

No. 3078

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**UNITED STATES OF AMERICA  
and  
LIBYA**

**Agreement (with memorandum of understanding) relating to the use by the United States of certain agreed areas in Libya for mutual defense purposes. Signed at Benghazi, on 9 September 1954**

*Official texts : English and Arabic.*

*Registered by the United States of America on 20 December 1955.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
LIBYE**

**Accord (avec mémorandum commun) relatif à l'utilisation par les États-Unis, à des fins de défense, d'installations situées dans certaines zones concédées en Libye. Signé à Bengazi, le 9 septembre 1954**

*Textes officiels anglais et arabe.*

*Enregistré par les États-Unis d'Amérique le 20 décembre 1955.*

No. 3078. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF LIBYA RELATING TO THE USE BY THE UNITED STATES OF CERTAIN AGREED AREAS IN LIBYA FOR MUTUAL DEFENSE PURPOSES. SIGNED AT BENGHAZI, ON 9 SEPTEMBER 1954

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PREAMBLE

The Government of the United States of America and the Government of the United Kingdom of Libya, desiring to strengthen the firm friendship and understanding now existing between them ; confirming their determination to cooperate amicably and to support each other mutually in the international field, and to contribute to the maintenance of peace and security within the framework of the Charter of the United Nations ; and being of the opinion that cooperation within the territory of Libya will assist in achieving these objectives ; have entered into the present Agreement.

*Article I*

AGREED AREAS

(1) The Government of the United Kingdom of Libya grants permission to the Government of the United States of America to occupy and use for military purposes, for the duration of the present Agreement and in accordance with its terms and conditions, those areas which are presently used and occupied by the Government of the United States of America as well as such additional areas as may be agreed upon in writing from time to time by the two Governments. All areas used and occupied by the Government of the United States of America pursuant to this paragraph shall hereinafter be referred to as "agreed areas".

(2) A particular agreed area shall cease to be considered as such whenever the Government of the United States of America shall notify the Government of the United Kingdom of Libya that it no longer requires such area.

*Article II*

DEVELOPMENT AND SECURITY OF AGREED AREAS

The Government of the United States of America may make arrangements for and carry out directly or through its contractors the installation, construction and

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<sup>1</sup> Came into force on 30 October 1954, upon receipt by the Government of the United States of America of notification from the Government of the United Kingdom of Libya of its ratification of the Agreement, in accordance with article XXX.

removal of facilities within the agreed areas to improve and adapt such areas for military purposes and to provide for the internal security of such areas. The authorities of the Government of the United States of America will not, however, demolish any buildings existing on public lands at the time of first entry of the United States forces on such lands or cut or remove trees in any substantial number growing on such lands without the consent of the appropriate authorities of the Government of the United Kingdom of Libya.

### *Article III*

#### CONTROL OF AIRCRAFT, VESSELS AND VEHICLES

(1) The Government of the United States of America may exercise full control over aircraft, ships and water-borne craft, and vehicles entering, leaving and while within the agreed areas.

(2) The Government of the United Kingdom of Libya shall arrange for such controls over aircraft, vessels and vehicles entering, leaving and while within areas near the agreed areas as are agreed by the two Governments to be necessary to carry out the purposes of the present Agreement and ensure the security of United States forces and property in Libya.

### *Article IV*

#### COMMUNICATION AND PIPELINE FACILITIES

The Government of the United States of America may construct and maintain such wire communication and pipeline facilities outside of the agreed areas as the two Governments agree are necessary to carry out the purposes of the present Agreement.

### *Article V*

#### PUBLIC SERVICES AND FACILITIES

Upon the request of the Government of the United States of America and provided that the Government of the United Kingdom of Libya is assured that the public and private interests in Libya will be duly safeguarded, the public services and facilities in Libya shall be made available as far as practicable for the use of the Government of the United States of America and members of the United States forces. The charges therefor shall be the same as those paid by other users, unless otherwise agreed.

### *Article VI*

#### USE OF AGREED AREAS

(1) The agreed areas shall be used and occupied exclusively by the Government of the United States of America except as otherwise provided in this Article.

Agreed areas used exclusively by the Government of the United States of America will be maintained at its expense.

(2) The two Governments, as an element in collective military measures to maintain or restore international security, may agree to a joint use and occupancy of an agreed area by the two Governments, or by the United States of America and any nation with which the United Kingdom of Libya has a Treaty of Friendship and Alliance. The cost of maintenance of an agreed area which is used jointly by the two Governments, or by the United States of America and any other nation, shall be apportioned on the basis of usage, at rates and charges which are mutually satisfactory to the users.

(3) The Government of the United States of America may request the Government of the United Kingdom of Libya to permit the use of the agreed areas for training purposes by small groups of military personnel of countries other than the United States of America, such personnel to be at all times while in Libya under the United States auspices and control. The Government of the United Kingdom of Libya is prepared to examine all such requests expeditiously on a case by case basis and inform the Government of the United States of America of its decision.

#### *Article VII*

#### ACQUISITION OF LAND

(1) Except as otherwise agreed by the two Governments in accordance with paragraph (2) of this Article, the Government of the United Kingdom of Libya will make all acquisitions of land and other arrangements required to permit occupation and use of lands and interests in lands for the purposes of the present Agreement. The Government of the United States of America shall not be obliged to compensate any Libyan national or other person for the occupation or use of lands in which he has an interest and which are made available to the Government of the United States of America under the provisions of this paragraph, but it agrees to pay to the Government of the United Kingdom of Libya on behalf of such national or person annually an equitable rental for such occupation or use. The two Governments agree that once the equitable annual rental for such lands has been determined, the amount of that rental shall not be changed for the duration of the present Agreement without the consent of both Governments.

(2) Subject to agreement between the two Governments, the Government of the United States of America may rent lands or any interest in or relating to lands directly from private owners or make other arrangements with private owners as required to permit occupation and use of agreed areas in accordance with the provisions of the present Agreement. If satisfied that there is unreasonable refusal by a private owner, after he has received an offer of equitable compensation, to make available land or an interest in land necessary for the purpose of the

present Agreement, the Government of the United Kingdom of Libya will take the necessary steps to ensure that such land or interest in land is made available.

(3) The rentals paid by the Government of the United States of America on the date of the entry into force of this Agreement for the occupation and use of lands and interests in lands within the agreed areas shall be deemed to be the equitable rentals payable for such occupation or use.

(4) Lands or interests in lands occupied or used by the Government of the United States of America under the provisions of this Article shall be regarded as agreed areas for the purposes of the present Agreement.

(5) Compensation to private owners for damage arising out of the occupation and use of property, if not otherwise paid, shall be paid by the Government of the United States of America under the provisions of Article XIX.

#### *Article VIII*

##### MOVEMENT OF FORCES, AIRCRAFT, VESSELS AND VEHICLES

(1) The Government of the United Kingdom of Libya grants to the United States forces and United States public vessels, aircraft, and vehicles, including armor, the right of free access and egress to and from the agreed areas and movement within and between the agreed areas, by land, air and sea, for the purposes of the present Agreement. The right shall include freedom from compulsory pilotage and all toll charges anywhere within Libya, including territorial waters. With a view to facilitating control of harbor traffic within Libyan port areas open to commerce, reasonable notice will be given to the appropriate port authorities of the arrival of a United States public vessel in any such port area. The provisions of this paragraph shall not apply to courtesy visits of United States Government vessels unrelated to the present Agreement. Such visits shall be governed by customary international practice.

(2) By agreement between the two Governments, United States forces and United States public vessels, aircraft and vehicles, including armor, shall have freedom of movement in other districts of Libya, including the territorial waters, in order to carry out the purposes of the present Agreement.

(3) Subject to such conditions (including conditions governing flight over towns) as may be agreed upon by the appropriate authorities of the two Governments, United States public aircraft may fly over any of the territory of Libya, including territorial waters. United States public aircraft shall not fly over areas prohibited by the Government of the United Kingdom of Libya to foreign aircraft in general, except as may be agreed. In an emergency United States public

aircraft may land on and take off from any of the territory of Libya, including territorial waters, and, under such conditions as may be agreed upon by the appropriate authorities of the two Governments, United States public aircraft may use airports and other aviation facilities outside the agreed areas.

(4) In the exercise of the privileges described in this Article all reasonable precautions will be taken by the Government of the United States of America to avoid damage to public facilities.

(5) The Government of the United States of America accepts the principle that military members of the United States forces should wear civilian clothes when in Benghazi and Tripoli in an off-duty status.

#### *Article IX*

##### ACCESS FACILITIES

The Government of the United States of America may, at its own expense, and in agreement with the Government of the United Kingdom of Libya, and without the right to claim compensation from that Government at any time, construct and maintain necessary roads and bridges, and improve and deepen harbors, channels, entrances and anchorages, affording access to the agreed areas.

#### *Article X*

##### VACATING AGREED AREAS

When the Government of the United States of America permanently vacates an agreed area, permanent constructions thereon shall not be removed and the Government of the United States of America shall not be entitled to any compensation for such constructions. Except as provided in the preceding sentence, all property constructed, installed, brought into or procured in Libya under or prior to the present Agreement by the Government of the United States of America shall remain its property and may be removed from Libya, free of any restrictions, or disposed of in Libya by the Government of the United States of America as agreed with the Government of the United Kingdom of Libya, at any time before the termination of the present Agreement or within a reasonable time thereafter. Any such property not so removed or so disposed of before the termination of the present Agreement or within a reasonable time thereafter will cease to be the property of the Government of the United States of America and the Government of the United Kingdom of Libya shall not be obligated to compensate the Government of the United States of America for such property.

*Article XI*

## CONDITION OF AGREED AREAS UPON RELEASE

The Government of the United States of America is not obligated to turn over the agreed areas to the Government of the United Kingdom of Libya at the expiration of the present Agreement in the condition in which they were at the time of their occupation by the Government of the United States of America.

*Article XII*

## OTHER OBLIGATIONS

The present Agreement is made in accordance with the principles laid down in the Charter of the United Nations and nothing in the Agreement shall be construed to conflict with the obligations assumed by the United States of America under that Charter, which obligations the United Kingdom of Libya also accepts pending its admission to the United Nations. Further, the two Governments declare that nothing in the present Agreement conflicts with or prejudices or is intended to conflict with or prejudice international obligations assumed by either Government under any other existing international agreements, conventions or treaties, including, in the case of the United Kingdom of Libya, the Covenant of the League of Arab States.

*Article XIII*

## MILITARY AND CIVILIAN PERSONNEL

The Government of the United Kingdom of Libya authorizes the Government of the United States of America to employ and supervise military and civilian personnel as required in connection with operations under the present Agreement.

*Article XIV*

## SURVEYS

The Government of the United States of America may make engineering, topographic, hydrographic, coast and geodetic, and other technical surveys (including aerial photographs) in any part of Libya and the waters adjacent thereto. The Government of the United States of America shall notify the Government of the United Kingdom of Libya when any survey is to be made outside the agreed areas, and the Government of the United Kingdom of Libya may, if so desired, designate an official representative to be present when any survey is made outside the agreed areas. A sufficient number of copies with title and triangulation and other control data of any such survey shall be furnished to the Government of the United Kingdom of Libya.

*Article XV*

## POST OFFICES

The Government of the United States of America may establish, maintain and operate United States post offices in the agreed areas for domestic use between United States post offices in the agreed areas and between such post offices and other United States post offices. Such post offices shall be for the exclusive use of the authorities, agencies and offices of the Government of the United States of America, the members of the United United States forces and nationals of the United States of America holding an official position in Libya with the Government of the United States of America.

*Article XVI*

## ENTRY AND DEPARTURE OF UNITED STATES FORCES

(1) The Government of the United States of America may bring into Libya members of the United States forces in connection with carrying out the purposes of the present Agreement.

(2) The laws of the Government of the United Kingdom of Libya shall not apply to prevent admission or departure into or from Libya of members of the United States forces. Passport and visa requirements shall not be applicable to military members of United States forces, but they shall be furnished with appropriate identification cards or tags and samples of such identification cards or tags shall be filed with the Government of the United Kingdom of Libya. Passport and visa requirements shall be applicable to non-military members of the United States forces.

(3) The Government of the United Kingdom of Libya shall exempt members of the United States forces from any laws providing for the registration and control of aliens. The Government of the United States of America shall take every step open to it to ensure the correct behavior of all members of the United States forces and will provide such information as the Government of the United Kingdom of Libya may require about the civilian members, as may appropriately be furnished, bearing in mind their status as members of the United States forces.

(4) If the status of any member of the United States forces brought into Libya by the Government of the United States of America is altered so that he would no longer be entitled to such admission, the Government of the United States of America shall notify the Government of the United Kingdom of Libya and shall, unless the Government of the United Kingdom of Libya permits him to remain, remove him from Libya as soon as possible, and shall in the meantime prevent him from becoming a public responsibility of the United Kingdom of Libya.



(5) If the Government of the United Kingdom of Libya requests the removal of any member of the United States forces whose misconduct renders his presence in Libya undesirable, the Government of the United States of America shall remove him from Libya as soon as possible.

### *Article XVII*

#### AGENCIES OF UNITED STATES FORCES

The Government of the United States of America may establish agencies in the agreed areas, including concessions such as sales commissaries, military service exchanges, messes and social clubs for the exclusive use of members of the United States forces and nationals of the United States having comparable privileges ; and such agencies shall be free of all licenses, fees, excise, sales or other taxes or imposts. The merchandise or services sold or dispensed by such Government agencies shall be free of all taxes, duties, imposts and inspection by the Government of the United Kingdom of Libya. Administrative measures shall be taken by United States military authorities to prevent the resale of goods which are sold under the provisions of this Article to persons not entitled to buy goods at such agencies, and generally to prevent abuse of the privileges granted under this Article. There shall be cooperation between such authorities and the appropriate authorities of the Government of the United Kingdom of Libya to this end.

### *Article XVIII*

#### HEALTH AND SANITATION

The appropriate authorities of the two Governments will cooperate in making arrangements in the interest of sanitation and health. Any measures in the interests of sanitation or health which are required to be taken in the agreed areas to meet acceptable international standards will be the responsibility of the Government of the United States of America.

### *Article XIX*

#### CLAIMS AND JURISDICTION IN CIVIL MATTERS

(1) The Government of the United States of America agrees to pay just and reasonable compensation for valid claims of the Government of the United Kingdom of Libya for damage, loss or destruction of its property caused by military members of the United States forces who are in Libya under the terms of the present Agreement, or by civilian employees of the United States armed services, including those who are nationals of or ordinarily resident in Libya, in connection with operations under the present Agreement.

(2) The Government of the United States of America agrees to pay just and reasonable compensation for valid claims of persons who are nationals of Libya, or inhabitants of that country, for damage, loss or destruction of property, or for injury or death, caused by military members of United States forces who are in Libya under the terms of the present Agreement or by civilian employees of the United States armed services, including those who are nationals of or ordinarily resident in Libya, in connection with operations under the present Agreement.

(3) All such claims will be processed and paid in accordance with the applicable provisions of United States law, and the courts of Libya will not entertain any such claims against members of the United States forces.

(4) In all other civil cases involving members of the United States forces the Libyan courts will have jurisdiction.

#### *Article XX*

#### JURISDICTION — CRIMINAL MATTERS

(1) The United States military authorities shall have the right to exercise within the United Kingdom of Libya all criminal and disciplinary jurisdiction conferred on them by the laws of the United States of America over members of the United States forces in the following cases, namely :

- (a) Offenses solely against the property of the Government of the United States of America, or against the person or property of another member of the United States forces,
- (b) Offenses committed solely within the agreed areas,
- (c) Offenses solely against the security of the United States of America, including treason, sabotage, espionage or violation of any law relating to official secrets, or secrets relating to the national defense of the United States of America,
- (d) Offenses arising out of any act or omission done in the performance of official duty,

and in every such case where such criminal and disciplinary jurisdiction exists, the members of the United States forces shall be immune from the jurisdiction of the Libyan courts.

(2) In other cases the Libyan courts shall exercise jurisdiction unless the Government of the United Kingdom of Libya waives its right to exercise jurisdiction. The Government of the United Kingdom of Libya will give sympathetic consideration to any request from the United States authorities for a waiver of its right in cases where the United States authorities consider such waiver to be of particular importance, or where suitable punishment can be applied by disciplinary action without recourse to a court.

(3) The United States and Libyan authorities will assist each other in the arrest and handing over to the appropriate authority of members of the United States forces for trial in accordance with the above provisions, and the Libyan authorities will immediately notify the United States authorities if they arrest any member of the United States forces. The Libyan authorities will, if the United States authorities request the release on remand of an arrested member of the United States forces, release him from their custody on the United States authorities' undertaking to present him to the Libyan courts for investigatory proceedings and trial when required.

(4) The United States and Libyan authorities will assist each other in the carrying out of all necessary investigations into offenses, and in the collection and production of evidence, including the attendance of witnesses at the trial and the seizure and, in proper cases, the handing over of objects connected with an offense. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

(5) Whenever a member of the United States forces is prosecuted in a Libyan court he shall be entitled :

- (a) to be presumed innocent until proved guilty according to law in a trial in which he has had the guarantees necessary for his defense,
- (b) to a prompt and speedy public trial,
- (c) to be informed, in advance of trial, of the specific charge or charges made against him,
- (d) to refuse to testify against himself,
- (e) to be confronted with the witnesses against him,
- (f) to be permitted full opportunity to examine all witnesses,
- (g) to have compulsory process for obtaining witnesses in his favor, if they are within the jurisdiction of the Libyan courts,
- (h) to have legal representation of his own choice for his defense or to have free or assisted legal representation under the conditions prevailing for the time being in Libya,
- (i) to have his legal representatives present during all stages of proceedings against him,
- (j) to have, if he considers it necessary, the services of a competent interpreter,
- (k) to communicate with the United States authorities and to have a representative of those authorities present at his trial, and
- (l) to such other rights as are guaranteed under the constitution and laws of the United Kingdom of Libya to persons on trial in those courts.

(6) The Libyan authorities will notify the United States authorities of the result of any trial in a Libyan court of a member of the United States forces.

(7) Witnesses who are alleged to have committed perjury or contempt of court in proceedings before the United States service tribunals or authorities and who are not subject to the law administered by those tribunals and authorities will be turned over to the Libyan authorities. Provision will be made by the laws of Libya for the trial and punishment of such offenders.

(8) The Government of the United States of America will have the right to police the agreed areas and to maintain order therein and may arrest therein any alleged offenders and, when they are triable by the Libyan courts, will forthwith turn them over to the Libyan authorities for trial.

(9) Outside the agreed areas, members of the United States forces may be employed on police duties by arrangement with the appropriate Libyan authorities. The Libyan authorities shall be primarily responsible for the protection of cables carrying light, power or communications to any of the agreed areas, whether such cables are the property of the Government of the United States of America or otherwise, but they may make arrangements with the United States authorities for the employment of members of the United States forces for this purpose. In such cases, the Libyan police with whom members of the United States forces may be serving shall have paramount authority with respect to the persons and property of persons who are nationals of or ordinarily resident in Libya.

#### *Article XXI*

##### DRIVING PERMITS

The Government of the United Kingdom of Libya either shall honor, without driving test or fee, driving permits issued by the Government of the United States of America or a subdivision thereof to members of the United States forces; or issue its own driving permits without test or fee to such persons who hold such United States permits. Members of the United States forces who do not hold driving permits issued by the Government of the United States of America or a subdivision thereof shall be required to comply with whatever regulations Libya may establish with regard to driving permits.

#### *Article XXII*

##### POSSESSION AND CARRIAGE OF ARMS

Military members of the United States forces in Libya may possess and carry arms as required in the performance of official duties.

*Article XXIII*

## LOCAL PURCHASES AND EMPLOYMENT OF LOCAL LABOR

(1) Members of the United States forces may purchase locally goods necessary for their own consumption and such services as they need under the same conditions as Libyan nationals.

(2) The Government of the United States of America may purchase locally goods required for the subsistence of the United States forces and it shall be the policy of the Government of the United States of America to purchase such goods locally if they are available and of the standard required by United States authorities. In order to avoid any such purchases having an adverse effect on the Libyan economy, the appropriate authorities of the Government of the United Kingdom of Libya will indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

(3) The Government of the United Kingdom of Libya consents to the employment of Libyan civilians by the Government of the United States of America, or its contractors, and it shall be the policy of the Government of the United States of America and its contractors to prefer the employment of Libyan civilians when they are available and qualified to do the work involved. The conditions of employment for Libyan nationals and persons normally resident in Libya, particularly in respect to wages, supplementary payments, insurance, and conditions for the protection of workers, shall be generally those laid down by Libyan law.

(4) Upon the request of the appropriate authorities of the Government of the United Kingdom of Libya, the United States military authorities will withhold and pay over to the Government of the United Kingdom of Libya all income tax or other deductions from the wages of persons other than members of the United States forces employed by the Government of the United States of America, who may by Libyan law be subject to such tax or deductions in the same manner and to the same extent as any other employer.

*Article XXIV*

## TAXES, DUTIES, ETC.

(1) The temporary presence in Libya of a member of the United States forces shall constitute neither residence nor domicile therein and shall not of itself subject him to taxation in Libya, either on his income or on his property the presence of which in Libya is due to his temporary presence there, nor, in the event of his death, shall it subject his estate to a levy of death duties. Land and permanent structures thereon located in Libya which are purchased by a member of the United States forces shall be subject to the laws of the United Kingdom of Libya as to taxation.

(2) No national of the United States of America or corporation organized under the laws of the United States of America, resident in the United States of America, shall be liable to pay the Government of the United Kingdom of Libya any tax in respect of any income derived under a contract with the Government of the United States of America in connection with operations under the present Agreement. The provisions of this paragraph shall not, however, apply to any such national or corporation engaged in business in Libya otherwise than under such a contract with the Government of the United States of America.

(3) No tax, duty or other charge of any nature shall be levied or assessed on material, equipment, supplies or goods brought into Libya or procured in Libya by United States authorities for the Government of the United States of America or its agents or for the use of persons present in Libya only in connection with operations under the present Agreement.

(4) Members of the United States forces may at the time of their first arrival in Libya or at the time of the first arrival of any of their dependents to join them, import into Libya free of customs duty their personal effects and household goods and their private motor vehicles for personal use.

(5) The provisions of this Article shall not exempt members of the United States forces from the payment of any license fees imposed under the laws of the United Kingdom of Libya on private radios outside the agreed areas and any registration or license fee imposed under the laws of the United Kingdom of Libya in respect of private motor cars.

#### *Article XXV*

##### CUSTOMS LAWS AND REGULATIONS

(1) The laws and regulations administered by the customs authorities of the Government of the United Kingdom of Libya, including the right to inspect and seize, shall have no application to :

(a) Service and construction material, equipment, supplies, provisions and other goods, brought into Libya by the Government of the United States of America or its contractors in connection with operations under the present Agreement for the exclusive use of the United States forces.

(b) Personal effects, household goods, including privately owned automobiles and furniture, and other goods brought into Libya by the authorities of the Government of the United States of America directly or through the customary civil channels of Libya for the personal use of members of the United States forces at the time of their first arrival in Libya or at the time of the first arrival of any of their dependents to join them.

(c) Official documents under seal.

(d) Mail sent to and from the United States post offices established pursuant to Article XV.

(2) Property falling within the provisions of Paragraph (1) of this Article may be exported from Libya, without regard to the customs laws and regulations of the United Kingdom of Libya.

(3) Property brought into Libya under the provisions of Paragraph (1) of this Article may not be disposed of in Libya except for the purposes of operations under the present Agreement, or, to any person or corporation having the right to bring property into Libya in accordance with Paragraph (1) of this Article, or, under conditions imposed by the appropriate authorities of the Government of the United Kingdom of Libya. The Government of the United States of America may, however, dispose of such property to the government of any nation entitled to make use of agreed areas in accordance with the provisions of the present Agreement or to the personnel of such government engaged in activities connected with such use of an agreed area. The United States military authorities will prescribe and enforce regulations designed to prevent the sale or supply to individual members of the United States forces of quantities of goods imported into Libya free of charge which would be in excess of personal requirements of such personnel and which in consultation with the appropriate authorities of the Government of the United Kingdom of Libya, are determined to be most likely to become items of gift, barter or sale in the free market in Libya.

#### *Article XXVI*

#### USE OF CURRENCY

(1) The United States authorities will take the necessary measures in cooperation with the appropriate Libyan authorities to safeguard Libyan foreign exchange legislation or regulations.

(2) With respect to the acquisition of Libyan currency, the United States forces will have the authority to purchase local currency with United States dollars at the most favorable rate from authorized banking facilities and institutions, provided that Libyan currency now available or which may become available to the Government of the United States of America may be used by the Government of the United States of America for such purposes as it desires.

(3) The United States authorities may import, export, possess and use United States currency, the currency of any third state, and instruments or scrip expressed in United States currency.

(4) The United States authorities may pay the United States forces in instruments expressed in United States currency, or scrip denominated in units of United States currency, or in Libyan currency, or in United States currency, provided that payment in United States currency shall take place after consultation between the

appropriate authorities of the two Governments. The United States authorities will take appropriate measures to assure that the use of scrip denominated in units of United States currency is restricted to internal transactions within installations and areas in use by the United States forces.

#### *Article XXVII*

##### COMPLIANCE

The Government of the United States of America shall take the necessary measures to prevent abuse of the privileges granted by the Government of the United Kingdom of Libya under the present Agreement.

#### *Article XXVIII*

##### DEFINITIONS

In the present Agreement the following expressions have the meanings hereby respectively assigned to them :

“The two Governments” means the Government of the United Kingdom of Libya and the Government of the United States of America.

“The Government of the United Kingdom of Libya” means the federal Government of the United Kingdom of Libya.

“United States forces” includes personnel belonging to the armed services of the United States of America and accompanying civilian personnel who are employed by or serving with such services (including the dependents of such military and civilian personnel), who are not nationals of, nor ordinarily resident in Libya ; and who are in the territory of Libya in connection with operations under the present Agreement.

“Agreed areas” means those areas and their component parts (including land, buildings, structures, water, stone and other construction materials, and things other than minerals, including petroleum, and archeological remains which are on, in, or over land and land covered by water) which the two Governments shall agree may be occupied and used by the Government of the United States of America under the terms and conditions of the present Agreement.

“Military purposes” means, within the agreed areas and elsewhere as provided in the present Agreement, the installation, construction, maintenance, use and operation of military equipment and facilities, including facilities for the training, accommodation, hospitalization, recreation, education, and welfare of members of the United States forces ; and the operations of the Government of the United States of America and its contractors and of authorized service organizations under the present Agreement ; and the storage of the property of the Government of the



United States of America and its contractors and of authorized service organizations which are in Libya in connection with the operations under the present Agreement.

“United States public vessel” and “United States public aircraft” mean vessels (including waterborne craft of all kinds) and aircraft belonging to the Government of the United States of America or operating under charter, contract or otherwise for the purposes of the United States armed services.

#### *Article XXIX*

##### DISPUTES

Matters relating to the interpretation of the present Agreement and to the settlement of disputes arising therefrom shall be examined in common by the appropriate authorities of the two Governments. In the event it is not possible for such authorities to reach agreement, the two Governments will consider the practicability of submitting the dispute to an independent third person or body.

#### *Article XXX*

##### RATIFICATION AND DURATION

The present Agreement shall come into force upon the date of receipt by the Government of the United States of America of a notification from the Government of the United Kingdom of Libya of its ratification of the present Agreement and without having any retroactive effect shall replace the existing arrangements between the two Governments on the matters covered in the present Agreement. The present Agreement shall continue in force until December 24, 1970 and after that date shall continue in force until either of the two Governments gives to the other notice of termination, in which event, the Agreement shall cease to be effective one year after the date of receipt of such notice.

IN WITNESS WHEREOF, the undersigned duly authorized representatives of the Government of the United States of America and the Government of the United Kingdom of Libya have signed the present Agreement.

DONE in duplicate at Benghazi in the English and Arabic languages, both texts being equally authentic, the ninth day of September 1954.

For the Government of the United States of America :  
Lionel M. SUMMERS

[SEAL]

For the Government of the United Kingdom of Libya :  
BEN HALIM

[SEAL]

## MEMORANDUM OF UNDERSTANDING

With respect to the "Agreement between the Government of the United States of America and the Government of the United Kingdom of Libya" signed at Benghazi on September 9, 1954, hereinafter referred to as "the Agreement", the Government of the United States of America and the Government of the United Kingdom of Libya have reached the following understandings concerning certain provisions of the Agreement.

*Article IV*

The two Governments agree that the facilities referred to in Article IV of the Agreement will be constructed and maintained solely at the expense of the Government of the United States of America when such facilities are to be constructed for the sole use of the United States of America.

*Article VII*

The two Governments agree that nothing in Article VII of the Agreement shall be construed to authorize the Government of the United States of America to purchase land in Libya.

*Article XIV*

The two Governments agree that copies of surveys will be furnished the Government of the United Kingdom of Libya without cost. The two Governments further agree that areas formally established by the Government of the United Kingdom of Libya as prohibited areas will not be surveyed without the specific consent of the Government of the United Kingdom of Libya.

*Article XVIII*

The two Governments agree that the agreement of the Government of the United Kingdom of Libya to the text of Article XVIII of the Agreement does not of itself obligate that Government to the expenditure of funds in connection with the implementation thereof.

*Article XXV*

Paragraph (1). In the event that the customs regulations of the Government of the United Kingdom of Libya should prohibit the refund of customs duty already paid on goods acquired in Libya by the Government of the United States of America or by persons who are themselves exempt from the obligation to payment of customs duties on goods they import into Libya, the Government of the United States of America will not request such refunds on its own behalf or support such requests made by its contractors or by members of the United States forces in Libya.

*Article XXIX*

The representatives of the two Governments understand that the Government of the United States of America has accepted the compulsory jurisdiction of the International Court of Justice under the terms set forth in a declaration deposited with the Secretary

General of the United Nations on August 26, 1946<sup>1</sup>. They also understand that the Government of the United Kingdom of Libya may wish to take steps to become a party to the Statute of the Court in accordance with Article 93 of the United Nations Charter and to file a declaration accepting the compulsory jurisdiction of the Court pursuant to Article 36 of the Statute.

DONE in duplicate at Benghazi in the English and Arabic languages, both texts being equally authentic, the ninth day of September, 1954.

For the Government of the United States of America :  
Lionel M. SUMMERS

For the Government of the United Kingdom of Libya :  
BEN HALIM

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1, p. 9.