

No. 3078

**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.

**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. AGREEMENT¹ 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

PREAMBLE

The Government of the United States of America and the Gouvernement 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

¹ 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