmed Hadj Senussi, and proposing that Abdurrahman Ben Muhammed Al Barkuli be nominated as the Fezzanese candidate for the post.

23. In Tripolitania, owing to the existence of six political groups, of which at least two, the National Congress and the Independence Party, claim to represent the majority of the people, it was not possible to reach agreement on a single candidate to represent the territory, irrespective of party. The following candidates were submitted to the Commissioner: Mustafa Bey Mizran, by the National Congress; Mohamed Kamil Ouedan, by the Egypto-Tripolitanian Union Party; Mahmoud Muntassir and Ibrahim Ben Shabaan, by the Independence Party; Ali Al Fakih Hassen, by the Kutla Party; Mahmoud Muntassir, by the Labour Party; and Sadok Zarea, by the Liberal Party.

24. It was obvious to the Commissioner that the selection of one representative for the four minorities in Tripolitania, since it was only in that region of Libya that there existed minority groups, would perhaps be the most difficult of all. The Italians formed the largest national minority group, with unquestionably the largest economic interests. The Italians were, and still are, divided into several groups and they were unable to reach an understanding on a single candidate. The other three minority groups, generally speaking, worked in harmony. After some hesitation, they agreed that the representative of the minorities should be an Italian. However, they asked, as a prerequisite of their support, that the Italians themselves should agree on a single candidate, who should also be acceptable to the Arab population. In view of the fact that no agreement on a single candidate was reached among the Italian groups, the three non-Italian minorities proposed to them the name of an Italian candidate, who could be submitted to the Commissioner as the candidate of the four minorities. Owing to new difficulties which arose in connexion with this candidate, the non-Italian minorities withdrew his name and submitted to the Commissioner four names as their own candidates. They also made their approval of an Italian as representative of the minorities subject to the condition that the nominated candidate should be assisted by an advisory committee, comprising representatives of all minority groups, to ensure that he represented in the Council not merely one particular minority but all the four minorities. An agreement to that effect had been reached. Ten candidates were proposed to the Commissioner by the four minorities. They were: Signor Giacomo Marchino, Mr. Ruben Hassan, Mr. Andrew Foros and Mr. George Agius, proposed by the Greek, Jewish and Maltese communities; Signor Mario Cartechini, Signor Giorgio Gabet, Signor Sebastiano Morabito, Signor Mario Viscardi and Signor Aurelio Finzi, proposed by the Italian Representative Committee, the Italian Democratic League and the Catholic Action; Signor Domenico Catitti, proposed by the Economic Front; the Political Association for the Progress of Libya, while agreeing on the list proposed by the non-Italian minorities, expressed preference for Signor Marchino.

25. Having consulted the Administering Powers, the Commissioner, on 28 March 1950, submitted the following four candidates to the representatives of the six Governments members of the Council. They were:

For Cyrenaica: Ali Assad Jerbi

For the Fezzan: Ahmed el Hadj Es Senussi Sofou

For Tripolitania: Mustapha Bey Mizran

For the minorities in Libya: Signor Aurelio Finzi.

26. To complete the consultations provided for in paragraph 7, of section A of the General Assembly resolution, the Commissioner then convened at Geneva, on 4 and 5 April 1950, the six governmental representatives and heard their views on the candidates he had proposed. In the case of the representatives of the people of the three territories of Libya, the Commissioner's choice was unanimously endorsed. With regard to the representative of the minorities originally suggested by the Commissioner, after 28 March 1950 an agreement was reached among all important Italian groups in Libya upon Signor Marchino, who was also acceptable to the other minorities as well as to Arab public opinion in Tripolitania. Accordingly the six representatives unanimously accepted the Commissioner's recommendation that he should nominate Signor Marchino as the representative of the minorities in the Council.

27. The Commissioner, at an early stage, came to the conclusion that it would not be sufficient to advise and assist the Libyan people in their purely political and constitutional development, but that he should also, together with the Administering Powers, advise and assist them on the establishment of a civil service for the administrative tasks of the future State and on the economic development of the country. The Commissioner had at his own command no budget for technical, economic or social assistance. Under existing procedures all such requests to the United Nations and the specialized agencies must be made by Governments. The Assembly resolution (paragraph 9 of section A), however, authorized the Commissioner to offer suggestions to the General Assembly and to the Economic and Social Council and the Secretary-General as to the measures that the United Nations might adopt during the transitional period regarding the economic and social problems of Libya.

28. The importance and complexity of the technical, economic or social assistance which might be undertaken and the need of assessing the requirements, reviewing the studies already made by the Administering Powers, as well as the capacity of the future Libyan State to carry on projects, obviously require expert analysis and

advice. After consultation with officials of the United Nations Secretariat concerned with technical assistance matters and with the Food and Agriculture Organization, the International Bank for Reconstruction and Development and the International Monetary Fund, the Commissioner, in mid-March, suggested to the Administering Powers that they jointly request the services of a technical assistance expert to serve as a member of his staff, to advise the Administering Powers and himself on such problems. United Nations funds for such an expert are immediately available. However, to date no answer has been received from either the United Kingdom or French authorities, although it has been informally made known to the Commissioner that both Governments are agreeable to his suggestion.

29. The British Administration in Tripolitania, in co-operation with the Commissioner's staff, has worked out a tentative plan for an administrative training centre. At present there are no United Nations funds for assistance for such a centre, but it may be hoped that such funds will become available in the early summer. The secretariat of the United Nations Educational, Scientific and Cultural Organization has indicated interest in such a project and, on 23 April, is sending a staff member to study the project on the spot. The United Kingdom authorities have indicated that they would fully co-operate.

30. The Commissioner has also consulted with the Administering Powers regarding Libyan applications for United Nations economic development and public administration fellowships and scholarships. Several applications had already been made from Cyrenaica, and several others have since been made from Tripolitania. No information has yet been received from Lake Success regarding the outcome of such applications.

31. The Commissioner also suggested to the Administering Powers that the possibilities of assistance to Libya from the funds of the International Children's Emergency Fund should be explored. To date no answer to this suggestion has been received.

32. The Commissioner considers that, with the establishment of the Council, the first stage of his mission in Libya has been completed. He is confident that in the coming months, with the full support of the Council and in co-operation with the Administering Powers, he will be able to proceed through the successive stages envisaged in the General Assembly's resolution and thus reach the goal set by the United Nations—the formation of an independent and sovereign State in Libya.

Annex IV

The Commissioner's request for advice, dated 15 April 1950, regarding the scope of his work⁵⁰

I. The problem

1. The problem is whether and to what extent the Commissioner should study and make recommendations

to the Administering Powers and advise and assist the people of Libya regarding the administrative, economic and social problems of the country, in order to assist the establishment of a viable Libyan State.

⁵⁰ A/AC.32/Council/R.4.

II. Request for advice

2. The Council is kindly requested to advise the Commissioner whether it considers that he and his staff, under the terms of the Assembly resolution, as a major part of their activities should utilize the resources of the United Nations and the specialized agencies to undertake thorough studies regarding the establishment of the administrative services of the future Libyan State and its economic and social development, make recommendations thereon to the Administering Powers, and advise and assist the people of Libya in such matters.

III. Comment

3. The General Assembly resolution clearly gives the Commissioner the responsibility of co-operating with the Administering Powers and aiding and advising the people of Libya on the constitutional development of their country, including its organic laws.

4. The Commissioner believes that, in addition, it is his responsibility under the resolution (section A, part A, paragraphs 4 and 9⁸¹) to employ all available means to assist the Libyans to establish the necessary apparatus of state, including their administrative facilities, and to develop their economic resources. The economic development would be for the purpose of not only providing funds necessary to defray the costs of government, but also to raise the standard of living.

5. It hardly needs to be pointed out that Libya is today a country lacking in trained personnel for the complicated tasks of governance in a modern world, economically underdeveloped and financially operating with a heavy deficit.

⁸¹ For the text of paragraphs 4 and 9 of the resolution, see page 1.

6. Careful studies and plans are needed. Such studies would be undertaken under the direction of the Commissioner, in co-operation with the Administering Powers, by qualified officials of the United Nations and its specialized agencies and by persons specially recruited by them.

7. The studies and plans drawn by such experts would utilize the planning already undertaken by the Administering Powers. They would take into account both the particular needs of Libya and its resources and capacity to pay, both in the present and in the long run. Such plans should envisage not only programmes between now and 1 January 1952, but also the needs of Libya after its independence.

8. Moreover, the studies and plans would be designed to provide a basis for requests for technical assistance from the United Nations, the specialized agencies and Governments, as well as projects for which loans might be obtained from the International Bank, Governments or private investors.

9. At present, the Commissioner can indicate only in the broadest terms the problems to which his staff should pay particular attention. It is obvious, however, that it is necessary to train personnel for the civil service and the preservation of law and order, to establish budgetary and fiscal services, to develop and improve agriculture, animal husbandry and marketing, the use of soil, water and forest resources, to enlarge educational facilities, and to improve public health services.

10. There are some other problems, such as the question of judiciary reform, which, after closer examination, may be found to require study with the aid of the United Nations. Certain of them may be found to be of such urgency that they should be studied at once, others may be left to be dealt with by the future Libyan Government.

Annex V

The Commissioner's request for advice, dated 16 April 1950, regarding a plan for the constitutional development of Libya⁸²

The problem

The problem is to elaborate a programme which the United Nations Commissioner may recommend to the Administering Authorities and the Libyan people under which at the earliest possible date and not later than 1 January 1952, Libya, including Cyrenaica, Tripolitania and the Fezzan, shall be constituted an independent and sovereign State, in accordance with the terms of the General Assembly resolution.

Request for advice

The Council is kindly requested to advise the Commissioner concerning the following plan for the constitutional development of Libya which he may recommend to the Administering Powers and the people of Libya

in order to implement the terms of the General Assembly resolution:

(1) Election of local assemblies in Cyrenaica and Tripolitania during 1950;

(2) Selection of a Preparatory Committee of the National Assembly not later than July 1950 for the purpose of recommending the method of election, including composition, of the Libyan National Assembly, and of drafting a constitution;

(3) Election and convening of the Libyan National Assembly during the fall of 1950;

(4) Establishment, by the National Assembly, of a provisional Libyan government early in 1951;

(5) Adoption of a constitution, including the form of government for Libya, by the National Assembly during 1951;

⁸² A/AC.32/Council/R.3.

(6) Proclamation of independence by Libya and formation of a definitive Libyan government before 1 January 1952.

Comment

The General Assembly resolution regarding Libya provides that the Commissioner shall assist the people of Libya in the formulation of a Constitution.

For this purpose, he shall have the aid and advice of a Council. Libya, comprising Cyrenaica, Tripolitania and the Fezzan, is to be constituted an independent and sovereign State as soon as possible, and in any case not later than 1 January 1952. The Constitution of Libya, including the form of the government, is to be determined by representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan, meeting and consulting together in a National Assembly.

The Assembly resolution obviously intends that the Commissioner will make suggestions to the Administering Authorities and the Libyan people, and they will make suggestions to him, as to ways and means by which they may attain their independence by the earliest feasible date.

After detailed consideration and consultation with the Administering Authorities and with the leaders of public opinion in the three Libyan territories, the Commissioner believes that the establishment of a Preparatory Committee for the Libyan National Assembly in early July 1950 would be a most helpful initial step in the constitutional development of Libya. The Preparatory Committee should be composed of an entirely Libyan membership, with five representatives from each of the three Libyan territories. Members from Cyrenaica and Tripolitania might be selected by the local assemblies which the Administering Authorities, with the concurrence of the Commissioner, have proposed be elected soon. The Cyrenaican elections are scheduled for 5 June. It may be hoped that the elections in Tripolitania will be held soon thereafter. The representatives from the Fezzan might be chosen by the Assembly which elected the Chief of Territory and nominated the Fezzanese representative on the Council.

The Preparatory Committee should discuss and agree upon the basic principles to be incorporated in the con-

stitution, including the form of government of the future Libyan State. The draft constitution thus prepared should be referred to the National Assembly for final discussion and adoption. The Preparatory Committee should also recommend the electoral methods by which the National Assembly should be chosen, its composition and the means by which it should be convened.

The Preparatory Committee would have the further advantage that it would, at an early stage, give to the delegates of the Libyan territories direct participation in the solution of their constitutional problems. The Commissioner and his legal staff would be available to assist the Preparatory Committee, as they would be to assist the National Assembly.

Both of the Administering Authorities and the leaders of public opinion in Cyrenaica, Tripolitania and the Fezzan, in consultation with the Commissioner, have agreed on the desirability of establishing such a Preparatory Committee as well as on the proposal for its composition and the method by which its members should be selected.

It could then be anticipated that before the end of 1950 the National Assembly would be elected and constituted. Shortly after its convocation, it could establish a provisional Libyan government operating on the basis of the draft constitution and form of government recommended by the Preparatory Committee. Such a provisional government might gradually take over the authority now exercised by the Administering Authorities, thus providing for a gradual and orderly transition firstly for administrative matters and, at a later stage, for political matters, short of full independence.

Upon the formulation of a final Constitution for Libya by the National Assembly, arrangements should be made for the proclamation of Libyan independence in late 1951 and in any case not later than 1 January 1952. At that time, the definitive government of an independent Libya could be established.

After the Commissioner has received the advice of the Council on the foregoing programme, he contemplates a joint announcement with the Administering Powers of the constitutional development plans for Libya.

Annex VI

The advice of the Council given on 11 May 1950 concerning information to be obtained regarding action by the Administering Powers in pursuance of paragraph 10 (a) and (b) of General Assembly resolution 289 (IV)⁸³

This Council advises the Commissioner in Libya to request the Administering Authorities in the three regions of Libya to communicate to the Commissioner,

for communication to the Council, all information relating to the steps which the said Powers have taken already or contemplate taking in pursuance of paragraph 10 (a) and (b) of General Assembly resolution 289 (IV).

⁸³ A/AC.32/Council/R.23.

Annex VII

Advice of the Council given on 2 August 1950 on Press matters⁸⁴

The United Nations Council for Libya

1. Advises the Commissioner to request the Administering Powers in Tripolitania to study the possibility of deciding upon pending requests for licences for the publication of newspapers on the basis of the Press law in force at present, rather than keep these pending the approval of a new law on the subject;

2. Advises the Commissioner to charge the legal adviser with the study of the draft Press law in Tripolitania, this study to include suggestions and amendments to the law, along the lines discussed by the sub-committee. The legal adviser shall inform the sub-committee of his studies;

3. Recommends to the secretariat that it should ensure the largest possible distribution through the mail

⁸⁴ A/AC.32/Council/R.91.

to a selected list of people, and by other means, of pertinent informative material in Arabic issued by the United Nations Information Centre in Cairo, or by any other United Nations source, in order to keep the population in Libya informed about the activities of the United Nations;

4. Recommends to the secretariat to ensure the widest possible dissemination to a selected list of people and to the political parties, by means of detailed Press releases, of all important decisions and discussions in the Council, as well as of substantial documents produced by the Commissioner or by this body;

5. Recommends that, in spite of their character, documents of the Council marked "restricted" be given adequate publicity according to paragraph 4 above, if the Council so decide.

Annex VIII

Memorandum from the Commissioner, dated 4 July 1950, regarding the implementation of the advice given by the Council for Libya on 11 May 1950 (annex VI) requesting information relating to steps taken or contemplated by the Administering Powers in pursuance of paragraph 10 (a) and (b) of General Assembly resolution 289 (IV)⁸⁵

Information received regarding Cyrenaica

The following memorandum has been received from the Acting British Resident in Benghazi in response to the Commissioner's request for information on steps taken or contemplated in pursuance of paragraph 10 (a) and (b) of General Assembly resolution 289 (IV).

CONSTITUTIONAL PROGRESS IN CYRENAICA

1. Prior to the United Nations General Assembly resolution of 21 November 1949, His Majesty's Government had already initiated certain constitutional measures in Cyrenaica. On 1 June 1949, His Majesty's Government agreed, as a result of the insistent demand of the Cyrenaican people, to the formation of a Cyrenaican Government with responsibility for internal affairs, and also to recognise His Highness the Amir as Head of the Government.

2. With the issue, on 16 September 1949, of the "Transitional Powers Proclamation" His Highness the Amir was empowered to enact a Constitution for Cyrenaica which came into effect on 18 September 1949. This enactment provided the foundation for self-government, and from this date there has been established in Cyrenaica a Cyrenaican Government having authority over internal affairs.

3. In these matters the Government, which consists of the Amir, and a Council of Ministers served by a

⁸⁵ A/AC.32/Council/R.67.

mixed British and Cyrenaican Civil Service, operates and develops its own policy and makes its own decisions.

4. Under the Transitional Powers Proclamation, a number of subjects were reserved to the Chief Administrator, the more important being foreign trade, defence, currency changes and immigration.

5. By an Order-in-Council made on 28 October 1949, the Chief Administrator became the British Resident in Cyrenaica, a recognition of the transfer of responsibility in the field of internal affairs to the Cyrenaican Government.

6. The Cyrenaican Ministers, assisted by the Cyrenaican Civil Service, are now obtaining experience in the actual working of the governmental machine, and are becoming accustomed to operate as a Government in the formation of policy and the working of everyday affairs. This is evidenced by the following laws which the Amir, on the advice of the Council of Ministers, has enacted since the power in these matters was transferred to him:

(a) *The Law of Associations*

Provides for the registration of clubs and other organizations and the regulation of display of emblems, the wearing of uniforms, drilling and public processions.

(b) *The Press Law*

Provides for the licensing of newspapers and the control of the import of printed matter into the territory.

(c) *The Secular Court of Appeal Law*

Provides for the establishment of a Court of Appeal in Civil and Criminal matters from the Secular Courts of the territory.

(d) *The Libel (Civil Action) Law*

Provides for the award of damages in the case of libel.

(e) *Civil Offences Proclamation (Amendment) Law*

Amends and amplifies the existing Law relating to homicide and provides for the method of carrying out sentences of death.

(f) *The Civil Service Law*

Provides for the appointment, promotion, dismissal and conditions of service generally of the officials of the Government.

(g) *The Provident Fund Law*

Provides for the setting up and administration of a Provident Fund for officials under contract to the Government.

(h) *The Tribal Disputes Settlement Law*

Provides that tribal disputes originating prior to 10 June 1940 are to abate.

(i) *Nationality Law*

Provides for the acquisition of Cyrenaican nationality for certain classes of persons in order to provide a status by which electoral rights might be determined.

(j) *The Electoral Law*

Provides for the preparation of electoral rolls and for the holding of elections for the Legislative Assembly.

7. Following the enactment of the Electoral Law, a general election was held on 5 June 1950, in which a high percentage of the country's inhabitants freely participated. As a result, the Cyrenaican Assembly of Representatives was established as a body to regulate the internal government of the country.

8. Since the promulgation of the Transitional Powers Proclamation, posts in the Administration formerly held by British personnel are now open to Cyrenaicans, who are being trained to fill them at all levels. British officials are now the servants of the Cyrenaican Government, and not of His Majesty's Government, and are subject to the Cyrenaican Civil Service Law.

9. In accordance with the wish of the Amir, the Minister of Education formed an Education Board in November 1949, to formulate plans for the development of education in Cyrenaica.

10. There is at present one secondary school in Cyrenaica where students can take matriculation. Advanced training of students is carried out in the United Kingdom, France, Egypt and the Sudan and elsewhere as opportunity offers. Cyrenaicans have visited the United Kingdom for training in such matters as law, medicine, economics, customs and excise, police and

education. Further students will be sent overseas for specialist training in order that they can subsequently assist with the administration of their territory.

11. Cyrenaican technicians are scarce, and apprenticeship schemes and trade training have been given greater emphasis in the educational schemes. A trade school was opened in 1949 where students are undergoing training in mechanics, carpentry, weaving and leather work.

12. Cyrenaicans have applied for United Nations scholarships and fellowships and their applications have been referred to the appropriate United Nations authorities.

13. Adult education, consisting of lessons in English for personnel of the Cyrenaican Government and evening classes for working men, has been extended.

14. The British Council are examining ways and means by which they can assist with adult education in Cyrenaica.

15. More than fifty teachers have been imported from Egypt, and it will continue to be necessary to import teachers from Arab countries until such time as Cyrenaica can produce a sufficient number of well-trained teachers of her own. There is a teachers' training centre for both male and female students.

16. A start has been made with training male hospital nurses.

17. Economic and financial policy in Cyrenaica, as in Tripolitania, is conditioned, within the limit of the resources available, to the objective set out in the resolution of the United Nations Assembly. That is to say, it is aimed at setting the territories on the road to economic viability, which is still an essential element of any true independence.

18. The primary plan therefore is to introduce, as soon as may be, a new common currency for the territories, having international recognition; to bring about a complete customs union between the territories; to improve and extend such basic facilities as water, electric power and communications; to improve and extend agriculture and pastoral pursuits by introducing better strains; to stimulate secondary industry processing indigenous raw material.

19. In pursuit of these objectives the two territories are being encouraged to effect a much closer liaison by the exchange of experience and the common use of research and experimental establishments.

20. Action based on expert surveys already completed has been initiated and is progressing. It must, however, be recognized that progress will be slow. Cyrenaica is largely exhausted of natural resources and the inhabitants are extremely conservative in methods and traditions hallowed by the centuries.

Annex IX

Memorandum from the Commissioner, dated 7 July 1950, regarding the implementation of the advice given by the Council for Libya on 11 May 1950 (annex VI) requesting information relating to steps taken or contemplated by the Administering Powers in pursuance of paragraph 10 (a) and (b) of General Assembly resolution 289 (IV)⁸⁶

Information received regarding Tripolitania

The following memorandum has been received from the Acting Chief Administrator in Tripoli in response to the Commissioner's request for information on steps taken or contemplated in pursuance of paragraph 10 (a) and (b) of General Assembly resolution 289 (IV).

CONSTITUTIONAL PROGRESS IN TRIPOLITANIA

1. Following the passage of the United Nations resolution, a programme was prepared designed to lead the Tripolitanians to a stage where they would be in a position to assume responsibility for their own Government by 1 January 1952.

2. This programme was divided into three stages, namely:

I. Creation of an Administrative Council

II. Inauguration of a Legislative Assembly

III. Gradual transfer of powers and responsibilities to the Administrative Council and Legislative Assembly.

3. The Administrative Council was designed to serve the dual purpose of providing the Tripolitanians with an advisory body of standing, through which they could make known to the Chief Administrator their views on matters affecting the well-being of the territory and, at the same time, give those who would ultimately be called upon to assume political responsibility an opportunity to acquire experience of the functions of government. The Council, though its functions are primarily advisory, is consulted on all matters of internal policy. It held its inaugural meeting on 15 May, and has already discussed and advised the Chief Administrator on a variety of subjects of internal administrative importance.

4. The inauguration of the proposed Legislative Assembly (or House of Representatives) in Tripolitania must await the promulgation of an Electoral Law. A draft Law has been prepared and was discussed by the Administrative Council at its meeting on 4 July. The discussion, which turned very largely on the draft articles dealing with voting qualifications, is to be renewed at a subsequent meeting. When the Legislative Assembly (or House of Representatives) comes into being, it is proposed that the functions of the Administrative Council should approximate those of a Council of Ministers.

5. A complete examination of the judicial system of the territory is in progress with a view to ensuring its suitability as an instrument for furthering the United Nations resolution.

6. In the administrative as distinct from the constitutional field, His Majesty's Government have proceeded from the premise that the most urgent duty of

the Administration, in the light of the United Nations resolution, is to expand the educational services and to speed up the training of Libyans who will have to take an increasing part in the government of their country.

7. In pursuance of an agreed policy of Libyanization, the Administration has absorbed nineteen Libyan officials in senior posts and other appointments will follow. The Civil Service Committee, which meets on an average twice a week, is at present working on the revised establishments of every department in the Administration which, when finished, will give a complete Libyanization programme for 1950 and 1951. In order that the recently promoted Libyan officials may gain their experience under the most favourable circumstances, they are being employed in supernumerary positions in the Administration, and a suitable sum of money has been allocated to provide for their pay and allowances.

8. A number of Libyan officials from the education and police services have attended courses of instruction abroad, and others have been selected for courses to be held in the near future. The programme of courses abroad for 1950, comprising thirty courses, has received the approval of the Foreign Office Administration of African Territories.

A Police Officers' Training College in Tripoli is being opened in the near future, and an experienced instructor from London has been recruited for this purpose.

9. It is apparent that, in the time at their disposal, it will not be easy for His Majesty's Government to provide for the training of the large number of persons who will be required to possess, in a reasonable degree, expert knowledge of the subjects with which they will have to deal when independence is achieved.

10. Considerable expansion of the educational services is clearly desirable and this problem had, indeed, already been studied in some detail by His Majesty's Government before the passing of the United Nations resolution. Accordingly, as a first step, a well qualified and experienced Controller of Education was appointed to the staff of the Chief Administrator and charged with the preparation of a comprehensive plan covering all fields of educational activity. This official took up his duties in January 1950. His plans have been considered in London and most of his recommendations have already been approved. The necessary financial provision has been made and the additional trained staff is now being recruited. The Administration consider that the facilities provided for the primary education of Arabs are adequate to the immediate needs of the territory, but at the secondary level considerable expansion is necessary. Substantial increases in the facilities for non-academic education are also planned. Provision is being made for the training abroad of a number of selected Libyans, and a limited number of

⁸⁶ A/AC.32/Council/R.68.

United Nations' fellowships has been approved. Further United Nations assistance in the education and training of Libyans has been recommended. In addition to the foregoing, steps are being taken to provide for the technical training of Libyans, both by the provision of a training school and by provision of evening classes.

11. It is recognized that the arrangements described above cater for the needs of a limited proportion only of the persons who will be required to take an active part in the administration of Tripolitania after 1951. With a view to remedying this deficiency, as well as for the purpose of improving the general standard of local administration presently obtaining in the territory, steps are being taken to increase the powers and responsibilities of the local councils (municipalities). In addition, arrangements have been made for a study visit by the Mayor of Tripoli and one of the councillors of his municipality to a local authority responsible for comparable activities in England.

12. Economic and financial policy in both Tripolitania and Cyrenaica is conditioned, within the limit of the resources available, to the objective set out in the

resolution of the United Nations Assembly. That is to say, it is aimed at setting the territories on the road to economic viability, which, although neither can hope to obtain without extraneous assistance for many years, is still an essential element of any true independence.

13. The primary plan, therefore, is to introduce, as soon as may be, a new common currency for the territories, having international recognition; to bring about a complete customs union between the territories; to improve and extend such basic facilities as water, electric power and communications; to improve and extend agriculture and pastoral pursuits by introducing better strains; to stimulate secondary industry processing indigenous raw material.

14. Action based on expert surveys already completed has been initiated and is progressing. It must, however, be recognized that progress will be slow. The territories are largely exhausted of natural resources and the inhabitants are in the main backward and extremely conservative in methods and traditions hallowed by the centuries.

Annex X

Memorandum from the Commissioner, dated 19 July 1950, regarding the implementation of the advice given by the Council on 11 May 1950 (annex VI) requesting information relating to steps taken or contemplated by the Administering Powers in pursuance of paragraph 10 (a) and (b) of General Assembly resolution 289 (IV)⁸⁷

Information received regarding the Fezzan

The following memorandum has been received from the French authorities in the Fezzan in response to the Commissioner's request for information on steps taken or contemplated in pursuance of paragraph 10 (a) and (b) of General Assembly resolution 289 (IV).

POLITICAL DEVELOPMENT

In pursuance of the General Assembly resolution of 21 November 1949, a transitional system was introduced in the Fezzan at the beginning of 1950. The object was to ensure a greater participation of the local population in public affairs, paying due regard to the peculiar situation of the territory, which covers a vast area and is made up of populated regions separated by vast expanses of desert. Its inhabitants are of different races and of varied customs; their ways of life are also different, some being settled populations, other nomadic and yet others semi-nomadic. Another fact to be noted is that there is not a single large urban centre in the whole of the territory.

In accordance with a decision of the French Resident in the Fezzan, dated 20 January 1950, the chiefs and *jemaa*⁸⁸ of the villages were invited to meet in their

respective centres to nominate three representatives for each *mudiria* and three for the district of Ghadames. These delegates were convened in an Assembly at Sebha on 12 February and proceeded to elect the *Chef du Territoire*.

Ahmed Bey Seif el Nasr was unanimously elected by the fifty-eight representatives. The Tuareg delegates, however, refused to take part in the election, giving as a reason their desire to preserve the integrity of their ties with the Confederation of the Adjers, to which they belong. Ahmed Bey Seif el Nasr was subsequently declared *Chef du Territoire* of the Fezzan.

A transitional system of government went into force as from 13 February 1950. The first step was the appointment, with the agreement of the *Chef du Territoire*, of councillors and assistants to aid the *Chef du Territoire* in the administration of internal affairs.

The term "Libyanization of the services" scarcely applies in the Fezzan, for the Administering Power has so few representatives in the territory that the Fezzanese have continued to occupy administrative and legal positions, etc. In a country so little developed as the Fezzan it is more a matter of training a certain number of persons in the practice of modern affairs and familiar-

people's assembly. The "*jemaa*" has full powers, which it does not delegate; it is the only body which is not only legislative but executive. The people make their own decisions and carry them out themselves.

⁸⁷ A/AC.32/Council/R.75.

⁸⁸ The "*jemaa*" is a political institution organized from time immemorial throughout the Berber country. This old traditional body is formed of all the heads of families and is a real

izing them with the responsibilities that the political development of the country will bring in its wake. That is the task upon which the French administrators are engaged both in Sebha, where the Assembly meets, and in the various districts.

A Fezzanese has been appointed Chief of Police. He is responsible for the internal security of the country and he commands a police force composed exclusively of Fezzanese.

EDUCATION AND INSTRUCTION

In the field of education, the development programme includes the establishment of three *mesersa*, to be opened in October in Brak, Gorda and Murzuk; this will double the number of elementary schools already existing in those three centres. Young Fezzanese who have completed their elementary studies will be granted scholarships to enable them to continue their studies in Moslem institutes in Algeria, where facilities will be provided for them. The territory is also hoping to have some fellowships placed at its disposal by the United Nations.

The campaign against illiteracy is still the chief concern of the Administration where education is concerned. When the occupation first started, the vast majority of the inhabitants of the territory were completely illiterate, while a very small minority had acquired only a knowledge of reading, writing and elementary arithmetic.

The difficulties in the way of educational development in the Fezzan are those which always arise in a country where social development is impeded by the lack of resources, where teachers are hard to find, and where the families are incapable of compensating, in even the smallest degree, for the numerical deficiency of teaching staff.

There are two possible methods for the development of elementary education in countries that are educationally backward; either there has to be a long delay, if the education given is to be of first-rate quality; or it might be preferable to ensure that the majority of the inhabitants of school age receive a rudimentary education, which is not so difficult to provide immediately.

In the Fezzan, the second method has been chosen. The Administration intends to carry out a programme in which theoretical knowledge will not be neglected, but where it will not take precedence over practical matters. The first aim is to ensure that every Fezzanese acquires a knowledge of reading and writing that will enable him to have contact with the outside world and with the everyday facts in the development of the country, and to take part in the life of the territory. The programme also includes training in modern agricultural methods to ensure a better working of the land. Technical education will go hand in hand with elementary education, as is usual in a country where agriculture, like industry, has not yet been mechanized.

HYGIENE AND PUBLIC HEALTH

The Administration's efforts to improve the hygiene and health conditions of the country have followed a plan established some time back.

Fezzanese nursing personnel is being trained. At the present time, Fezzanese who have been trained by the

Administration's doctors are employed in every surgery, every first-aid post and every dispensary in the country. The male nurses employed are obliged to take further training courses. The most efficient will be sent to Tunis and Algiers, where they will attend courses in specialized institutions.

Each of the eighty villages in the Fezzan is to be provided with the necessary equipment to enable the doctor or nurse to give treatment in the best possible conditions. The surgery at Brak has been provided with an operating theatre. Thus each of the three regions of the territory (Brak, Sebha and Murzuk) now has its own surgical arrangements.

It may be added that the services of the public health organizations are given free of charge.

The campaign against endemic diseases rife in the Fezzan has been intensified. The proportion of inhabitants suffering in various degrees from trachoma, which was 95 per cent in 1943, has fallen to less than 50 per cent, while malaria (from which 25 per cent of the population suffered in 1943) has been eliminated.

Instruction in hygiene and supervision of food have contributed to the solution of the general problem of the preservation of health. Mothers and children have been the first to benefit by the steps taken. Condensed milk is distributed regularly in the chief centres. The nurses have been instructed to develop this programme down to the smallest village. The campaign against child mortality will result in a marked increase in the population, which has increased very little during the last twenty years.

SOCIAL EVOLUTION

In the social field the Administering Power has been endeavouring during the last few years to improve the position of the lowest classes of the population. It has concentrated its chief efforts upon the *jebbad rbaa*, water-drawers who are bound by contract to landed proprietors in conditions amounting to slavery. The contract used always to stipulate that the *jebbad* was to receive from the owner one-quarter of the cereal crop that was produced by his labour. That proportion can only be understood if seen from the angle of the Sahara, where only very small areas are planted with corn and the yield is infinitesimal. In practice, the *jebbad* received just sufficient to keep him alive. As soon as his stocks were exhausted—which would be a few months after the harvest—he would be forced to borrow from the owner. As a general rule the amount borrowed in advance on the next harvest could not be paid back in full, or the debtor was forced to start borrowing again a month or two later. The owner was very careful to maintain the debt, for it provided him with a means of keeping his workmen in complete slavery.

In 1947, the Administering Power decided to revise the contracts between owners and workers, allowing the owners two-thirds of the harvest and the workers one-third, as against the previous proportion of three-quarters to one-quarter.

Furthermore, whenever new land which had not been cultivated before (*mauta* land, meaning vacant or un-

owned) has been developed as the result of the sinking of artesian wells, that land has been handed over to the *jebbad* as their own property. The Administering Power paid the owners the debts the *jebbad* had contracted, so that they could be freed from any obligation toward their former masters and could begin to work their own land free of mortgage.

That action, which is closely linked to the organization of water supply that is to make new land available, is developing constantly. The Administering Power considers that it is a sure way of improving the lot of a large section of the population that has been victimized too long.

Further details on action taken in favour of the *jebbad* are contained in a note at the end of this document.

PUBLIC WORKS

In the field of public works, the programme of constructing paths and sinking wells which was started several years ago has been continued.

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Owing to the inadequacy of natural resources, the economic situation of the Fezzan is precarious. Dates are its most important product, and they have had a very bad market this year owing to their poor quality and the good crops of fruit of superior quality in neighbouring countries. That means that the ordinary budget will show a greater deficit than did the last (in which it was about 5 million francs).

It is to be noted that the extra expenditure entailed in the establishment of new political institutions will be an added burden on this year's budget.

The expenditure on the extraordinary budget: sinking of wells, hydraulic works, construction of paths, etc.—and those expenses are obviously the greatest—is borne entirely by the Administration. In any case, it is difficult to see how those expenses could be covered by the resources of the country.

NOTE ON THE REVISION OF THE CONTRACTS OF THE *Jebbad*

As soon as the French troops arrived in the Fezzan, the attention of the authorities was drawn to the position of the *jebbad* (those who draw water from wells operated by pulleys). After a detailed investigation spread over 70 centres, it was decided that the *jebbad's* share of the harvest should be raised from one-quarter to one-third and that he should still have the advantages which had been granted to him before, namely:

The *gfiṣ*, or one-tenth of every 200 kilos;

The *dur*, or the equivalent of the amount of grain sown on three-quarters of the land cultivated;

The *dur*, or the equivalent of the amount of grain threshing ground;

The *taudi*, or the handfuls of barley left in the corners;

The *hassida*, or the gleanings of the barley;

The *hamil*, or barley stalks not harvested.

The above measures were applicable throughout the Fezzan, starting with the 1947 harvest, by written contracts, passed under the responsibility of the *shuyukh*.

Furthermore, the *mudirs* were given orders to draw up a statement of the debts owned by all the *jebbad* before 15 October 1946.

Example of the jebbad's new contract:

A *jebbad* who uses his own donkey to work on the well of his master (called *shreek*, or partner) is allowed one-eighth more than the *jebbad* who has "nothing but his health", as the saying is.

His contract will, therefore, be the following, for cereals:

One-third of the harvest—the *jebbad's* share

One-eighth of the harvest—the donkey's share

Together with the advantages, known as *awayyed*, set out above.

Jebbad's share in the date harvest

It has not been the custom to give the *jebbad* a share of the date harvest, except at Jedid and in a very few centres of the Shati. It has now been decided that throughout the territory:

(1) The *jebbad* who waters the date palms is entitled to the best cluster on each palm he waters;

(2) The *jebbad* who waters land where there are no date palms is entitled to the produce of the three best palms of his *shreek*;

(3) The custom of *zerafa*, or dates that fall into the crevices of the palm tree (*kernaf*), remains unchanged;

(4) The custom of filling the basket which a member of the *jebbad's* family brings when the clusters are cut down remains unchanged;

(5) The loan of dates for interest (*fayez*) is strictly forbidden.

Weekly day of rest for the jebbad

The few hours that certain masters allow their *jebbad* on Friday mornings (and even those are only for the purpose of fetching manure or grass) are to be extended to the whole day, so that Friday will be a day of rest.

Annex XI

Text provided to the Secretariat by the representatives of Pakistan, the United Kingdom, the United States of America, and the Minorities in Libya of the statements made by them in the course of the consideration by the Council for Libya of a request by the representative of Pakistan for information on the steps taken to transfer authority to the people of Libya (For Council's debate, see A/AC.32/Council/SR.29-35)

A. Statement by the representative of Pakistan at the 29th meeting of the Council, 22 July 1950

I apologize to my colleagues for asking them, as a result of the various inquiries which my delegation directed to the Commissioner, to spend their valuable time in the discussion of these matters. The debate which has just concluded regarding technical assistance for Libya shows that my delegation was well inspired in bringing the matter before the Council. I hope the present subject will receive even more sympathetic and constructive attention of the members of this Council, as it is a subject of immediate importance and one which is bound to influence to a great extent the coming into being of an independent sovereign State of Libya.

The responsibility placed on the United Nations with regard to the disposal of the former Italian colonies by the Treaty Powers which concluded the Treaty with Italy was a tremendous one. The detailed study which this subject received during two sessions of the General Assembly is in itself a proof of the vastness of the problem and its international importance. In the disposal of Libya, the interests of various powerful countries were involved but, in spite of this, the United Nations brought about a most satisfactory and, at the same time, a surprising result. It must be stated to the glory of the Organization that a most controversial question was resolved in a brave and definite manner by an almost unanimous vote. The United Nations decided that Libya was to be granted independence as soon as possible and in any case not later than 1 January 1952.

There were many implications in this decision. In the opinion of my delegation, the most outstanding and the most obvious implication was that the people of this country were fit and in every respect suitable to take over immediately from the Administering Powers the government of this country. The next most important implication was that only the minimum possible time was allowed for the setting up of machinery to which the government of the country must be transferred by the Administering Powers. Those assembled at Flushing and Lake Success and dealing with this problem were not content with the announcement of these two decisions. They realized that the responsibility of the United Nations in this regard was continuous until Libya had actually become independent and its people had assumed power in their own hands. For that purpose, the United Nations created one of the most powerful Councils that the General Assembly has ever established for the settlement of any problem with which it has dealt so far. Together with this Council, the General Assembly appointed a Commissioner, so that no complications whatever are allowed to interfere with the fulfilment of the

objective contained in the resolution of the General Assembly dealing with the future of Libya. The moral responsibility resting upon the Commissioner and the members of this Council is tremendous and obvious. The responsibility which the Governments represented on this Council have accepted is equally great. The freedom with which the United Nations Secretariat has come forward to assist the Commissioner and the Council, both with funds and personnel, is a further proof of the importance of the whole problem. And lastly, the declarations from time to time by the representatives of the Governments of the Administering Powers to the effect that these Governments are determined to do everything in their power to ensure the implementation of the General Assembly resolution to the fullest extent should convince everyone that the correctness, justice and practicability of the General Assembly resolution is outside, completely outside, the scope of any discussion.

The implementation of this resolution does not depend only upon the ability of the people of Libya to get together in a National Assembly, frame a constitution for their country and prepare the form of government which the people wish to establish. That is only one wheel of the cart. The other wheel is the transfer of power by the Administering Authorities to the people of the country during the interim period so that, when the constitution is ready, the transfer would be effected in a smooth and workable manner. The duty placed upon the Commissioner and this Council by the United Nations is not only to assist the population of Libya to prepare their constitution, but also to ensure that the transfer of power does take place and is carried out in a manner best suited for the purpose in view.

The inquiry that the delegation of Pakistan has directed to the Commissioner in A/AC.32/Council/R.56, i.e., the document now under discussion, is designed to inform the members of the Council as to what has happened in this connexion and, further, to enable the members of this Council to express their views with regard to the adequacy or otherwise of the action taken up to now. My delegation has studied with great interest and the utmost care the information which is contained in the memoranda from the United Nations Commissioner in Libya relating to Cyrenaica and Tripolitania, i.e., A/AC.32/Council/R.67 and A/AC.32/Council/R.68 respectively (see annexes VIII and IX). I hope similar information with regard to the Fezzan will be forthcoming soon. Before dealing with these two documents, I would like to state that it would have been helpful to the Council to know whether the steps taken by the Administering Powers in charge of Cyrenaica and Tripolitania had been taken after consultation and in co-operation with the Commissioner or *suo moto*. I

hope the Commissioner will clear this point when he speaks on the subject. My delegation would also like to know whether the Commissioner has suggested anything else besides what is stated in these documents and, if so, what other steps the Commissioner has suggested and what has been the attitude towards the suggestions of the Commissioner by the Administering Powers. As no information on these two points has been tendered it is possible that some of my remarks which are to follow may later appear redundant to the Council, but I hope my colleagues will agree with me that this is not due to any fault of mine.

My delegation has applied certain criteria to these two documents, which I believe is beyond any criticism. The first and foremost thing that came to my notice after examining the memorandum relating to Tripolitania (A/AC.32/Council/R.68) was that not one word in this very well written document, covering nearly five closely typed pages, has been devoted to showing that what has been done or is intended to be done is the result of the consultations with important political leaders of the country. In my opinion, this omission is not accidental. I have now had opportunities of speaking to numerous political leaders of Tripolitania and of discussing with them the best means of transfer of power by the Administering Authority to the representatives of the people. They have made it unmistakably clear to me that they have not been consulted with regard to what the Administration has been doing so far. If true, this would be a very unsatisfactory state of affairs, and I hope the representative in this Council of the Administering Power will inform us about the consultations, if any, that have taken place and the degree of acquiescence by the political leaders to the steps that the Administering Power has taken. I also hope that the Commissioner will inform us on this subject.

In the opinion of my delegation, the leaders of public opinion in Tripolitania are entitled not only to be consulted with regard to what the Administration proposes to do, but their views should determine the decision of the Administration in such matters. As I have said already, it is not open to argument that these leaders are not yet trained or capable of running their country. I repeat that this matter has been finally and absolutely decided by the United Nations. The representatives of the Administering Powers agreed with the decision of the United Nations and announced the unqualified undertaking of their Governments to carry out the resolution. My delegation, therefore, has no hesitation in stating that in Tripolitania any steps taken by the Administering Power without the approval of the leading politicians of the country cannot be accepted by my delegation as a proof that the Administering Power is discharging its responsibilities under the resolution in accordance with the wishes of the United Nations. As far as this Council is concerned, none of these steps were notified to the Council so as to give it an opportunity to discuss them with the Commissioner and give him advice thereon. If the Commissioner has concurred in any of these steps, he has undoubtedly done so on his own responsibility. The Commissioner should consult with the Council and obtain its advice before concurring with the Administering Powers in fulfilment of the obligations placed upon them by the United Nations

under paragraphs 10 (a) and (b) of the General Assembly resolution.

Reverting to this document A/AC.32/Council/R.68, which deals with constitutional progress in Tripolitania, I must pay a tribute to those who compiled it. Anyone not in close touch with the situation in this country and studying this document would finish it with undisguised admiration for the zeal and enthusiasm displayed by the Administering Power in assisting the people of Tripolitania to become independent. I wish my delegation could express sentiments similar to these with regard to it. In the very first paragraph at the end of the first and subsequent lines it stated "a programme was prepared designed to lead the Tripolitarians to a stage where they would be in a position to assume responsibility for their own Government by 1 January 1952". What would be the value of a programme if it was prepared without consultation with and approval of the people who were to take over the government from the Administering Power at the date mentioned above? I ask you, Sir, and my colleagues, why should the Administering Power have taken all the trouble and responsibility of preparing a programme of constitutional development for a people who have been held by practically all the Member nations of the United Nations to be fit for immediate independence, but without consulting their leaders. On what grounds can such a step be justified? My delegation fails to appreciate the good motives behind such a step. In the second paragraph, the paper mentions the three stages in which the programme is divided, i.e., the creation of an Administrative Council first, then of the Legislative Assembly and later transfer of power to these two bodies.

Apart from the fact that such constitutional steps are completely out of the range of responsibility or authority of the Administering Power, events which have come to the notice of some of us since the arrival of the Council in this country prove conclusively that neither the responsible element in the country, nor the political leaders, nor the leader of the most powerful and important political party, nor in fact anyone speaking with any authority on behalf of Tripolitarians, approves of the manner in which the Administrative Council has been created or the use that is being made of it. No one is willing to have elections in the country in accordance with an electoral law prepared or approved by the Administrative Council only, and enforced through the agency of the Administering Power. How is it possible then for this Council, or at least for the delegation of Pakistan, to accept that these stages are proper stages or that the Administering Power, insisting and acting on a programme prepared by itself and without this Council having had a chance to examine and study it and advise the Commissioner with regard to it, is following a programme either likely or even conceived to result in the best interests of the people of this country.

The Administrative Council is made the basis of further progress in the transfer of power. I therefore take up this problem first. My delegation, on 4 May 1950, expressed briefly its views with regard to this Council. The records of the proceedings are contained in the summary record of the meeting (A/AC.32/Council/SR.9, paragraphs 11 to 16). I shall not take up unnecessarily the time of my colleagues in restating

those views. I shall merely summarize them so that the record of my observations at the present moment is complete. This Administrative Council has been condemned by practically every political party in the country. None of the leaders of political parties has agreed to the participation of the members of their parties as such in the deliberations of this Council. Some of the conditions governing the work, creation and dissolution of the Council are most humiliating. It is unthinkable to my delegation that a person who is to become a member of the Council of Ministers for a territory (please see the last sentence in paragraph 4 of A/AC.32/Council/R.68) should start on his task by being told that the Chief Administrator, who has appointed him, might suspend or dismiss him. It would be no use reassuring my delegation by stating that this condition regarding the appointment of the members of the Administrative Council and their dismissal is not intended to be acted upon. In the opinion of my delegation, its mere existence is insulting to the self-respect of these honourable persons. The authority for bringing matters before the Council, the extent of responsibility placed on the members of the Council and various other conditions governing its work make it abundantly clear that the Administrative Council is just a tool created by the Administering Authority to carry out its wishes. No one can justify the existence of the numerous conditions and safeguards with regard to the creation and work of the Council by asserting that since the creation of the Council none of these conditions has been enforced and the Council has discussed freely the subjects placed before it. The implications contained in those conditions is quite a sufficient warning to the members of the Administrative Council as to how they should carry out their duties. Surely it would have been the duty of the Administering Power to have given to the Council for Libya an opportunity to express its views on the subject of the creation of the Administrative Council. The Administering Power had notice of the desire of some of the members of the Council that this should be done. On 26 April, i.e., the very next day after the Council held its first meeting, my delegation tabled a resolution requesting the Commissioner to ask the Administering Power not to enforce any measures which had not been put into effect till that time until the Council had had an opportunity to discuss these and advise the Commissioner with regard to them. The Administering Power, in disregard of this draft resolution and without even giving a chance to the Council to express itself thereon, promulgated an order the very next day whereby the Administrative Council was created. This in itself was not a very courteous, or at least not a co-operative action, by the Administering Power as far as the Council is concerned. At that time, my delegation was surprised but since then it has seen so many things happening that it is not surprised, though it is certainly sorry at the action of the Administering Power. The publication of the notification was not in itself such a measure that the Administering Power could not thereby bring the matter before the Council. But this even was not done. It is obvious that, in the view of the Administering Power for Tripolitania, this Council has no authority whatsoever to advise the Commissioner on steps which the Administering Power is to take for the transfer of authority to the people of the country. In other words, it seems that the Administer-

ing Power for Tripolitania believes that paragraph 10 (a) and (b) of the resolution only concerns the Commissioner and the Administering Power, and that the Council has no functions to perform in this matter. This is another point on which I hope the Commissioner and the representative of the Administering Power will enlighten us. This is one of the most important and fundamental issues, and it is extremely necessary that members of the Council should have an opportunity of knowing each other's views on the subject and have a chance of going to vote over it if any divergence of opinion is found to exist. As there has been no statement to my knowledge by the Commissioner or the representatives in this Council of either of the two Administering Powers to the effect that paragraph 10 (a) and (b) of the General Assembly resolution is outside the scope and responsibilities of this Council, and as I know that this is not so, I proceed with my speech and presume that my view is correct.

The Administrative Council, therefore, was created by the Power in charge of Tripolitania in direct contravention of the resolution of the General Assembly. Further, the conditions and terms under which its members were required to work are in some respects humiliating and generally speaking most unsatisfactory. The next institution which it is proposed to create is the Legislative Assembly, which has to come into being as a result of an electoral law, which is to be discussed and, I presume, finally decided by the Administrative Council. This, in the opinion of my delegation, is an even more flagrant violation of the terms of the General Assembly resolution. An electoral law, whether it applies to only one region of Libya or to all the three regions, but an electoral law which is designed to bring into being a Legislative Assembly, i.e., an assembly which has powers of legislation for the people of the country or for the territory concerned, is one of the most important features of any constitution that is to apply to a country. Under paragraph 3 of the General Assembly resolution, all matters relating to the preparation of the constitution of the country and the form of government are the exclusive concern of the representatives of the country. The illegality of the proposed steps is so obvious—and I see from the agenda that this very electoral law is the subject of a resolution to be discussed by this Council—that I refrain from dealing with it any further. In the opinion of my delegation, therefore, not only is the Administrative Council illegal and thoroughly unpopular but also the second stage contemplated, viz., the inauguration of the Legislative Assembly, is equally outside the scope and authority of the Administering Power. In the document under discussion (A/AC.32/Council/R.68) from paragraph 4 onwards steps taken or intended to be taken by the Administering Power regarding various measures of transfer of power to the people are discussed. In the second sentence of paragraph 7, it is stated that there is a Civil Service Committee, which meets on an average twice a week and which is working on the revised establishments of every department in the Administration. I wish the Administering Power had stated the membership of this Civil Service Committee. I hope the representative of the Administering Power will enlighten us on this matter. In any case, before dealing with each subject mentioned in paragraph 5 and subse-

quent paragraphs of the paper under discussion it may help the Council if I give a very short account of how power was transferred to the people in my country when the British Government announced that they would completely withdraw on 15 August 1947. Tripolitania is also under the British Government. The events preceding the transfer of power by the Government to the people of the country in India and Pakistan are so recent, i.e., they occurred prior to 15 August 1947, that a reference to those events would not be out of place. About the end of 1946, the leaders of the two leading political parties in the country, the Indian National Congress representing non-Muslims and the Muslim League representing all Muslims in India, were called upon by the Viceroy of India to nominate members of the Council of Ministers (at that time the Council was called the Executive Council). This was done in November 1946, and thereafter all action with regard to the transfer of power to the people was taken in accordance with the views and wishes of these representatives. As the time approached for the handing over of power, changes amongst officers holding various posts began to take place, and Indian and Pakistani officers were appointed to posts which in the history of India had never been held by anyone other than British. Not only were these officers Indian or Pakistani by nationality, but they were officers acceptable to the political leaders concerned. This process continued and was enlarged to such an extent that, on 15 August 1947, the country was administered entirely by officers selected and approved by the political leaders of the two important parties. Furthermore, only those British officers were allowed to remain who were acceptable to these leaders. In spite of all these precautions, we know that tragic results followed from not taking enough precautions before the country was divided into two States.

On the other hand, here in Tripolitania my delegation finds that, not only all political leaders are ignored and their wishes rejected when such important administrative and legislative organs are created or intended to be created as the Administrative Council and the Legislative Assembly but, even in the question of selecting Libyan officers for important political posts, the leader of the most important political party is not considered fit to be asked to give his advice. I quite imagine that those who disagree with my remarks will say that in Tripolitania the strength of political parties has not been tested by elections, etc., and, therefore, the Administration finds it difficult to act on the advice of any one particular leader. In the opinion of my delegation, this is now a worn-out excuse. There is no question which is the most powerful party in this country, and I would like the Commissioner to contradict me here on the floor of this house if I am wrong. By far the most powerful and popular party in Tripolitania is the National Congress Party. With this party are affiliated, or a sort of coalition exists between this party and them, four other parties. Only three parties are independent of the National Congress Party, viz., Istiqlal, the Kutla and the Labour parties. Under such circumstances, I do not understand, my delegation fails—completely fails—to understand, why should the Administration have any difficulty in calling upon the leader of the National Congress Party to help them in the discharge of their obligations as far as the transfer of power to the people

of the country is concerned? This does not in any way mean that thereby the leader of the Congress Party would be interfering with the administration of the country. My delegation recognizes as well as any other delegation on this Council that the Administering Power must be left free to carry out the day-to-day administration of the country. No one is suggesting that it should allow any political leader or in fact anyone else to guide it or control it in the day-to-day administration of the country. The transfer of power to the people of Tripolitania does not constitute a part of the day-to-day administration of the country. It is to be carried out through a programme which will run parallel to, and in keeping with, the day-to-day administration of the country. My delegation would like to know from the Commissioner whether he has tendered any advice in this matter to the Administering Power and if so with what results.

A great deal of space in this document under consideration is devoted to explaining what steps the Administration intends to take, or has taken, to expand education either by means of schools, etc., or by speeding up the training of Libyans who are to take part in the government of their country. May I ask the Commissioner how many principals of training colleges that are of Arab nationality, let alone Libyans, has the Administration recruited? May I also ask the Commissioner why is it necessary that the programme of education for this country should be drawn up by a British person? I presume the reply would be that "whoever pays the piper may call the tune". My delegation does not agree with this on numerous grounds as far as its literal application to Tripolitania is concerned. The Administering Power is in this country in the form of a trustee. No doubt it was one of the Powers, and I want to emphasize the fact that they were one of the Powers, which defeated fascist Italy in Libya and freed that country, but their presence in the country is by virtue of the terms of the Treaty of Peace with Italy. The Administering Power is here, therefore, as trustee on behalf of the countries which signed the Peace Treaty and, since the transfer of the problem of the future of the ex-Italian colonies to the United Nations, it is a trustee on behalf of the United Nations. If it elected to remain in this position when requested to do so it cannot now insist that the employment of personnel for service in this country must be left to its free choice. In the opinion of my delegation, based on the result of the experience that we have gained in my country from events almost similar to what is happening here—in fact my delegation is convinced on this point—all schemes for educational or technical training for the people of Tripolitania should be drawn up not only in consultation with the persons who are likely to be the future rulers of the country, but also by persons who are either nationals of the country or belong to the same race, religion and creed and command the confidence of the leaders.

At various places in the paper before us it is stated that Libyan officials from the educational services are either following higher studies in this country or have been sent abroad for technical training. I hope that these officers have been selected with great care. Here again, however, I feel that a good thing has been done in an incorrect manner. The proper and most obvious thing to do was for the Administration to have set up

a Public Service Commission, possibly of not more than three Libyans selected for this purpose, after full consultation with the leader of the important political party in the country and if possible with his approval. The views of these gentlemen would have then carried tremendous weight with the people of the country. All selections for higher training in the country, and most certainly for training abroad, should have been left to this Public Service Commission. In all democratic countries such commissions exist under one name or another. In my country such a Commission exists, and all important appointments and selection of persons for training abroad is canalized through it. I hope that the Council will agree with me regarding the desirability of setting up such a Commission in Tripolitania, and the Commissioner would be well advised to request the Administering Power to accept the suggestion of the Council.

In paragraph 12 of the paper under discussion it is stated that the economic and financial policy is contained within the limits of the resources available. It has not been stated what are the resources available so that this Council could examine the problem more thoroughly. However, it was made known through the Press a few days ago that the income of Tripolitania was £2,218,000; expenditure £2,451,000 and deficit £233,000, made good by His Majesty's Government. This, in my opinion, is a very important matter which requires very careful study by the Commissioner. My delegation is informed that the income of Tripolitania is much more than is made known and, in any case, the income from existing present-day resources could be increased very considerably if these resources were properly utilized. I am also informed that the expenditure is undoubtedly great and could just as easily be reduced very substantially if salaries were kept within reasonable limits and talent of the required standard employed from amongst people who would serve at much lower salaries than are being paid to some of the persons employed by the government at present. I hope none of my colleagues would take exception to this remark, because the Administering Power itself bases its case on the fact of the non-availability of resources. Anyone dealing with the finances of a State would know that economic matters are of paramount importance. My delegation proposes to introduce a resolution in due course, but only after hearing the views of other members of the Council who may deal with this problem. For the present I would refer only to the matter in a few words. My delegation believes that the resources of this country are capable of producing revenue in excess of what has been made known, and that the expenditures on the administration of the country could be very substantially reduced if the problem were examined entirely in the interests of the people of Libya. I hope by this I am not giving affront to those gentlemen who are stated to be serving in this country at a great sacrifice to their health, social life, etc. As a member of an important international Council and as the representative of a country that prides itself on its free and impartial outlook on the world affairs, I must state without flinching in the slightest manner from local criticisms, unpopularity or even being subjected to inconvenience, and so on, that conditions in Tripoli itself particularly, and in Tripolitania generally, are almost akin to conditions found in

a country under military occupation or ruled by martial law or a country within a dangerous war zone. I do not believe there is any justification for these conditions either economically or politically. Trade in the country is almost at a standstill. Even a few words of discussion with the leading businessmen in Tripoli would prove that such severe restrictions have been imposed that, if it had not been for a large number of troops in the country, the business of the town of Tripoli would have come to a standstill. On the eve of independence, such conditions are unjustified. I would like to hear from the Commissioner what steps he has taken to reduce the burden on the country, to assist its economy to recover itself and greatly to reduce the burden of salaries, allowances, etc., enjoyed by the personnel serving in the country, so that the economy and financial policy in Tripolitania would not be hindered too much by the resources left available for effecting improvements.

I will now deal with each of the four questions that were addressed to the Commissioner. The first question deals with the employment of Libyans in public services. We have not received any figures showing the relative strength of foreign persons and Libyans employed in the higher ranks of the services. Neither have we been given any scales of salaries paid to persons of Libyan and non-Libyan nationality. My delegation is informed that certain posts, when held by Libyans, are paid at the rate of about 16,000 mals a month, while similar posts held by British officers are paid at the rate of as much as 40,000 mals a month. Similarly, I am told that practically every key post in the country is held by British officers. At the farthest possible date Libya would be free in seventeen months' time. Is it justified that such distinction should continue up till this time? My delegation is also informed that the few Libyans, and I am told they are very few, who have been nominated to higher posts, sit about and are not given any work of responsibility. My delegation could submit actual names of posts, but I want to save everyone concerned from unnecessary trouble and embarrassment. I hope it will be accepted that the information my delegation has received, which I have every reason to believe is correct, shows that, first, very few Libyans are employed in higher posts; secondly, that a very great difference exists in salaries which they draw and which their compatriots the British officers draw; and, thirdly, that these few Libyans who are raised to higher posts are not being given work of responsibility.

As regards the second question, viz., organizing the economy of the country in the best interests of the people of Libya, the position is even more unsatisfactory. My delegation is informed that the system of monopolies is still employed fairly extensively, that foreign firms are enjoying a monopoly in matters for which they are not any more qualified than certain local firms. Even in matters affecting the working of the port of Tripoli this system of monopoly has not been forgotten. The control of foreign exchange is not only enforced very rigorously, but in a most unfair manner. The economy of the country is being subjected to stiff laws which were unknown even during the worst period of fascist rule. How is it possible that in such circumstances the "financial" resources of the country would be such that they could provide for even very simple and non-expensive improvements in the country. I shall

only quote one industry which has been crippled; this is the weaving industry. Restrictions on export of material even inside Libya, restrictions on the import of yarn from certain territories outside Libya, and a complete absence of any efforts to supply improved means of manufacturing good cloth, have brought this very flourishing and thriving industry of Tripoli almost to ruin. The position regarding banking is well-known and beyond the comprehension of a simple person like myself. I cannot understand why the handling of capital in the country should be subjected to such enormous and unbelievable restrictions as is the case at present. I can quote numerous other examples of the defective economic system, or shall I say the one-sided economic system, that is enforced at present, but as I propose to move a resolution on this subject I shall therefore save my colleagues from listening twice to my discourse on this subject.

As regards the third question, the position is no better than in the two previous spheres discussed by me. Some of the important automobile factories are in military hands. Practically no social amenities are available for people of the country, while over twenty clubs and institutions exist in the town of Tripoli. These are for the comfort and enjoyment of British officers and soldiers and their families. Even cinemas for English-speaking non-officials are not available. The big building containing the Miramare theatre is kept by the Administration under requisition for the benefit of British officers and soldiers to see English films. As regards hotel accommodation, I am one of the victims who has suffered from lack of decent hotel accommodation, and I therefore refrain from expressing my views fully on this subject lest I am accused of being guided by personal motives. I shall, however, say that there exists a most obvious and useful building which could be made into a first-class hotel for tourists and thereby increase very considerably the income of the country, but this is not done because it is used as officers' club. I am referring to the *Uaddan*. I am not an extremist, nor have I any grudge against anyone. I am merely reciting events which are probably distasteful to some people to hear, but it is my duty to place them on record so that those who are dealing with the fate of Libya should know what is happening in this country. In this case of the *Uaddan Club* I am informed that it is run by NAAFI at a very considerable loss. I am also informed that it has accommodation for over a hundred persons and I have seen myself that it has very spacious public rooms, etc. It appears that the Administration should have leased this building to some one so that it could be made into a public hotel, and shifted the officers' club to a place which would have been not so expensive to run and which, nevertheless, would have provided the necessary facilities.

As regards the fourth question, I have dealt with it to a great extent in my general remarks regarding Tripolitania. In the opinion of my delegation, no changes in the education system should be introduced at this stage unless these are approved by and acceptable to the people of the country, the views of which should be heard through the leading politicians of Tripolitania.

These are my views with regard to the paper that has been circulated to us dealing with changes in the administration of Tripolitania. I would have failed in

my duty if I had refrained from saying that what had struck me most since my arrival here was the desire by those responsible for the administration of the country to make things look as if no change has taken place in the destinies of the people and that the Administration is to go on as it has continued to up to the present. Every man in the street I have talked to has expressed fears and doubts with regard to the prospects of their becoming independent. It is a tragedy. It is a matter of great regret that people on whose behalf representatives of six States are working in this country, for whose benefit the United Nations have employed the Commissioner and a big staff and are spending enormous sums of money, that such people should feel so doubtful with regard to their future. Why is this so? Obviously because the local Administration in Tripolitania has not thought fit to change its approach to the whole problem so as to create a feeling of confidence in the minds of the people with regard to their future. It is this confidence which will be the key to the whole situation. If the people are made aware in their day-to-day life of the fact that they are going to be free, they would act better, they would exert themselves more and they would do all that is needed of them to make the experiment a real success. In the opinion of my delegation, a very grave responsibility rests on those who could, but have failed to, bring about a change in the outlook of the people here. My delegation hopes that the Commissioner will give serious attention to the various suggestions and expressions of view that I have made in this long speech and, if he agrees with any of them, take immediate steps to rectify the situation.

I now turn to the situation in Cyrenaica. Here I must compliment the Administering Power on the ability and statesmanship displayed in its dealings with His Highness the Amir Senussi. The transfer of power to His Highness evoked no opposition worth the name and, consequently, my delegation has no objection to such a transfer. It is the firm belief of my delegation that the administration of the different regions of Libya must be conceived and carried on, not only in the best interests of the people, but simultaneously with the approval and according to the wishes of those who are most likely to take over the reins of government from the Administering Powers when Libya becomes independent. The situation in Cyrenaica, therefore, fits in with this theory and my delegation does not propose to analyse the information received regarding Cyrenaica any further. My delegation intends to make certain observations with regard to the unity of the different areas. I propose to deal with this subject, however, when the item next on the agenda comes up for discussion.

I realize that I have taken up a great deal of time of the honourable members of the Council, but the subject, in the opinion of my delegation, was of paramount importance and I could not deal with it in a shorter time. In the opinion of my Government, the decisions of the United Nations must be accepted by the Member nations and acted upon disregarding of national or international obligations and interests. My country was one of the first to accept the resolution recently passed by the Security Council with regard to Korea. This resolution was passed by one of the organs

of the United Nations by seven votes in favour, three abstentions and one member absent. The minimum number of votes needed for the resolution was seven. In support of this resolution, Mr. Trygve Lie, the Secretary-General of the United Nations, has asked forty-eight Member nations to send ground forces to Korea to fight those who are alleged to be violating the decisions of the United Nations.

Another organ of the United Nations, viz., the General Assembly with fifty-nine members, passed the resolution for Libya not only by the two-thirds majority required, but by forty-nine in favour, none against and nine abstentions. I hope that my colleagues will agree with me that a resolution which has received such tremendous support in the United Nations deserves to be implemented not only fully, but liberally. Liberality should be exercised in favour of the people of Libya who were recognized by the United Nations General Assembly as fit for independence. Consequently, my delegation hopes that in Tripolitania, which contains nearly three-quarters of the population of Libya and of its resources almost in the same proportion, the Administering Power will not hesitate to take into its confidence those who, on the face of it, are the leaders of the majority of the people and who, by all the signs visible to us, are likely to be the leaders of the country in the future and who, by their attitude up till now, have proved their patriotism and statesmanship beyond any doubt.

With regard to the Fezzan, I hope the Administering Power will take advantage of the discussions in this Council with regard to Tripolitania and Cyrenaica and take suitable action in the light of these discussions.

B. Statement by the representative of the United Kingdom at the 30th meeting of the Council, 24 July 1950

We listened on Saturday to a very remarkable speech from the honourable delegate from Pakistan. The speech was particularly remarkable to me, because the speaker, whatever his motive or intentions, appeared to me to approach and deal with the subject of his discourse, at least as far as Tripolitania was concerned, in a spirit of almost purely destructive and unhelpful criticism. I should like to think that I am mistaken, or that I have misunderstood him, but the fact remains that, rightly or wrongly (and I am afraid rightly), I was left with the impression, that my honourable friend had for the moment forgotten the purpose for which this Council was established—that is to say, the giving of constructive advice within the field of its competence—and had lost both his sense of proportion and his bearings in treating us, as he did, to a long, sometimes inaccurate, occasionally perhaps even distorted, affront of the alleged shortcomings of the British Administration in Tripolitania.

2. When he began his speech, I was under the impression that his remarks were to be merely the prelude to a request for information on certain points, set out in A/AC.32/Council/R.56, and with that request for information I was preparing myself to deal on its merits. It soon, however, became apparent to me that the request for information was merely to be the introduction to a lengthy attack on the Administration

itself. I would add here in passing that practically all, if not all, the information asked for by my honourable colleague is already on record, and I doubt if any useful purpose would be served by a duplication of inquiries.

3. No honest man, and no honest Administration, ever claims to be perfect. We all make mistakes. However benevolent and determined the intention, performance is too often handicapped by uncontrollable circumstances; as in the case of Tripolitania, by external circumstances. There is, I think, a tendency to overlook the good work that the Administration in Tripolitania has done, and to underestimate, or even to forget entirely, the difficulties and disabilities from which it has unavoidably suffered in the discharge of its responsibilities towards the people of Tripolitania. I will not labour this point. I am not here to defend the Administration, but I think it only fair to ask this Council to bear in mind the restrictions, deriving in the first instance from the unescapable conditions of the original occupation, which for so long have tied its hands. No one would have been happier than the Chief Administrator if the United Nations General Assembly had succeeded in solving the problem of the future of Libya two or three years ago.

4. And now for one or two remarks of a general nature before dealing with some of the specific points raised by my honourable colleague.

(a) First, it is undoubtedly within the competence of this Council to ask for information on subjects relevant to their functions—their requests being addressed, through the routine channel, the Commissioner, to the Administering Authority—as well as generally for information which might form a useful or necessary background to the study of their own particular problems. It is not, on the other hand, within the competence of this Council to criticize or call in question the Administering Authority's administrative action. This Council is not competent to assess the merits or demerits of what that Authority is doing, has done, or proposes to do, in the purely administrative field. Until the transfer of power has been completed and the future State of Libya has emerged, the Chief Administrator remains solely responsible for the administration of Tripolitania.

The Administering Power and the Administering Authority are fully alive to the responsibilities imposed upon them by the General Assembly resolution, and it might be appropriate, in this connexion, to remind my honourable colleague from Pakistan and this Council that the Administering Power and the Administering Authority are not responsible to this Council. They are responsible solely to the General Assembly, to which, as laid down in the resolution itself, they are required to submit an annual report. The Administering Authority in Tripolitania, I repeat, is fully prepared, when approached in the proper manner, to provide the Council with all information relevant to their task, but it rejects any suggestion—as I do now on behalf of my Government—and will continue to reject any suggestions, that this Council is in any sense a court of inquiry or tribunal by which it may be put in the dock and called to account for what it is doing, has done, or proposes to do, in the discharge of its administrative duties.

(b) Secondly, the honourable delegate of Pakistan, in commenting on the progress programme for Tripoli-

tania set out in A/AC.32/Council/R.68 (annex IX), draws attention to the absence of reference to "consultation with political leaders"; infers that they were not consulted; and goes on to record the opinion that, not only should they be consulted, but that their views should *determine* "the decisions of the Administration in such matters". I have two, perhaps three, observations to make on this point.

(i) No Administration, charged with the task of preparing a hitherto non-self-governing people for an independent future, can divest itself of the responsibility of deciding, in the last instance, for itself, how progress in the desired direction is to be progressively secured. Whatever consultations may have taken place; whatever modifications may have been introduced into an original draft progress programme to suit the characteristics or the peculiar genius of a particular people; in the last instance, the Administration must recognize and shoulder its own inalienable responsibility.

(ii) The honourable delegate for Pakistan appears to me to be obsessed with the paramount importance of "political leaders" in the administrative, as well as in their own political field. Now, in this connexion, I am very anxious not to be misunderstood or to appear to be in any way decrying the political parties or political leaders in Tripolitania. What I want to say is this. When a case for consultation arises, it is an error to assume that the recognized political parties embrace all the elements in the population which may usefully be consulted or which are entitled to be consulted. The mere fact, as I have already said at an earlier meeting of this Council, that a man is entitled in law to call himself a "party leader" does not in itself automatically imply either that he possesses any particular political (or other) wisdom, or that he commands any substantial political following, though I agree that, as an individual, he may have a highly developed political sense. Nor, I should add here, does it by any means always follow that a man who is politically instructed is also administratively wise. Furthermore, it will be within the experience of my honourable colleague, as it is within mine, that in countries which are comparatively unsophisticated in the political sense, the politically conscious and instructed elements are in the minority and that, whilst that minority (or the greater part of it) may have organized itself effectively in a number of political parties of greater or lesser size, commanding the support of greater or lesser numbers of their less instructed countrymen, you will find in most cases (as here in Tripolitania) a residue of intelligent "independent" persons—independent either in the sense that they belong to no recognized party, or in the sense that their political affiliation is either nominal or undecided. These persons, or representatives of these persons, are in my view as much entitled to be "consulted" as the political party leaders.

Now, I do not want to say anything that could be construed or misconstrued as an attempt to minimize the importance of the National Congress or of those lesser bodies, the Independence and Kutla Parties, in the political field. All I want to say, in short, is that in my view the suggestion put forward by my honourable colleague from Pakistan, that here in Tripolitania the opinions of the political party leaders alone have any value—and alone should command our attention whatever political problem we may be dealing with and

whatever the subject on which they may be asked to express them—is both unrealistic and unwise.

Here may I put in a remark which I had intended to make later. During the course of his speech my honourable colleague actually suggested that the "Libyanization" scheme now being pressed forward in Tripolitania, i.e., the building up of the future civil service of the future State, should be put in the hands of the political leaders. I need, I think, only say this, that any such arrangement would be an absolute and categorical negation of the basic principle by which all civil services in the world are governed. Politics and the civil service must essentially be kept apart. I might here add that the Civil Service Committee, which is dealing in Tripolitania with the Libyanization programme, includes amongst its members a senior Tripolitanian civil servant who is admirably qualified to carry out, without fear or favour, the task allotted to him.

(iii) It is incorrect to say that the "political leaders" were not consulted in the matter of the proposed progress programme for Tripolitania. As the Council will see from the document describing that programme, progress was to be in three stages. The programme, moreover, was to be an "evolutionary" programme. Stage II, that is to say, was to await the completion of stage I, and might be subjected to modification or change in the light of experience gained therein. We have not yet entered on stage II, and I shall therefore keep anything I might have to say on the subject until a later date.

5. The first step proposed was the setting up of an Administrative Council. Before any action was taken, the Chief Administrator discussed the project informally on more than one occasion with the Commissioner, and at great length with Beshir Bey Saadawi and other personalities, political or otherwise. I myself at that time was attached to the Administration as Political Adviser. I myself discussed the project with the Independence and Kutla Parties and with the Egypto-Tripolitanian Union. I discussed it on many occasions, for many hours over a period of many weeks, with Beshir Bey himself. As a result of these discussions, in which the Chief Administrator personally took a prominent part, certain modifications were made in the original plan, and in due course Beshir Bey signified his agreement. It is true that he qualified his agreement by stipulating that members of the National Congress, who accepted the Chief Administrator's invitation to become members of the Administrative Council, should do so in their capacity as individuals only and not as National Congress representatives, but this did not vitiate the fact that he agreed to the Council's formation. Indeed, this stipulation was in accordance with the principle on which the selection of the Administrative Council's members was to be based.

The Administrative Council, as I have pointed out before on one or two occasions, though it includes members of various political parties as well as "independents", is an administrative and not a political body. Its functions I have already described to you at an earlier meeting of this Council, and I do not propose to do so again. All I propose to do here, is to say this. The Administrative Council is a legitimate creation of the Chief Administrator, and fulfils a legitimate and highly necessary administrative purpose. Its creation is not a subject which this Council is competent to condemn or even to criticize. It is not "illegal", as my hon-

ourable colleague keeps on repeating, nor does it in any way contravene the resolution of the General Assembly. Its appearance was unhappily delayed, to the prejudice of the real progress of Tripolitania, by an obstructive party agitation, but this agitation was fortunately overcome, though not without serious loss of time.

6. The members of the Administrative Council are in the true sense "outstanding personalities" of Tripolitania, and were selected as such. Their selection they have since fully justified, proving themselves capable of giving objective advice to the Chief Administrator on such subjects as are remitted to them, without fear, favour or bias—concentrating on what they believe to be the true interests of Tripolitania, and declining to be moved by personal, party or sectional considerations. Indeed, in my view and that of others, they have set a high standard of public service which might well serve as an example for others. As for being "humiliated" by the terms of their appointment, even a Cabinet Minister may be dismissed or be required to resign by the Head of his Government. I will not elaborate this point any further, beyond saying that I personally listened with surprise and indignation at the insulting—I am afraid there is no other word for it—the insulting innuendoes levelled by the delegate from Pakistan at a very honourable and public-spirited body of men.

7. So much for my remarks of a general kind. I propose now to deal with one or two specific points which my honourable colleague has raised. Other points I propose to disregard, in some cases because I do not understand their implications or in what way they are relevant to our essential purpose; in other cases because they seem to me to be merely dragged in with the sole purpose of suggesting that the regime of the Administration is not only inept, but is deliberately careless of the welfare and interests of the people. These suggestions I propose to leave unanswered. Frankly, I do not understand what is in my honourable colleague's mind. We are here as a Council of co-operative colleagues to advise the Commissioner in his task of aiding the people of Libya to achieve the independence guaranteed to them by the General Assembly resolution. I cannot see how that independence is to be promoted or made more real by a series of rather trivial arguments about the current pay rates of non-Libyan officials or about the occupation by the NAAFI of the Uaddan Hotel. I have no objection to pointing out to my honourable colleague that it is the normal practice for an imported "foreign" official to receive, in addition to his basic salary, which is the same for all officials whether imported or home-grown, an expatriation allowance to compensate him for the fact that he has to live away from his own home in a foreign country, and for the additional expense he may be put to. In some places, this expatriation allowance is paid separately; in others, it is lumped and paid *en bloc* with his basic salary. I have no objection to pointing out further that the Uaddan Hotel is not today a commercial proposition. No *hotelier* will consider investing money in it until the future of this country is settled and he can calculate, against a reasonably stable background, the value of a long-term investment. The Miramare Cinema is in process of being handed back for the use of the civilian population. But even having dealt with these particular points, I do not see how we have advanced our case any further. I am quite pre-

pared to admit that in the circumstances in which the Administration has had to operate there are bound to be numbers of individual complaints and grievances, which in due course will either be ironed out, or will disappear of themselves.

8. With the economic, banking, currency and related questions which the honourable delegate from Pakistan has asked, I do not propose to deal in detail, and for the following reason. A number of these matters are already receiving the attention of the Administration, and the position now is that the Chief Administrator, as well as pushing as far ahead as he usefully can on the basis of plans prepared by his own staff, is awaiting the advice and guidance of those experts who, through the good offices of the United Nations and kindred organizations, are now surveying the various technical fields. Plans for educational expansion are already going ahead and have been described in detail in the Administration's report. Libyanization must inevitably be to a certain extent a slowish process, the first step in the transfer of administrative authority, but it is in competent hands and is proceeding as fast as the technical standards hitherto reached by Libyan officials will permit.

I will not take up any more of the Council's time. What we want is co-operation, as the Egyptian representative has so often said, constructive suggestions and not destructive criticism. I hope we shall get it. I will merely express the hope that I have made myself clear and that none of my remarks has given offence.

C. Statement by the representative of the United States of America at the 32nd meeting of the Council, 26 July 1950

I should like to make a few general remarks on the subject before us, as well as on the broad aspects of our work.

Having listened to the debate thus far on the item introduced by the honourable representative of Pakistan, I have come to the conviction that at the very foundation of our problem lies mutual suspicion. There are those who are suspicious of the Administering Authorities. They scrutinize every move of the Administering Authority with jaundiced eye and with a view to ascertaining beyond peradventure that there is no ulterior motive nor clandestine desire to prevent implementation of the resolution, no desire to serve interests of the Administering Power as opposed to the interests of the Libyan people.

On the other hand, the Administering Authority, conscious of its responsibilities as occupying Power, a situation in which it finds itself as a result of the exigencies of war, is determined to acquit itself of that responsibility to the best of its ability, and it questions and is suspicious of criticism of its action, particularly when such criticism appears to it to be unwarranted or based on incomplete knowledge of facts regarding planned progress toward the independence of Libya.

My honourable colleagues from their previous experience appreciate, I am sure, the difficulty, under the very best of circumstances, of implementing any international undertaking which depends upon the confidence, the faith and the mutual trust of associated tania set out in A/AC.32/Council/R.68 (annex IX),

organs, even when their duties are rigorously and precisely defined. The General Assembly resolution providing for the sovereignty and independence of a united Libya is one of those many documents which, despite the care with which they are drafted, are susceptible of different interpretations by the organs designed to implement it. The resolution provides for three different organs in Libya, all of which, in some way, are connected with the implementation of the resolution: the Commissioner, the Council and last, but by no means least, the Administering Authorities. It may be regrettable, but to some extent it has been inevitable, that each of these different levels of authority should have a difference of opinion about the extent and scope of their mutual responsibilities; but most unfortunate it has been, and to the detriment of the people of Libya and to the implementation of the resolution, that each of these authorities or organs has in the course of events come to regard its own role with a sense of self-righteousness, and out of this self-righteousness a sense of pride which does not permit an adjustment of views nor a harmonious approach to the achievement of our common and mutual goal. Not singly, but together, the members of the Council, the Commissioner and the Administering Authorities are the champions and guarantee of Libyan independence.

I do not propose to exhaust your time with a long legal interpretation of the resolution and then state, under that interpretation, what I think should have been done and should not have been done. What we need are not legal interpretations. A lawyer can always draw a brief to justify the innocent as well as the guilty. What we need is that sense of confidence to which my honourable colleague from Pakistan referred in the closing parts of his speech as "the key to the whole situation". The place to cement that confidence is right here in the Council, where we have with us not only the Commissioner but the representatives of France and the United Kingdom, who can at all times authoritatively speak to the Council from the point of view of the Administering Powers.

Since the Administering Powers have been the subject of somewhat heavy attack, I wish to make reference to their important role, not to condemn errors of omission or commission or to defend any particular plans or programmes. My honourable colleague from Egypt, in his opening address to the Council on 25 April, stated with great clarity that, while the resolution of 21 November had created the necessary international machinery for the achievement of its purposes, it realistically took into account "the fact that the co-operation of the two Administering Powers in Libya was essential". As a practical matter, therefore, irrespective of any legalistic interpretation of the resolution, the Commissioner and the Council must take into consideration the *de facto* role of the Administering Powers, for we can suggest and recommend, but neither we nor the Commissioner can coerce. Therefore, as a realistic approach to getting on with our work, I urge the members of the Council to show more charity toward each other in the interpretation of the resolution and in judging the actions of others. This airing of views in public has permitted various members of the Council to show their zeal and their attachment to the cause of Libyan independence; but I say, let not that zeal end there. In addition to play-

ing the role of critic, we must put forward constructive and workable suggestions for the achievement of our task. We have already received from our honourable colleague from Egypt two very constructive suggestions; one regarding the need for a teachers training college, and the other regarding the introduction of a common currency for all of Libya. Other constructive suggestions are implied in the speeches of the delegates of Pakistan and of Tripolitania. In putting forth our suggestions, I urge my colleagues not to permit details and minor points in the present situation of Tripolitania to deter us from the achievement of our grand objective. However irritating to local sentiment in these days, particularly in the municipality of Tripoli, these minor irritants will soon pass. I do not wish to imply that I feel that the NAAFI, the Uaddan, the welfare buses, the Miramare and such do not form a part of the general picture in Tripolitania. Let us, however, keep these details in proper perspective so that we do not lose sight of the forest for the trees.

Having considered the three documents which are now under discussion, the fact which strikes me most keenly is the fact that preparation for the assumption of future responsibilities of government has not proceeded with the same rapidity in Tripolitania as it has in either Cyrenaica or the Fezzan. In Cyrenaica, there is already in existence a Cyrenaican Government under His Highness the Amir, which has exclusive competence in internal affairs, and in the Fezzan there exists not only a working Assembly of Notables, but a recognized Head of the territory who is advised by a Council of Ministers. Naturally the future existence of any local institutions within these two territories will depend upon their compatibility with the eventual national constitution of Libya: where existing local institutions of self-government are not incompatible with the national constitution, I imagine they will continue; if inconsistent with the national constitution, they will, of course, disappear. Whatever their particular merits or demerits, local self-government in Cyrenaica and the Fezzan has contributed, and will continue to contribute, to the final and complete assumption of power by the Libyan people.

In Tripolitania, on the other hand, local institutions of self-government exist only in a rudimentary form, and it is to their absence that many of the peculiar political problems of Tripolitania can be attributed. I know that many of the staunchest of the Libyan unionists once regarded the development of territorial institutions of government with some alarm, thinking that it prejudiced the future unity of Libya. However, by strengthening the preparedness of the people for independence in one area, these territorial institutions contribute to the stability of the Libyan State as a whole.

It is for this reason that I have always favoured the maximum development of local institutions of self-government, for people who have participated in an administrative council or in a legislative assembly, however rudimentary their powers and limited their responsibility, have learned valuable techniques in the art of modern government which can only come through experience.

Thus I do not view with alarm, but welcome the establishment of local institutions of self-government in Tripolitania. Such institutions, I have emphasized,

are transitory and will not compromise the Libyan State.

Our Egyptian colleague has called our attention to the need to return to a better spirit of co-operation, and our United Kingdom colleague has reminded us that no man and no administration is or can be perfect, not even the United Kingdom Administration for Tripolitania, for which I for one have the highest esteem.

I suggest, therefore, that in considering this particular problem before us, as well as in considering the questions that will in future come before us, we endeavour with due humility and real knowledge of human frailty, to seek in a spirit of mutual co-operation and respect for the sincere opinions of others, to reach our conclusions in an atmosphere of friendship and devotion solely to the end of assuring an independent and viable Libyan State at as early a date as may be possible.

I shall not at this stage take sides between the Administering Authorities and those who seek to condemn them. The record, I think, will speak for itself. Basically, I believe we are all striving to attain the same end, an independent Libya. There is no difference of opinion between us on that point. What I seek, therefore, is that we bury our mutual suspicions and seek to achieve a less acrimonious and more conciliatory approach to our problem, a problem not only important to Libya, but one also of vital importance to the world at large.

D. Statement by the representative of the Minorities in Libya at the 33rd meeting of the Council, 27 July 1950

The discussion that is now drawing to a close arose out of a request for information and a long and detailed statement by the representative of Pakistan, who outlined the basic points in the complicated questions which, if they did not actually make the road to the independence of Libya difficult, certainly do not make it easy.

The main points that the previous speakers have dwelt upon are the following; the establishment of suitable organs for the gradual transfer of power from the Administering Power to the representatives of the people; the progressive "Libyanization" of the administration; and the economic and financial situation from the point of view of sources of revenue for public expenditure.

It is obvious that the questions that are being raised concern the interests of the whole population and it is only natural that the Minorities, who number 65,000 individuals and represent very large interests, should wish to put forward their own views in a spirit of sincere collaboration and with the calm objectivity that they intend shall characterize all their actions.

The Pakistani representative's speech, being imbued with a spirit of alert criticism, has been described as destructive rather than constructive. I do not think that is a true description, although I am bound to admit that in certain parts it may have erred on the side of over-statement; but that is a minor defect which does not change its composition.

I maintain that criticism is never destructive when, as in this case, it is honestly and sincerely designed to achieve a lofty purpose.

In such cases, even the most harsh criticism is always constructive, for it shows up what is needed and demands satisfaction, and does not allow the matter to stagnate or to ferment in an unhealthy manner. From that point of view, criticism should be taken as a gesture of useful co-operation.

The question of the establishment of representative organs which, in line with the progressive constitutional development of the country, will be able gradually to take over power from the Administering Power, has been discussed and argued over at great length. The discussion has centred chiefly round the character and functions of the Administrative Council, for the simple reason that that is the only new organ that has so far come into being.

The fact that that is the only new organ means that, despite the long discussions on the subject, very little has been accomplished, especially in comparison with the far greater achievements in Cyrenaica and the Fezzan. It is the paucity of the results achieved that has given rise to do so much criticism. Even if one takes into consideration the many difficulties, it cannot be denied that there is justification for that criticism.

It is the Administrative Council, then, that has been the object of the most lively criticism and the most ardent defence. Even the members of the Administrative Council have not been spared, although they should have been left out of the dispute, since no one wishes to cast aspersions on such men, who are carrying out the functions assigned to them in an exemplary manner. It is those very functions that have been criticized as too modest and too restricted.

It is my belief, however, that the essence of the matter lies in the following question. Can the Administrative Council be regarded as a representative body enjoying the confidence of the majority of the population and can it be considered to have full powers of decision?

I do not think anyone can deny that the Administrative Council lacks two qualifications which are essential if it is to be regarded as a free organ: first, it has no power of initiative, and secondly, there is nothing to guarantee the freedom of its members to adopt an independent attitude. As for its being a representative body on the basis of the confidence it enjoys from the majority of the people and hence from the political parties, the discussion has shown clearly that Beshir Bey Saadawi, as leader of the National Congress Party and hence the leader of a vast political section, as even the Administration has admitted, neither approved of the establishment of the Administrative Council nor accepted it; all he did was not to oppose it, which is a very different matter.

If, therefore, it is correct to say that the Administrative Council is a perfectly legitimate organ, it is only so if regarded as a purely advisory and administrative organ, working side by side with the Administration.

With regard to Libyanization, it is easy to see how it is marking time and it is only natural to ask for the pace to be accelerated. The suggestion that it might be wise to make use of the authority, the knowledge and the co-operative spirit of the political leaders in this field also may not appear to be in keeping with the generally accepted ideas of custom and law. But custom and administrative law can only be invoked to exclude political elements in States which have a history and

hence are already in possession of traditions and administrative laws. All those things are lacking in our case, and it is a question of creating an entirely new body, whose members must be possessed of other qualities besides the purely intellectual. Viewed in that light, the suggestion is worthy of consideration.

The most serious and most complicated question is that of the development of an economic and financial policy which will ensure sufficient revenue for the new State. I am well acquainted with this question, and I know very well that it involves many very difficult problems and that in this field one cannot hope for miraculous or immediate results. It will be a long and an arduous process: we start with a deficit position and with patience and sacrifice we have to attain a balanced budget.

As responsible people, therefore, we must press for the immediate introduction of an economic policy that will create the necessary atmosphere of confidence, security and stability to attract private capital and encourage new enterprises, that will revive trade and restore internal and external traffic at least to a greater activity if not to its former proportions, and that will increase production.

Present-day conditions of agriculture, trade, industry and handicrafts are not calculated to promote all that. In agriculture, production costs are many times higher than selling prices, because the local market is in a permanent state of depression owing to the difficulty of exportation, which is caused by the lack of cheap forms

of transport, by the cost of production, by the competition of countries with more favourable natural conditions, and by the decreased capacity of absorption of the local market. Yet agriculture at this very time offers an interesting example of the possibilities of the country. Year by year, the periods of exemption from taxation granted for land newly put into cultivation are lapsing, and year by year new farms are being taxed. It would be interesting to know by what percentage public revenue is increased by these new sources.

Trade, too, is suffering a depression, as also are industry and handicrafts, owing, among other things, to causes to which previous speakers have drawn attention. The Pakistani and Tripolitanian representatives have both spoken of matters of great significance: the introduction of monopolistic companies and of privileged organizations which are a great discouragement to trade.

It is essential in the public interest that the position should be reviewed. The time has come, moreover, to consider the abolition of taxes which are now out of date, so that trade can be restored to full activity, especially with regard to those lines in which there has always been the most flourishing trade, such as tea, sugar, the import of farinaceous goods and their by-products. That would stimulate local trade and result in a reduction in prices, owing to the elimination of the unnecessary and unwelcome middleman. It would also mean an increase in public revenue.

I will not add any further considerations, for they would lead to too lengthy a discussion.

Annex XII

Statement made by the Commissioner at the 33rd meeting of the Council for Libya on 27 July 1950 in the course of the consideration by the Council of a request by the representative of Pakistan for information on the steps taken to transfer authority to the people of Libya.

I listened with great attention and considerable interest to the statement made on 22 July by the honourable member for Pakistan, and this interest even increased when, after the meeting, I had an opportunity to make a careful study of it. In the course of this reply, I will have to make it clear that on several points I am in disagreement with the speaker, disagreement which concerns certain fundamental principles. I therefore trust that neither the honourable representative of Pakistan himself nor the Council will think I am lacking in appreciation for his very clever and eloquent statement. The fact nevertheless remains that the honourable member for Pakistan and myself are in disagreement, as is not unusual in political debate, notwithstanding the best efforts on both sides at mutual understanding.

What struck me in the statement of the honourable member of Pakistan was not in the first place the substance of his remarks, however important and noteworthy they were, but rather certain basic assumptions concerning the relationships between Commissioner,

Council and Administering Powers, assumptions which appear to have inspired most of the speaker's arguments. I will, therefore, first of all devote a few remarks to these basic assumptions, several of which I am afraid are based on misconceptions.

In doing so, I will limit myself to a definition of my own position as Commissioner as I see it in the light of my conception of the General Assembly resolution of 21 November 1949. I may add that this conception is not in the nature of a personal opinion. It is a conception supported by the best legal advice at my disposal, and I refer in particular to the several lawyers who, during last year's Assembly, had an active part in drafting the resolution. I also checked my interpretation with several permanent delegates in New York who warmly supported the resolution and its purposes, and whose opinions I have always highly valued.

The Council is aware that I had hoped not to be forced to take a formal and public stand on this issue

and that the Commissioner and his Council could avoid a debate on the subject.

The resolution has established a very delicately balanced pattern of functions and responsibilities between the people of Libya, the Administering Powers, the Commissioner and the Council. At the same time that the resolution was adopted, it was generally admitted that its mechanism would not be an easy thing to operate, but I have always believed that, by taking a practical view on these matters, by trustingly co-operating with each other and by respecting each other's duties, obligations and functions, in particular the Commissioner and the Council could work out an efficient team relationship which, in my opinion, will best serve the interests of Libya. We around this table are above all practical men with a great deal of political, diplomatic, administrative and other practical experiences and backgrounds, and it is on a practical level that I propose to deal with the following.

The way I see my position as Commissioner in relationship with the Libyan people, the Council and the Administering Powers is as follows:

1. I have been sent to this country by the General Assembly as its representative for the purpose of assisting the people of Libya in the formulation of a constitution and the establishment of an independent government. This assistance is freely offered to the people of Libya and it is of course understood that, if the people do not want to make use of this assistance, they are perfectly free not to accept it.

2. The Council is to aid and advise the Commissioner in the achievement of his task and, in order to foster as close a co-operation as possible between the two, the General Assembly very wisely has made it obligatory upon the Commissioner to consult and be guided by the advice of the members of his Council.

3. The Administering Powers, in co-operation with the Commissioner, administer the territories for the purposes as defined in the resolution. They must also, equally in co-operation with the Commissioner, initiate all necessary steps for the transfer of power to a duly constituted, independent government, that is to say to a duly constituted, independent Libyan government. The resolution does not mention a transfer of authority to the people of Libya as the Pakistani request for information puts it.

4. The Administering Powers are not responsible for their activities either to the Council or to the Commissioner, but only to the General Assembly, to which they report. Constitutionally speaking, there are no official relations between the Administering Powers and the Council, except through the intermediary of the Commissioner, who must co-operate with the one and be guided by the advice of the other.

5. Co-operation with the Administering Powers in the administration of the territories for the purposes of the General Assembly resolution does not mean that the Commissioner shares the responsibility of these powers. He naturally is responsible for any advice he tenders to the Administering Powers, but they are perfectly free to accept or to reject such advice. In each case they are responsible to the General Assembly for their actions.

This is the conception I hold of my position as Commissioner and it is in line with that conception that I now will deal with the various questions put to me by the honourable members for Pakistan and Egypt. I am, in the spirit of constructive co-operation, supplying my honourable friend the representative of Pakistan with certain information in order to assist him, as much as is in my power, in formulating his opinion so that he may be in a better position to participate in the Council's task of giving me well-founded advice.

There is one more point which I must make clear before I can enter into the details of the problems raised by last Saturday's speaker. In several of his questions Abdur Rahim Khan touched upon my relationship with the Administering Powers which, as I reminded the Council, are determined by the word "co-operation". Now, my idea of co-operation with the Administering Powers is not to make a public announcement each time I agree or disagree with one of them. Such a way of handling my relationship with the Administering Powers would be destructive to the mutual confidence which must exist between us as well as that which must exist between the Commissioner and the Council, if our common task is to be brought to a successful end, as the representative of the Minorities rightly remarked this morning. Nothing is more harmful to trustful co-operation than to listen to gossip, to the voice of suspicion, to the insinuating whisperings of biased opinion and to the temptation of unduly paying attention to making oneself popular.

Of course, there have been occasional disagreements between the Administering Powers and myself, and I am happy to say that until now most of them have been settled by way of reasonable compromise within the framework of the resolution. The same, I trust, will be the case in the future.

As a matter of fact, most of these disagreements, because of their very nature, have come out in the open mostly through documents I myself submitted to the Council. Generally speaking, I do not think it wise to publicize minor or temporary disagreements, unless I feel this to be necessary in the interest of Libya. On the other hand, the Council may remain assured that I will never keep from them any disagreement of real importance. My report to the Secretary-General, a draft of which will be in the hands of the Council members within a few days for purposes of consultation, includes a very full account of all these problems.

After this long but necessary introduction I will try to be as brief as possible in replying to the questions raised by the honourable member for Pakistan.

First of all, he asked me, in connexion with what he calls "transfer of power by the Administering Powers to the people of the country during the interim period", whether the steps taken in Cyrenaica and Tripolitania had been taken after consultations and in co-operation with the Commissioner. At the same time, the honourable delegate of Pakistan wants to know whether the Commissioner has suggested anything else besides what is stated in A/AC.32/Council/R.67, R.68 and R.75 and, if so, what other steps the Commissioner has suggested and what has been the

attitude towards the suggestions of the Commissioner by the Administering Powers.

I have already pointed out that no word of the resolution of the General Assembly provides for a transfer of power by the Administering Powers to the people of the country during the interim period. The resolution does provide for steps to be taken for the transfer of power to a duly constituted, independent government, and by that is meant a Libyan government. In making this provision, the General Assembly had in mind the protection of Libyan unity, since a transfer of power to local governments or administrations would unavoidably have resulted in the establishment of three small autonomous States whose existence would have prejudiced the liberty of action of the Libyan National Assembly with regard to the constitution and the form of government. The situation in the only Libyan territory where such a semi-independent State already existed before the adoption of the resolution, namely in Cyrenaica, was not referred to in the resolution and was, therefore, apparently taken for granted by the General Assembly.

For the reason just mentioned, one of the first things I did on the assumption of my functions was to request the British and French Governments to alter their constitutional development plans for Tripolitania and the Fezzan for the very reason that these plans included the possibility of transfer of power to local governments. They readily acquiesced in my suggestion. I am, therefore, somewhat surprised now to hear the honourable member of Pakistan, who, I know, is a sincere advocate of Libyan unity, militate in favour of a policy which was originally that of the Administering Powers and which, in my opinion, represented a danger to Libyan unity. Perhaps the representative of Pakistan is labouring under a misunderstanding on the exact legal meaning of certain terms. Neither the establishment of an Administrative Council with advisory functions, nor the possible establishment of a Tripolitanian Legislative Chamber, equally with advisory functions, legally represents a transfer of power; nor is the Libyanization of the civil service a transfer of power; all three measures are of an administrative nature, taken for the purpose of familiarizing the Tripolitans with the conduct of their public affairs; none of these three measures reduces in any way the powers presently held by the Chief Administrator. Because they were administrative measures, not involving transfer of power and taken for the purpose of making Tripolitans familiar on a consultative basis with the conduct of their public affairs, I have welcomed and supported these measures. As a matter of fact, my position concerning these measures is already known to the Council, since I mentioned it in A/AC.32/Council/R.3 of 16 April. The Council members will also find this position explained in the draft report to the Secretary-General.

In Cyrenaica the situation was somewhat different, since the transfer of certain powers had already taken place before the resolution was adopted. As to the policy which I followed regarding measures proposed by the Administering Power and by His Highness the Amir in that territory, there are some which I have supported, while in the case of others I have suggested

alterations or even their rejection. The above document equally gives information on these questions, with further details in the draft report to be submitted soon.

Summarizing, I am in a position to state that the Administering Powers have consulted me on the measures they have taken in the two territories in view of the implementation of the resolution, that in certain cases I have agreed, while in others they have accepted the alterations I found it necessary to propose.

The honourable delegate of Pakistan has further asked if, and to what extent, the Tripolitanian political leaders have been consulted on the subject of transfer of power to the representatives of the people, which, as I have pointed out, is an erroneous term and by which the honourable representative obviously means things of a quite different nature.

On this point the honourable representative for the United Kingdom has already supplied ample information, to which I can only add that I have been kept informed as well by the Administering Powers as by certain political leaders of these consultations. My records even show that, on certain occasions, for instance with regard to the question of minority participation in the Administrative Council, I was in a position to help bring about an understanding.

Next, the honourable delegate of Pakistan would like to know whether, in the opinion of the Commissioner, paragraph 10 (a) and (b) of the resolution only concern the Commissioner and the Administering Powers and whether the Council has no functions to perform in this matter. The reply is, of course, in the negative and, as a matter of fact, the Council was already asked to give its advice on matters pertaining to this paragraph when the Commissioner submitted his request for advice (A/AC.32/Council/R.3 of 16 April, see annex V) concerning the constitutional development plan for Libya. Indeed, both the establishment of the Administrative Council and of the Tripolitanian Legislative Chamber—though not bodies to which power is to be transferred—must be considered as two of the many steps which will have to be taken in order to lead up to the transfer of power to the future Libyan government. It is a matter for regret that time was so short at that moment as not to allow the Council to give its advice before the Administrative Council was actually established. However, the honourable delegate for Pakistan will remember that the establishment of that Council had been delayed already for several weeks and that the Administering Power, with less than two years to go to fulfil its obligations, was naturally anxious to go ahead. The Commissioner concurred with this line of conduct.

The next question is concerned with the selection of Libyan officials for important administrative posts, in which connexion the honourable delegate of Pakistan would like to know why the political leaders were not called in for assistance and whether the Commissioner has tendered any advice to the Administering Power and, if so, with what results. I understand that the Administration has repeatedly consulted leaders on the principle of Libyanization of the civil service. These leaders have not been consulted on the selection of individuals for any posts, and the Commis-

sioner feels that this is right. Experience in a great number of countries has shown in the past that nothing is more dangerous than to introduce politics into a civil service. It generally leads to favouritism, nepotism and corruption, and the whole tendency in civilized countries during the last generations has been to keep politics and administration as wide apart as possible. The Commissioner will never advise the Administering Powers to follow into such a fatal mistake. Officials should be selected merely on the ground of competence through careful examination of their qualifications and such other objective measures as may be used.

The honourable delegate for Pakistan further wants to know how many principals for training colleges the Administration has recruited and how many are of Arabic or Libyan nationality. He also wants to know whether, in the opinion of the Commissioner, it is necessary that the programme of education should be drawn up by British officials. A few years ago, the British Administration founded a clerical and technical training college. In the near future it proposes to found a teachers training college. The principal of the first college was a gentleman of Egyptian nationality, who now happens to be on the Commissioner's staff. His successor will also be an Egyptian. An Egyptian will, it is hoped, be the principal of the teachers training college and, in addition, the Administration hopes to bring seven new Egyptian teachers to Tripolitania this year. The police officers training college is headed by a British officer which, considering the particular nature of that college is not astonishing, since the Tripolitanian police corps is still in the course of being organized. However, the deputy director is a Tripolitanian, while the three principal instructors are Palestinian Arabs. Finally, there is the arts and crafts school, subsidized by the Administration and which, in many respects, is also a training school. As we all know, the distinguished director of this school is a member of this Council.

That the Head of the Education Department of the Administration is a British expert also seems rather natural in a country where education has suffered for a great number of years and is still in a backward stage, notwithstanding the considerable improvements which have been introduced, particularly in the last three or four years. I must add, however, that since June 1947 an Arab advisory board has been assisting the Education Department, and that this assistance has proved extremely valuable in the development of the educational programme.

Finally, the honourable delegate of Pakistan wants to know whether the Commissioner has taken any steps to assist Tripolitanian economy in recovering itself, and to lighten the burden of salaries, allowances, etc. received by British members of the Administration. First of all, I would like to remark that it is not within my competence to take steps of this kind, since it is the British Administration and not the Commissioner who is responsible for running the British Civil Service.

As to trade in general, the honourable member of Pakistan is aware that at my request economic, financial and other related problems are to be surveyed by United Nations experts. Until I have received their

reports I intend to abstain from tendering any advice to the Administering Powers, as such advice would only be superficial in nature. With regard to salaries and allowances paid to British officials, I must point out that these are not a burden on the Tripolitanian tax-payer, but on the British tax-payer and that, therefore, they do not constitute in any way a burden on the country but rather on the British Treasury. In fact, the total personnel emoluments paid to British officials amounts to about 20 per cent of the deficit which is covered by a grant-in-aid by the Treasury. At the same time, these salaries and allowances are being spent to a large extent in the territory, and this constitutes a valuable influx of wealth and, therefore, a valuable contribution to the Tripolitanian balance of payment. As a matter of fact, this does not only apply to British salaries but in general to the salaries of all foreigners in the territory, including those of the Commissioner and every foreign member at this table, whose salaries and allowances, fortunately for the territory, I understand to be higher than those enjoyed by the British officials. One of the problems which United Nations officials will have to examine is how to replace this influx of wealth, once it ceases, by a corresponding amount of wealth earned from abroad by the Libyan economy, a result which can only be obtained by an increase in Tripolitanian exports.

In the last instance, the honourable delegate of Pakistan expresses the hope that the Commissioner will give serious attention to the various expressions of view made by the honourable member and that, if he agrees, he will take immediate steps to rectify the situation.

I have clearly indicated the suggestions with which I agree and those with which I disagree. My further actions will be in accordance with these indications.

In terminating, I must express my astonishment regarding the many questions on which the honourable delegate of Pakistan has asked for information which was already available to any member of this Council. This apparent misunderstanding has forced me to enter into details which, with far less loss of time, he could have found out for himself. However, if I have succeeded in setting his mind at rest, I do not regret this lengthy statement, and I seize the opportunity to thank the Council for the patience with which they have listened to me.

I am now coming to the questions raised by the honourable delegate of Egypt who, first of all, asked me why the Commissioner had not given the Council his views concerning the contents of documents A/AC.32/Council/R.67, R.68 and R.75 which, as he remarked correctly, have in fact been prepared by the respective Administrations responsible for the administration of the territories concerned.

The reason is that the Commissioner's views on these subjects are to a large extent already known to the Council. These views are to be found in document A/AC.32/Council/R.3 of 16 April, and in so far as they are not to be found in that document, the Commissioner naturally expected to have an opportunity to comment on them in the course of the present debate.

His next question was, whether the Commissioner would explain what steps the Administering Powers

have taken to bring about the unity of the three territories of Libya. The answer is that up to now the Administering Powers have been required to do very little in this field and that the Commissioner has intentionally abstained from asking them actively to intervene. As the Council will realize, most of the time which has passed since the beginning of this year was devoted to the implementation of paragraph 3 of the General Assembly resolution. This paragraph is concerned with the establishment of the Libyan constitution, including the form of government, which is to be determined by representatives of the inhabitants of the three territories, meeting and consulting together in a National Assembly. The common pre-occupation of the Commissioner and the Council, therefore, was to prepare this National Assembly, and we have now reached the point where the Committee of twenty-one is actually going to elaborate a plan for this Assembly. In the opinion of the Commissioner, it would have been contrary both to the letter and the spirit of paragraph 3 of the Assembly resolution if the Administering Powers had taken an active part in this preparatory work, except in so far as their contribution was indispensable under paragraph 10 of that resolution. By requesting the Administering Powers to take an active part in this preparatory stage of a political nature, he would, in fact, have granted the Administering Powers an opportunity to exercise considerable influence with regard to a matter which, according to the resolution, did not come within their competence. The Council may be assured that, as soon as we enter the active phase of preparation for Libyan unity in the fields of economy, public finance, currency etc., the Commissioner will request the Administering Powers to take a very active part in the establishment of that unity.

The next question of the honourable delegate for Egypt raised the problem of the Cyrenaican Nationality Law. When studying the Commissioner's draft report to the Secretary-General, the honourable delegate will discover that the Commissioner has been just as much concerned about this law as the honourable delegate himself, and he will see that the Commissioner took the necessary steps to obtain certain measures in order to pacify justified apprehensions. For details, the Commissioner may be allowed to refer to his draft report, which will be in the hands of the Council members within a few days.

Next, Kamel Selim Bey wanted to know whether the Commissioner does not think that the proposal to elaborate a special electoral law in Tripolitania at the present juncture reveals a separatist tendency, and whether there is justification for a Tripolitanian House of Representatives functioning at the same time as a Libyan National Assembly. The reply to these questions may be found as well in A/AC.32/Council/R.3 as in the Commissioner's reply to questions put to him by the honourable delegate of Pakistan. Moreover, the Commissioner would like to point out that, if Libya is going to be a federal State, as now seems to be more or less likely, there will of necessity be local parliaments in the territories, with a federal parliament for the country as a whole. This is the usual parliamentary organization in any federal State and, as a matter of fact, His Highness the Amir has always

stressed the point that, sooner or later, Tripolitanian constitutional development would have to be brought into line with those of Cyrenaica and the Fezzan. The Commissioner shares that view.

With regard to the nineteen Libyan officials now working in senior posts in the Tripolitanian administration, the Commissioner feels that he may be allowed to refer the honourable delegate for Egypt to his colleague of the United Kingdom, since this is a matter of internal administrative organization and, therefore, rather within the competence of the British authorities.

As to the question why this system of employing Libyans in supernumerary posts was never applied to Cyrenaica, the correct reply probably is that, at the time supernumerary officials might have been useful in Cyrenaica, there was not yet in existence the United Nations resolution requesting the Administering Powers to prepare Libya for independence. However, this is a question to which the honourable representative for Cyrenaica may be able to give a more explicit reply than the Commissioner is in a position to give, since these things took place before he entered on his functions.

The Commissioner has already explained, in reply to the honourable delegate for Pakistan, why he is opposed to a transfer of power, in the sense of the resolution, to a Tripolitanian government like the one in Cyrenaica. The Commissioner is not opposed to a transfer of power to a Tripolitanian government, provided the Libyan constitution calls for such a transfer, but not before.

With regard to the question of education in Tripolitania, the Commissioner wants to express his great appreciation of the efforts undertaken by the British Controller of Education to improve education facilities within the territory. The Commissioner knows only too well that these efforts have been hampered by lack of funds and that is one of the main reasons why he has appealed to the United Nations Educational, Scientific and Cultural Organization for possible assistance. Fortunately, there are reasonably good hopes that such assistance will be forthcoming in the near future, but even then the available funds are likely to be insufficient. To ask the British taxpayer, who is already shouldering a not unimportant deficit of the Tripolitanian budget, for an increase of his contribution, would be stressing the point beyond reason. Moreover, it would be unwise to organize an educational system, the cost of which would subsequently prove too high for the budgetary capacity of the future Libyan State. In the last instance, the truth of the matter is that in education, as in so many other fields, Libya will have to "cut its suit according to its cloth", even if this means that the educational system cannot be organized on as perfect a basis as we would like it to be.

Finally, the honourable delegate for Egypt wants to know what the Commissioner could tell the Council in connexion with plans to introduce a new common currency for Libya. As the honourable delegate already remarked, this is one of the most difficult questions the Commissioner and the Council, the United Nations experts, and last but not least the Administering

Powers and a few other interested Powers, will have to face. For the time being, all the Commissioner can say is that the request for a currency expert to study this problem, not only on the spot but also in co-operation with the interested Powers, ranks high on his list of priorities for technical assistance. What the outcome of these studies will be the Commissioner cannot possibly foretell, except that, in his opinion, a Libyan currency will of necessity have to replace the Egyptian pound in Cyrenaica, the mal in Tripolitania and the Algerian franc in the Fezzan. Without such a common currency, Libya would fail to achieve economic unity.

The Commissioner has also listened with great interest to the statement read by the honourable delegate of Tripolitania, which mainly deals with the Administrative Council, the problem of local bus transportation as well as with NAAFI problems. As far as the Administrative Council is concerned, the Commissioner believes that he has already made his position quite clear. He has always been in favour of a Council of this kind and still is.

With regard to the two other problems, the Commissioner can well understand that they are of considerable local interest and occasionally give rise to justified criticisms, but he wonders whether questions of this kind should be raised before the Council for Libya. Not that they are strictly speaking outside the competence of the council—that is not the question. The Commissioner merely believes that somewhere the Council must draw a line between problems which are essential to Libyan unity and independence and those which are not. The honourable delegate for Pakistan has termed this body one of the most powerful Councils that the United Nations has ever established. Six ambassadors are sitting around this table, together with four distinguished Libyan representatives. Should a Council of this importance spend its valuable time and Libya's time in

discussing motor buses, a grocery-shop, a club and a movie-house? Should not this Council observe a certain perspective in selecting the problems to be discussed within its precinct? Do the Council members not realize that in the eyes of the General Assembly they are risking lowering themselves to the level of a municipal council?

In the interest of the Council, in the interest of Libya, which itself is striving so hard to achieve its independence, and last but not least for the sake of the prestige of the United Nations, whom I have the honour to represent here in your midst, debates of this kind should be avoided in the future. The Council has given the Commissioner much good advice, sometimes so much the more valuable as it was contrary to his own original opinions. It is always good for a man in a responsible position to listen to the advice of other men and be contradicted by them.

It should not be too difficult for ten intelligent men to remedy this kind of situation; it can be changed easily enough if members would only approach each other, the Commission, and the Administering Powers with a minimum of tolerance for each other's opinion, with a minimum of confidence in the honesty of each other's intentions, with a minimum of preparedness to co-operate constructively for the interest of Libya, and, last but not least, for the sake of the United Nations.

I am not suggesting, of course, that the Council should abandon its critical sense either with regard to the Commissioner or the Administering Powers. I am only expressing the hope that the Council may in the future conceive its task within the framework of the General Assembly resolution, with a true perspective for the national and international interests of Libya, and that a change of heart may bring out an atmosphere of sincere, frank and honest co-operation amongst members, without which the Council cannot fulfil its important task.

Annex XIII

Request of the Council for Libya, dated 31 July 1950, for information on the steps taken by the Administering Powers to ensure freedom of movement in Libya⁸⁹

Whereas it is stipulated in paragraph 1 and paragraph 10 (b) of the United Nations resolution of 21 November 1949 that Libya shall be constituted an independent sovereign State; and that the Administering Powers in co-operation with the United Nations Commissioner in Libya, shall administer the country for the purpose of assisting in the establishment of Libyan unity and independence, and

Whereas it is essential for the implementation of the above-mentioned United Nations resolution that im-

mediate steps should be taken for the removal of all existing restrictions on the movement of individuals within the three territories of Libya, namely Cyrenaica, Tripolitania and the Fezzan, and on commercial exchange among the three territories,

The Council requests the United Nations Commissioner in Libya to ask the Administering Powers what are the regulations at present in force with regard to the movement of individuals, animals and goods within the different territories of Libya and, in the event of there being restrictions on free movement, to request the Administering Powers to eliminate those for which there is no justification.

⁸⁹ A/AC.32/Council/R.87.

Annex XIV

The Commissioner's request for advice, dated 7 June 1950, regarding a modified plan for the constitutional development of Libya⁹⁰

Problem

In the document mentioned above⁹¹ the United Nations Commissioner in Libya asked for the advice of the Council regarding a plan for the constitutional development of Libya as outlined in that document. This plan was the result of prolonged and detailed consultations with the Administering Powers and with the leaders of public opinion in the three Libyan territories, which took place in January and February as well as in the second half of March. As the plan took shape, its main features and, in particular, the suggestions it contained for the mode of election, the composition and the terms of reference of a Preparatory Committee for a Libyan Constitution, met with general and even almost unanimous approval. One of the three pillars on which this plan was founded were elections to be held in June 1950 for an advisory Legislative Chamber or Assembly for Tripolitania. This Chamber or Assembly had originally been suggested by the United Kingdom Government in conformity with what then seemed to be the wishes of the population of that territory, and agreed upon by the Commissioner, for the purpose of giving the Tripolitanian people an opportunity to gain the necessary experience in the processes of law-making, so as to enable them to administer their local affairs. In addition to this fundamental task, the Commissioner, as a result of his aforementioned consultations and in concurrence with the British Administration, had planned to charge this Legislative Chamber or Assembly with the additional task of electing five representatives for Tripolitania in the Preparatory Committee for the Libyan Constitution.

The Commissioner's plan contained similar suggestions for the election of the Cyrenaican and Fezzani members in the Preparatory Committee and, while these latter suggestions still hold good, difficulties have now arisen concerning the holding of elections for the Tripolitanian Legislative Chamber. In the course of several conversations between the Commissioner and local political leaders, as well as between the Commissioner and the British Administration, it has become clear that the drafting of an electoral law, the preparation of an electoral machinery and the holding of elections would raise numerous delicate questions which, at best, it would take a long time to solve. This, in turn, would risk causing a considerable delay in the convening of the Preparatory Committee for the Libyan Constitution, a delay which, in view of the time-limit set by the United Nations resolution 289 A (IV) of 21 November 1949, would endanger the timely implementation of the plan to achieve Libyan independence and unity.

For these reasons, the Commissioner has, with extreme reluctance, come to the conclusion that the Tripolitanian Legislative Chamber should no longer be counted upon to elect, within the time-schedule proposed in his plan, the local representatives in the Prepar-

atory Committee for the Libyan Constitution. This conclusion does not mean that the Commissioner has changed his opinion as to the necessity of electing as soon as feasible a Tripolitanian Legislative Chamber. On the contrary, the Commissioner remains of the opinion that, for the reasons stated above, such a Chamber remains an indispensable part of the constitutional institutions required for the establishment of an independent Libya. His conclusion, therefore, simply means that under the present prevailing circumstances another procedure has to be devised for the election of the Tripolitanian members in the Preparatory Committee. Considering that both Cyrenaica and the Fezzan are in a position to elect their representatives not later than July, the new procedure for Tripolitania should be decided upon and put into effect in the near future.

Comment

Upon his arrival in Libya in January 1950, the Commissioner had contemplated the possibility of setting in motion, in co-operation with the Administering Powers, the necessary mechanism for the immediate convocation of a Libyan National Assembly. After having discussed this idea with political leaders in the three territories of Libya as well as with the Administering Powers, in London, Paris and on the spot, he was forced to recognize that such a plan, however attractive at first sight, was, in fact, not conducive to a politically practical and sufficiently rapid implementation of the resolution. The considerations which led him to this conviction were the following:

1. In the absence of any existing all-Libyan administrative or political organization, the Commissioner had to decide whether the preparatory measures for the convocation of the National Assembly should be entrusted to the two Administering Powers in co-operation with each other and with himself, or to a Libyan organ to be created specially for the purpose with the assistance of the Commissioner.

2. In view of the letter and spirit of paragraph 3 of the resolution of 21 November 1949, it was obvious that the preparatory measures, which were to be taken before the National Assembly could be convened, would have to consist of the drafting and subsequent promulgation of an electoral law, with accompanying executive regulations. Any method other than election to designate the representation of the inhabitants of the three territories to the National Assembly would necessarily be of an arbitrary nature and, therefore, subject to criticism both in Libya and abroad.

3. A survey of political conditions and opinions prevailing in the country led the Commissioner to the conviction that the drafting of an electoral law was not a purely administrative matter. On the contrary, it proved to be a matter of a highly political nature, touching as it does upon such questions as the repre-

⁹⁰ A/AC.32/Council/R.31.

⁹¹ See annex V.

sentation of three territories and the composition of the National Assembly. To charge the Administering Powers not only with the promulgation but also with the preparation of measures of such a political nature, would have been directly contrary to the letter and spirit of the resolution of 21 November 1949, which clearly states: "That a constitution for Libya . . . shall be determined by representatives of the inhabitants of . . . meeting and consulting together in a National Assembly" (paragraph 3).

4. The existence of such political questions as mentioned under 3 above also made it advisable to lighten the task of the National Assembly by first creating an opportunity for previously reaching some basic understanding between representatives of the three territories on the most outstanding fundamental issues.

For the reasons just mentioned, the Commissioner came to the conclusion that:

(a) The best solution is to create a special body to be composed of Libyans and charged with the preparation of both the mode of election of the National Assembly and the elaboration of a draft constitution, including the form of government, for submission to and decision by the National Assembly. The duties of this preparatory body will be limited to these two functions and it will be dissolved once these tasks are accomplished.

(b) The Commissioner and his staff will be at the disposal of this preparatory body or committee to assist them in their work.

(c) The part to be played by the Administering Powers in this conjunction will be limited to the joint promulgation of the electoral law elaborated by the Preparatory Committee and to the taking of co-ordinated measures for the setting up of an electoral machinery, both tasks to be carried out in co-operation with the Commissioner.

(d) The Preparatory Committee should not be too large a body, so as to facilitate discussions. Its members should preferably be elected by local organs in each of the three territories. These organs should, in turn, be as much as possible elected bodies themselves so as to give the Preparatory Committee a truly representative character.

It thus having been demonstrated that the Preparatory Committee for the Libyan Constitution is an indispensable part of the mechanism for Libyan constitutional development, it is clear that the difficulties which now have arisen with regard to the election of the Tripolitanian members of the Committee, are no reason to abandon the main features of the Commissioner's original plan. They merely necessitate a modification of his original suggestion for the election of the Tripolitanian members.

In his search for an alternative solution, the Commissioner constantly kept in mind that, in order not to deviate from letter and spirit of the resolution, the new method of designation should as much as possible be inspired by the principle of election. For this reason, he naturally turned his attention to the only existing elected bodies in Tripolitania, namely the municipal councils, of which there are sixteen altogether, representing approximately 90 per cent of the total popula-

tion of the territory. These councils, in which Libyans hold the vast majority of seats, contain in total 145 members (105 Libyans, 27 Italians, 12 Jews and 1 Maltese).⁹² For more details concerning the competence of these councils and the method by which they are elected, the Council is requested to consult the attached texts of Proclamation No. 180 of 15 June 1948, and of Proclamation No. 187 of 8 December 1948.

In the course of his consultations regarding the way in which these municipal councils (district councils would be a better name to indicate their true nature) could be used for the purpose of designating the Tripolitanian members of the Preparatory Committee, it was pointed out to the Commissioner that, in view of the functions for which they are elected, these councils might not comprise a sufficient number of talented persons of the type required for the drafting of a Libyan constitution. On the other hand, they represent a great variety of interests and opinions and, as such, are as truly a cross-section of Tripolitanian public opinion as can be found.

Taking into account the various aspects of the problem under consideration, the Commissioner finally came to the conclusion that the following would be the best method of utilizing the municipal councils for the purpose to be achieved:

1. Each municipal council will be invited to designate by majority vote one or, if the Council prefers, two of its members to sit on an electoral body.

2. The electoral body, therefore, composed of sixteen or thirty-two persons, would be called upon to elect by majority vote, either from amongst its own membership or from outside this membership, three persons to represent the people of Tripolitania on the Preparatory Committee.

3. Two additional persons, making a total of five, would be appointed by the Chief Administrator, in agreement with the United Nations Commissioner, with a particular view to their competence for the type of work to be undertaken in the Preparatory Committee.

4. The above procedure should be set into operation immediately after the month of Ramadan, and proceedings should be terminated not later than 1 August.

Request for advice

Having substituted the above-mentioned suggestion, as far as Tripolitania is concerned, for points 1 and 2 of his original plan (A/AC.32/Council/R.3 of 16 April 1950), the Commissioner requests the Council kindly to give him their advice on the plan as amended.

Appendix

MUNICIPALITIES IN TRIPOLITANIA

PROCLAMATION No. 180

I, Travers Robert Blackley, Officer of the Most Excellent Order of the British Empire, Brigadier, Chief Administrator, hereby proclaim:

⁹² This is the total number of councillors provided for. The actual number of councillors now sitting is 137 (103 Libyans, 25 Italians, 8 Jews and 1 Maltese).

Article 1

Municipal Councils. Municipal Councils shall be elected in Tripolitania to exercise municipal administration in such centres and within such boundaries as the Chief Administrator may from time to time direct by a General Notice.

Article 2

Powers of Municipal Councils. Municipal Councils shall have the power to decide on all matters of local administration concerning:

- (a) Administration and disposal of municipal property;
- (b) Levy and collection of municipal taxes and dues authorized by the law in force in Tripolitania;
- (c) Anagraphical records and vital statistics;
- (d) Public health, sanitation and mortuary administration;
- (e) Water supply and town lighting;
- (f) Town planning, fairs and markets;
- (g) Municipal police;
- (h) Relief to the poor;
- (i) Preparation of estimates of revenue and expenditure on municipal services and supervision of the collection of revenue and of expenditure;
- (j) Engagement and control of municipal personnel within the existing labour regulations;
- (k) Organization of municipal offices;
- (l) Any such other matters as the Senior Civil Affairs Officer may from time to time direct to the attention of the Municipal Council.

Article 3

Municipal Regulations. Municipal Councils shall have the power to make Regulations on all matters specified in article 2 hereof. Any person who contravenes any Municipal Regulation shall be guilty of an offence and liable on conviction by a Court of Justice to imprisonment up to three months or to a fine up to mal 5,000 or both.

Article 4

Mayor and Councillors. A Municipal Council shall consist of a Mayor and other Councillors elected as provided in this Proclamation.

Article 5

Composition of Municipal Councils. The number of Councillors shall be fixed for each municipality, according to its area and population, by the Chief Administrator, who may also prescribe the ethnic composition of each Council.

Electors. Every male head of a family shall have the

Article 6

right to vote for the Municipal Councillors provided that:

- (a) He has resided within the boundaries of the municipality concerned for a period of at least six consecutive months prior to the day of election;
- (b) He has completed twenty-one years of age;
- (c) He is not serving a sentence of imprisonment.

Article 7

Right to vote. Every elector shall have a number of votes equal to the number of Councillors to be elected provided that he shall not cast more than one vote for any one candidate.

Article 8

Voting in cabilas. Electors in the *cabilas* situated outside the urban centres and electors in such urban *cabilas* as the Civil Affairs Officers may direct in their districts shall exercise their right to vote through a representative selected by them for this purpose. The representative shall have a number of votes equal to the number of Councillors to be elected multiplied by the number of electors represented by him. He shall cast the votes on behalf of his electors in accordance with the provision of article 7 hereof.

Article 9

Candidates for elections. Every male resident of Tripolitania who has completed twenty-one years of age may offer himself as a candidate for the elections to the Municipal Council provided that:

- (a) He has resided within the boundaries of the municipality concerned for a period of at least six consecutive months prior to the day of his application for candidature;
- (b) He has been a payer of any of the direct taxes (tax on land and buildings, income tax, or commercial tax) or has been a householder in the year preceding the election;
- (c) He has no arrears of any municipal taxes and dues;
- (d) He does not receive any direct pecuniary benefits from the municipality concerned;
- (e) He has served no sentence of imprisonment;
- (f) His candidature is supported by the signatures of at least fifty electors of the municipality concerned.

Only literate persons may offer themselves as candidates to the Municipal Councils of Tripoli, Misurata and Garian.

A sentence of imprisonment awarded prior to the Occupation for any offence of a political nature shall not invalidate the candidature.

Article 10

Applications for candidature. The applications for candidature shall be made to the Civil Affairs Officers not later than fourteen days prior to the day of the election. The Civil Affairs Officers shall have the power to reject the candidature of any person who does not possess the necessary qualifications prescribed by article 9 hereof. Any person aggrieved by the decision of the Civil Affairs Officer shall have the right to appeal to the Senior Civil Affairs Officer, whose decision shall be final.

Article 11

Elections. Elections shall be held on a day fixed by the Chief Administrator for each municipality.

Article 12

List of candidates. The list of candidates shall be published by the Civil Affairs Officer not later than seven days prior to the day of the election.

Article 13

Balloting Commissions. The Civil Affairs Officers shall appoint members of the balloting commissions in their districts; they also shall preside over the counting of votes and declare the result of the elections.

Article 14

Counting of votes. Candidates who have received the greatest number of votes within their ethnic groups shall become the members of the Municipal Council.

Article 15

Appointment of Mayors

1. The municipality shall be represented by the Mayor elected by the Councillors from among their number. Only a literate Councillor may be elected as Mayor. The election of the Mayor shall be subject to a prior approval of the Senior Civil Affairs Officer. The Mayor may be suspended or removed from his office by the Chief Administrator.

2. If the Mayor is unable owing to illness or absence to carry out his duties, he shall on each such occasion appoint a Councillor as Deputy Mayor, who may carry out all the duties of the Mayor during the inability of the Mayor.

3. In case the Mayor is unable or unwilling to appoint a Deputy Mayor, the remaining Councillors shall appoint a Deputy Mayor from among their number.

4. The provisions of paragraph 1 of this article shall apply to all appointments under paragraphs 2 and 3.

Article 16

Tenure of office. The Councillors and the Mayor shall hold office for a period of one year from the day of the election. They may offer themselves for re-election after the termination of their tenure.

Article 17

Meetings of Municipal Councils

1. The Municipal Council shall meet when convened by the Mayor. The Mayor shall convene the meeting of the Council at his own initiative or at the request of the Civil Affairs Officer or of at least two members of the Council.

2. No meeting of the Municipal Council shall be lawful unless it is attended by at least two-thirds of the total number of members of the Council and presided over by the Mayor.

Article 18

Rights of Civil Affairs Officers. The Civil Affairs Officer shall have the right to take part in all meetings of the Municipal Council in an advisory capacity. He shall have the right to speak on all matters but not to vote.

Article 19

Decisions of Municipal Councils. The decisions of the Municipal Council shall be made by the simple majority of votes. The Mayor shall preside over all meetings of the Council and take part in the discussions. He shall have a casting vote only in the event of an equality of votes.

Article 20

Functions of the Mayor. The Mayor shall be responsible for carrying out all lawful decisions of the Municipal Council and for the proper functioning and supervision of all municipal activities.

Article 21

Remuneration of the Mayor. The Mayor shall have the right to a monthly remuneration from the municipal funds at a rate to be fixed by the Chief Administrator. The Councillors shall not be entitled to any remuneration.

Article 22

Delegation of powers. The Municipal Council may by an unanimous vote delegate to the Mayor, power to make decisions on specified matters without prior reference to the Council.

Article 23

Approval of decisions of Municipal Councils. All decisions of the Municipal Council shall be subject to the approval of the Senior Civil Affairs Officer before they become lawful. The Municipal Council shall have the right to appeal against the decision of the Senior Civil Affairs Officer to the Chief Administrator. The appeal shall be made not later than twenty-eight days after the day on which the decision of the Senior Civil Affairs Officer has been notified to the Council.

Article 24

Powers of the Chief Administrator. The Chief Administrator shall have the power to suspend or annul any decision of the Municipal Council at any time at his discretion.

Article 25

Appeal against decisions of Municipal Councils. Any person aggrieved by any decision of the Municipal Council or the Mayor shall have the right to appeal to the Senior Civil Affairs Officer, whose decision shall be final. The appeal shall be made not later than fifteen days after the day on which the decision has come to the notice of the aggrieved person.

Article 26

Suspension and dissolution of Municipal Councils. The Chief Administrator shall have the power to suspend or dissolve any Municipal Council at any time for reasons of incapacity or public order.

Article 27

Powers of the Chief Secretary to make Regulations. The Chief Secretary may from time to time make such Regulations as may be necessary for giving effect to this Proclamation.

Dated at Tripoli, this 25th day of May, 1948.

T. R. BLACKLEY, *Brigadier*
Chief Administrator

MUNICIPALITIES IN TRIPOLITANIA (AMENDMENT)

PROCLAMATION No. 187

I, Travers Robert Blackley, Officer of the Most Excellent Order of the British Empire, Chief Administrator, hereby proclaim:

Article 1

Municipalities in Tripolitania Proclamation No. 180 is amended:

(a) By renumbering article 4 as 4 (a) and by adding thereto the following paragraph:

"(b) In the Municipality of Tripoli the Chief Administrator shall have the power to nominate a number of Councillors, not exceeding seven, in addition to those elected in accordance with the provisions of this Proclamation."

(b) By renumbering article 16 as 16 (a) and by adding thereto the following paragraph:

"(b) The Councillors elected at the second and subsequent elections shall hold office for a period of one year beginning from the day following the termination of the period of office of the previously elected Council. The same provision shall apply to Councillors nominated by the Chief Administrator under article 4 (b) hereof."

(c) By substituting the words "Chief Administrator" for the words "Senior Civil Affairs Officer" in article 25.

(d) By adding after article 27 the following article:

"Article 28

"1. If at any time owing to the resignation or death of a Councillor or any other cause a vacancy exists in a Municipal Council the Chief Administrator may at his discretion nominate a person to the vacant office.

"2. Such nomination shall be in accordance with the ethnic composition of the Council as prescribed under article 5 and subject to the requirements of article 9.

"3. The person nominated shall hold office until the expiry of the period for which the Council was elected."

Dated this 8th day of December, 1948.

T. R. BLACKLEY
Chief Administrator

Annex XV

The advice of the Council, given on 14 June 1950, on the modified plan for the constitutional development of Libya⁹³

Whereas according to General Assembly resolution 289 (IV) of 21 November 1949 a constitution for Libya, including the form of the government, shall be determined by the representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan meeting and consulting together in a National Assembly, and

Whereas according to the same resolution a United Nations Commissioner for Libya appointed by the General Assembly and a Council to aid and advise him have been set up for the purpose of assisting the people of Libya in the formulation of the constitution and the establishment of an independent Government, and

Whereas the Council has carefully studied the plan of the Commissioner for the constitutional development of Libya (A/AC.32/Council/R.3⁹⁴) and the modification of this plan (A/AC.32/Council/R.31⁹⁵), and

After carrying out full consultations with the Commissioner studying the problems in the light of the directions contained in the said resolution, and after consultation and discussions with all important political leaders in the country,

This Council is of the opinion that immediate action should now be taken by the United Nations organs in

Libya to assist the people of Libya to meet together in a National Assembly.

To this end this Council advises the Commissioner to take the following action:

A. Request His Highness Emir Mohammed Idriss el Mahdi es Senussi to propose the names of seven representatives from Cyrenaica;

B. To consult with the political leaders in Tripolitania and, after obtaining their views on the subject, propose for the advice of the Council the names of seven outstanding personalities of Tripolitania to be invited by the Commissioner to join the representatives of Cyrenaica (*vide* A above); and

C. To request the Chief of Territory of Fezzan to nominate seven Representatives from the Fezzan, who should consult with the representatives of Cyrenaica and Tripolitania,

All the above representatives to meet in Tripoli not later than 1 July and prepare a plan whereby the representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan should meet in a National Assembly for the purposes stated in paragraph 3 of the above resolution.

⁹³ A/AC.32/Council/R.43.

⁹⁴ Annex V.

⁹⁵ Annex XIV.

The Commissioner's request for advice, dated 14 June 1950, regarding the consultations for the selection of twenty-one outstanding personalities from the three territories to prepare a plan for the convocation of a National Assemblyⁱⁱⁱ

The problem

On 14 June 1950, the Council adopted a resolution proposed by the delegation of Pakistan (A/AC.32/Council/R.37 and A/AC.32/Council/R.37/Corr.2), which, amongst other points, contained the following operative paragraphs:

"To this end this Council advises the Commissioner to take the following action:

"A. Request His Highness Emir Mohammed Idriss el Mahdi es Senussi to propose the names of seven representatives from Cyrenaica;

"B. To consult with the political leaders of Tripolitania and, after obtaining their views on the subject, propose for the advice of the Council the names of seven outstanding personalities of Tripolitania to be invited by the Commissioner to join the representatives of Cyrenaica (*vide* A above); and

"C. To request the Chief of Territory of the Fezzan to nominate seven representatives from the Fezzan, who should consult with the representatives of Cyrenaica and Tripolitania,

"All the above representatives to meet in Tripoli not later than 1 July and prepare a plan whereby the representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan should meet in a National Assembly for the purpose stated in paragraph 3 of the above resolution".

The adoption by the Council of the above-mentioned resolution raises the two following problems:

(1) The Preparatory Committee as conceived in the Commissioner's plan for the constitutional development of Libya (A/AC.32/Council/R.39⁷) was based on an understanding between the Commissioner and several political leaders in Tripolitania, His Highness the Amir of Cyrenaica and Ahmed Bey Seif el Nasr, the elected Chief of the Territory of the Fezzan, to the effect that "the Committee should be composed of an entirely Libyan membership with five representatives for each of the three Libyan territories".

The Pakistani resolution provides for a membership of seven personalities from each of the three territories. It leaves undecided whether the consultations to be conducted by the Commissioner with the political leaders in Tripolitania should lead to the proposal of seven Libyans or whether this number should include one or more representatives of the Minorities. Alternatively, the Minorities might merely be consulted without being entitled to propose one of their group to sit for Tripolitania on the Preparatory Committee.

(2) The resolution does not contain any indication regarding the criteria or methods to be applied by the Commissioner for the consultation with the political leaders in Tripolitania and regarding the selection of

seven outstanding personalities to be determined as a result of his consultations.

Comment

(1) As indicated above, the resolution modifies in one of its essential points the understanding between the Commissioner and the leading personalities of the three territories as to the manner in which the Preparatory Committee should be composed. The Commissioner does not expect that the increase in numbers will raise any insurmountable obstacles. However, the Commissioner feels he cannot start his consultations until he has consulted His Highness the Amir of Cyrenaica and Ahmed Bey Seif el Nasr regarding a possible modification in the nature of the Tripolitanian representation on the Preparatory Committee. Even if the Tripolitanian membership on the Preparatory Committee should remain restricted to Libyans, the Commissioner must consult the Cyrenaican and Fezzanese leaders regarding the inclusion of the Minorities amongst those to be consulted. If the Minorities are to be included in the consultations, the Tripolitanian members of the Preparatory Committee might be considered to represent not only the Libyan population of Tripolitania, but also these Minorities. If, on the other hand, the Minorities are not to be consulted, the Tripolitanian members would merely represent the Libyan population of Tripolitania.

(2) There is also some doubt as to which political leaders are to be consulted. The Council will recall that the implementation of paragraphs 6 and 7 of the United Nations resolution of 21 November 1949, under the authority of which the Commissioner had to conduct certain consultations for the appointment on his Council of one representative of the people of each of the three regions of Libya, and one representative of the Minorities in Libya, gave rise rather to disagreement than to the hoped-for unanimity amongst the leaders of the Tripolitanian parties and organizations. Such disagreement occurred both in the consultations with the Tripolitanian parties and with the Minority groups. The Commissioner desires to avoid a repetition of these time-consuming complications. He, in order to reach a greater measure of agreement than proved possible on the previous occasion, feels the need of an advice, which only the Council with its authority can give, as to the procedure to be followed this time.

The Commissioner respectfully suggests that he might act along the following lines:

(a) He would decide upon the outstanding persons to be consulted by him.

(b) Moreover, the Council would furnish him with a list of organizations and parties which, in its opinion,

ⁱⁱⁱ A/AC.32/Council/R.40.

^{vii} Annex V.

should be consulted by him. (Attached is a list of political parties and organizations in Tripolitania previously consulted by the United Nations Commissioner in fulfilment of the duties entrusted to him under paragraphs 6 and 7 of the United Nations resolution.)

(c) The Commissioner, in writing, would invite each party or organization on the list to be furnished by the Council to present him, within three days, with a list of seven persons whom the party or organization concerned consider competent and suitable to represent Tripolitania on the Preparatory Committee.

(d) Upon receipt of all these lists, the Commissioner would consider that the name of each person whose name appears on the majority of the lists received would be placed on the list to be submitted for the advice of the Council.

(e) In case this first round of consultations should not produce seven names, the Commissioner would continue the same procedure as outlined under (c) until all seven posts have been filled by agreed candidates.

(f) The total duration of the procedures outlined above should not continue longer than nine days counted from the date on which the requests for the first lists would have been despatched. In the evening of the ninth day, the Commissioner would report to the Council whether or not the seven posts have been filled. In case no seven agreed names have been obtained by that time, the Council would then advise the Commissioner how to proceed further.

(g) Finally, the question arises as to how the seven agreed representatives for Tripolitania should be accredited in order that they have a status similar to that of the Cyrenaican and Fezzanese representatives.

Request for advice

The Commissioner respectfully requests the Council to give him its advice on the following questions:

(1) Does the Council agree to the procedure outlined under comment (a) through (f) above?

(2) Which are the political parties and organizations the Council advises the Commissioner to consult?

(3) If the Council does not agree with the procedure for consultation proposed above, what other suggestions would the Council make to the Commissioner?

(4) What authority should appoint the Tripolitanian members of the Preparatory Committee?

In order not to lose valuable time, the Commissioner would highly appreciate it if the Council would consider the present request for advice, if possible, in the morning of 16 June.

Appendix

LIST OF POLITICAL PARTIES AND ORGANIZATIONS IN TRIPOLITANIA CONSULTED PREVIOUSLY BY THE UNITED NATIONS COMMISSIONER IN LIBYA

Political Parties:

Egypto-Tripolitanian Union Party
Independence Party
Kutla Party (Free National Bloc)
Labour Party
Liberal Party
National Congress of Tripolitania
Political Association for the Progress of Libya (Italian and Arab)
Democratic League (Italian)

Organizations:

Catholic Action (Italian)
Italian Representative Committee
Economic Front (Italian and Arab)
Greek Community
Jewish Community
Maltese Community

Annex XVII

The advice of the Council, given on 16 June 1950, on the Commissioner's consultations for the selection of twenty-one outstanding personalities from the three territories to prepare a plan for the convocation of a National Assembly⁹⁸

The Council for Libya,

Having examined the Commissioner's request for advice (A/AC.32/Council/R.40⁹⁹) regarding the consultations prescribed by the resolution adopted by the Council at its 19th meeting of 14 June 1950,

Considering that the said resolution requires a meeting to be held in Tripoli not later than 1 July 1950, between seven representatives of the inhabitants of each of the territories, Cyrenaica, Tripolitania and the Fezzan, to prepare a plan whereby the representatives of the inhabitants of these territories should meet in a National Assembly for the purposes stated in para-

graph 3 of the United Nations resolution of 21 November 1949,

Considering that the body of twenty-one thus to be constituted is to take the place of the Preparatory Committee originally proposed by the United Nations Commissioner and is, therefore, not conditioned by the terms of reference and the mode of composition and convocation originally suggested by him for that Committee,

Advises the Commissioner

1. To conduct the required consultations in Tripolitania according to his best judgment and ability,

⁹⁸ A/AC.32/Council/R.47.

⁹⁹ Annex XVI.

generally following a procedure analogous to, but where necessary to be modified at his discretion, that laid down in paragraph 7 of the United Nations resolution of 21 November 1949;

2. To consult with the Administration in Tripolitania on the question as to how the seven agreed representatives in Tripolitania should be accredited in order that they may have a status similar to that of the Cyrenaican and Fezzanese representatives;

3. To consult with His Highness the Amir of Cyrenaica and with Bey Ahmed Seif el Nasr, through the good offices of the Cyrenaican and Fezzanese representatives on the Council, and if necessary by personal contacts, regarding the meeting mentioned in the last paragraph of the Council's resolution of 14 June 1950;

Requests finally the Commissioner to submit to the Council for advice the results of these various consultations preferably not later than 21 June 1950.

Annex XVIII

The Commissioner's request for advice, dated 22 June 1950, on the question arising from his consultations with the Amir as to whether Italian participation in the Committee of Twenty-One and in the National Assembly might prejudice the settlement of the legal status of the Italians in Libya after the country had promulgated its constitution and achieved its independence¹⁰⁰

In accordance with paragraph 3 of the Council's advice given on 16 June,¹⁰¹ the Commissioner, on the same day, initiated consultations with His Highness the Amir of Cyrenaica through the good offices of the Cyrenaican representative on the Council. The Amir requested the Commissioner to come to Benghazi on 18 June further to discuss the meeting of the Committee of Twenty-One mentioned in the last paragraph of the Council's resolution of 14 June 1950.¹⁰²

During the course of these discussions, His Highness raised the question as to whether Italian participation in the Committee of Twenty-One and in the National Assembly might prejudice the settlement of the legal status of the Italians in Libya after the country had promulgated its constitution and achieved its independence. His Highness requested the Commissioner

to ask an advice from the Council on this point. His Highness expressed to the Commissioner the opinion that an advice from the Council on this point would substantially assist the deliberations of the Cabinet and the Cyrenaican Assembly of Representatives in formulating their views on the meeting of the Committee of Twenty-One.

Accordingly, the Commissioner kindly requests the Council to advise him on the question formulated by the Amir in the following terms:

Does the Council for Libya consider that the Italian participation in the Committee of Twenty-One and in the National Assembly does not prejudice the settlement of the legal status of the Italians after Libya has promulgated its constitution and achieved its independence?

Annex XIX

The advice of the Council, given on 24 June 1950, on the question of Italian participation in the Committee of Twenty-One or in the National Assembly¹⁰³

The Council,

Having regard to paragraph 3 of the Council's advice given on 16 June,¹⁰⁴

Having regard to the request of the United Nations Commissioner in Libya for advice from the Council as a result of his consultations with His Highness the Amir of Cyrenaica,

Having regard to the question formulated by His Highness the Amir,¹⁰⁵

Gives the Commissioner the following advice:

The Council considers that Italian participation in the Committee of Twenty-One or in the National Assembly envisaged under paragraph 3 of General Assembly resolution 289 A (IV) of 21 November 1949 would not prejudice the settlement of the legal status of the Italians, after the promulgation of the Libyan constitution and the achievement of the independence of Libya.

¹⁰⁰ A/AC.32/Council/R.52.

¹⁰¹ Annex XVII.

¹⁰² Annex XV.

¹⁰³ A/AC.32/Council/R.55.

¹⁰⁴ Annex XVII.

¹⁰⁵ Annex XVIII.

Annex XX

Letter dated 27 June 1950 from the Chief of Cabinet of the Amir of Cyrenaica to the Commissioner transmitting the decision of the Committee set up to consider the Council's advice concerning the possibility of the inclusion of a representative of the Minorities in Tripolitania in the Committee of Twenty-One¹⁰⁶

27 June 1950

With reference to Your Excellency's letter dated 26 June 1950, with attached copy of the Council's Advice which was adopted at its meeting of 24 June 1950,¹⁰⁷ and which I had the honour to submit to His Highness the Amir, I have the honour to inform you that the Joint Committee of Representatives of the Government and the People, which represents the Cyrenaican view, met at once and discussed the subject referred to in Your Excellency's letter and took decisions, which His Highness requested me to transmit to Your Excellency by the enclosed letter containing these decisions.

(Signed) Omar SHANIEB
Chief of Cabinet

* * *

A Joint Committee of Representatives of the Government and the People was set up, speaking in the name of Cyrenaica, and consisting of the Ministers, the Cyrenaican representative on the Council for Libya and the Cyrenaican representatives on the Committee of Twenty-One, for the purpose of discussing the situation created by the possibility of one foreign member participating in the Committee of Twenty-One as a representative of the Minorities in Tripolitania, studying the advice given by the United Nations Council for Libya at its meeting of 24 June 1950, and considering the contents of the letter of 26 June 1950 sent by the United Nations Commissioner, Mr. Adrian Pelt, to His Excellency the Chief of Cabinet. After deliberation, the Committee came to the following decisions:

(1) The Committee wishes to make it clear that it interprets the advice of the United Nations Council for Libya, namely that the participation of such representative "would not prejudice the settlement of the legal status of the Italians after the promulgation of the Libyan constitution and the achievement of the

independence of Libya" as meaning that neither the Italians nor any other foreign community in Tripolitania or elsewhere will have any right or claim to political representation in any constituent body or governmental organization, and that all they are entitled to is the guarantee of their civil, religious and social rights, according to the constitution, this being in keeping with the rule followed in modern constitutions and in conformity with the United Nations resolution which provided for the establishment of a sovereign independent Libyan State not later than 1 January 1952.

In establishing this interpretation, the Committee hopes that the advice is not intended to have any other meaning.

(2) In view of the foregoing considerations and their consequences, and of the genuine intention and general feeling that the civil rights of all foreigners should be guaranteed in the future constitution of Libya, and in view of Cyrenaica's anxiety for a speedy implementation of the General Assembly resolution of 21 November 1949, the Committee does not for the present object to a foreigner representing the Minorities in Tripolitania on the Committee of Twenty-One, provided that the Tripolitarians themselves decide to accept him. The Committee of Twenty-One will have the right to determine whether or not foreigners will be represented in the National Assembly.

(3) The Committee cannot accept any responsibility for, nor can it have any part in, any evil consequences that may arise from the Tripolitarians' acceptance of a foreigner to serve with them on the Committee of Twenty-One.

(4) The Committee believes that in this way and in this spirit the Committee of Twenty-One can meet and convene the National Assembly, to which the United Nations resolution has entrusted the power to determine the constitution of Libya. In the Committee's opinion it would be to the general interest for that constitution to have a federal form.

Annex XXI

The Commissioner's request for advice, dated 7 July 1950, regarding a list of seven outstanding personalities of Tripolitania to serve on the Committee of Twenty-One¹⁰⁸

The problem

The problem is to select seven outstanding personalities of Tripolitania as representatives for the

territory in the Committee of Twenty-One, in accordance with the advice given the Commissioner by the Council on 14 June (A/AC.32/Council/R.42)¹⁰⁹ and

¹⁰⁶ A/AC.32/Council/R.62/Rev.1.

¹⁰⁷ Annex XIX.

¹⁰⁸ A/AC.32/Council/R.69.

¹⁰⁹ Annex XV.

16 June (A/AC.32/Council/R.47).¹¹⁰ The Committee of Twenty-One is to meet to prepare a plan whereby the representatives of Cyrenaica, Tripolitania and the Fezzan should meet in a National Assembly for the purposes stated in paragraph 3 of General Assembly resolution 289 (IV) of 21 November 1949.

Request for advice

The Council is kindly requested to advise the Commissioner concerning the following list of names of persons who, to the best of the Commissioner's knowledge and judgment, are competent and representative personalities who should comprise the Tripolitanian delegation to the Committee of Twenty-One.

Mohamed Abul Asad EL ALEM
Sheikh Abur-Rabi' AL BAROUNI
Salem AL MARAYYED
GIACOMO MARCHINO
Salem EL QADI
Ahmed Awn SUF
Abdul Aziz ZAKLA'I

Comment

In selecting the above names, the Commissioner has proceeded in accordance with the advice received from the Council at its 19th and 20th meetings on 14 and 16 June, conducting the required consultations in Tripolitania, generally following a procedure analogous to but, at his discretion, modifying that laid down in paragraph 7 of General Assembly resolution 289 (IV) of 21 November 1949. The Commissioner, therefore, has consulted with the British Administration, which is the Administering Power in Tripolitania, and with leading personalities and representatives of political parties and organizations in Tripolitania. As regards consultation with the six Governments mentioned in paragraph 7, the Commissioner considers that this is being accomplished by consideration of this request for advice by the Council.

On 16 June, the Commissioner wrote the political parties and organizations which he had previously consulted, with the purpose of securing their views regarding the appointment of representatives of Tripolitania and of the Minorities on the Council for Libya, requesting them to furnish him with the names of the personalities whom they would suggest as the Tripolitanian representatives on the Committee of Twenty-One. The Commissioner explained that, after receiving nominations from the parties and organizations and after appropriate consultation with leading personalities, he would submit names for the Tripolitanian delegation to the Council for its advice. The parties and organizations were asked to furnish the names of seven persons, not more than four of whom should be members of the particular party or organization concerned. The other persons might be members of other parties or organizations, or outstanding Tripolitans not affiliated with parties. He requested that the persons named be individuals who would best represent the interests of Tripolitania as

a whole in the meetings of the Committee of Twenty-One. It was requested that the lists be furnished not later than 19 June.

The parties and organizations consulted were those set forth in an annex to document A/AC.32/Council/R.40,¹¹¹ with some changes, as follows:

Political parties:

Egyptian-Tripolitanian Union Party
Independence Party
Kutla Party (Free National Bloc)
Labour Party
Liberal Party
National Congress of Tripolitania
Nationalist Party
United National Front
Political Association for the Progress
of Libya (Italian and Arab)
Democratic League (Italian)

Organizations:

Catholic Action (Italian)
Economic Front (Italian and Arab)
Greek Community
Jewish Community
Maltese Community

Replies were received immediately from several parties. In view of the Commissioner's consultations in Benghazi with the Amir of Cyrenaica between 18 June and 28 June, some parties delayed the submission of their lists. The last of the lists were received on 30 June 1950.

Two parties, the Independence Party and the Free National Bloc, refused to submit lists in answer to the Commissioner's repeated requests, stating that they were opposed to the principle of equal representation of the three territories and that, therefore, they refused to have anything to do with the Committee of Twenty-One. Several conferences were held with the leaders of these parties by the Commissioner and by the Principal Secretary, who appealed to them strongly to submit such lists, in order that the Commissioner might be given suggestions regarding persons who would represent all important political groupings. However, both parties persisted in their refusal not only to submit lists, but also to allow their members to serve.

The Political Association for the Progress of Libya also refused to submit a list because it objected to the procedure followed in consulting the minority groups.

The Commissioner has consulted with the Council members for Tripolitania and the Minorities regarding the submission of lists and the method of selection of the Tripolitanian representatives and has kept members of the Council informed regarding the lists submitted.

The Commissioner was faced with the difficult problem of evaluating the extent of the popular support which should be attributed to persons on the lists of the various parties because of the prevailing uncertainty regarding the relative strengths of these parties.

¹¹⁰ Annex XVII.

¹¹¹ Annex XVI.

The lists submitted by five parties, including the Egyptian-Tripolitanian Union Party, the Liberal Party, the National Congress, the Nationalist Party and the United National Front, were virtually identical, the only difference being that the Nationalist Party did not submit a suggestion for the representative of the Minorities. The President of that party explained that this was done in order to permit the Minorities to make their selection themselves. A few names on these lists also appeared on the lists of other parties and organizations.

During the Commissioner's visit to Tunis to consult Ahmed Bey Seif el Nasr in accordance with the Council's advice given on 29 June (A/AC.32/Council/R.65), the Principal Secretary consulted with many leading personalities in Tripolitania to secure their suggestions as to the most competent and representative Tripolitans to serve on the Committee of Twenty-One. The suggestions made in these numerous consultations have been taken into account and weighed by the Commissioner.

During the course of consultations with leading personalities, several stated that there was a widespread and serious dissatisfaction with the suggestion that a representative of the Minorities, and particularly a person of Italian citizenship, should be included in the Tripolitanian delegation. Many leading personalities expressed opposition on the grounds that "persons with foreign passports" should not participate in the Libyan constitutional development. They could not believe that this was the intention of the General Assembly resolution. They stated that they believed that this was an unprecedented procedure in the drafting of a constitution. While expressing their sincere desire for active and constructive co-operation in the

economic field with the Italian minority, and a firm intention to provide constitutional safeguards for minority rights in the future independent Libya, they expressed grave concern that the inclusion of an Italian representative in the Committee of Twenty-One, or in the National Assembly, would be taken as a precedent for participation by Italian nationals in the political life of the future Libya.

The Council's advice to the Amir of Cyrenaica on this point (A/AC.32/Council/R.55¹¹²) was pointed out to them. It was urged that, in view of the Council's strongly supported advice, it would be a commendable gesture of goodwill to accept Italian participation in the Tripolitanian delegation, especially in view of the reply given by the Council to the Amir's question on 24 June. It was pointed out that the question of future Italian participation in the National Assembly would be decided by the Committee of Twenty-One.

Dissatisfaction was expressed that the Council had recommended a procedure opening the possibility of Italian participation in the Tripolitanian delegation without providing an opportunity for prior open and full consideration of the question by the political parties.

The sentiment against Italian participation was not shared by the leaders of any major party.

There was also considerable criticism voiced against the principle of equal representation for the three territories in the Committee of Twenty-One. However, that principle was accepted by most persons, except the leaders of the Independence and Free National Bloc Parties, as necessary to secure the agreement of Cyrenaica and the Fezzan to the convening of the Committee of Twenty-One.

Annex XXII

The advice of the Council, given on 11 July 1950, on the selection of the seven representatives of Tripolitania to serve on the Committee of Twenty-One¹¹³

The Council decides to advise the Commissioner, in reply to his request, that the seven representatives of Tripolitania in the Committee of Twenty-One should be:

Mohamed Abul Asad EL ALEM
Sheikh Abur-Rabi' AL BAROUNI
Salem AL MARAYYED
Giacomo MARCHINO

Ali RAGAB
Ahmed Awn SUF
Abdul Aziz ZAKLA'I

Annex XXIII

The advice of the Council, given on 3 May 1950, on the scope of the Commissioner's work¹¹⁴

"In the light of the views expressed in the course of the discussion in the Council, the Council advises the United Nations Commissioner to take the action suggested by him in document A/AC.32/Council/R.4."¹¹⁵

¹¹² Annex XIX.
¹¹³ A/AC.32/Council/R.73.

¹¹⁴ A/AC.32/Council/R.28.
¹¹⁵ Annex IV.

Annex XXIV

The advice of the Council, given on 2 August 1950, regarding administrative, economic and financial studies¹¹⁶

The Council for Libya

Having studied the first interim report of the Sub-Committee on Needs and Requirements of Libya in the Technical Assistance Field (A/AC.32/Council/R.84);

Having in mind the great needs of Libya for technical and financial assistance;

Believing that, in view of the decision of the General Assembly that Libya should be constituted an independent and sovereign State as soon as possible and in any case not later than 1 January 1952, the United Nations has a special responsibility to assist Libya in the establishment of a sound administrative system fitted to the needs and resources of the country and of a viable economy;

Advises the United Nations Commissioner in Libya:

1. That he and appropriate technical experts on his staff, with appropriate expert advisers under the United Nations Technical Assistance Programme, should study as a matter of urgency, the probable economic and financial resources and the essential expenditures of the future Libyan Government in order that the National Assembly of Libya will have at its disposal information necessary to assist it in drawing up the form of the future government of Libya;

2. That, in preparing studies on the needs for technical assistance in the fields of administration and economic development, the following subjects are

among those which should be studied as soon as possible.

Banking and currency
Commercial and agricultural credit
Education, including technical education and training abroad
Public health

3. To request the Secretary-General to do all in his power, upon the request of the Administering Powers, to implement fully and urgently the recommendations of the Preparatory Mission on Technical Assistance to Libya.

4. To ask the Secretary-General to make available to him for the information of the Council at the earliest convenient date the decisions of the Technical Assistance Board resulting from the recommendations of the Preparatory Mission for Technical Assistance to Libya, and the necessary consultations between the Secretary-General and the Administering Powers.

The Council further decides

That the Sub-Committee on Needs and Requirements of Libya in the Technical Assistance Field is authorized to invite Libyans to express their views on Libyan needs orally or in writing, in order that it may be in a position better to assist and advise, through the Council and the Commissioner, the technical experts in preparing the priority of the schemes for technical assistance to Libya.

Annex XXV

The advice of the Council, given on 22 July 1950, regarding technical assistance to Libya¹¹⁷

This Council, having studied the memorandum A/AC.32/Council/R.64 from the United Nations Commissioner in Libya, and having taken note of the statements of the different delegates and the United Nations Commissioner in Libya, and in the light of the information now available to the Council,

Advises the Commissioner in Libya to take action as follows:

A. To keep the Council regularly informed of any action taken in this field by the Technical Assistance Board, the Administering Powers and the technical experts who visit the country.

B. To include in his report to the General Assembly as full an account as possible of the requirements of Libya in economic and social matters and to request the General Assembly and the various organs of the

United Nations to provide all necessary assistance to Libya in this connexion.

C. To inform the Secretary-General of the United Nations of the hope of the Council that, while taking into account Article 101, paragraph 3, of the Charter, he may be able to arrange through the Bureau of Personnel for the recruitment of advisers on the staff of the Commissioner in Libya firstly from the Middle East countries, and if suitable persons with necessary qualifications are not available, to select nationals of other countries who have working knowledge of the local language and have considerable experience of work in the Middle East countries.

Further, this Council sets up two sub-committees, one to be called the Sub-Committee on Needs and Requirements of Libya in the Technical Assistance Field, the other to be called the Sub-Committee for

¹¹⁶ A/AC.32/Council/R.90.

¹¹⁷ A/AC.32/Council/R.82.

Finding Ways and Means to Finance the Requirements of Libya in the Technical Field.

The Sub-Committee on Needs and Requirements shall consist of the representatives of Cyrenaica, the Fezzan, the Minorities in Libya, Pakistan and Tripolitania.

The Sub-Committee for Finding Ways and Means to Finance the Requirements of Libya in the Technical Field shall consist of the representatives of Egypt, France, Italy, the United Kingdom and the United States of America.

These two Sub-Committees will consult with and

advise, through the Council and the Commissioner, the technical experts who are instructed to visit Libya. The Sub-Committees will report to the Council so that, as far as possible, the requirements of Libya as regards technical assistance and financial needs for the fulfilment of plans prepared as a result of inquiries carried out by experts and others, may be examined and dealt with in accordance with the wishes of the representatives of the country.

The Sub-Committee on the needs and requirements of Libya will assist and advise the technical experts in preparing the priority of the schemes, in accordance with the wishes of the representatives of Libya.

Annex XXVI

Memorandum on the position of the Minorities in Libya, submitted by the representative of the Minorities on the Council for Libya

The ethnical minorities in Libya (Italian, Jewish, Maltese and Greek) are afraid that the General Assembly resolution of 21 November 1949 may not be properly implemented as far as they are concerned, because of faulty application of paragraph 3 of that resolution.

That might place the minorities in a less favourable position than the majority, a situation which the resolution clearly intended to avoid.

The interpretation and practical application of the aforementioned provision has given rise to differences of opinion. The United Nations Commissioner in Libya has not expressed a definite opinion on the subject and has confined himself to dealing with the question not from the legal angle but from the point of view of feasibility and political expediency; the Minorities, on the other hand, refuse to accept such a point of view and consider the question as one of principle. The Minorities think that the General Assembly resolution of 21 November 1949 implies in letter and in spirit an acknowledgment that they form an integral and active part of the population in Libya and that, as "inhabitants" of the country, they are entitled and duty-bound to co-operate in all the preliminary work of establishing the constitutional framework of the new independent Libyan State. The legal status of the minorities in the new State will be established by the laws of that State, but only after the latter has been set up and recognized internationally, that is to say, after it has acquired sovereign powers.

The Minorities base their interpretation of paragraph 3 of the resolution of 21 November 1949 not only on the obvious meaning of the word "inhabitants", but also on a study of the discussions that took place in Sub-Committee 17 of the First Committee, which placed the text of that resolution before the General Assembly. According to the records and documents of the United Nations, that text was prepared by the Indian representative with the collaboration of the Pakistani representative. When paragraph 3 of the resolution was discussed in Sub-Committee 17, all

agreed that the term "inhabitants" should be understood to include the Libyan minorities. With a view to clarifying the point, the representative of Guatemala suggested the addition of the words "including the

The Sub-Committee on Needs and Requirements and the Fezzan". The Indian and Pakistani representatives, who had submitted the draft resolution, considered that the proposed amendment was quite superfluous, since it was perfectly clear that the term "inhabitants" included the Minorities, whose representatives were to be admitted to the National Constituent Assembly. In clear and explicit terms the United States representative associated himself with the Indian and Pakistani representatives, while the Iraqi representative added that, in any event, the Minorities would find in the future Libyan constitution provisions enabling them, in accordance with ancient Moslem tradition, to participate in the life of the new State. With only the Argentine representative dissenting and with certain reservations on the part of the United Kingdom representative, the question was considered to be decided on the basis of the interpretation given by the Indian representative, who, as sponsor of the resolution and at the same time one of the foremost jurists of his country, was best qualified to give an authoritative interpretation.

It is therefore clear that, in adopting the resolution approved by Sub-Committee 17, the General Assembly intended the Minorities to take part not only in the preparatory committees, but also in the National Constituent Assembly of Libya. The General Assembly thus expressed its conviction that there should be no discrimination between the different ethnical groups of the population; the population should be considered as a single whole bound together by common interests. That idea was also apparent from the use of the word "minorities" to indicate the allogeneous groups, since in all international instruments the latter term is used to indicate an integral part of the population of a particular country, though one which still retains certain special characteristics, and it has a connotation totally different from that of the term "foreign community".

The Libyan Minorities, therefore, request the General Assembly, which alone can do so, to be good enough to clarify fully the meaning of paragraph 3 of the resolution of 21 November 1949, with particular reference to the meaning of the term "inhabitants".

The Minorities ask the General Assembly for an authoritative interpretation that would provide them with an unassailable argument in favour of their claim to a right that belongs to them if, as they have reason to believe, such a right exists as a better and fuller safeguard of their moral and economic interests.

If the General Assembly's interpretation does confirm the foregoing thesis, it will no longer be a matter of political expediency or of feasibility, but of implementing decisions that cannot be disputed.

In order to bring out certain circumstances capable of throwing light on the question from other than the purely legal angle, I feel it might be useful to add the following remarks:

(1) The so-called "minorities question" applies almost exclusively to Tripolitania, since the minority groups elsewhere in Libya are extremely small;

(2) All the important political parties in Tripolitania have acknowledged that the participation of the Minorities in the determination of the constitutional principles is both acceptable and desirable;

(3) The Minorities, in their repeated requests for recognition of the fact that their reasons for par-

ticipating in this work are well-founded, have been inspired, not by political motives of a contingent character, but by a more exalted and a deeply pondered political idea. They are indeed persuaded that their participation in the determination of the constitutional principles will have favourable effects in the future, in that it will induce a section of the minorities to give full allegiance to the new State by taking its nationality;

(4) Non-participation of the Minorities, on the other hand, might be ascribed to a calculated intention to emphasize that there is clear distinction between the majority and the minorities; the effect of that would probably be to drive out both technicians and capital, to the serious prejudice of the country's welfare and its chances of economic recovery;

(5) As has constantly been stated, the Minorities, which are recognized as eager to collaborate in all sincerity with the majority and which have no political motive other than their natural interest in the establishment of a new State and in its welfare, regard themselves as an integral part of the population.

(6) The Minorities have welcomed the inclusion of one of their representatives in the Committee of Twenty-One as a gesture of friendly understanding on the part of the majority, which has greatly strengthened the bonds of mutual understanding, thus promoting fruitful collaboration.

Annex XXVII

Memorandum submitted by the representatives of Cyrenaica and Tripolitania on the Council for Libya commenting on the memorandum submitted by the representative of the Minorities in Libya (Annex XXVI)

The representatives of Cyrenaica and Tripolitania do not share the views expressed by the honourable representative of the Minorities in the preceding annex. They continue to believe that the only proper interpretation which can be given to the word "inhabitants" in paragraph 3 of the General Assembly resolution is the one expressed by the representative of Cyrenaica in the 23rd meeting of the Council for Libya on 29 June 1950, which is recorded in the Commissioner's report (paragraph 155).

The representatives of Cyrenaica and Tripolitania point out that the participation of foreigners in the drafting of the constitution of the country in which they are living has no precedent in history. Most of the minorities in Libya, with the exception of the Jewish minority, but particularly including the Italians living in Tripolitania, are foreigners in Libya since they still hold their original nationality, as evidenced by their possession of Italian passports. Their affairs

are still handled by the representative of the Italian Government in Tripoli on the basis that they are Italian nationals living abroad.

The Cyrenaican and Tripolitanian representatives are convinced that the civil rights of Italians living in the future Libyan State will be properly safeguarded in the constitution of that State.

They draw attention to the suggestion of the Commissioner, in paragraph 256 of his report, that there should be negotiations under the auspices of the Commissioner, if so desired by both parties, between a delegation of the Minorities and a committee appointed by the National Assembly for the purpose of achieving agreement on the clauses to be inserted in the constitution for the safeguarding of the rights and interests of the Minorities in Libya. Both Cyrenaica and Tripolitania think that this would be the best method by which to achieve a solution of this problem.

Annex XXVIII

Memorandum on educational organization in Libya under Italian administration, submitted by the representative of Italy on the Council for Libya

TABLE OF CONTENTS

Chapter	Page
I. NOTES ON THE SCHOOLS EXISTING BEFORE THE ITALIAN OCCUPATION	
A. Moslem schools	84
B. Jewish schools	85
C. European schools	85
Government schools	85
Grant-aided schools	86
Statistics of attendance at Italian schools in 1911	86
Statistics of Moslem schools in Tripolitania before the Italian occupation, school year 1910/11	87
II. NOTES ON THE SCHOOLS IN LIBYA SINCE THE ITALIAN OCCUPATION (1911/12) TO THE END OF THE SCHOOL YEAR 1921/22	
A. Moslem schools	87
B. Jewish schools	90
C. Italian-type schools	91
Statistical table of schools in Tripolitania, school year 1921/22	92
Statistical table of schools in Cyrenaica, school year 1921/22	93

CHAPTER I

Notes on the schools existing before the Italian occupation (1514/1911)

A. MOSLEM SCHOOLS

After occupying Tripolitania and Cyrenaica in 1835, Turkey did nothing to provide education there until 1887. The only schools existing in the two territories were the "Kuttab" (Koranic schools) and the "Medrasa" attached to the principal mosques.

In the Kuttab the Koran and elements of Arabic were taught. They were maintained by the religious authorities, with the aid of the small contributions brought by the pupils to their *Fighi* (master) every Thursday.

In the Medrasa, in addition to the teaching of Arabic, elements of the Moslem religion, and of history, geography and arithmetic, etc., were taught. The principal Medrasa established between 1835 and 1890 were:

(a) At Tripoli: the school attached to the Dargut Mosque and the Osman Pasha and Ahmed Pasha Schools;

(b) At Tagiura: the Murad Aga's School;

(c) At Zliten: the Sidi Abdassalam School;

(d) At Misurata: the Sidi Zaruch School;

(e) At Cussabat: the Sidi Ducali School.

In 1888, a military college was established at Tripoli. The instruction was given by officers. Pupils who completed five years of residence and passed the examinations were sent to the *Ecole Supérieure Militaire* at

Chapter	Page
III. NOTES ON THE SCHOOLS IN LIBYA FROM THE SCHOOL YEAR 1922/23 TO THE SCHOOL YEAR 1942/43	
A. Moslem schools	93
B. Jewish schools	99
C. Italian-type schools	100
List of Italian schools open during the scholastic year 1939/40:	100
Statistical table of schools in Tripolitania 1939/40	102
Statistical table of schools in Cyrenaica 1939/40..	103
Statistical table of schools in the Libyan Sahara 1939/40	104
General summary of statistical tables.....	104
IV. PROBLEMS COMMON TO ALL TYPES OF SCHOOLS	
School buildings	104
Recapitulatory and comparative table of school buildings constructed by the Italians in Libya.....	106
School equipment	107
Textbooks and usual equipment.....	107
Health protection in schools.....	107
Conclusions	107

Constantinople. There they spent six years, passing out with the rank of sub-lieutenant.

In 1890, Turkey sent to Tripoli an official with the rank of Superintendent of Schools, to open new schools where he thought fit.

He founded a teachers' training school, candidates for admission to which were required to be able to read and write, know the Koran by heart and possess some elements of languages and religious knowledge.

The courses were for two years and were given in Turkish; the school had only one teacher and the results it achieved were insignificant.

In 1897, the Tripoli School of Arts and Crafts was established and still exists as a Moslem foundation.

When the Young Turks took power, they wished to show that they were reformers. They abolished the teachers' training school and set up a new institution according to the European model, staffing it with capable civil and military instructors.

At the same time a technical school for both sexes was opened at Tripoli together with several elementary schools in the town and elsewhere.

In 1904, the Italian community in Tripoli instituted a special course for Moslems as a branch activity of the Italian technical and commercial school. It included instruction in Italian, French, Arabic, arithmetic and geography. It was abolished in 1910 but started again when the Italian schools were reopened.

At the time of the Italian occupation in 1911 the following schools were in existence:

TRIPOLITANIA

- (a) One mixed technical course (Ruscidia) with sixty-five boys and fifty girls.
- (b) One secondary teachers' training school (Dar el Muallemin) with sixty pupils.
- (c) One military school (Medrasa El Ascaria) with about 400 pupils, mostly Turks.
- (d) One mixed elementary school (Ibtidadia) with 280 boys and eighty girls.
- (e) One kindergarten (eighty boys and twenty-five girls).
- (f) Two schools of arts and crafts, one for boys (120 pupils) and one for girls (eighty pupils).
- (g) One school of agriculture at Sidi Mesri.
- (h) Two propaganda schools, one a day school (200 pupils) and the other a night school (120 pupils), both established by the "Union and Progress" Committee.
- (i) Five Medrasa.
- (l) Sixteen Kuttab.

CYRENAICA

- (a) One elementary school.
- (b) A number of Kuttab.

B. JEWISH SCHOOLS

Teaching of an essentially religious nature was given to the Jewish communities in the Talmudic schools attached to the synagogues.

In 1804, the Universal Jewish Alliance set up a school in Tripoli at which Hebrew and French were taught until 1911 and subsequently Italian.

At Tripoli (where the Jewish community was the largest) a few heads of families set up an elementary school in 1876 to train young people for commercial careers.

C. EUROPEAN SCHOOLS

In the main coastal centres of Libya there were European committees, composed mainly of Maltese, Italians, Greeks, Armenians, etc.

Where it was possible to found a small church, the Missionary Brothers (mostly Italians) set up schools to instruct the children in Christian doctrine and teach them to read and write. At these schools they learned Italian and some elements of general education.

In 1910 a primary school was opened at Tripoli on the premises of the former Mission, under the direction of a missionary.

In 1846 the Sisters of the Good Shepherd were called to Tripoli and devoted themselves to converting the girls of the Fezzan. Next the Sisters proceeded to bring together girls from the three religions (Christian, Arab, Jew) and succeeded in forming a group of about sixty girls, teaching them in Italian (the language most used in Tripoli). The school was subsidized by the Franciscan Mission.

Ten years later the work was taken over and continued by the Sisters of St. Joseph of the Apparition.

The progressive growth of the Christian colony compelled the Apostolic Prefect to excuse a few missionary priests from attendance at religious offices in order to allow them to devote themselves exclusively to teaching. School hours were increased to six a day and French and Arabic were introduced in addition to the subjects studied in Italian.

The Italian Consul founded a school for Italian nationals and at the same time the Universal Jewish Alliance opened a school in the Jewish quarter, the lessons being given in French.

In 1881, the Marist Brothers arrived in Tripoli and for almost thirty years maintained the schools of the Franciscan Mission, attended by pupils of all religions and nationalities. The teaching was given in Italian.

When the Marist Brothers left Tripoli, the Franciscan Mission transferred from the French Protectorate to the Italian Protectorate and the Franciscan missionaries took over these schools.

In 1912, the schools were entrusted to the Brothers of the Christian Schools who are still in charge of them ("Umberto di Savoia" College). They continue in the old premises of *Sciara es Spagnol* to provide education free of charge for the large population in that quarter.

In 1903, the National Association of Italian Missionaries Abroad founded an orphanage in Tripoli with a dispensary and schools and placed the Franciscan Missionary Sisters of Egypt in charge. At the present time this same religious order controls the "Ernesto Schiaparelli" Girls' Institute in Tripoli and other girls' schools.

At Tripoli, Homs and Benghazi—where the Italian colony was the largest—schools were established with funds provided by the emigrant Italian nationals, for the education of their children.

Among the Italian schools attended by almost all the children of the European communities, mention may be made of the following:

At Tripoli: Geraci School, established in 1874; Paggi School, established in 1876; Marulli Sisters' School, established in 1878/79.

At Benghazi: Rossoni-Piccolo Vincenza School, established in 1885.

In the school year 1910/1911 (the year before the Italian occupation) the position of the Italian schools in Libya was as follows:

GOVERNMENT SCHOOLS

(a) Tripoli

- (1) Technical commercial school, established in 1888, with medical dispensary and meteorological observatory attached (nine teachers).
- (2) Elementary school for boys, with additional evening courses, established in 1876 (thirteen teachers).
- (3) Elementary school for girls, with additional occupational training courses, established in 1878 (twelve teachers).

(b) *Homs*

(1) Elementary school, established in 1890, converted into a government school in 1902 (five teachers) with a night school for adults.

(c) *Benghazi*

(1) Elementary school for boys, established in 1888, with medical dispensary and evening course for adults (ten teachers).

(2) Elementary school for girls, established in 1907 (two teachers).

GRANT-AIDED SCHOOLS

(a) *Tripoli*

(1) School of the Orphanage of the Italian National Missionary Association, conducted by the Franciscan Sisters.

(2) Elementary school for boys, belonging to the Catholic Mission and conducted by the Franciscan Brothers.

(3) Elementary school for girls, belonging to the Catholic Mission and conducted by the Sisters of St. Joseph.

(b) *Homs*

(1) Girls' school, belonging to the Italian National Missionary Association and conducted by the Franciscan Sisters.

(c) *Benghazi*

(1) Elementary school for boys, belonging to the Catholic Mission and conducted by the Franciscan Fathers.

(2) Elementary school for girls, belonging to the Catholic Mission and conducted by the Sisters of St. Joseph.

(d) *Derna*

(1) Elementary school for boys, belonging to the Catholic Mission, for boys and conducted by the Franciscan Fathers.

(2) Elementary school for girls, belonging to the Catholic Mission, for girls and conducted by the Franciscan Sisters.

Below is a table of statistical information on the European schools; similar information for the other two types of schools cannot be supplied owing to the complete lack of statistical data:

STATISTICS OF ATTENDANCE AT ITALIAN SCHOOLS IN 1911

Place	School	Pupils			Teachers
		Boys	Girls	Total	
TRIPOLI	1. Commercial technical school with trade museum, meteorological observatory and medical dispensary attached.....	63	-	63	10
	2. Elementary school for boys.....	127	-	127	
	3. Night school for adults.....	148	-	148	
	4. Elementary school for girls with additional occupational training course	-	348	348	12
	5. Kindergarten	135	125	260	4
	6. School of the Orphanage of the Italian National Missionary Association	11	11	22	-
	7. Catholic Mission elementary school for boys, conducted by the Franciscan Brothers.....	166	-	166	-
	8. Sisters of St. Joseph Girls' School.....	-	353	353	-
HOMS	1. Boys' elementary school with trade museum.....	92	-	92	5
	2. School for illiterate adults.....	60	-	60	
	3. Girls' school of the Italian National Missionary Association..	-	75	75	-
BENGHAZI	1. Elementary school for boys with medical dispensary.....	160	-	160	10
	2. Night school for adults.....	130	-	130	
	3. Elementary school for girls.....	-	166	166	2
	4. School of the Franciscans' Catholic Home.....	140	-	140	-
	5. Girls' school of the Catholic Mission conducted by the Sisters of St. Joseph.....	-	131	131	-
	6. Anti-slavery Institute.....	29	22	51	-
DERNA	1. Franciscan Catholic Mission Boys' School.....	47	-	47	-
	2. Franciscan Catholic Mission Girls' School.....	-	50	50	-
TOTAL		1,308	1,281	2,589	56

SUMMARY

Total number of pupils 2,789

Government schools

Boys 1,240
Girls 514

Grant-aided schools

Boys 393
Girls 642

STATISTICS OF MOSLEM SCHOOLS IN TRIPOLITANIA BEFORE THE ITALIAN OCCUPATION

School year 1910/11

Type of school	Pupils			Observations
	Total	Boys	Girls	
1. Tripoli: mixed technical course.....	105	65	40	
2. Tripoli: elementary school for boys.....	280	280	—	
3. Tripoli: elementary school for girls.....	80	—	80	
4. Tripoli: school of arts and crafts.....	120	120	—	All Arabs
5. Tripoli: girls' occupational training school.....	30	—	30	
6. Tripoli: teachers' training school.....	60	60	—	Almost all Arabs
7. Tripoli: military school	400	400	—	Mostly Turks
8. Tripoli: kindergarten.....	105	80	25	
9. Tripoli: day school of the Union and Propaganda Committee	200	200	—	Turks and Arabs
10. Tripoli: night school of the Union and Propaganda Committee	120	120	—	Mostly Libyan Jews
11. Tripoli: sixteen Koranic schools.....	?	?	?	No statistics available
12. Tripoli: five Madrasas.....	?	?	?	
TOTAL	1,500	1,325	175	

At Benghazi, there was a Turkish primary school and several Koranic schools. The native Jewish schools in Libya numbered nine, the most important one being the Talmud Torah School at Tripoli.

At Tripoli, there was also a school of the Universal Jewish Alliance, with a mixed attendance of 200.

CHAPTER II

Notes on the schools in Libya since the Italian occupation (1911/12) to the end of the school year 1921/22

A. MOSLEM SCHOOLS

In October 1911 the Italian troops began the occupation of Libya. As soon as this occupation was consolidated, the Italian Government turned its attention to reopening the schools.

Once the schools were reinstalled in their premises, the school lists were opened and the supplementary examination began on 12 February. A few days later, regular classes were resumed both at Tripoli and Benghazi.

At Tripoli, as an annex to the secondary school, the special course for Moslems was reopened (it had functioned until 1909), and the number of students increased considerably.

Italo-Arabic sections were reopened as annexes to the elementary schools of Tripoli and Benghazi. In these sections, in addition to the teaching of Arabic, practical instruction was given in Italian, history, geography and arithmetic.

In September 1912, the military authority of Tripoli set up an Arab Educational Centre at Menascia, to shelter and educate destitute young Arabs. The institute developed in such a way that in 1913 it had 123 pupils, mostly orphans or abandoned children. These young people received primary education and learned to read and write in Italian and Arabic. They also attended the laboratories of the school of arts and crafts (which had resumed its activities) and the automobile workshops.

The Ministry of Colonies (constituted after the Treaty of Lausanne) decided that a study of the school problem, particularly from the point of view of the local populations, should be carried out by persons who were specially qualified and conversant with Moslem affairs. Effect was given to the proposals made as a result of this study in the School Ordinance of Tripolitania and Cyrenaica, approved by Royal Decree No. 56 of 15 January 1914. This Ordinance provided for the institution of Italo-Arabic schools and a school of Islamic Culture, and the maintenance of the free Koranic schools.

The programmes of the Italo-Arabic schools, which provided a three years' course, comprised:

- (a) Arabic and the Koran;
- (b) Italian;
- (c) Elementary arithmetic;
- (d) Agriculture;
- (e) Singing, gymnastics, elementary hygiene and a general knowledge of Italy.

The courses in Arabic and the Koran were given by Moslem teachers. The other subjects were taught by Italian masters knowing the language and the customs of the country.

The "Kuttab" were kept on with their traditional organization and instruction. If they had not less than twenty-five pupils (aged from 5 to 14 years) and if they had included courses in Arabic and elementary arithmetic in their programmes (in addition to religious teaching), they were able to obtain grants-in-aid from the colonial budget.

The schools existing during the school year 1914/15—in Tripolitania (in addition to the two in Tripoli)—were situated at: Zanzur, Zavia, Agelat, Zliten, Misurata, Sirte, Beni, Ulid, Cussabat, Garian, Jefren and

Giado; they had over 800 pupils. In Cyrenaica—in addition to the two at Benghazi—there were schools at Berka, El Merg, Derna and Tobruk, with approximately 500 pupils.

As a result of the First World War, the school question was relegated to the background. Nevertheless, the Ministry of Colonies (by Royal Decree No. 1283 of 16 July 1917) ordered that the income from the Waqf/es Sur property in Tripoli should be allocated for the school of Islamic Culture (to be established at a later date) thus complying with the wishes expressed by the Moslem population as to the way in which the funds were to be used.

By Royal Decree No. 469 of 11 March 1917—both in Tripolitania and in Cyrenaica—a “Consultative Committee” was instituted, composed of Moslem chiefs and notables of the various districts. This Committee (besides being entitled to express its own opinion on all questions concerning the Moslem communities) was also entitled (under article 3) to put forward, on its own initiative, recommendations giving the reasons with a view to promoting a study of the questions affecting the Moslem populations, the development of agriculture, industry, road construction and means of communication and training—particularly in professional subjects.

This tendency to make the indigenous populations participate to an increasing extent in the government of the Colonies became more marked at the end of the First World War. In the promulgation of the *Statuts Libyens* (Organic Law for Tripolitania, approved by Royal Decree No. 931 of 1 June 1919 and Organic Law for Cyrenaica, approved by Royal Decree No. 2401 of 31 October 1919) the claims of the local populations were given full consideration. Particularly in regard to education, the organic laws (articles 10, 11 and 12) provided for:

(a) Freedom of private education, under State supervision;

(b) Compulsory primary education, though limited for Moslems to boys alone;

(c) Use of Arabic for all teaching in the primary and secondary schools;

(d) Teaching of Italian in all classes, except the first three elementary classes, where it was optional;

(e) Prohibition to teach Moslems principles contrary to their religion.

At the beginning of the school year 1919/1920 the superintendent sent to Tripoli to direct education in the Libyan colonies (after having reorganized the Italian-type schools and the Italo-Arabic schools and provided for the recruitment of specialized teaching staff) submitted a draft to the Central Government for a new organization of the schools comprising:

1. ITALO-ARABIC SCHOOLS

These were composed of a lower three-year course and a higher two-year course.

In these schools the following subjects were to be taught:

- (1) The Koran;
- (2) Arabic;
- (3) Italian;
- (4) Arithmetic, calculation, the metric system;
- (5) General knowledge;
- (6) Some knowledge of Italy and Libya;
- (7) Drawing and writing;
- (8) Agriculture and manual work;
- (9) Physical culture.

2. ARAB ELEMENTARY SCHOOLS

The existing Kuttab could not be recognized as able to guarantee the compulsory education required under the Statutes. It was then considered advisable to institute gradually (in all the large centres) government elementary schools, and to make grants-in-aid to all the Kuttab which had conformed to the law, by bringing their programmes into line with the existing programmes in the government elementary schools, which provided courses of three years in the small centres and of five years in the large centres.

The diploma issued by the Arab elementary schools entitled the holder to admission to the Arab secondary schools.

3. ARAB SECONDARY SCHOOLS

The Arab secondary schools had to be instituted, according to the provisions of the organic laws, in the main centres (Tripoli, Benghazi and subsequently other districts).

In these schools the teaching had to be given in Arabic for all classes except Italian, history, geography and elementary law, which were taught in Italian.

The courses, lasting five years in all, were divided into two periods: one of three years and the other of two. The latter comprised two sections: one of a technical and professional nature and the other of a more general nature, to prepare the pupils for higher courses.

4. AGRICULTURAL AND VOCATIONAL SCHOOLS

Until 1919 (if the Italo-Arabic girls' schools of Tripoli and Benghazi are excluded) vocational training in Libya was given only by the School of Arts and Crafts in Tripoli, which had an independent administration. It was therefore proposed that this school should be converted to meet the local requirements and that a similar one should be set up in Benghazi.

In regard to agricultural training, it will be remembered that it was necessary at the time not to organize technical training in the schools but to conduct propaganda to convince the Libyans of the advantages of a rational farming system and the use of fertilizers and agricultural machinery.

On account of the international disorders in Tripolitania, it was not found possible to put the organic law fully into effect.

* * *

In Cyrenaica, the country enjoyed a measure of peace after the Acroma Agreement (1917) and that of El Regina (1920), and it was possible to proceed with the constitution of Parliament. The Moslem deputies turned their attention to school organization, giving the subject priority and thus interpreting the wishes of the electorate.

The study of a plan for the organization of the schools was entrusted by the Administration to a Commission composed of persons with a knowledge of Arabic and the Moslem institutions and special competence in educational affairs. A school superintendent sent from Italy was chairman of the Commission.

The draft which was prepared was submitted for approval to Parliament, and, with a few amendments, was approved by Royal Decree No. 378 of 5 February 1922.

Article 1 of the Decree provided as follows:

"Instruction for Moslems in Cyrenaica shall be given in the following schools:

- "(1) 'Kuttab';
- "(2) Elementary schools;
- "(3) Secondary schools;
- "(4) Higher schools;
- "(5) Schools of arts and crafts;
- "(6) Agricultural schools;
- "(7) Domestic science and girls' schools."

Article 2 laid down the programmes for the "Kuttab" (where the teaching was to be entirely in Arabic), comprising the following subjects:

- (a) The Koran, part of which was to be committed to memory;
- (b) Principles of religion and morals;
- (c) Reading, writing and dictation;
- (d) First steps in arithmetic.

Article 3 laid down that the elementary schools should have three-year courses. Only pupils who had passed the final examination of the Kuttab or those who had taken a special entrance examination were admitted.

The subjects taught in these schools were the following:

- (a) Arabic;
- (b) Italian;
- (c) Religion and morals;
- (d) Arithmetic and elementary geometry;
- (e) Writing;
- (f) General knowledge (history, geography, agriculture, hygiene etc.).

Instruction was given in Italian and in Arabic (according to the provisions of article 2 of the organic law).

Article 5 provided that the secondary school should have a four-year course which in the last two years was divided into two sections: one for the training for employment in commerce, accountancy and the public service; and the other for the training of the Kuttab teachers.

Those who passed the final examinations of the elementary school or a special entrance examination were admitted to the secondary school.

The fundamental education provided in this school consisted of:

- (1) Arabic;
- (2) Italian;
- (3) Moslem law, logic and moral science;
- (4) History and geography;
- (5) Arithmetic and geometry;
- (6) Physical and natural sciences;
- (7) Writing and drawing;
- (8) Accountancy;
- (9) Pedagogy;
- (10) Agriculture.

All the other subjects recognized as suitable for the requirements of the population and the purposes of the school could also be taken if desired.

Article 6 provided that the higher school should have a three-year course, the purpose of which was to provide a diploma that would enable students to hold higher posts, and be admitted to Italian universities, and entitled them to teach in the elementary and secondary schools.

The higher school received pupils who had obtained the secondary schools' diploma and passed a special entrance examination.

Article 7 concerned the domestic science and girls' school, in which only those pupils whose families made the request were taught reading and writing, both in Arabic and Italian; all the other pupils took only the main subjects taught in the school.

Article 8 also dealt with the teaching of the children of the nomad Kabyles, and made provision for special mobile schools with a programme similar to that of the Kuttab.

Article 9 laid down that vocational training should be given at Benghazi by the School of Arts and Crafts of the town, instituted in 1919. The same article provided for the establishment of a school of agriculture in a suitable district.

Article 12 laid down that the salaries of Arabic teachers who held the diploma entitling them to teach in the schools to which they were appointed would be the same as those paid in Libya to Italian teachers in schools of the same or a corresponding grade.

The above-mentioned arrangements were immediately applied in Cyrenaica for the school year 1922/1923, despite the fact that they were partially applied during the school year 1921/1922.

In Tripolitania, while the constitution of the competent Parliament was awaited, a special Commission was appointed under the Decree of 15 July 1922. It was composed of metropolitan and Moslem citizens whose task it was to draft provisional proposals concerning the elementary education of Moslem pupils.

In view of the political situation in Tripolitania it was thought premature to embark upon the establishment of schools for higher education.

None of the numerous Kuttab of the region was fit to be recognized as a public school. The Commission.

decided to suggest that the existing Kuttab should continue as private Koranic schools, subject to State supervision. Elementary education was to include two courses: a first course lasting three years (on general lines conforming to the syllabuses of the government Kuttab of Cyrenaica) and a second course also lasting three years (the latter would also, generally speaking, comply with the order relating to elementary schools in Cyrenaica).

It was suggested that there should be a school of domestic science and general education for Moslem girls, giving a preparatory course lasting for one year and a normal course lasting four years.

The Italian language would be taught from the third year of the lower course and, in the girls' school, from the first year.

The Commission also suggested the establishment of evening classes for illiterate adults.

The Commission suggested that the Moslem teaching body should receive the same salaries as those established for school teachers in Cyrenaica.

The proposals, accepted by the Government, were put into effect as from the school year 1922/1923.

Mention must be made of the decision taken to appoint an inspector of Arab schools to the School Superintendents' Boards in both Tripolitania and Cyrenaica. These inspectors were appointed by the Governor and selected from Moslems whose education appeared to fit them particularly for the post.

During the school year 1921/1922, the following Moslem schools were in operation in Libya in the territories under Italian administration:

TRIPOLITANIA

(a) *Elementary schools*

- (1) Tripoli: two schools
- (2) Suk el Giuma: one school
- (3) Tagiura: one school
- (4) Homs: one school
- (5) Zuara: one school

(b) *Secondary schools*

- (1) Benghazi: *Idadia*

(c) *Subsidized Koranic schools*

- (1) Benghazi: three "Kuttab," including the Berka Kuttab.
- (2) Soluk: one Kuttab
- (3) Ghemines: one Kuttab
- (4) El Merga: one Kuttab
- (5) Tomelta: one Kuttab
- (6) Cirene: one Kuttab
- (7) Apollonia: one Kuttab
- (8) Derna: one Kuttab
- (9) Tobruk: one Kuttab
- (10) Adid camp (El Merga zone) one mobile Koranic school

(d) *Trade schools*

- (1) Benghazi: arts and crafts school with two courses: one a preparatory course and another for artisans
- (2) Benghazi: school of domestic science and general education for girls
- (3) Derna: school of domestic science and general education for girls

The attendance at the above-mentioned schools during the school year 1921/1922 was 4,040 children (Tripolitania 2,193, Cyrenaica 1,847).

To this number must be added about a hundred Moslem pupils attending the Italian-type schools (Tripolitania fifty-nine, Cyrenaica thirty-three) divided into secondary (12) and elementary (80) schools.

The President of the Cyrenaican Parliament, Safi Ed-Din, cousin of the Emir, at the closing meeting of the first Parliamentary session in 1922, heartily congratulated the Government for its work in the schools.

Scholarships were established in all the largest towns in Cyrenaica, in order to encourage as far as possible attendance at the new schools, even amongst the poorer pupils.

The new school regulations provided for scholarships at institutions for secondary and higher education in Italy and in Oriental countries. In Cyrenaica five scholarships were granted to the University of El Azahar at Cairo, four to institutions in the Kingdom and two to the Idadias of Benghazi and Derna.

In Tripolitania, too, efforts were made to enable promising young Arabs to go to Italy and Cairo. The Government's purpose was to provide as soon as possible a type of man fit to occupy the more important posts in the local administration.

B. JEWISH SCHOOLS

During the first 10 years of the Italian occupation of Libya, the Talmudic schools continued to operate as in the past.

The Italian Administration tried to encourage Jewish children to attend the public schools: rabbis were appointed directly by the Administration to ensure the teaching of the Jewish language and religion to public school pupils who did not attend the Talmudic schools.

The attendance at the Talmudic schools in Tripolitania and Cyrenaica in the school year 1921/22 was 1,484 pupils (Cyrenaica 218 and Tripolitania 1,266), 1,212 boys and 272 girls. There were schools in the following districts:

CYRENAICA

- (1) Benghazi: one
- (2) Derna: one

TRIPOLITANIA

- (1) Tripoli: one with ten classes
- (2) Suk el Giuma: one

- (3) Tagiura: one
- (4) Homs: one
- (5) Zliten: one
- (6) Misurata: one
- (7) Sirte: one
- (8) Zuara: one
- (9) Zavia: one
- (10) Zanzur: one
- (11) Tigrinna: one
- (12) Jefren: three (one in the Kabile Scigarna, one in the Kabile Manin and one in the Kabile Ksir).

C. ITALIAN-TYPE SCHOOLS

As has already been said, the Italian type of school was started in Libya long before the Italian occupation.

Later an effort was made to give a suitable form to the school organization. The former elementary schools were remodelled on the lines of those in the Kingdom. New institutions were opened and the free development of independent private schools was safeguarded by special provisions.

By the Schools Order of Libya (approved by Royal Decree No. 56 of 15 January 1914) the Ministry of the Colonies gave a concrete form to all measures taken during the early years for the organization of schools of the Italian type.

This Decree reserved the general direction to the Ministry of the Colonies. The administration, supervision and management of the schools were entrusted to a superintendent of schools subordinated to the Governor.

The elementary schools of the Italian type, kindergartens and popular education courses were modelled on similar institutions existing in Italy.

Secondary education, both for the citizens of the metropolitan country and for Libyans, on equal terms, was provided at the Commercial Technical School of Tripoli (which during the school year 1914/1915 was responsible for the first three gymnasium classes).

A new secondary commercial school, designed specially to provide the necessary theoretical and practical knowledge for a rational training for commercial life, was established in Tripoli by Royal Decree No. 2155 of 16 February 1917. The course lasted five years: the first three years were preparatory and the last two years were devoted to vocational training. The diploma awarded at the end of the vocational training course admitted the pupil to the third class in the technical and commercial institutes of the Kingdom requiring entrance examinations.

From 1921, pupils with the technical and commercial diploma from Tripoli were also able to enter the Bocconi University in Milan.

The following table is an accurate statement of the stage of development reached by the secondary schools in Tripoli:

School years	Attendance at the technical commercial school, fourth course	Attendance at the gymnasium, first class
1911/1912	54	-
1912/1913	99	-
1913/1914	154	19

School years	Technical school	Technical institute	Technical school <i>Two-year commercial</i>	Total	Gymnasium	Comments concerning gymnasium
1914/1915	177	11	-	188	38	First and second classes combined at the Technical school
1915/1916	157	16	-	173	28	Idem
1916/1917	170	21	-	191	24	Idem
1917/1918	-	-	229	229	37	The lower gymnasium classes held independently
1918/1919	-	-	195	195	54	Idem
1919/1920	-	-	216	216	69	Complete courses of five classes
1920/1921	-	-	270	270	71	Idem
1921/1922	-	-	271	271	76	Idem

In 1921, in line with what had already been done in the secondary schools of Tripoli, the Benghazi technical school was transformed into a commercial school with a five-year course.

With this decree, vocational technical secondary education in the two colonies was brought up to the same level. The Administration, desirous of making it possible for Italians and Libyans to be educated together, had thus established two institutes *sui generis* which could provide, particularly for the Libyan element, the theoretical and practical knowledge necessary for the

development of local trade, and train commercial agents and employees with a sound knowledge of the special conditions prevailing in North African markets.

As regards elementary schools, after March 1921 the public schools which had existed before the occupation in Tripoli, Homs and Benghazi were reopened. Those subsidized and attached to religious missions also continued in operation.

After the end of the First World War the schools once again began to make progress with the reoccupation of the Territory. In the school year 1920/21 the

Italian-type public schools in Cyrenaica had a total attendance of 990 pupils (659 Christians, 53 Moslems and 278 Jews) and those of Tripolitania 2,929 pupils (2,139 Christians, 47 Moslems and 743 Jews).

It must not be forgotten that alongside these schools there were others for Moslems and Jews, on behalf of which, as already stated, the Italian Government took equally effective action.

The total school attendance in Libya by the end of 1921/22 was 8,875 pupils.

During the school year 1921/22 the following Italian-type schools were being carried on:

TRIPOLITANIA

(a) *Secondary schools*

1. Tripoli: technical-commercial schools
2. Tripoli: gymnasium

(b) *Elementary schools*

1. Tripoli:
 - "Roma" boys' elementary school
 - "P. Verri" boys' elementary school
 - "Regina Elena" girls' elementary school
 - "Regina Margherita" girls' elementary school
 - "N. Tommaseo" mixed elementary school
 - "Trieste" mixed elementary school
 - "E. De Amicis" mixed elementary school

(c) *Kindergartens*

1. Tripoli:
 - "Princessa Yolanda" kindergaten
 - "Princessa Mafalda" kindergarten
 - "N. Tommaseo" kindergarten

(d) *Schools in receipt of grants*

1. Tripoli:
 - Catholic Mission Boys' Elementary School, conducted by the Brothers of Christian Schools.
 - Catholic Mission Girls' Elementary School, conducted by the Sisters of Saint Joseph

Missionary Association Girls' Elementary School, conducted by the Franciscan Sisters

2. Homs:

National Missionary Association's Girls' Elementary School, conducted by the Franciscan Sisters

CYRENAICA

(a) *Secondary schools*

1. Benghazi:
 - "G. Carducci" gymnasium
 - Technical and commercial school

(b) *Elementary schools*

1. Benghazi:
 - "G. Ameglio" boys' elementary school
 - "Regina Elena" girls' elementary school
 - "La Berka" mixed elementary school
2. Derna:
 - "Principe di Piemonte" mixed elementary school

(c) *Kindergartens*

1. Benghazi:
 - "Regina Elena" kindergarten

(d) *Vocational training schools*

1. Benghazi: trade schools

(e) *Schools in receipt of grants*

1. Benghazi:
 - Boys' elementary school of the Apostolic Vicariate, conducted by the Brothers of the Christian Schools
 - Girls' elementary school of the Apostolic Vicariate, conducted by the Sisters of Ivrea
2. Derna:
 - Missionaries' Association girls' elementary school (with kindergarten attached), conducted by the Franciscan Sisters

The two tables following give statistical data relating to schools of different types for the school year 1921/1922.

STATISTICAL TABLE OF SCHOOLS IN TRIPOLITANIA
School year 1921/22

Type of school	Attendance			Nationality			Religion		
	Total	Boys	Girls	Ital.	Lib.	Foreign	Christian	Moslem	Jewish
<i>Italian public schools</i>									
(a) Secondary	339	219	120	272	26	41	278	3	58
(b) Elementary	1,780	850	930	921	747	112	960	31	789
(c) Kindergartens	386	153	233	195	113	78	258	-	128
Total	2,505	1,222	1,283	1,388	886	231	1,496	34	975
<i>Arab public schools</i>									
TOTAL	3,239	1,818	1,421	1,400	1,607	232	1,509	702	1,028
<i>Private schools</i>									
(a) Religious bodies in receipt of grants..	788	327	461	492	120	176	693	25	70
TOTAL	788	327	461	492	120	176	693	25	70
(b) Jewish (Talm.) not in receipt of grants	1,266	994	272	-	1,266	-	-	-	1,266
(c) Arab (Koranic) not in receipt of grants	798	798	-	-	798	-	-	798	-
TOTAL	2,064	1,792	272	-	2,064	-	-	798	1,266
Public schools	3,239	1,818	1,421	1,400	1,607	232	1,509	702	1,028
Private schools in receipt of grants.....	788	327	461	492	120	176	693	25	70
Private schools not in receipt of grants....	2,064	1,792	272	-	2,064	-	-	798	1,266
GENERAL TOTAL	6,091	3,937	2,154	1,892	3,791	408	2,202	1,525	2,364

STATISTICAL TABLE OF SCHOOLS IN CYRENAICA
School year 1921/22

Type of school	Attendance			Nationality			Religion		
	Total	Boys	Girls	Ital.	Lib.	Foreign	Christian	Moslem	Jewish
<i>Italian public schools</i>									
(a) Secondary	135	83	52	111	15	9	120	9	6
(b) Elementary	745	457	288	660	34	51	449	18	278
(c) Kindergartens	115	46	69	98	3	14	84	-	31
Total	995	586	409	869	52	74	653	27	315
<i>Arab public schools</i>									
(a) Secondary	6	6	-	-	6	-	-	6	-
(b) Elementary	545	408	137	-	545	-	-	545	-
Total	1,546	1,000	546	869	603	74	653	578	315
(c) Arts and Crafts.....	122	122	-	75	65	-	57	65	-
TOTAL	1,668	1,122	546	944	668	74	710	643	315
<i>Private schools in receipt of grants</i>									
(a) Religious communities	216	68	148	138	62	16	195	6	15
TOTAL	216	68	148	138	62	16	195	6	15
(b) Jewish (Talm.) not in receipt of grants	218	218	-	-	218	-	-	-	218
(c) Arab (Koranic) not in receipt of grants	582	582	-	-	582	-	-	582	-
TOTAL	800	800	-	-	800	-	-	582	218
<i>Public schools</i>	1,668	1,122	546	944	668	74	710	643	315
<i>Private schools in receipt of grants</i>	216	68	148	138	62	16	195	6	15
<i>Private schools not in receipt of grants</i>	800	800	-	-	800	-	-	582	218
GENERAL TOTAL	2,684	1,990	694	1,082	1,530	90	905	1,231	548

CHAPTER III

Notes on the schools in Libya from the school year 1922/23 to the school year 1942/43

A. MOSLEM SCHOOLS

It will readily be seen from the foregoing that the crux of the entire problem of school organization in Libya is the question of the Arab schools.

The concrete details are as follows: The first Education Order (Bertolini), approved by Royal Decree No. 56 of 15 January 1914, and the regulations issued thereunder (approved by Legislative Decree No. 1809 of 15 October 1915), were drafted during the first stages of the Italian occupation, and showed signs of the haste with which they had been prepared. The origins of these early provisions may be traced without difficulty: the schools of the Italian type were modelled on the Italian schools abroad, while the schools for Moslems were based on French educational legislation in Algeria and Tunis. The Bertolini Order provided for Italo-Arab schools similar to the Franco-Arab schools in Algeria, and for one higher school of Islamic culture. Recognition was given to the Koranic schools ("Kuttab") and to the independent schools providing Islamic teaching, over which the State exercised a somewhat vague and general supervision.

The new system of schools for Moslems was constituted as follows:

- (a) Kuttab;
- (b) Elementary schools;
- (c) Schools of domestic science and general education;

(d) Arts and Crafts schools;

(e) Secondary schools.

This new form of organization was adopted in 1920.

These new schools may be briefly described as follows:

(a) KUTTAP

A type of religious school, of pre-elementary standard, to which all North Africa is traditionally attached. The object of maintaining these schools, and the independent Koranic schools, was to satisfy all elements of the population and thus avoid too rapid a transition from the traditional school system of Libya to the schools of the Italian type.

(b) ELEMENTARY SCHOOLS

These were merely the old *Italo-Arab schools*, modified by:

- (1) Excluding the non-Moslem element;
- (2) Introducing new curricula;
- (3) Renovating the teaching material to conform with the new curricula;
- (4) Expanding the teaching staff.

(c) SECONDARY SCHOOLS (IDADIA)

The secondary schools under the new organization were based on a four-year course. After the first two years, there was a subdivision into two sections, the first for the training of merchants, book-keepers and Arab officials, the second for the training of teachers of the "Kuttab". The fundamental education in the

secondary schools was embodied in appropriate curricula, prepared by a special commission; but such curricula in all cases allowed for the introduction of further education material.

(d) SCHOOLS OF DOMESTIC SCIENCE AND GENERAL EDUCATION

These were organized without losing sight of the fundamental traditions of Moslem education and family life.

Education for women conflicts with Moslem custom and traditions. The establishment of girls' schools for Moslem pupils met with resistance in some quarters; only education of a practical vocational nature could be given without opposition. At the outset these schools confined themselves to imparting practical training in domestic economy, hygiene and morals. At Tripoli and Benghazi cloth and carpet-weaving were taught.

(e) VOCATIONAL SCHOOLS

The arts and crafts schools of Tripoli and Benghazi and the practical schools of agriculture were part of the new school organization. The Benghazi School Board worked out two plans, the first providing for the reorganization of the school of arts and crafts with a view to increasing its effectiveness, and the second concerned with the method and means required to set up an agricultural school in an appropriate locality.

Under the first plan the Benghazi school was divided into two sections. The first was for Moslem pupils, and was of the trade-school type, the curricula followed being worked out by a special commission. The second was for Italian pupils and the curricula were similar to those in Italian schools.

The School of Arts and Crafts of Tripoli, founded in 1899, was reorganized several times, both in educational method and in administration. The School caters for orphaned or abandoned Moslem children. In 1925 it underwent a radical reform, designed to bring it more closely into line with Libyan needs. In addition to elementary education, pupils were given vocational instruction in a four-year course providing complete training in the trade chosen.

The hostel attached to the School accommodated eighty to 100 pupils, the younger of whom attended the elementary classes while the older students followed the trade courses.

The school was composed of:

- (a) An embroidery and harness-making section;
- (b) A weaving and dyeing section;
- (c) A joinery and turnery section;
- (d) A bookbinding section;
- (e) A silverwork and copperwork section;
- (f) A house-painting section;
- (g) A brick-layers section.

There was also a large machine-shop with sections for fitting, a forge, lathework, oxy-acetylene welding, machine-work and foundry work, and, finally, a large machine-shop for woodwork. The organization of these workshops was delicate and complex since in addition to the theoretical training, they operated at the same time as production centres, thus providing the school authorities with some revenue.

Expenditure in respect of pupils, teaching staff, management, etc. was met out of income from the school's endowment (amounting to about 5 million lire, and consisting mainly of buildings and equipment), income from the sale of the industrial goods produced by the workshops, etc. (the school operated a salesroom on its own account) and government grants.

The progressive development of this industrial activity may be seen from the following table:

Year	Production in lire
1921.....	16,735
1925.....	66,777
1929.....	72,829
1930.....	479,243
1933.....	313,000
1935.....	520,148
1936.....	The workshops confined them- selves to theoret- ical training, and production was therefore almost nil
1937.....	
1938.....	
1939.....	
1940.....	
1941.....	
1942.....	

In 1932, the "Hassuna Pasha Karamanli" Home was set up adjoining the Arts and Crafts School of Tripoli. The Home took in orphaned or abandoned Moslem children, and the training given laid special emphasis on agriculture.

This institution was first established in the buildings of the former fort of Sidi Bilal, to which was attached a large estate, cultivated by the pupils themselves. Subsequently it was transferred to the Sidi Mesri district, where it had for its own use a farm of 200 hectares of undeveloped land, which was gradually put under cultivation by the pupils themselves. The farm included extensive buildings, and within the Home itself there was a regular elementary school conducted by two teachers, one Arab and one Italian. In addition to the value of the buildings and the 200 hectares of land belonging to the farm, the Home had an endowment of 600,000 lire in Treasury bonds. The two following institutions were also administered by the authorities of the arts and crafts school of Tripoli:

(a) The "General Ameglio" Foundation, with an endowment of 70,900 lire in State securities;

(b) The Abandoned Children Foundation, with an endowment of 60,500 lire.

These foundations were intended to take in orphaned or abandoned Moslem children and give them elementary schooling, after which they were passed on for vocational trade or agricultural training, according to their individual bent.

The development of the Tripoli School of Arts and Crafts in recent years may be seen from the following figures (lire):

	1934	1936	1938	1940
Audited income...	1,909,887.96	1,750,174.45	1,713,147.16	1,732,612.23
Audited expenditure	1,804,206.30	1,981,933.04	1,670,582.25	1,538,029.65
Annual endowed income	263,209.65	?	?	?
Income from work-shops	520,148.90	?	?	?

The Government of Libya contributed to the development of the Tripoli and Benghazi Schools of Arts and Crafts by annual grants of over a half million lire.

*
* *

The central authorities and the Colonial Governments did their best to ensure that the new educational regulations, approved in conformity with the Statute of Libya, should be put into operation with the greatest possible speed. The school authorities did everything possible to see that the new schools commenced work at once. Moslem teachers from Egypt and Syria were called to the Benghazi *idadia*. The technical offices of the two Governments drew up the plans for the new school buildings, and did their best to hasten their construction. The Colonial Governments considered it advisable to set up a special advisory body, and established the Education Council, a permanent advisory committee in educational matters.

The education councils were composed of six Italian members, five Arabs and one Jew, and were presided over by the superintendent of schools. Their functions were as follows:

(1) To assist the school boards to apply the laws and regulations;

(2) To give an opinion on all questions submitted for their consideration by the Colonial Governments in connexion with the operation and progressive development of all schools and educational institutions;

(3) In agreement with the superintendents of schools, to submit appropriate legislation for the implementation of article 10 of the Fundamental Law on compulsory education and for the operation of the legislative provisions on education applicable to the Italian population;

(4) To act in an advisory capacity in connexion with the engagement of Libyan staffs for Moslem schools;

(5) To give consideration to any proposals submitted by teachers on the conduct of the schools.

Under article 11 of the Libyan Education Order No. 472, referred to above, the Councils were composed as follows:

(a) One Italian representative of the secondary schools teachers;

(b) Two representatives of the primary schools teachers, one being Italian and the other Moslem;

(c) One official of the Board of Civil Affairs;

(d) Two parents of Italian pupils at public schools;

(e) Two parents of Moslem pupils at public schools;

(f) A representative of Parliament;

(g) One Jewish notable;

(h) The superintendent of schools;

(i) The Central Director of Primary Schools;

(j) The Arab Inspector of Moslem Schools.

The Director of the Department of Accounts, the Chief Public Works Engineer, and the Director of Public Health had the right to attend these Councils in an advisory capacity in matters within their competence.

In October 1922, the new Government promulgated a series of new orders relating to all branches of the administration, including education, to which was imparted a new direction and reorganized under the "Gentile" reform of 1923.

Article 1 of this Order read as follows:

"In Cyrenaica and Tripolitania the following schools may be established by Decree of the Ministry of Colonies on the recommendation of the local Government:

"(a) Schools of the Italian type, for all citizens;

"(b) Arab schools, for Libyan citizens of Moslem religion."

The laws on Moslem education then in force in Tripolitania and Cyrenaica were too recent to allow the legislator to make final arrangements on these matters. Nevertheless, the new Order of 1924 included one provision of special importance for the Moslem schools, namely, the definite establishment of a Board of Inspectors of Arab Primary Schools under colonial school Boards.

The regulations relating to education for Moslems enacted by Royal Decree No. 368 of 5 February 1922 for Cyrenaica and by the Ministerial Decree of 14 September 1922 for Tripolitania thus remained in force for a few more years.

In 1927 a new organic law for the Administration of Tripolitania and Cyrenaica, superseding the Statute of Libya, was approved by Royal Decree No. 1013 of 3 June 1927. As a result, the Moslem Education Act was amended by a new Order based on the following principles:

(1) In view of their purely religious nature, the Kuttab were to be left outside the new schools plan;

(2) The elementary Arab and Italo-Arab schools were to be replaced by elementary boys' schools based on a primary three-year course and, in the larger centres, a higher two-year course, the teaching of the Italian language being made compulsory for both courses;

(3) The schools of domestic science and general education were to be maintained;

(4) The Arab secondary schools were to be abolished, in view of the fact that Libyan citizens had been granted equality of entry to secondary schools of the Italian type;

(5) One or two higher Islamic schools for the training of cadis and muftis and, in particular, of Moslem teachers were to be established.

In conformity with these principles, the new regulations on education for Moslems in Cyrenaica and Tripolitania were promulgated in Royal Decree No. 698 of 21 June 1928. In so far as they concerned the elementary schools for Moslems, these regulations provided for the teaching of Italian concurrently with Arabic; and Italian was to be the language of instruction in a number of subjects (religion, the Koran, ethics, etc.).

The changes made in the new organization were based on the premise of a stable school population, with a view to the establishment of schools of various kinds, and

provided for the engagement of Moslem Arab teachers, who were in all cases to be selected from among persons holding an elementary teaching diploma and were required to pass an aptitude test set by a special commission.

When the two *Idadias* at Benghazi and Derna were abolished leaving only the Arab secondary schools of Libya, which prepared candidates for the teaching profession, it was found necessary to test the educational qualifications and aptitude for teaching of such candidates by education tests. Successful candidates were admitted for a trial period of three years, and those who were given a favourable report at the end of that period by the Arab Inspector of Primary Education were finally approved.

Teachers' salaries were governed by the provisions of article 12, which reads as follows:

"The remuneration of Moslem Arab teachers engaged under the terms of the foregoing Article shall be equal to that received in Libya by Italian teachers in schools of the same grade, less colonial allowances. They shall receive periodic increments of salary identical with those received by Italian teachers."

The "Kuttab", which were a kind of independent Koranic school, were subject to the supervision of the School Board, exercised through a Moslem inspector of Koranic schools and an inspector of public health.

The new school organization had made no special provision for the establishment of Islamic culture schools, but the Italian Government took steps to provide for such schools by Royal Decree of 13 May 1935.

The official curriculum for subjects taught by Italian teachers merely indicated those parts of the curriculum of schools of the Italian type to be omitted, while drawing attention to those subjects affecting Libya and local life to which particular stress should be given. It also suggested that a number of topics not included in the curricula of the corresponding Italian schools should be taught in schools for Moslems. The detailed programme of subjects taught by Arab teachers (Arabic, the Koran, religion and ethics) was drafted by the Arab inspector, who did everything possible to obtain the best results by sending supplementary circulars to all teachers and by periodic visits.

It may thus be seen that while these schools took pains not to wean the Arab child away from his native outlook, traditions and faith, they trained him in the direction of greater self-knowledge and more lucrative employment.

The Government established schools not only where they were requested by Libyans, but also in localities where there were stable populations or nomads; indeed, schools and dispensaries were considered the most effective means of inspiring the Zintans and Mishashas with the desire for a fixed domicile. Thus, at Nesma and Suani Fessano buildings designed for these purposes were erected side by side with the Muderia and the Zapties barracks. Even during the period of most active colonization, the Government did not neglect the local peoples, and had four villages built for them: two in

Tripolitania (Nahamura—Fiorente and Naima—Deliziosa) and two in Cyrenaica (Fiorita—Ras Ilal District, and Alba—Ras Ilal District). In these villages, school buildings and accommodation for teachers were built side by side with the mosque, market and dispensary.

During the last years of Italian administration, lower elementary courses were arranged wherever an adequate number of children justified this course. In this way, school buildings were erected even in the most distant regions of the interior. Natives living under tribal conditions had the greatest respect and affection for the teachers, and were grateful to them for the education received by their children. A Scholarships Committee (the E.A.S.) was established with a view to supplying needy Libyan pupils with grants sufficient to make their school attendance more effective.

It is therefore false to assert that the Italian authorities neglected the education of the local peoples, or had any intention of imposing Italian educational institutions.

The above data concerning the education provided for Moslems demonstrates Italy's achievements in the education of the Libyan peoples. In addition, the Italian authorities took steps to have Arab teachers sent on study courses to Italy, and established new institutions for the benefit of the local peoples.

In 1935, the following two institutions were set up as part of this far-reaching educational programme:

The higher Islamic school at Tripoli, and the "Principessa Maria Pia" boarding school at Tripoli.

As is known, provision for establishing a Higher Islamic School had been made in the 1914 Order, the 1915 School Regulations and Royal Decree No. 368 of 5 February 1922, but it was not until 1935 (Royal Decree No. 1365 of 13 May 1935) that the plan could be realized, at Tripoli.

The School comprised two courses, a preparatory course and a four-year secondary course. The preparatory course covered the following subjects:

- (a) Religion;
- (b) Arabic (grammar, composition, some general notions of literature, writing);
- (c) Logic and ethics;
- (d) Italian;
- (e) History and geography;
- (f) Arithmetic, geometry and book-keeping, elementary science and hygiene.

Candidates for the preparatory course were required to be not less than 12 or more than 15 years old, and to hold a fifth-grade elementary diploma or to have passed a special entrance examination.

Pupils who obtained a diploma on completing the preparatory course were admitted to the secondary course.

The last two years of the secondary course (article 5 of Decree No. 165) were subdivided into two sections, the first for the training of teachers at Moslem elemen-

tary schools, and the second for the training of Libyans for the public service.

The subjects taught were as follows:

Religion (reading of the Koran—*Tâgwid*; *tawhid* dogmatics; the life of the Prophet; external religious obligation, *ibâdât*);

Arabic (grammar, composition, rhetoric, *ma âni*, *hayâim*, *basî*, versification — *el arûd wal-quawâff*, writing);

Italian;

History and geography;

Arithmetic, geometry and book-keeping, elementary science and hygiene.

The curriculum of the teachers' training section in addition included the elements of pedagogics, and that of the section for Libyan officials, the elements of Moslem law and juridical procedure.

The following subjects were to have been taught subsequently in a *higher course*:

Religious knowledge (theory of the sources of Moslem Law (*usul-el-figh*) and practical judicial procedure; Koranic exegesis (*ta-fsir*), Koranic traditions (*hadîth*) and study of Koranic traditions (*mustalah-al-hadîth*));

Rhetoric (literature and literary history, logic, including the *âdâb el bahth*, or art of debate).

The school was at first provisionally installed in premises situated in the "Corso Vittorio" opposite the "Castle", but was later transferred to the specially constructed premises in the Dahra Grande District. A well-equipped college was annexed. Together with the spacious premises intended for the Waqf Arab Library and the adjoining Sidi Aissa Mosque, it formed a school group of quite impressive size. The Mufti acted as director, and the teachers, with the exception of the Italian language teacher, were all Moslems. The costs of the school were met out of the income of the Es Sur Waqfs and out of contributions from the Masbuta Waqfs and the Government.

The "Principessa Maria Pia" school for Moslem nurses was founded in January 1936. In this school Moslem women were trained to exert a civilizing influence by undertaking social welfare work providing medical aid which was very necessary in the villages and in the "Kabiles" in each family group, and even amongst the nomads.

The school came under the commune of Tripoli as regards administration. It came under the managing board of the hospital as regards technical matters—vocational and medical training—and under the superintendent of schools as regards teaching and general education.

The medical training, which comprised the elements of anatomy, physiology, pathological study of dietetics and practical aid to the sick, was given in the hospital itself by specially appointed doctors. General education was given in the school by an Italian woman teacher and by a Moslem woman.

The school provided two courses: a preparatory course (up to the age of 14 years) and a vocational course attended by pupils who had reached the age of 14 years.

The boarders could also attend the classes at the public secondary school.

In conclusion, it should be pointed out that, although the Decree of 1928 restricted the public schools to primary and vocational schools only, the young Moslems who so wished could still receive a European-type education by attending secondary schools of the Italian type.

A number took advantage of this as is shown by the following figures given in the last five-year report of the Italian Administration:

Scholastic year	Number of pupils enrolled in secondary schools of the Italian type
1936-37.....	52
1937-38.....	53
1938-39.....	55
1939-40.....	77
1940-41.....	47

During the scholastic year 1939-40, the following schools for Moslems were being conducted in Libya:

IN TRIPOLITANIA

(a) Department of Tripoli

Secondary schools

- (1) Tripoli: Islamic high school
- (2) Tripoli: Handicrafts course

Elementary schools

- (1) Tripoli: boys' school "Principe di Piemonte"
- (2) Tripoli: boys' school attached to the School of Arts and Crafts;
- (3) Tripoli: boys' school "Emilio De Bono"
- (4) Tripoli: boys' school "Benito Mussolini"
- (5) Tripoli: boys' school Porta Tagiura
- (6) Tripoli: boys' school Porta Bir Accara
- (7) Tripoli: boys' school Fortin B (re-educational centre)
- (8) Suk el Giuma: elementary school for boys
- (9) Tagiura: elementary school for boys
- (10) Garabulli: elementary school for boys
- (11) Sghedeida: elementary school for boys
- (12) Sidi Mesri: elementary school for boys (Caramanli Home)
- (13) Castel Benito: elementary school for boys
- (14) Sidi Bu Argub: elementary school for boys
- (15) Castel De Bono: elementary school for boys
- (16) Suani ben Adem: elementary school for boys
- (17) Azizia: elementary school for boys
- (18) Curgi: elementary school for boys
- (19) Gargaresc: elementary school for boys
- (20) Zanzur: elementary school for boys
- (20 bis) Masmura: elementary school for boys
- (21) El Hascian: elementary school for boys
- (22) El Maya: elementary school for boys
- (23) Zavia: elementary school for boys
- (24) Sorman: elementary school for boys
- (25) Sabratha: elementary school for boys
- (26) Agelat: elementary school for boys

- (27) Zuara Marina: elementary school for boys
- (28) Zuara Town: elementary school for boys
- (29) Regdalin: elementary school for boys
- (30) El Hassa: elementary school for boys
- (31) Garian: elementary school for boys
- (32) Sgaief: elementary school for boys
- (33) Bu Maad: elementary school for boys
- (34) Mizda: elementary school for boys
- (35) Tigrinna: elementary school for boys
- (36) Nesma: elementary school for boys
- (37) Suani Fessano: elementary school for boys
- (38) Gheriat: elementary school for boys
- (39) Chicla: elementary school for boys
- (40) Iefren: elementary school for boys
- (41) Riaina: elementary school for boys
- (42) Zintan: elementary school for boys
- (43) Giado: elementary school for boys
- (44) Rechibat: elementary school for boys
- (45) Giosc: elementary school for boys
- (46) Bighighila: elementary school for boys
- (47) Cabao: elementary school for boys
- (48) Nalut: elementary school for boys
- (49) Sinauen: elementary school for boys
- (49 bis.) Derg: elementary school for boys
- (50) Gadames: elementary school for boys

Vocational schools

- (1) Tripoli: school of domestic economy and general education
- (2) Suk el Giuma: school of domestic economy and general education
- (3) Tagiura: school of domestic economy and general education
- (4) Zanzur: school of domestic economy and general education
- (5) Agelat: school of domestic economy and general education
- (6) Zuara: school of domestic economy and general education
- (7) Garian: school of domestic economy and general education
- (8) Tigrinna: school of domestic economy and general education
- (9) Mizda: school of domestic economy and general education

Number of Koranic schools (Kuttab)

Tripoli Town, 28
 Suk el Giuma and district, 53
 Garian and district, 97
 Natul and district, 18
 Zavia and district, 41
 Zuara and district, 26
 Total, 263

(b) Department of Misurata

- (1) Misurata Town: elementary school for boys
- (2) Misurata (Marine): elementary school for boys
- (3) Tauorga: elementary school for boys
- (4) Sirte: elementary school for boys
- (5) Nufilia: elementary school for boys
- (6) Zaviet Nahgiub: elementary school for boys
- (7) Zliten: elementary school for boys
- (8) Suk el Kemis: elementary school for boys
- (9) Homs: elementary school for boys
- (10) Kussabat: elementary school for boys

- (11) Tarrhuna: elementary school for boys
- (12) Beni U'lid: elementary school for boys

Vocational schools

- (1) Misurata: school of domestic economy and general education
- (2) Homs: school of domestic economy and general education
- (3) Zliten: school of domestic economy and general education

Number of Koranic schools (Kuttab)

Misurata and district, 7
 Homs and district, 85
 Zliten and district, 59
 Total, 231

IN CYRENAICA

(a) Department of Benghazi

Secondary schools

Benghazi: course for craftsmen

Elementary schools

- (1) Benghazi: elementary school for boys "Principe Piemonte"
- (2) Benghazi: elementary school for boys "Generale Toselli"
- (3) Benghazi: elementary school for boys "Della Berka"
- (4) Benghazii: elementary school for boys "Vittorio Veneto"
- (5) El Koefia: elementary school for boys
- (6) Sidi Kalifa: elementary school for boys
- (7) Driana: elementary school for boys
- (8) Tocra: elementary school for boys
- (9) Tolemaide: elementary school for boys
- (10) Barce: elementary school for boys
- (11) Gerdes el Abid: elementary school for boys
- (12) El Abbiar: elementary school for boys
- (13) El Cuarscia: elementary school for boys
- (14) Giardina: elementary school for boys
- (15) Soluch: elementary school for boys
- (16) Ghemines: elementary school for boys
- (17) Zuetina: elementary school for boys
- (18) Agedabia: elementary school for boys
- (19) Sidi A. El Magrun: elementary school for boys
- (20) Giado: elementary school for boys
- (21) Augila: elementary school for boys
- (22) Gigherra: elementary school for boys

Vocational schools

Benghazi: school of domestic economy and general education.

Number of Koranic schools (Kuttab)

Benghazi and district, 37
 Barce and district, 6
 Tokra and district, 3
 Soluk and district, 4
 Agedabia and district, 9
 Total, 59

(b) Department of Derna

Elementary schools

- (1) Derna: elementary school for boys "Vittorio Veneto"

- (2) Tobruk: elementary school for boys "Tomonico Stasio"
- (3) Porto Bardia: elementary school for boys
- (4) Giarabub: elementary school for boys
- (5) Berka: elementary school for boys
- (6) Alba: elementary school for boys
- (7) Fiorita: elementary school for boys
- (8) Cirene: elementary school for boys
- (9) Apollonia: elementary school for boys

Vocational schools

Derna: school of domestic economy and general education

Number of Koranic schools (Kuttab)

- Derna and district, 9
 Tobruk and district, 4
 Apollonia and district, 2
 Total, 15

IN THE TERRITORY OF LIBYAN SAHARA

Elementary schools

- (1) Hon: elementary school for boys
- (2) Ueddau: elementary school for boys "Marshal Badoglio"
- (3) Zella: elementary school for boys
- (4) Socna: elementary school for boys
- (5) Cufra: elementary school for boys
- (6) Hauauari: elementary school for boys
- (7) Sebha: elementary school for boys
- (8) Murzuk: elementary school for boys "Captain Verri"
- (9) Chat: elementary school for boys
- (10) Brak: elementary school for boys
- (11) Berghen: elementary school for boys
- (12) Edri: elementary school for boys

Number of Koranic schools (Kuttab)

- Hon and district, 4
 Murzuk and district, 13
 Chat and district, 16
 Brak and district, 23
 Cufra, 5
 Total, 61

SUMMARY

Territory	Type of school				Total
	Second.	Element.	Vocat.	Koran.	
<i>Tripolitania</i>					
Department of Tripoli.....	2	52	9	263	326
Department of Misurata...	-	12	3	231	246
	2	64	12	494	572
<i>Cyrenaica</i>					
Department of Benghazi...	1	22	1	59	83
Department of Derna.....	-	9	1	15	25
	1	31	2	74	108
<i>Libyan Sahara</i>					
.....	-	12	-	61	73
	-	12	-	61	73
GRAND TOTAL	3	107	14	629	753

The total number of pupils attending these schools was 23,205, distributed as follows:
 17,722 in the schools in Tripolitania;

3,732 in the schools of Cyrenaica;
 1,571 in the school in Libyan Sahara.

There were also 183 Arab pupils attending the schools for Italians.

B. JEWISH SCHOOLS

Special schools were also set aside for Libyan citizens of the Jewish faith.

In the last few years of the Italian administration, a special school, the "Principessa di Piemonte" School, had been established in Tripoli, to which trachomatous children from all the Jewish and Italian schools in the town were admitted: the time-tables and syllabuses had been carefully studied and modified and the sick children were cared for daily by a woman doctor and a nurse and were given a hot meal. At the "Regina Margherita" school for Jewish children in Benghazi, classes had been instituted for pupils suffering from trachoma, who were given special care and assistance.

Jewish pupils in the last years of the Italian administration had access not only to the Italian secondary schools but to a private technical institute in Tripoli managed under the auspices of the Jewish community of that city. Talmudic schools continued alongside the State elementary schools; in Tripoli the *Alliance Israélite* elementary school, under the auspices of the French Consulate, also continued to function, providing instruction in Italian, as well as French and Hebrew.

In the scholastic year 1939/40 the following Jewish schools, with a total of 5,049 pupils, were carried on in Libya:

TRIPOLITANIA

Secondary schools

- (1) Tripoli: private technical institute

Elementary schools

- (1) Tripoli: "Pietro Verri" elementary school for boys
- (2) Tripoli: "Margherita di Savoia" elementary school for girls
- (3) Tripoli: "Principessa di Piemonte" mixed elementary school for trachomatous children
- (4) Tripoli: *Alliance Israélite* mixed elementary school
- (5) Suk el Giuma: mixed elementary school
- (6) Tragiura: mixed elementary school
- (7) Zanzur: mixed elementary school
- (8) Zavia: mixed elementary school
- (9) Zuara: mixed elementary school
- (10) Tigrinna: mixed elementary school
- (11) Iefren: mixed elementary school
- (12) Misurata: mixed elementary school
- (13) Zliten: mixed elementary school
- (14) Homs: mixed elementary school
- (15) Tarhuna: mixed elementary school
- (16) Sirte: mixed elementary school
- (17) Beni Ulid: mixed elementary school

Vocational schools

- (1) Tigrinna: school of domestic economy and general education
- (2) Zliten: school of domestic economy and general education

Kindergartens

- (1) Tripoli: "Principessa Yolanda" kindergarten
- (2) Tripoli: "Principessa di Piemonte" kindergarten for trachomatous children

Talmudic schools

- (1) Tripoli: one school
- (2) Suk el Giuma: one school
- (3) Tagiura: one school
- (4) Homs: one school
- (5) Cussavat: one school
- (6) Zliten: one school
- (7) Misurata: one school
- (8) Sirte: one school
- (9) Carian: one school
- (10) Tigrinna: one school
- (11) Iefren: one school
- (12) Zanzur: one school
- (13) Zavia: one school
- (14) Zuara: one school

CYRENAICA

Elementary schools

- (1) Benghazi: "Regina Margherita" mixed elementary school with a department for trachomatous children
- (2) Barce: mixed elementary school

Talmudic schools

- (1) Benghazi: one school
- (2) Barce: one school
- (3) Derna: one school

C. ITALIAN-TYPE SCHOOLS

The schools for Italians which, under Legislative Decree No. 472 of 31 January 1924, could be established in the Libyan colonies, were the same as those operating in Italy as regards elementary education, including kindergartens and the five-year elementary schools. The part played by secondary schools was of crucial importance. It is not too much to state that thanks to the organization of these secondary schools Tripoli and Benghazi could suffer comparison with the chief town of any department in Italy. The school syllabuses and time-tables were identical and it is noteworthy that there was no discrimination against the admission of Native children to the Italian secondary schools.

At the end of the 1921/22 scholastic year the secondary schools in Libya comprised two at Tripoli, two at Benghazi (a high school and a technical-commercial school for each of the two departmental centres) and one at Derna (lower technical institute).

With the unification of the Libyan administration the schools too received a fresh impulse and became to a greater extent a means of educating the local populations. The two technical-commercial schools at Tripoli and Benghazi were later closed in 1923 and replaced by a continuation school and a Technical Institute. In 1926/27 a surveying department was added to the Technical Institute at Tripoli, which at first had only provided courses in book-keeping in its upper classes. The gymnasium at Tripoli was supplemented by the high school which was opened in 1923/24. In Cyrenaica, the technical-commercial school was re-

placed by the science school, the object being to make it possible for its graduates to be admitted to Italian universities; the gymnasium was maintained and was supplemented by the classes of the classics school. In the last few years the science school was replaced by the book-keeping department of the technical institute.

With the expansion of the school system the training of elementary school teachers for colonial schools soon became a problem. A training college for elementary school teachers founded in Tripoli in 1932 was unexpectedly expanded and subsequently had a kindergarten department added to it. Arabic was studied in all classes and the students were taught the customs of the Libyan peoples.

All the secondary schools in Libya maintained a school fund and a library for students and teachers.

The system of preparatory and primary schools was also expanded in accordance with population growth. Whenever new centres appeared in either Tripolitania or Cyrenaica, new schools had to be established.

It should not be forgotten that in addition to the schools for Italians, other schools exclusively for foreigners came into existence, although the great majority of foreign children attended the Italian-type schools.

In Tripoli there was an elementary school financed by the Greek community.

In Libya, as in Italy, evening classes for illiterate and semi-illiterate adults were attached to schools operating in the colonization zone, with a number of other classes in the largest centres. The classes expanded to such extent that in 1938 the Government had an official sent out from Italy to administer and supervise them.

In conclusion, elementary schools for Italians, of which there were twenty-two in the 1921/22 scholastic year, including schools in receipt of grants, numbered 124, with 18,721 pupils, in the 1939/40 scholastic year.

LIST OF ITALIAN SCHOOLS OPEN DURING THE SCHOLASTIC YEAR 1939/40

TRIPOLITANIA

(a) *Department of Tripoli*

Secondary schools

- (1) Tripoli: "Dante Alighieri" gymnasium
- (2) Tripoli: "Guglielmo Marconi" technical institute
- (3) Tripoli: "G. Marconi" primary teachers training institute

Elementary schools

- (1) Tripoli: "Roma" elementary school for boys
- (2) Tripoli: "Regina Elena" elementary school for girls
- (3) Tripoli: "Trento" mixed elementary school
- (4) Tripoli: "Principessa di Piemonte" mixed elementary school
- (5) Tripoli: "B. Mussolini" mixed elementary school
- (6) Tripoli: "Trieste" mixed elementary school

(7) Tripoli: "E. Schiaparelli" elementary school for girls

- (8) Suk el Giuma: mixed elementary school
- (9) Mellaha: rural school
- (10) Tagiura: mixed elementary school
- (11) Bir Sbabel: rural school
- (12) Garabulli: mixed elementary school
- (13) Garabulli, District A: rural school
- (14) Garabulli, District B: rural school
- (15) Ain Zara: mixed elementary school
- (16) Sghedeida: mixed elementary school
- (17) Miani: mixed elementary school
- (18) Sidi Mesri: mixed elementary school
- (19) Collina Verde: rural school
- (20) Castel Benito: mixed elementary school
- (21) Azizia: mixed elementary school
- (22) Umel Adem: rural school
- (23) Dux: (Sabotinia) rural school
- (24) Suani ben Adem: mixed elementary school
- (25) Fonduk el Togar: rural school
- (26) Porta Azizia: rural school
- (27) Gurgi: rural school
- (28) Gargaresc: rural school
- (29) Zanzur: rural school
- (30) El Hashan: mixed elementary school
- (31) Outer Bianchi: mixed elementary school
- (32) Central Bianchi: mixed elementary school
- (33) Giordani, East: rural school
- (34) Giordani: mixed elementary school
- (35) Micca: mixed elementary school
- (36) Olivetti: mixed elementary school
- (37) Zavia: mixed elementary school
- (38) Sabratha: mixed elementary school
- (39) Zuara: mixed elementary school
- (40) Garian: mixed elementary school
- (41) Sgaief: mixed elementary school
- (42) Bu Maad: mixed elementary school
- (43) Tigrinna: mixed elementary school

Vocational schools

- (1) Tripoli: "Duca degli Abruzzi" vocational training school

Infants' schools

- (1) Tripoli: kindergarten attached to the primary teachers training institute
- (2) Tripoli: "Principessa Mafalda" infants' school
- (3) Tripoli: "Principessa Giovanna" infants' school
- (4) Tripoli: infants' school attached to the "Principe di Piemonte" school
- (5) Tripoli: infants' school attached to the "Trento" mixed school
- (6) Garian: infants' school
- (7) Tigrinna: infants' school
- (8) Sgaief: infants' school

Elementary schools with equivalent standing

- (1) Tripoli: "U. di Savoia" elementary school for boys, conducted by the Brothers of the Christian Schools
- (2) Tripoli: elementary school for boys of the Vicariate, conducted by the Brothers of the Christian Schools
- (3) Tripoli: elementary school for girls of the Vicariate, conducted by the Sisters of St. Joseph

- (4) Tripoli: "E. Schiaparelli" elementary school for girls, conducted by the Franciscan Sisters
- (5) Zuara: mixed elementary school, conducted by the Franciscan Sisters

Private schools in receipt of grants

- (1) Tripoli: kindergarten of the Sisters of St. Joseph at Suk el Turk
- (2) Tripoli: kindergarten of the Sisters of St. Joseph of the "Città Giardino"
- (3) Tripoli: kindergarten of the Franciscan Sisters of the Via Roma
- (4) Tripoli: kindergarten of the Franciscan Sisters of Dahra
- (5) Tripoli: kindergarten of the Franciscan Sisters of Fescilun
- (6) Tripoli: kindergarten of the White Sisters of C. Sicilia
- (7) Zuara: kindergarten of the Franciscan Sisters

(b) *Department of Misurata*

Secondary schools

- (1) Misurata: lower gymnasium

Elementary schools

- (1) Misurata: mixed elementary school
- (2) Misurata: mixed elementary school of the "Cantonieri" College
- (3) Sirte: mixed elementary school
- (4) Gioda: mixed elementary school
- (5) Crispi: mixed elementary school
- (6) Crispi, District A: rural school
- (7) Crispi, District B: rural school
- (8) Crispi, District C: rural school
- (9) Garibaldi: mixed elementary school
- (10) Garibaldi, District A: rural school
- (11) Garibaldi, District B: rural school
- (12) Garibaldi, District C: rural school
- (13) Zliten: mixed elementary school
- (14) Homs: "De Amicis" elementary school for boys
- (15) Corradini: mixed elementary school
- (16) Fonduk el Allus: rural elementary school
- (17) Cussabat: mixed elementary school
- (18) Marconi: mixed elementary school
- (19) Gasr ed Daun: mixed elementary school
- (20) Breviglieri: mixed elementary school
- (21) Breviglieri, District A: rural school
- (22) Breviglieri, District B: rural school
- (23) Breviglieri, District C: rural school
- (24) Tarhuna: mixed common school
- (25) Tazzoli: mixed common school
- (26) Abiar Migi: mixed common school

Kindergartens

- (1) Misurata: kindergarten

Elementary schools with equivalent standing

- (1) Homs: elementary school for girls conducted by the Franciscan Sisters
- (2) Homs: kindergarten conducted by the Franciscan Sisters

CYRENAICA

(a) *Department of Benghazi*

Secondary schools

- (1) Benghazi: "G. Carducci" gymnasium
- (2) Benghazi: technical institute

Elementary schools

- (1) Benghazi: "G. Ameglio" elementary school for boys
- (2) Benghazi: "Regina Elena" elementary school for girls
- (3) Benghazi: mixed elementary school for trachomatous children
- (4) Benghazi: "Generale Cantore" mixed elementary school at Berka
- (5) Barce: elementary school
- (6) Baracca: elementary school
- (7) Maddalena: elementary school
- (8) D'Annunzio: elementary school
- (9) Oberdan: elementary school
- (10) Tolemaide: rural school
- (11) Zavia Ksur: rural school
- (12) El Guarscia: rural school

Vocational schools

- (1) Benghazi: "A. Mussolini" vocational training school

Kindergartens

- (1) Benghazi: "Regina Elena" kindergarten

Elementary schools with equivalent standing

- (1) Benghazi: elementary school for boys of the Apostolic Vicariate, conducted by the Brothers of the Christian Schools
- (2) Benghazi: elementary school for girls of the Apostolic Vicariate, conducted by Ivrea Sisters
- (3) Benghazi: Berka mixed elementary school, conducted by the Ivrea Sisters
- (4) Benghazi: kindergarten attached to the school for girls of the Vicariate, conducted by the Ivrea Sisters
- (5) Benghazi: kindergarten attached to the Berka mixed school, conducted by the Ivrea Sisters

Private schools in receipt of grants

- (1) Barce: kindergarten conducted by the Franciscan Sisters of the Child Jesus

(b) *Department of Derna*

Secondary schools

- (1) Derna: lower gymnasium

Elementary schools

- (1) Derna: "Principe di Piemonte" mixed elementary school

- (2) Derna: mixed elementary school attached to the "Cantonieri" boarding school
- (3) Tobruk: mixed elementary school
- (4) Berta: mixed elementary school
- (5) Luigi di Savoia: mixed elementary school
- (6) Battisti Ecolé: mixed elementary school
- (7) Mameli: mixed elementary school
- (8) Beda Littoria: mixed elementary school
- (9) Luigi Razza: mixed elementary school
- (10) Cirene: mixed elementary school
- (11) Apollonia: mixed elementary school

Kindergartens

- (1) Tobruk: kindergarten

Elementary schools with equivalent standing

- (1) Derna: elementary school for girls operated by the Franciscan Sisters

Private schools

- (1) Derna: kindergarten of the Franciscan Sisters

LIBYAN SAHARA

- (1) Hon: mixed elementary school

The statistics which follow make it clear that all the schools were affected by the peculiar situation in which Libya was placed as a result of the Second World War.

The number of Moslem pupils declined as early as the 1939/40 scholastic year, and, in the following year, the territory became a theatre of military operations and the number of pupils at the Italian schools, in particular the elementary schools, dropped considerably.

The schools which reopened in October 1940 had to be closed (those of Cyrenaica on 15 January 1941 and those of Tripolitania and the Libyan Sahara on 11 February). So as to ensure that pupils did not sacrifice years of study, the school board conducted a series of examinations for the various primary schools in June 1941. Six hundred and seventy-four candidates sat for these examinations which were held in Tripoli, Zuara, Misurata, Sirte and Marconi.

In October 1942, it was decided to reopen many of the elementary schools in several centres of Tripolitania and of the Benghazi and Derna departments, but this was prevented by the turn of hostilities, and on 9 November 1942 it even became necessary to arrange to close down those schools which had already been reopened in Tripolitania.

STATISTICAL TABLE OF SCHOOLS IN TRIPOLITANIA (1939/40)

Type of school	Pupils			Nationality			Religion		
	Total	Boys	Girls	Italian	Libyan	Foreign	Christian	Moslem	Jewish
PUBLIC SCHOOLS									
<i>Italian:</i>									
Secondary	2,128	1,320	868	2,128	32	28	2,156	32	-
Elementary	8,336	4,561	3,775	8,200	40	96	8,296	40	-
Kindergarten	575	362	213	560	4	11	571	4	-
	<u>11,039</u>	<u>6,243</u>	<u>4,856</u>	<u>10,888</u>	<u>76</u>	<u>135</u>	<u>11,023</u>	<u>76</u>	<u>-</u>
<i>Arab:</i>									
Secondary	204	182	22	-	204	-	-	204	-
Elementary	6,339	5,558	781	145	6,194	-	145	6,194	-
Kindergarten	94	-	94	-	94	-	-	94	-
<i>Total carried forward</i>	<u>6,637</u>	<u>5,740</u>	<u>897</u>	<u>145</u>	<u>6,492</u>	<u>-</u>	<u>145</u>	<u>6,492</u>	<u>-</u>

STATISTICAL TABLE OF SCHOOLS IN TRIPOLITANIA (1939/40) (continued)

Type of school	Pupils			Nationality			Religion		
	Total	Boys	Girls	Italian	Libyan	Foreign	Christian	Moslem	Jewish
PUBLIC SCHOOLS									
Total brought forward	6,637	5,740	897	145	6,492	-	145	6,492	-
<i>Jewish:</i>									
Secondary	77	58	19	20	42	15	-	-	77
Elementary	2,074	1,272	802	-	1,941	133	-	-	2,074
Kindergarten	256	68	188	8	245	3	-	-	256
	2,407	1,398	1,009	28	2,228	151	-	-	2,407
TOTAL	20,083	13,381	6,762	11,061	8,796	286	11,168	6,568	2,407
PRIVATE SCHOOLS									
With equivalent standing and in receipt of grants.....	1,566	763	803	1,419	14	133	1,552	14	-
Not in receipt of grants:									
Jewish (Talmudic).....	1,235	1,235	-	-	1,235	-	-	-	1,235
Arab (Koranic).....	10,995	10,995	-	-	10,995	-	-	10,995	-
TOTAL	12,230	12,230	-	-	12,230	-	-	10,995	1,235
ABSTRACT									
Public schools	20,143	13,381	6,762	11,061	8,796	286	11,168	6,568	2,407
Private schools, in receipt of grants	1,566	763	803	1,419	14	133	1,552	14	-
Private schools, not in receipt of grants	12,230	12,230	-	-	12,230	-	-	10,995	1,235
GRAND TOTAL	33,939	26,374	7,575	12,480	21,040	419	12,720	17,577	3,642

STATISTICAL TABLE OF SCHOOLS IN CYRENAICA (1939/40)

Type of school	Pupils			Nationality			Religion		
	Total	Boys	Girls	Italian	Libyan	Foreign	Christian	Moslem	Jewish
PUBLIC SCHOOLS									
<i>Italian:</i>									
Secondary	916	548	332	892	13	11	900	16	-
Elementary	3,422	2,011	1,411	3,345	65	12	3,355	67	-
Kindergarten	234	121	113	233	1	-	233	1	-
	4,572	2,680	1,856	4,470	79	23	4,488	84	-
<i>Arab:</i>									
Secondary	30	30	-	-	30	-	-	30	-
Elementary	2,342	2,072	270	26	2,290	26	26	2,313	3
Kindergarten	-	-	-	-	-	-	-	-	-
	2,372	2,102	270	26	2,320	26	26	2,343	3
<i>Jewish:</i>									
Elementary	436	286	150	-	432	4	-	-	436
Kindergarten	-	-	-	-	-	-	-	-	-
	436	286	150	-	432	4	-	-	436
PRIVATE SCHOOLS									
With equivalent standing and in receipt of grants.....	1,129	392	737	1,105	17	7	1,120	9	-
	1,129	392	737	1,105	17	7	1,120	9	-
Not in receipt of grants:									
Jewish (Talmudic).....	511	511	-	-	511	-	-	-	511
Arab (Koranic).....	1,267	1,267	-	-	1,267	-	-	1,267	-
	1,778	1,778	-	-	1,778	-	-	1,267	511
ABSTRACT									
Public schools	7,380	5,068	2,276	4,496	2,831	53	4,514	2,427	439
Schools in receipt of grants.....	1,129	392	737	1,105	17	7	1,120	9	-
Private schools, not in receipt of grants	1,778	1,778	-	-	1,778	-	-	1,267	511
GRAND TOTAL	10,287	7,238	3,003	5,601	4,626	60	5,634	3,703	950

STATISTICAL TABLE OF SCHOOLS IN THE LIBYAN SAHARA (1939/40)

Type of school	Pupils			Nationality			Religion		
	Total	Boys	Girls	Italian	Libyan	Foreign	Christian	Moslem	Jewish
PUBLIC SCHOOLS									
Italian elementary	16	7	9	16	-	-	16	-	-
Arab elementary	651	651	-	-	651	-	-	651	-
	<u>667</u>	<u>658</u>	<u>9</u>	<u>16</u>	<u>651</u>	<u>-</u>	<u>16</u>	<u>651</u>	<u>-</u>
PRIVATE SCHOOLS (Koranic)									
Not in receipt of grants.....	1,100	1,100	-	-	1,100	-	-	1,100	-
ABSTRACT									
Public schools	667	658	9	16	651	-	16	651	-
Private schools, in receipt of grants	-	-	-	-	-	-	-	-	-
Private schools, not in receipt of grants	1,100	1,100	-	-	1,100	-	-	1,100	-
GRAND TOTAL	<u>1,767</u>	<u>1,758</u>	<u>9</u>	<u>16</u>	<u>1,751</u>	<u>-</u>	<u>16</u>	<u>1,751</u>	<u>-</u>

GENERAL SUMMARY OF STATISTICAL TABLES: SCHOOL YEAR 1939/40

Type of school	Pupils			Nationality			Religion		
	Total	Boys	Girls	Italian	Libyan	Foreign	Christian	Moslem	Jewish
PUBLIC SCHOOLS									
Tripolitania	20,143	13,381	6,762	11,061	8,796	286	11,168	6,568	2,407
Cyrenaica	7,380	5,104	2,276	4,496	2,831	53	4,514	2,427	439
Libyan Sahara	667	658	9	16	651	-	16	651	-
	<u>28,190</u>	<u>19,143</u>	<u>9,047</u>	<u>15,573</u>	<u>12,278</u>	<u>339</u>	<u>15,698</u>	<u>9,646</u>	<u>2,846</u>
SCHOOLS WITH EQUIVALENT STANDING									
Tripolitania	1,566	763	803	1,419	14	133	1,552	14	-
Cyrenaica	1,129	392	737	1,105	17	7	1,120	9	-
Libyan Sahara	-	-	-	-	-	-	-	-	-
	<u>2,695</u>	<u>1,155</u>	<u>1,540</u>	<u>2,524</u>	<u>31</u>	<u>140</u>	<u>2,672</u>	<u>23</u>	<u>-</u>
PRIVATE SCHOOLS									
Tripolitania	12,230	12,230	-	-	12,230	-	-	10,995	1,235
Cyrenaica	1,778	1,778	-	-	1,778	-	-	1,267	513
Libyan Sahara	1,100	1,100	-	-	1,100	-	-	1,100	-
	<u>15,108</u>	<u>15,108</u>	<u>-</u>	<u>-</u>	<u>15,108</u>	<u>-</u>	<u>-</u>	<u>13,362</u>	<u>1,746</u>
TOTALS	<u>45,993</u>	<u>35,406</u>	<u>10,587</u>	<u>18,097</u>	<u>27,417</u>	<u>479</u>	<u>18,370</u>	<u>23,031</u>	<u>4,592</u>
GENERAL SUMMARY									
Tripolitania	33,939	26,374	7,565	12,480	21,040	419	12,720	17,577	3,642
Cyrenaica	10,287	7,274	3,013	5,601	4,626	60	5,634	3,703	950
Libyan Sahara	7,767	7,758	9	16	1,751	-	16	1,751	-
GRAND TOTALS	<u>51,993</u>	<u>35,406</u>	<u>10,587</u>	<u>18,097</u>	<u>27,417</u>	<u>479</u>	<u>18,370</u>	<u>23,031</u>	<u>4,592</u>

CHAPTER IV

Problems common to all types of schools

SCHOOL BUILDINGS

While schools were being organized in the most important centres of Libya, the small centres were not forgotten. The public works section, acting in concert with the Schools Board and the Health Directorate, was responsible for working out an organic plan.

Many complex problems had to be solved: buildings had to be constructed for various types of schools and in different surroundings, from the large schools at Tripoli and Benghazi to those of the rural centres, from the schools in the inhabited centres of the coast and of

the Gebel to those of the Fezzan and of the Saharan oasis of Ghat. Nevertheless, the difficulties were overcome successfully.

The annual colonial budget included considerable sums for the construction of new schools. In each case, careful attention was paid to the site in order to avoid excessively glaring light, the prevailing winds, etc. All the buildings were constructed in such a manner as to render disinfection and cleaning rapid and effective.

The existence of nearly all the school buildings in Libya is due to the Italian Administration, which gave much attention and care to the problem in its thirty years of administration. Of the school buildings which existed before the Italian occupation, the only ones which were still used as schools in 1942 were the following:

The School of Arts and Crafts at Tripoli;

The elementary school at Zliten;

The elementary Arab school at Garian (which was enlarged and modernized).

It will be seen from the following list that the Italian Administration built 183 school buildings (with approximately 900 classes), of which eighty-one were schools for Italians, ninety-seven were schools for Moslems and five were schools for Jews.

List of school buildings constructed in Libya by the Italian Administration

DEPARTMENT OF TRIPOLI

A. Schools for Moslems

- (1) Islamic high school
- (2) Arab girls' vocational school
- (3) "Principe di Piemonte" boys' school
- (4) "Benito Mussolini" school
- (5) School at Porta Tagiura
- (6) School at Gurgi
- (7) School at Fort "B": re-education centre
- (8) School at Azizia
- (9) School at Suani ben Adem
- (10) School at Castel Benito
- (11) School at Garabulli
- (12) School at Tagiura
- (13) School at Suk el Giuma
- (14) School at Sghedeida
- (15) School at Sidi Mesri (Asile Karamanli)
- (16) School at Castel de Bono
- (17) School at Zanzur
- (18) School at Mahamura
- (19) School at El Hashan
- (20) School at El Maia
- (21) School at Zavia
- (22) School at Sorman
- (23) School at Sabratha
- (24) School at Zuara (marine)
- (25) School at Zuara (town)
- (26) School at Reghdalin
- (27) School at El Hassa
- (28) School at Garian
- (29) School at Sgaief
- (30) School at Bu Maad
- (31) School at Tigrinna
- (32) School at Mizda
- (33) School at Nesma
- (34) School at Suani Fessano
- (35) School at Gheriat
- (36) School at Kicla
- (37) School at Iefren
- (38) School at Rihaina
- (39) School at Zintan
- (40) School at Giado
- (41) School at Rehibat
- (42) School at Giosc
- (43) School at Bighighila
- (44) School at Kabao
- (45) School at Nalut
- (46) School at Snauen
- (47) School at Derg

B. Schools for Jews

- (1) "Pietro Verri" boys' school
- (2) "Margherita di Savoia" girls' elementary school at Tripoli
- (3) "Principessa di Piemonte" co-educational school for trachomatous patients
- (4) "Principessa Yolanda" kindergarten at Tripoli

C. Schools for Italians

- (1) "D. Alighieri" gymnasium-lycée at Tripoli
- (2) "G. Pascoli" primary normal school
- (3) "G. Marconi" technical institute at Tripoli (transferred to the judicial authorities as offices and replaced by the premises of the former military hospital)
- (4) "Roma" elementary boys' school at Tripoli
- (5) "Regina Elena" girls' school at Tripoli
- (6) "Trento" co-educational school at Tripoli
- (7) "Trieste" co-educational school at Tripoli
- (8) School at Suk el Giuma
- (9) School at Mellaha
- (10) School at Tagiura
- (11) School at Bir Sabil
- (12) School at Garabulli (district)
- (13) School at Garabulli (district)
- (14) School at Ain Zara
- (15) School at Miani
- (16) School at Sidi Mesri
- (17) School at Collina Verde
- (18) School at Castel Benito
- (19) School at Suani Ben Adem
- (20) School at Azizia
- (21) School at Gargaresc
- (22) School at Zanzur
- (23) School at Bianchi (outer)
- (24) School at Bianchi (centre)
- (25) School at Giodani
- (26) School at Micca
- (27) School at Olivetti
- (28) School at Zaviatti
- (29) School at Sabratha
- (30) School at Zuratha
- (31) "Principessa Mafalda" kindergarten school at Tripoli
- (32) Gymnastic hall at Tripoli

DEPARTMENT OF MISURATA

A. Schools for Moslems

- (1) Elementary boys' school at Misurata
- (2) Girls' vocational school
- (3) School at Misurata (marine)
- (4) School at Tauorga
- (5) School at Sirte
- (6) School at Yuffilia
- (7) School at Zaviat Mahagiub
- (8) School at Suk el Kemis
- (9) Boys' school at Homs
- (10) Girls' school at Homs
- (11) School at Kussabat
- (12) School at Tarhuna
- (13) School at Beni Ulid

B. Schools for Jews

No buildings, because the Jews attended the schools for Italians

C. Schools for Italians

- (1) Secondary gymnasium at Misurata
- (2) Boarding school for the sons of road workers at Misurata
- (3) Elementary co-educational school of Misurata
- (4) School at Gioda
- (5) School at Crispi (Centre)
- (6) School at Crispi (District A)
- (7) School at Crispi (District B)
- (8) School at Crispi (District C)
- (9) School at Garibaldi (Centre)
- (10) School at Garibaldi (District A)
- (11) School at Garibaldi (District B)
- (12) School at Garibaldi (District C)
- (13) "E. De Amicis" boys' school at Homs
- (14) Co-educational school at Corradini
- (15) Co-educational school at Fonduk el Hallusc
- (16) School at Gasr Daun
- (17) School at Marconi
- (18) School at Breviglieri (Centre)
- (19) School at Breviglieri (District A)
- (20) School at Breviglieri (District B)
- (21) School at Tarhuna
- (22) Co-education elementary school at Tazzoli
- (23) Co-educational elementary school at Aggiarigi

DEPARTMENT OF BENGHAZI

A. Schools for Moslems

- (1) Boys' craft centre at Benghazi
- (2) "Principe di Piemonte" boys' school
- (3) "Generale Torelli" boys' school
- (4) "Vittorio Veneto" boys' school
- (5) School at El Coefia
- (6) School at Sidi Kalifa
- (7) School at Tokra
- (8) School at Tolemaide
- (9) School at Barce
- (10) School at Gerdes El Abid
- (11) School at El Abbiar
- (12) School at El Uarsia
- (13) School at Soluk
- (14) School at Chemines
- (15) School at Zuetina
- (16) School at Agedabia
- (17) School at Sidi Ahmed el Magrum
- (18) School at Gialo
- (19) School at Augila

B. Schools for Jews

"Regina Margherita" co-educational school at Benghazi

C. Schools for Italians

- (1) "Giosuè Carducci" secondary school at Benghazi
- (2) "A. Mussolini" vocational school at Benghazi
- (3) "Giovanni Ameglio" boys' school at Benghazi
- (4) "Regina Elena" girls' school at Benghazi
- (5) "Regina Elena" kindergarten at Benghazi
- (6) "Mario Bianco" gymnastics centre at Benghazi
- (7) "Generale Cantore" co-educational school at Berka and Benghazi
- (8) Co-educational school at Baracca
- (9) Co-educational school at Barce
- (10) School at Oberdan
- (11) School at Oberdan
- (12) School at Oberdan 2

- (13) School at Oberdan 3
- (14) School at Maddalena
- (15) School at D'Annunzio
- (16) School at Zavist Ksur

DEPARTMENT OF DERNA

A. Schools for Moslems

- (1) "Vittorio Veneto" boys' school at Derna
- (2) "Roma" girls vocational school
- (3) "Domenico Stasio" boys' school at Tobruk
- (5) School at Alba
- (6) School at Fiorita
- (7) School at Cirene
- (8) School at Apollonia

B. Schools for Jews

No buildings, because the Jews attended schools for Italians

C. Schools for Italians

- (1) Secondary gymnasium at Derna
- (2) "Principe di Piemonte" elementary boys' school at Derna
- (3) School for the sons of road workers at Derna
- (4) "Roma" co-educational elementary school at Tobruk
- (5) School at Berta
- (6) School at Luigi di Savoia
- (7) School at Battisti
- (8) School at Mameli
- (9) School at Beda Littoria
- (10) School at Luigi Razza

TERRITORY OF LIBYAN SAHARA

A. Schools for Moslems

- (1) Boys' school at Hon
- (2) School at Weddan
- (3) School at Sokna
- (4) School at Zella
- (5) School at Zufra
- (6) School at de Hauwari
- (7) School at Seba
- (8) School at Gas
- (9) Boys' school at Brak
- (10) Elementary school at Berghen

RECAPITULATORY AND COMPARATIVE TABLE OF SCHOOL BUILDINGS CONSTRUCTED BY THE ITALIANS IN LIBYA

Departments	Total	Number of buildings		
		For Arabs	For Jews	For Italians
TRIPOLITANIA:				
(a) Department of Tripoli	83	47	4	32
(b) Department of Misurata	36	13		23
	119	60	4	55
CYRENAICA:				
(a) Department of Benghazi	36	19	1	16
(b) Department of Derna	18	8		10
	54	27	1	26
LIBYAN SAHARA	10	10		
GRAND TOTAL	183	97	5	81

SCHOOL EQUIPMENT

All the schools, even the smallest and most distant ones, were provided with excellent school equipment: abaci, geometric figures, geographic maps, unbreakable globes, portraits of eminent men, wireless sets (even the schools situated in places where there was no electric current were given special sets with batteries), "Mondadori" children's encyclopaedias, "Paravia" instructional museums, small school libraries, projection apparatus with supplies of slides and films, etc. This applies to kindergartens and to elementary schools of all kinds.

It may be said that the secondary schools both at Tripoli and at Benghazi were better equipped than those of the most important cities of Italy.

TEXTBOOKS AND USUAL EQUIPMENT

Since 1931, special textbooks compiled by teachers specially qualified by a thorough knowledge of the country were adopted both in the Italian schools and in the Moslem and Jewish schools.

These books were published for the three types of schools existing in Libya, namely:

(a) Supplementary reading books for elementary schools for Italians;

(b) Supplementary reading books for elementary schools for Jews;

(c) Supplementary reading books for the first three classes of elementary schools for Moslems.

The corresponding textbooks of metropolitan Italian schools were used for the fourth and fifth classes.

These textbooks were distributed free of charge to pupils of all elementary schools in Libya.

"Schools clubs", to supplement the educational work of the schools for moral and material assistance to poor pupils, and the "E.A.S." (School Assistance Com-

mittees), specifically intended for assistance to schools for Moslems were set up in nearly all the centres. The expenses of the two Committees in carrying out their philanthropic work were met by contributions by the Government, by the "Bélédié" and other public and private committees. The "Clubs" and the "E.A.S." confined their assistance to kindergartens and elementary schools, whereas the needs of secondary institutions were met by the School Fund set up for each institution.

Small savings propaganda was set on foot in 1924 in all the schools, in order to foster a sense of economy and savings among the pupils. The results achieved exceeded all expectations.

HEALTH PROTECTION IN SCHOOLS

A regular medical service was organized by the Italian Administration in order to prevent the schools from becoming a hotbed of infection for the pupils.

The Health Service operates in a continuous and practical manner. Doctors specializing in school health were placed at the disposal of the school boards and were helped by sanitary assistants and special nurses.

The service was also extended to private schools.

CONCLUSIONS

The importance attached by the Italian Administration to the schools in Libya may be seen from the foregoing. Attention was paid to the educational needs of all the ethnic groups of the population, without any discrimination. Although the Italian Administration retained a degree of differentiation between the various types of institutions where necessary, it never forced the choice of the pupils and their families, but always left it to their free will.

It would seem opportune to summarize the following figures, which speak for themselves:

PUBLIC SCHOOLS
School year 1915/16

Type of school	For Italians		For Jews		For Arabs		Total	
	Schools	Pupils	Schools	Pupils	Schools	Pupils	Schools	Pupils
(A) TRIPOLITANIA								
Secondary	1	201	-	-	-	-	1	201
Elementary	5	1,497	-	-	5	377	10	1,874
Kindergarten	2	389	-	-	-	-	2	389
TOTAL	8	2,087	-	-	5	377	13	2,464
(B) CYRENAICA								
Secondary	2	76	-	-	-	-	2	76
Elementary	3	635	-	-	12	614	15	1,249
Kindergarten	-	-	-	-	-	-	-	-
TOTAL	5	711	-	-	12	614	17	1,325
GENERAL TOTAL	13	2,798	-	-	17	991	30	3,789

School year 1921/22

Type of school	For Italians		For Jews		For Arabs		Total	
	Schools	Pupils	Schools	Pupils	Schools	Pupils	Schools	Pupils
(A) TRIPOLITANIA								
Secondary	2	339	-	-	-	-	2	339
Elementary	5	1,780	-	-	8	734	13	2,514
Kindergarten	2	386	-	-	-	-	2	386
TOTAL	9	2,505	-	-	8	734	17	3,239
(B) CYRENAICA								
Secondary	2	135	-	-	1	6	3	141
Elementary	4	745	-	-	8	667	12	1,412
Kindergarten	1	115	-	-	-	-	1	115
TOTAL	7	995	-	-	9	673	16	1,668
GENERAL TOTAL	16	3,500	-	-	17	1,407	33	4,907

School year 1939/40

Type of school	For Italians		For Jews		For Arabs		Total	
	Schools	Pupils	Schools	Pupils	Schools	Pupils	Schools	Pupils
(A) TRIPOLITANIA								
Secondary	6	2,188	1	77	2	204	9	2,469
Elementary	64	8,366	13	2,074	47	6,339	124	16,749
Kindergarten	6	575	2	256	1	94	9	925
TOTAL	76	11,129	16	2,407	50	6,637	142	20,143
(B) CYRENAICA								
Secondary	4	916	-	-	1	30	5	946
Elementary	20	3,422	1	436	29	2,342	50	6,200
Kindergarten	2	234	-	-	-	-	2	234
TOTAL	26	4,572	1	436	30	2,372	57	7,380
(C) LIBYAN SAHARA								
Elementary	-	-	-	-	12	667	12	667
GENERAL TOTAL	102	15,701	17	2,843	92	9,676	211	28,190

COMPARATIVE TABLE

Years	For Italians		For Jews		For Arabs		Total	
	Schools	Pupils	Schools	Pupils	Schools	Pupils	Schools	Pupils
1915/16	13	2,798	-	-	17	991	30	3,789
1921/22	16	3,900	-	-	17	1,407	33	4,907
1939/40	102	15,671	17	2,843	92	9,676	211	28,190

The above data are self-explanatory; the following figures serve as an answer to the frequently asked question, "What did Italy do for the Libyans as regards education during her administration?"

(1) Ninety-two schools for Arabs with 9,676 pupils and 120 teachers and schools for 2,843 pupils with seven Jewish teachers and ninety-three Italian teachers were instituted and conducted continuously;

(2) Ten school buildings in the Libyan Sahara, sixty-four in Tripolitania and twenty-eight in Cyrenaica were built for the Libyans;

(3) The above-mentioned buildings were furnished with first-class school equipment;

(4) All the pupils were provided free of charge with textbooks in Arabic and Italian, exercise books, etc.;

(5) The means available to the School Assistance Committees for help to the most needy pupils were increased;

(6) Special attention was given to health and preventive medicine in schools by setting up dispensaries at all the schools;

(7) The purpose of establishing the Islamic High School at Tripoli was to create an educational centre for Moslem youth, of which the Arab population was proud.

The benefits derived by the pupils of all the schools from the courses organized by the Italian Government are proved by the improved Arabic to be found today in Libya, where in 1911 it was difficult to find any Natives who knew how to write correctly.

These advantages are also proved by the increasing interest now taken by the local youth in literature,

science, arts and politics; than this there could be no better evidence of the educational work carried out by Italy in that country, without any fear of the development of the people whom she called "subjects" for an extremely short time, and whom she very soon called "citizens".

WESTERN LIBYA — TRIPOLITANIA

School year	Secondary schools	Vocational schools	Italian primary schools	Kindergartens	Primary schools for Moslems	Total
1921/22	342	243	1,820	543	611	3,559
1922/23	400	390	1,994	643	678	4,105
1923/24	452	289	1,983	665	853	4,242
1924/25	425	329	2,109	714	1,126	4,703
1925/26	448	393	2,427	837	1,729	5,834
1926/27	438	469	2,687	801	1,899	6,294
1927/28	462	493	3,007	857	2,176	6,995
1928/29	445	800	3,557	858	3,202	8,862
1929/30	410	839	3,972	962	3,232	9,415
1930/31	381	788	4,293	1,032	3,691	10,185
1931/32	449	910	5,238	1,706	4,931	13,234
1932/33	583	317	6,271	1,021	5,299	13,491
1933/34	838	297	6,429	1,011	6,057	14,632
1934/35	1,024	454	6,727	1,028	5,681	14,914
1935/36	1,196	508	7,728	1,122	5,669	15,923
1936/37	1,394	568	8,371	1,240	5,896	17,469
1937/38	1,983	735	9,129	1,519	6,424	19,790
1938/39	2,187	874	10,818	1,223	6,743	21,845
1939/40	2,423	1,093	11,816	1,237	5,640	22,209
1940/41	1,736	711	5,522	653	4,945	13,567

EASTERN LIBYA — CYRENAICA

School year	Secondary schools	Vocational schools	Italian primary schools	Kindergartens	For Moslems Primary schools	Secondary schools	Total
1921/22	143	171	663	124	480	18	1,599
1922/23	101	259	706	193	397	38	1,685
1923/24	135	236	747	203	454	41	1,818
1924/25	97	225	747	253	446	43	1,811
1925/26	95	282	843	270	624	50	2,164
1926/27	102	279	963	314	600	30	2,278
1927/28	117	277	1,024	199	686	21	2,294
1928/29	140	293	1,155	235	842	-	2,465
1929/30	159	310	1,078	381	1,143	-	3,071
1930/31	178	448	1,516	420	1,401	-	3,963
1931/32	207	331	1,678	370	2,434	-	5,020
1932/33	257	346	1,783	440	3,055	-	5,881
1933/34	343	123	1,839	275	3,790	-	6,370
1934/35	357	318	2,561	288	2,954	-	6,478
1935/36	399	481	3,314	368	2,409	-	6,971
1936/37	485	583	3,380	773	2,561	-	7,782
1937/38	822	297	3,499	777	2,486	-	7,881
1938/39	910	289	4,569	702	2,353	-	8,823
1939/40	679	525	5,057	691	2,084	-	9,036
1940/41	464	169	215	-	140	-	988

LIBYAN SAHARA — FEZZAN

School year	Secondary schools	Vocational schools	Italian Primary schools	Kindergartens	For Moslems Primary schools	Secondary schools	Total
1931/32	-	-	-	-	266	-	266
1932/33	-	-	-	-	367	-	367
1933/34	-	-	-	-	570	-	570
1934/35	-	-	-	-	596	-	596
1935/36	-	-	-	-	710	-	710
1936/37	-	-	-	-	914	-	914
1937/38	-	-	-	-	916	-	916
1938/39	-	-	-	-	811	-	811
1939/40	-	-	-	-	667	-	667
1940/41	-	-	-	-	393	-	393

GENERAL SUMMARY

<i>School year</i>	<i>Western Libya (Tripolitania)</i>	<i>Eastern Libya (Cyrenaica)</i>	<i>Libyan Sahara (Fessan)</i>	<i>General total</i>
1921/22	3,559	1,599	-	5,158
1922/23	4,105	1,685	-	5,790
1923/24	4,242	1,818	-	6,060
1924/25	4,703	1,811	-	6,514
1925/26	5,834	2,164	-	7,998
1926/27	6,294	2,278	-	8,572
1927/28	6,995	2,294	-	9,289
1928/29	8,862	2,465	-	11,327
1929/30	9,415	3,071	-	12,486
1930/31	10,185	3,963	-	14,148
1931/32	13,234	5,020	266	18,520
1932/33	13,491	5,881	367	19,739
1933/34	14,632	6,380	570	21,572
1934/35	14,914	6,478	596	21,978
1935/36	15,923	6,971	710	23,604
1936/37	17,479	7,782	914	26,165
1937/38	19,790	7,881	916	28,587
1938/39	21,845	8,823	811	31,479
1939/40	22,209	9,036	667	31,912
1940/41	13,567	988	393	14,948

10°

12°

14°

TUNISIA

TRIPOLI

FEZZAN

ALGERIA

G R E A T
O R I E N T A L
E R G

H A M M A D A E L H A M R A

H A M A D E T M U R Z U C H

32°

30°

28°

26°

Ben Gardane
Zelten
el Assa
Pisida (Bu Kennask)
Zuàra Marina
Mersa Zuàra
Sabratha
Zauia
Zanzur
TRIPOLI
Tagiura

Sni Ben Adem
Azizia
Castel Benito
Homs
Zliten
Breviglieri
Tarhuna
B. Ghnem
Abandoned
Garian
B. Dufan

Dehibat
Giòsc
Iefren
Rumia
Nahir
Giado
Mizda
Beni Ulid
Scemech

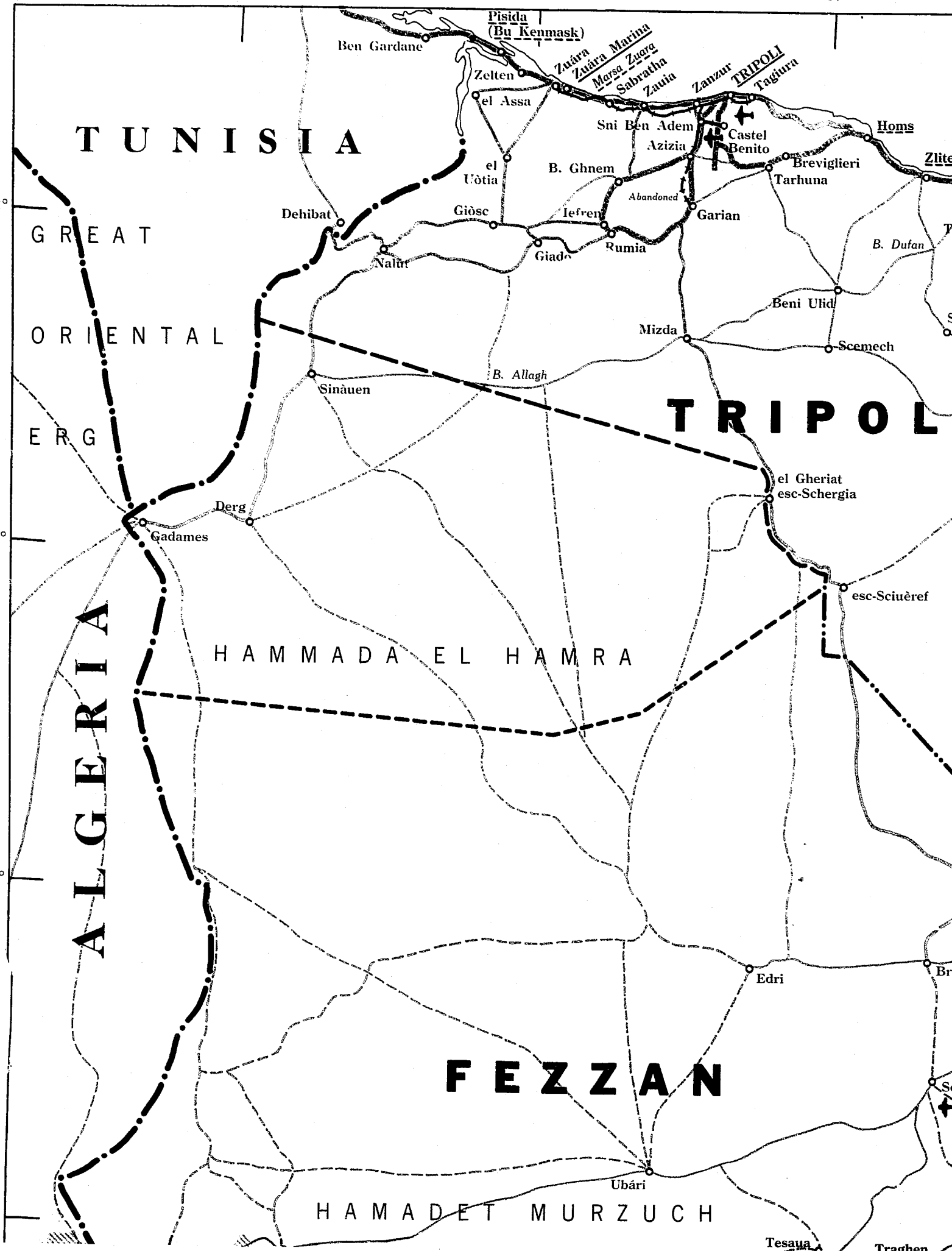
Sinàuen
B. Allagh
el Gheriat
esc-Schergia

Derg
Gadames
esc-Sciùref

Edri

Ubári

Tesaua
Traghen



14°

16°

18°

20°

MEDITERRANEAN SEA



16°

18°

20°

MEDITERRANEAN SEA



LITANIA

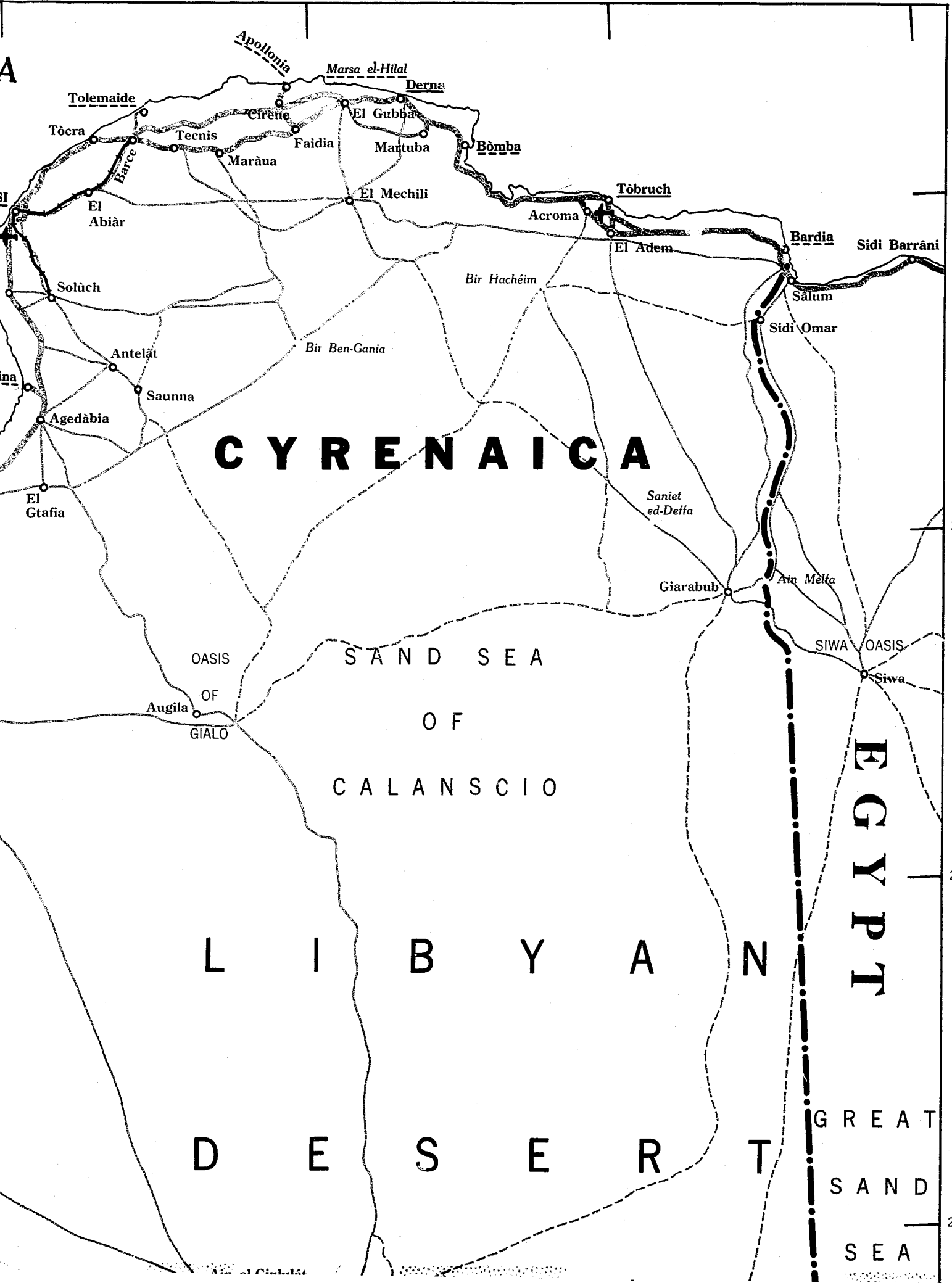
GULF OF SIRTE

BENGASI

Zuetina

ref

hen



CYRENAICA

SAND SEA
OF
CALANSICIO

LIBYAN

DESERT

EGYPT

GREAT
SAND
SEA

32°

30°

28°

26°

26°

HAMADET MURZUCH

Ubâri

Serdeles
(el Auénat)

Tesaua

Murzuch

Traghen

Gat

Djanet
(Fort Charlet)

Anâi

IDEHAN MURZUCH

Tegerhi

el-G

10°

24°

ELEVATIONS

FEET	METRES
9,843	3,000
6,562	2,000
3,281	1,000
1,640	500
656	200
0	0

Below
Sea Level

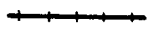
ALGERIA

12°

14°

LIBYA

22°



Railway



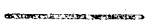
Airport



Main road, usually surfaced, motorable



Natural road, motorable



Secondary road, surfaced in part, motorable

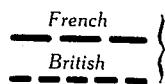


Track

Cistern or well

Marsh

Sand desert

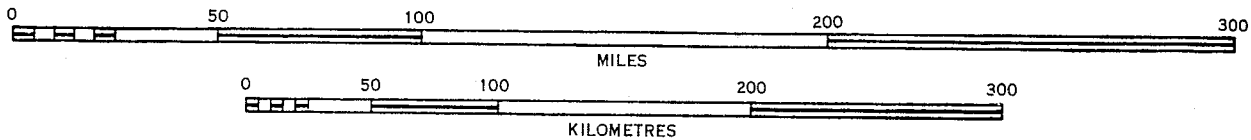


} Approximate boundaries between the French
and British zones of occupation

The names of ports are underlined.

The names of anchorages are underlined with a dashed line.

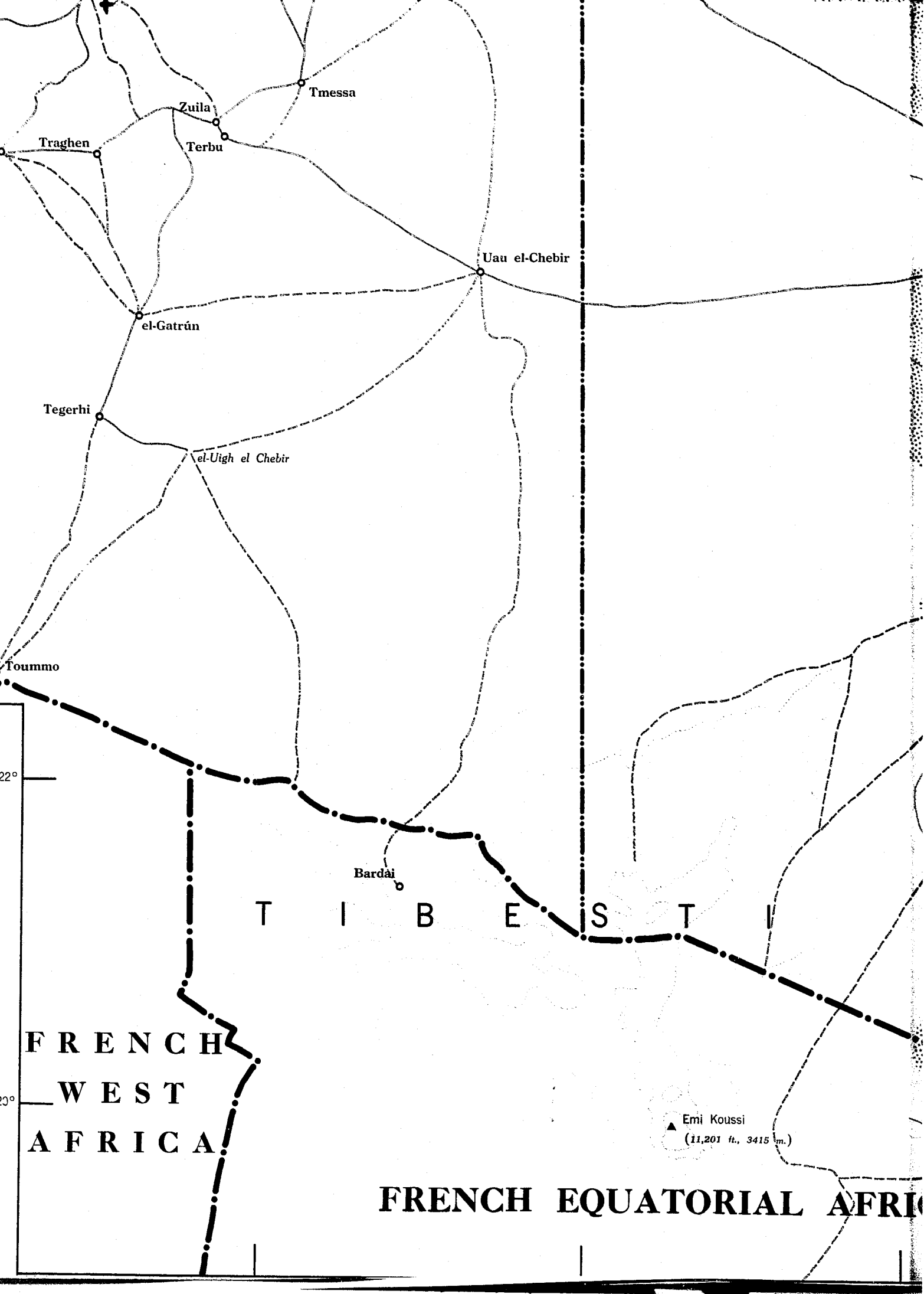
The spellings of place names used on this map
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FRENCH
WEST
AFRICA

20°



Traghan

Zuila

Tmessa

Terbu

Uau el-Chebir

el-Gatrún

Tegerhi

el-Uigh el Chebir

Toummo

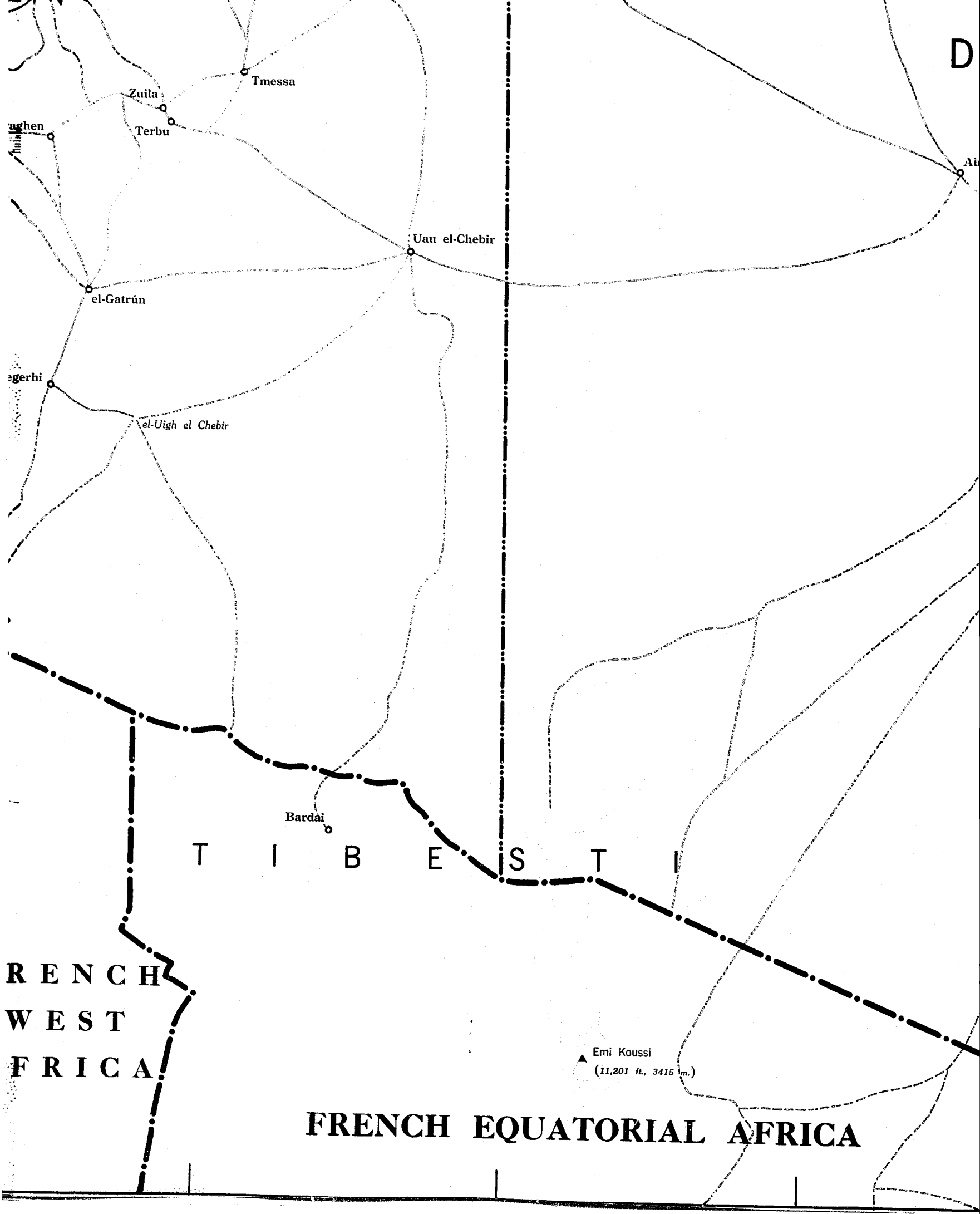
Bardai

T I B E S T I

FRENCH
WEST
AFRICA

Emi Koussi
(11,201 ft., 3415 m.)

FRENCH EQUATORIAL AFRICA



**FRENCH
WEST
AFRICA**

T I B E S T I

FRENCH EQUATORIAL AFRICA

▲ Emi Koussi
(11,201 ft., 3415 m.)

D E S E R T

G R E A T
S A N D
S E A

26°

Ain el-Giululât

Bir el-Hârasc

C U F R A

Rebiana

O A S I S

El-Giôf

24°

Bisciara

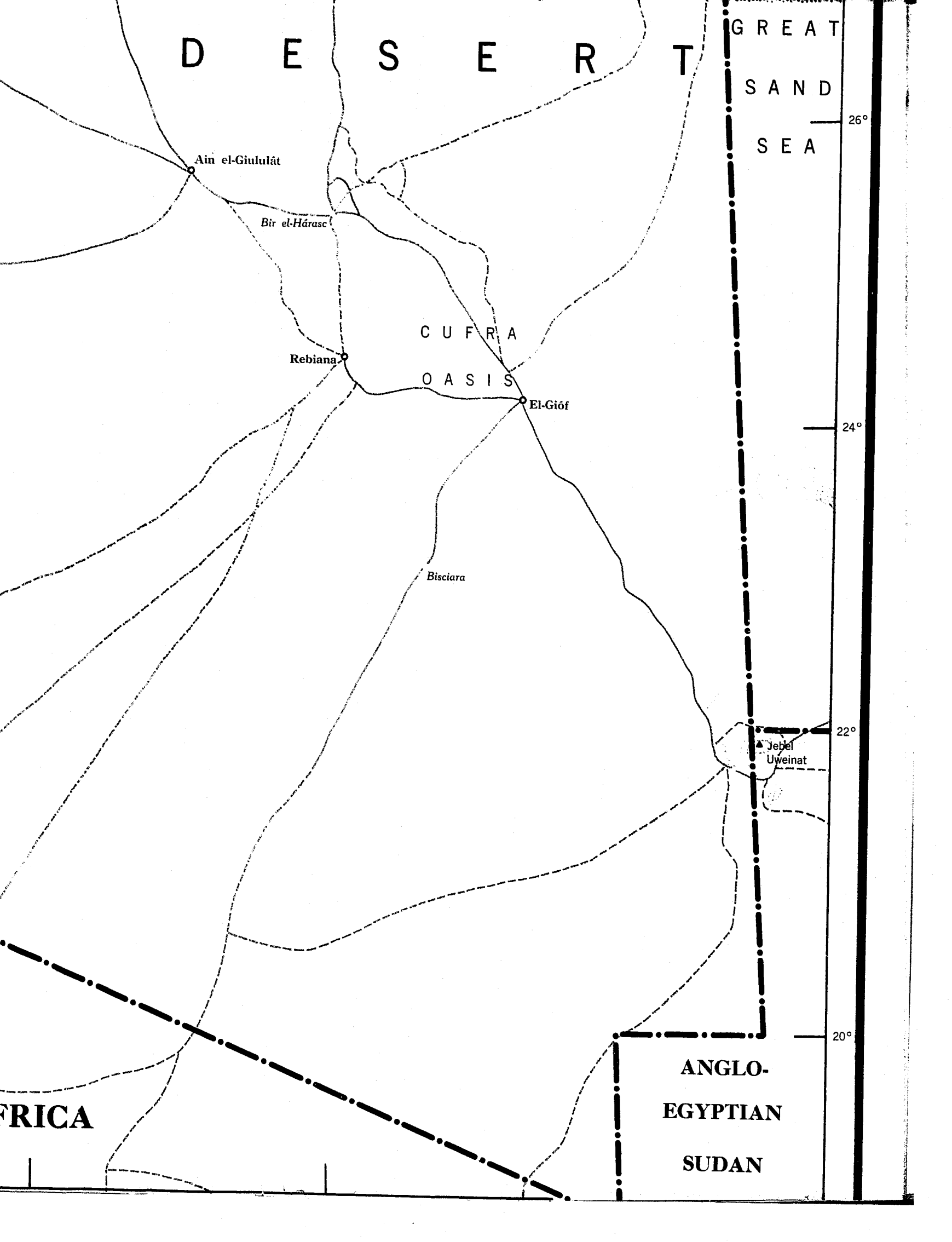
22°

Jebel
Uweinât

20°

ANGLO-
EGYPTIAN
SUDAN

FRICA



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