



Eighth session
Agenda item 55

QUESTION OF THE CONTINUATION OF THE FUNCTIONS
OF THE UNITED NATIONS TRIBUNAL IN LIBYA

Report of the Sixth Committee

Rapporteur: Mr. J. SPIROPOULOS (Greece)

1. Under article X of its resolution 388 (V) of 15 December 1950 on the economic and financial provisions relating to Libya, the General Assembly established the United Nations Tribunal in Libya, which the Ad Hoc Political Committee had estimated would be in operation for not less than two or three years. In its report to the General Assembly, the Ad Hoc Political Committee had expressed the opinion that at either its seventh or its eighth session the Assembly should in any event consider the possibility of continuing the Tribunal. On the strength of that report, the Secretary-General included the question of the continuation of the functions of the United Nations Tribunal in Libya in the additional list of items proposed for inclusion in the agenda of the eighth session.
2. At its 435th plenary meeting, on 17 September 1953, the General Assembly decided, on the General Committee's recommendation, to include the item entitled "Continuation of the Functions of the United Nations Tribunal in Libya" in the agenda, and referred it to the Sixth Committee.
3. The Sixth Committee discussed the item at its 368th meeting, on 8 October 1953.
4. The Committee had before it an explanatory memorandum by the Secretary-General (A/2459) in which the Secretary-General informed the General Assembly that, in response to a request for information which he had addressed to them, the Governments of Italy and Libya had announced that they considered that the Tribunal should be continued for some time, the Government of Libya having also expressed the view that the expenses of the Tribunal should continue to be borne by the United Nations.
5. A draft resolution (A/C.6/L.294) was submitted to the Committee by Argentina and Egypt. After noting, among other things, that negotiations had been begun

between the Governments of Italy and Libya concerning the conclusion of the various agreements provided for in resolution 388 (V), it resolved that the United Nations Tribunal should continue to function and it requested the Secretary-General, after consultation with the Governments concerned, to report on the question of the continuation of the functions of the Tribunal to the General Assembly at its tenth session.

6. An amendment (A/C.6/L.301) to the draft resolution was proposed by the United Kingdom. It proposed that the Secretary-General's report on the question should be presented not at the tenth, but at the ninth session. In support of his amendment, the United Kingdom representative said that, while in favour of the idea of continuing the Tribunal, he considered that the question of the Tribunal's future might with advantage be discussed by the General Assembly at its next session.

7. During the discussion several representatives noted the usefulness of the Tribunal and expressed the opinion that it should be continued until, in accordance with the wishes of the Governments of Italy and Libya, it had been able to settle the questions outstanding between Italy and Libya in connexion with the application of resolution 388 (V).

8. The Committee voted first on the United Kingdom amendment. The amendment was rejected by 20 votes to 10, with 16 abstentions.

9. The draft resolution submitted by Argentina and Egypt was adopted, with slight drafting changes by the Committee, by 42 votes to none, with 6 abstentions.

10. The Sixth Committee therefore recommends that the General Assembly should adopt the following resolution:

The General Assembly,

Recalling its resolution 388 (V) of 15 December 1950 on the economic and financial provisions relating to Libya, article X of which set up a United Nations Tribunal in Libya and defined its functions,

noting that the Governments of Italy and Libya are conducting negotiations for the conclusion of the various agreements provided for in resolution 388 (V),

noting that both those Governments, in their replies to a letter from the Secretary-General, state that they consider that the Tribunal should be continued for a further period,

Having noted the explanatory Memorandum by the Secretary-General (A/2459) concerning the continuation of the functions of the Tribunal,

1. Resolves that the United Nations Tribunal in Libya shall continue in existence;
2. Requests the Secretary-General, after consultation with the Governments concerned regarding the future of the Tribunal, to report to the General Assembly at its tenth session.