

No. 1600

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
ITALY**

**Exchange of notes (with annex) constituting an agreement
concerning the disposal of Italian private property in
Cyrenaica and Tripolitania. London, 28 June 1951**

Official texts: English and Italian.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
7 January 1952.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ITALIE**

**Échange de notes (avec annexe) constituant un accord
relatif au sort des biens privés italiens en Cyrénaïque
et en Tripolitaine. Londres, 28 juin 1951**

Textes officiels anglais et italien.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
7 janvier 1952.*

No. 1600. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND ITALY CONCERNING THE DISPOSAL OF ITALIAN PRIVATE PROPERTY IN CYRENAICA AND TRIPOLITANIA. LONDON, 28 JUNE 1951

I

The Minister of State to the Italian Ambassador in London

FOREIGN OFFICE, S.W.1

28th June, 1951

Your Excellency,

I have the honour to refer to the discussions which have taken place in London between representatives of the competent Italian Government Departments and of the Foreign Office regarding the procedure to be adopted for the disposal of Italian private property in Cyrenaica and Tripolitania, in accordance with Resolution No. 388/V which was adopted by the General Assembly of the United Nations on 15th December, 1950.² These discussions resulted in an Agreement, subject to the approval of the two Governments, of which the details are contained in the Annex to the present Note.

2. The terms of this Note and the Annex have been approved by the Government of the United Kingdom, and if they are also acceptable to the Italian Government I would propose that the present Note with its enclosures together with your Excellency's reply in similar terms, shall constitute an Agreement between our two Governments for the settlement of the procedure for the disposal of Italian private property in Cyrenaica and Tripolitania.

I have, &c.

K. G. YOUNGER

¹ Came into force on 28 June 1951 by the exchange of the said notes.

² United Nations, *General Assembly, Official Records, Fifth Session, Supplement No. 20 (A/1775)*.

ANNEX

ARTICLE 1

General

1. The United Kingdom Government and the Italian Government agree to give effect to the provisions of this Agreement as soon as possible.

2. The Italian Government will use its good offices to facilitate the settlement of every question arising in connexion with the release of Italian movable and immovable property in Tripolitania and Cyrenaica which is in official custody.

3. Any such immovable property will be released subject to any tenancies existing at the time of release.

4. In this Agreement, the expression "Italian juridical persons" means any public or private corporation, sole or aggregated, institution or association, incorporated, registered or recognised under the Italian law and which operates or formerly operated in Libya.

ARTICLE 2

General Provisions as to Discharge and Indemnity

1. The property to which this Article relates is movable and immovable property in Tripolitania and Cyrenaica of Italian nationals and Italian juridical persons.

2. The Government of the United Kingdom will, subject, as regards the property referred to in paragraph 1 of Article 3, to the provisions of sub-paragraph (b) of paragraph 5 of that Article, cause the property to which this Article relates, if it is in official custody, to be released upon obtaining an appropriate discharge and indemnity in respect of the taking into custody of the property and in respect of things done or omitted in relation to the property during the custody.

ARTICLE 3

Cost of Rehabilitation

1. The property to which this Article relates is immovable property in Tripolitania and Cyrenaica of Italian nationals or juridical persons other than the institutions, companies and associations referred to in paragraph 1 of Article 5 of this Agreement.

2. The expression "cost of rehabilitation" means, in relation to any property which has been damaged or destroyed or insufficiently cared for, any expenses incurred by the Government of the United Kingdom (including the British Administrations in Tripolitania and Cyrenaica) in renovating or reconstructing the property in whole or in part or restoring it to its former condition in whole or in part.

3. The Government of the United Kingdom (including the British Administrations in Tripolitania and Cyrenaica) will waive its claim to not less than twenty-five per centum of the cost of rehabilitation of any property.

4. The Government of the United Kingdom will not claim payment of the cost of any additions or improvements.

5. If the whole or any part of the balance of seventy-five per centum or less of the cost of rehabilitation of any property is owing to the Government of the United Kingdom, the Government of the United Kingdom reserves the following rights :—

- (a) to deduct the amount owing from any monies in its hands which are due to any person (including a juridical person) by whom the amount is owing;
- (b) if the property is in official custody, to retain it in official custody until payment or until an arrangement to secure payment has been made to the satisfaction of the British Resident of the territory.

ARTICLE 4

Procedural Provisions

1. This Article relates to property of Italian nationals and Italian juridical persons other than the institutions, companies and associations referred to in paragraph 1 of Article 5 of this Agreement.

2. The owner of any immovable property which is in official custody, or his duly appointed representative, will be allowed to inspect the property at any time and will be supplied with a report on the administration of the property while it has been in custody and a note of the cost of rehabilitation, if any.

3. As regards movable and immovable property in Tripolitania which is in official custody the Italian Government Representative in Tripolitania will, in appropriate cases, take steps to secure the nomination by the Court in Tripolitania of curators who will take over the property, subject to the provisions of Articles 2 and 3 of this Agreement relating to discharge and indemnity and cost of rehabilitation.

4. As regards property in Cyrenaica, the following action shall be taken by the Government of the United Kingdom and the Italian Government respectively, that is to say :—

- (a) the Government of the United Kingdom will :—
 - (i) arrange a procedure, which will be effective to the date of termination of the British Administration, for the owners or their duly appointed representatives to return to Cyrenaica for the purpose of taking over and disposing of their movable or immovable property and will release such property, if it is in official custody, to the owners or their representatives, subject to the provisions of Articles 2 and 3 of this Agreement relating to discharge and indemnity and cost of rehabilitation;
 - (ii) provide, in the case of movable property, for the release of the property, subject to the provisions of Articles 2 and 3 aforesaid, without the necessity for the owner or his representative to return personally to Cyrenaica.
- (b) The Italian Government will :—
 - (i) co-operate with the Government of the United Kingdom in putting into effect the procedure referred to in sub-paragraph (a) of this paragraph and, for that purpose, arrange for the attendance in Cyrenaica of a person of Italian nationality who is fully qualified and duly authorised to undertake the legal formalities necessary in connexion with the taking over and disposal of the movable or immovable property;

- (ii) establish in Cyrenaica an agent who will maintain a close liaison with the appropriate authorities for the purpose of facilitating the procedure for the release of movable or immovable property;
- (c) As regards property in Cyrenaica, before the termination of the British Administration the Governments of the United Kingdom and Italy will enter into an agreement for the purpose of arranging a procedure for the taking over of any property in official custody which has not then been released.

ARTICLE 5

Special Provisions regarding certain Institutions, Companies and Associations

1. In this Article the expression "the specified institutions, companies and associations" refers to the following juridical persons:—

- Ente per la Colonizzazione della Libia (Entecol).
- Istituto Nazionale della Previdenza Sociale (I.N.P.S.) (Colonisation Branch).
- Istituto Nazionale della Previdenza Sociale (I.N.P.S.) (Insurance Branch).
- Ala Littoria, S.A.
- Sezione Autonoma per le Case Popolari in Libia (S.C.A.P.L.I.).
- Ente Autonomo Fiera Campionaria di Tripoli (E.A.F.C.).
- Ente Turistico ed Alberghiero della Libia (E.T.A.L.).
- Società Agricola Coloniale della Stampa Emilio de Bono.
- Società Coloniale Italiana (S.C.I.).
- Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro (I.N.A.I.L.).
- Istituto per l'Assistenza Sociale nell'Africa Italiana (I.A.S.A.I.).
- Reale Automobile Club d'Italia (R.A.C.I.).
- Banco di Napoli.
- Istituto Nazionale delle Assicurazioni (I.N.A.).
- Società Anonima Petroli Libia (Petrolibia).
- Banca di Sicilia.
- Ente Italiano Audizioni Radiofoniche (E.I.A.R.).
- Società Anonima Azienda Tabacchi Italiani (A.T.I.).
- Società Anonima Trasporti Africa (S.A.T.A.).
- Magazzini Generali di Tripoli (M.G.).
- Società Italo-Americana del Petrolio (S.I.A.P.).
- Società Emulsione Bitumi Italiana Colas (S.E.B.I.C.).
- Nafta Società Italiana pel Petrolio ed Affini (N.A.F.T.A.).
- Società Anonima Vacuum Prodotti Petroliferi.
- Istituto Nazionale per le Case degli Impiegati dello Stato (I.N.C.I.S.).

2. The Government of the United Kingdom will release the property of the specified institutions, companies and associations on receipt of a full discharge and indemnity as provided for in Article 2 of this Agreement.

3. Except as regards the specified institutions, companies and associations referred to in paragraphs 5 and 9 of this Article, the Italian Government will ensure that, at the time of release, the Government of the United Kingdom will receive from the specified institutions, companies and associations, the full discharge and indemnity referred to in Article 2 of this Agreement.

4. The Government of the United Kingdom will waive all claims of whatsoever nature which it may have against the specified institutions, companies and associations.

5. The property in custody of the following specified institutions, companies and associations, that is to say :—

Sezione Autonoma per le Case Popolari in Libia (S.C.A.P.L.I.);

Ente Autonomo Fiera Campionaria di Tripoli (E.A.F.C.), and

Ente Turistica ed Alberghiero della Libia (E.T.A.L.),

will be released to duly appointed liquidators upon such liquidators giving the full discharge and indemnity referred to in paragraph 2 of this Article. The liquidation of the said institutions, companies and associations will be undertaken in accordance with the laws in force in the territory, including the Statutes governing the operations of such institutions, companies and associations.

6. In the course of the liquidation of the institutions, companies and associations referred to in paragraph 5 of this Article, any capital or property or share in any capital or property which would normally have passed to the Italian State shall instead pass to Libya in accordance with Article 1 (3) of the United Nations Resolution of 15th December, 1950.

7. The property of the under-mentioned specified institutions, companies and associations will be handed over to duly appointed representatives :—

Società Coloniale Italiana (S.C.I.).

Istituto Nazionale della Previdenza Sociale (Insurance Branch) (I.N.P.S.).

Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro (I.N.A.I.L.).

Istituto per l'Assistenza Sociale nell'Africa Italiana (I.A.S.A.I.).

Istituto Nazionale per le Case degli Impiegati dello Stato (I.N.C.I.S.).

Reale Automobile Club d'Italia (R.A.C.I.).

Banco di Napoli.

Istituto Nazionale delle Assicurazioni (I.N.A.).

Società Anonima Petroli Libia (Petrolibia).

Banca di Sicilia.

Ente Italiano Audizioni Radiofoniche (E.I.A.R.).

Società Anonima Azienda Tabacchi Italiani (A.T.I.).

Società Anonima Trasporti Africa (S.A.T.A.).

Magazzini Generali di Tripoli (M.G.).

Società Italo-Americana del Petrolio (S.I.A.P.).

Società Emulsione Bitumi Italiana Colas (S.E.B.I.C.).

Nafta Società Italiana pel Petrolio ed Affini (N.A.F.T.A.).

Società Anonima Vacuum Prodotti Petroliferi.

Ala Littoria, S.A.

Società Agricola Coloniale della Stampa Emilio de Bono.

8. The property of the following specified institutions, companies and associations, that is to say :—

Istituto Nazionale della Previdenza Sociale (Insurance Branch)

Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro

Istituto per l'Assistenza Sociale nell'Africa Italiana

will be released without prejudice to Article II of the United Nations Resolution of 15th December, 1950.

[TRANSLATION¹ — TRADUCTION²]

London, 28th June, 1951

Mr. Minister of State,

I have the honour to acknowledge receipt of your Excellency's Note of to-day's date, in which you referred to recent discussions concerning the disposal of Italian private property in Cyrenaica and Tripolitania. These discussions have resulted in a provisional Agreement between British and Italian representatives, the terms of which are contained in the Annex to your Note.

2. I have the honour to inform your Excellency that the terms of the Annex to your Note of which I enclose the Italian text, have been approved by the Government of Italy who accept your Excellency's proposal that your Note and the present reply shall be regarded as constituting an Agreement between our two Governments for the disposal of Italian private property in Cyrenaica and Tripolitania in accordance with Resolution No. 388/V which was adopted by the General Assembly of the United Nations on 15th December, 1950.

I avail, &c.

T. GALLARATI SCOTTI

A N N E X

[*See annex to note I*]

¹ Translation by the Government of the United Kingdom.

² Traduction du Gouvernement du Royaume-Uni.