

## II. — LIBYE

### I. — Remaniements ministériels et nouveaux gouvernements

Le gouvernement en place au 1<sup>er</sup> janvier est celui du 8/9/69 remanié le 21/9, le 16/10, le 22/ 10, le 3/12 et le 10/12/69.

Colonel QADDHAFI : président du conseil de commandement de la Révolution, président du Conseil des ministres, ministre de la Défense, ministre de l'Intérieur.

Dr. Mahmoud Soleiman EL MAGHREBI : Premier Ministre, ministre des Finances.

M. Salah BOUISSIR : ministre de l'Unité et des Affaires étrangères.

M. Ahmed Rajab FEITOUR : ministre de l'Education et de l'Orientation nationale.

M. Djamma Messaoud CHERIHA : ministre de l'Agriculture et de la Réforme agraire.

M. Omar El Hadi RAMADAN : ministre des Travaux publics et des Communications.

Dr. EL USTA OMAR : ministre de la Santé.

M. Anis Ahmed CHTEIQUI : ministre du Pétrole, du Travail et des Affaires sociales.

M. Ali AMICHE : ministre de l'Economie, du Plan et de l'Industrie.

M. Mohammed Ali EL JEDI : ministre de la Justice.

Le nouveau gouvernement du 17/1/70. *J.R.* (10), 2/3/70, 3.

Colonel Mu'ammarr EL QADDHAFI : président du Conseil du commandement de la Révolution, commandant en chef de l'armée libyenne, Président du Conseil, ministre de la Défense.

Commandant Abdul Salam JALLOUD : membre du C.C.R., vice-président du Conseil, ministre de l'Intérieur et du Gouvernement local.

Commandant Bachir HAWADI : membre du C.C.R., ministre de l'Education et de l'Orientation nationale.

Capitaine Omar EL MEHEICHI : membre du C.C.R., ministre de l'Economie, ministre de l'Industrie.

Capitaine Mohamed MUQARYEF : membre du C.C.R., ministre du Logement et des Municipalités.

M. Salah Mas'oud BOUISSIR : ministre de l'Unité et des Affaires étrangères.

Dr. Omar El Hadi RAMADAN : ministre des Communications, ministre des Travaux publics.

M. Mohamed EL JEDI : ministre de la Justice.

Dr. Meftah EL USTA OMAR : ministre de la Santé.

Dr. Juma'ah CHEREIHA : ministre de l'Agriculture et de la Réforme agraire.

M. Ezzedin MABROUK : ministre du Pétrole et des Ressources minières.

M. Abdul'ati EL OBEIDI : ministre du Travail et des Affaires sociales.

M. Mohamed Hulayel EL RABI'I : ministre du Trésor.

Le 16/9/70 un nouveau gouvernement est formé :

Président du Conseil du commandement de la Révolution, Commandant en chef des Forces Armées, Président du Conseil des ministres, Ministre de la Défense : Mu'ammarr EL QADDHAFI.

Vice-président du Conseil pour le secteur de la production, ministre de l'Economie et de l'Industrie : Commandant Abdesselam JALLOUD.

Vice-président du Conseil pour les services publics, ministre de l'Intérieur et du Gouvernement local : Commandant Abdel Moneim EL HOUNI.

Ministre de l'Education et de l'Orientation nationale : Commandant Béchir HAWADI.

Ministre des Communications : Commandant Mokhtar EL KARAOUL.

Ministre de l'Unité et des Affaires étrangères : Commandant Mohamed NAJM.

Ministre du Trésor : Capitaine Omar EL MEHEICHI.

Ministre du Logement et de l'Urbanisme : Capitaine Imhemmed MUQARYEF.

Ministre de la Justice : M. Mohamed EL JEDI.

Ministre de la Santé : Dr. Meftah EL USTA OMAR.

Ministre du Travail et des Affaires sociales : M. Abel Ati EL OBEIDI.

Ministre du Pétrole : M. Ezzedin MABROUK.

Ministre de l'Agriculture et de la Réforme agraire : M. Mohamed Ali TABOU.

Par le remaniement ministériel du 16/16/70 le commandant JALLOUD devient ministre du Trésor. Le 17/10/70 le commandant Khoueldi EL HAMIDI devient ministre de l'Intérieur.

Le 8/12 le Commandant NAJM démissionne et l'intérim du ministère de l'Unité et des Affaires étrangères passe le 16/12 à M. Abdel Ati EL OBEIDI, ministre du Travail et des Affaires sociales.

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## 2. — Positions du C.C.R. sur le problème palestinien

### a) Communiqué du Conseil du Commandement de la Révolution du 5/8/70.

I) La République arabe libyenne refuse fermement toute paix, toutes négociations et toute reconnaissance d'Israël. Elle s'oppose avec la même rigueur à tout abandon de la cause palestinienne.

II) Compte tenu des graves défis internationaux lancés contre la nation arabe et de la volonté de l'ennemi israélien de mener une politique expansionniste au détriment de la patrie arabe, à partir des territoires occupés, la question palestinienne est devenue l'affaire de toute la nation arabe et de l'ensemble des musulmans dont le peuple palestinien ne constitue que l'avant-garde.

III) Ceux qui prétendent que la Palestine est l'affaire des seuls Palestiniens refusent d'assumer leur devoir de nationalistes.

IV) Le conflit israélo-arabe a atteint un point où il est impossible d'aboutir à un règlement pacifique qui donne satisfaction à toutes les parties en cause.

V) La stratégie militaire des Arabes n'est pas adaptée aux données de la situation présente.

VI) La République arabe libyenne se tient fermement aux côtés de la République Arabe Unie et combattra avec elle si celle-ci combat.

VII) La République arabe libyenne continuera à livrer des fonds et des armes à la Résistance Palestinienne dont le « Fatah » constitue l'aile marchante, aussi longtemps que celle-ci suivra la voie de la libération, du vrai sacrifice et de l'unité d'action des Palestiniens.

VIII) La République arabe libyenne dénonce toutes les campagnes de diffamation lancées contre le Président Nasser et visant à porter atteinte à son renom de guide de la nation arabe et de champion de son combat. Elle considère ces calomnies comme des attaques dirigées contre la nation arabe elle-même, son histoire et ses idéaux de liberté, socialisme et unité. La République arabe libyenne ne considère pas le Président Nasser comme un simple individu mais comme le symbole moral et agissant de l'arabisme et comme le réalisateur de l'une des plus grandes expériences humaines des temps modernes.

IX) La République arabe libyenne salue le combat du peuple égyptien, rend hommage à ses sacrifices, et glorifie ses martyrs tombés au Champ d'Honneur de la patrie arabe.

#### b) Second communiqué du 20/9.

La République Arabe Libyenne déclare à tous les Arabes qu'elle ne restera pas plus longtemps à l'écart du théâtre des combats qui se déroulent actuellement sur une terre arabe et au cours desquels le peuple palestinien désarmé et le peuple jordanien font l'objet d'une entreprise d'anéantissement total.

1) Elle approuve l'initiative tunisienne de convoquer une réunion extraordinaire des présidents et monarques arabes, sous réserve que ce sommet ne se tienne pas plus tard que le 21 septembre.

2) Elle préconise la constitution d'une force militaire unifiée algéro-libyenne en vue de prévenir de nouveaux affrontements entre les deux parties.

3) Si ces deux propositions ne sont pas retenues, la Libye se verra contrainte d'adopter les mesures unilatérales que lui imposent ses devoirs nationaux. La République arabe libyenne montrera en pratique qu'elle sait faire le départ entre l'action et la parole, de quelle manière le peuple palestinien sera soutenu par le peuple arabe de Libye et que le courage et l'esprit révolutionnaire ne craignent pas les conséquences du droit.

Il n'est que temps de mettre fin aux équivoques. Toute la nation arabe doit en constater objectivement les conséquences. Nous disons au roi Hussein et aux chefs de son armée, ainsi qu'aux autres dirigeants arabes, qu'ils ont 24 heures pour permettre à la raison et à la conscience arabe de triompher des coups, ainsi que des bombes et pour mettre un terme au massacre d'innocents et à la malignité de l'ennemi.

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### 3. — Problèmes pétroliers

**Loi instituant la Société nationale libyenne du pétrole** (d'après la traduction anglaise publiée dans la revue officieuse *Arab Oil Review*, 1<sup>er</sup> trim. 1970).

In the name of the people.

The Revolutionary Command Council :

Having reviewed the Constitutionnal Proclamation of Shawwal 2, 1389 H. — December 11, 1969; Law No. 13 of 1968 establishing the Libyan General Petroleum Law No. 25 of 1955 and the laws issued in amendment thereof :

Acting upon the submission of the Minister of Oil and Minerals with the concurrence of the Council of Ministers.

Hereby issues the following Law :

ARTICLE 1. — A general corporation known as the Libyan National Oil Corporation shall be established. It shall have a juridical personality. It shall replace the Libyan General Petroleum Corporation and shall assume the rights as well as the obligations of the latter.

ART. 2. — The Corporation shall be attached to the Minister of Oil and Minerals who shall be authorised to supervise and control its activities. It shall endeavour to achieve the objectives of the Development Plan in the sphere of oil within the framework of the general policy of the State.

ART. 3. — The headquarters of the Corporation shall be determined by decision of the Council of Ministers. The Minister of Oil and Minerals may set up branches for the Corporation inside or outside Libya in accordance with a proposal of the Board of Directors.

ART. 4. — The Corporation shall participate in consolidating the national economy through the development, management and investment of petroleum resources at all stages, and by setting up oil industries and the distribution of local and imported petroleum products.

The Corporation may form partnerships with other bodies and corporations which engage in similar activities or which may help it achieve its objectives inside or outside Libya.

ART. 5. — 1. The Corporation shall have the right to exploit the areas assigned to it either directly by itself or by entering into contracting or partnership agreements with other parties. The allocation and distribution of such areas shall be governed by decision of the Council of Ministers.

2) The contracting agreement must stipulate that the contractor shall carry out exploitation operations for the account of and on behalf of the Corporation and that the Corporation shall own all the oil produced at the well-head. It shall also oblige the contractor to provide all the necessary funds for oil exploitation and prospecting operations, whose amounts shall be refunded to him by the Corporation only in the event of a commercial oil discovery and over a specified period to be agreed upon.

The contractor shall undertake to provide the necessary funds for the exploitation stage and shall market all or part of the produced oil in accordance with the conditions and terms to be agreed upon with the Corporation provided always that reasonable remuneration shall be fixed for the services of the contractor, which remuneration shall be made in cash or in kind from the oil produced.

3. The partnership agreement must provide for the Corporation rights, interest and benefits higher than those provided for the Government under the Petroleum Law. It shall also provide for the entitlement of the Corporation to a specified proportion of all the partnership activities from the start of the agreement. The partner shall bear the expenses for all the oil exploration and search operations. The Corporation shall not incur any of these expenses unless oil is discovered in commercial quantities. In that event it shall bear part of the expenses in proportion to its share in the partnership.

4. The contracting or partnership agreement may include the same exemptions and benefits provided under the Petroleum Law for the concession holder and contractors in his employment, or it may include lower exemptions and benefits.

5. In the contracting or partnership agreement, the Corporation shall take into consideration that the proved reserve of crude oil in the sub-soil as well as in the concession areas be so developed as to ensure better exploitation of oil and that the largest possible number of Libyan nationals be trained at all stages of oil operations, that in cooperation with contractor or partner the opening of markets be ensured, and that generally the investment be so administered as to secure national interest.

6. The contracting or partnership agreement shall not be concluded save in consultation with the Corporation's Board of Directors and after the approval of the

Council of Ministers. The contractor or partner must fulfil the qualifications laid down in Article 5 of the Petroleum Law.

ART. 6. — The oil and hydrocarbons in the areas assigned to the Corporation in accordance with the provisions of this Law shall remain property of the State and third parties shall not acquire prescriptive rights over them.

ART. 7. — All rights of the Government in the partnerships provided for in the concessions granted now or in the future shall be acquired by the Corporation in accordance with this Law. The Corporation shall invest such rights in accordance with the provisions and terms stipulated by such concessions.

ART. 8. — The Corporation may carry out operations in the oil industry within or outside the country and at any stage of the industry including exploration, searching and prospecting for oil, natural gas and other hydrocarbons; production, refining, transportation and storage of said materials or any of their byproducts including chemicals produced from petroleum oil, natural gas or hydrocarbons. The Corporation may also trade in, distribute, sell and export such materials and their byproducts.

In particular, the Corporation shall :

1. individually or in partnership with other operating companies undertake operations related to exploitation, searching, prospecting and production of oil resources, including crude oil, natural gas or other hydrocarbons;

2. build refineries or refining plants and storage tanks, and maintain and operate them;

3. set up or participate in petro-chemical industries;

4. build, operate, manage and maintain oil pipelines in the areas assigned to the Corporation or in concession areas, provided that a decision specifying the terms and conditions for such building, operating, management and maintenance shall be made by the Minister of Oil and Minerals;

5. own oil tankers the Libyan flag and charter others to transport oil from Libya or any other place outside Libya;

6. participate in laying down specifications for local and imported oil products, process such products locally and trade, distribute, sell and export them and their byproducts;

7. market crude oil, including oil owned by the Corporation or received by it under Article 7-9, or royalty received in kind by the Government, or oil purchased by the Government from the concession-holder under the Petroleum law;

8. construct, manage, operate and maintain oil terminals, including terminals within the Corporation's areas or concession areas, provided that a decision specifying the terms and conditions for such construction, management, operation and maintenance shall be made by the Minister of Oil and Minerals in accordance with established provisions in this respect and with the agreement of the competent authorities;

9. undertake internal transportation services related to the oil industry.

The Corporation shall, in assuming the powers laid down in paras, 1, 2, 4 and 8, have the same rights and privileges as assigned to the concession-holder under the Petroleum Law.

ART. 9. — In order to achieve its objectives, the Corporation may form companies of its own or in partnership with others, or participate in existing companies or establish subsidiary companies within or outside the country. When participating in the foundation or joint-stock companies, the Corporation's share in the capital shall not be less than 51 %. In that event, the Corporation may stipulate that the public may be invited to subscribe to a part of companies' shares.

The Council of Ministers may if necessary waive the condition related to the said proportion of participation.

ART. 10. — The Corporation may obtain loans from any local or foreign body to finance its projects. It may obtain loans with the guarantee of the Government in accordance with the conditions laid down by the Council of Ministers.

ART. 11. — The capital of the Corporation shall consist of :

- a. The capitals of its subsidiary companies and the shares it has in other companies in accordance with Article 9 of this Law.
- b. The allocations made by the State towards the Corporation's capital.

ART. 12. — The financial resources of the Corporation shall be made of :

- a. The net profits of the subsidiary companies or those in which it has a share.
- b. The amounts due to the Corporation's representatives at the companies in which it has a share.
- c. Donations and legacies accepted by the Board of Directors.
- d. Loans.
- e. Allocations voted to it by the State.
- f. Any other income received by the Corporation as a result of its activities or in return for the services rendered by it to others, which services come under its jurisdiction.

However all amounts resulting from the partnership agreement shall be paid into the Public Treasury within the proportion assigned to the Government out of the concession holder's amounts under the Petroleum Law.

ART. 13. — The Corporation shall have a budget independent from the State budget. It shall be patterned after the commercial balance-sheets.

ART. 14. — The Corporation shall open a banking account with the Bank of Libya. Its financial resources shall be paid into that account from which it shall also withdraw amounts to the extent of the allocations made to it by the State budget.

Should the amounts in that account be less than the allocations made for the Corporation, the Ministry of Treasury shall pay the difference into that account out of the Public Budget of the State throughout the year in accordance with the rules laid down by the Ministry. Should the balance of the said account exceed the amount of the allocations, the surplus amount shall revert to the State Budget.

ART. 15. — The financial year of the Corporation shall commence on the same date as the financial year of the State and shall end on the same date as the latter.

ART. 16. — The Corporation's Board of Directors shall prepare the Balance Sheet and Profit and Loss Account of each financial year. They shall also write a report on the activities of the Corporation during the financial year.

ART. 17. — 1. Without prejudice to the powers of the Diwan of Audit, the auditing of the Corporation's accounts shall be undertaken by two auditors whose annual nomination and remuneration shall be determined by decision of the Minister of Oil and Minerals upon the submission of the Board of Directors.

2. The auditors shall submit within maximum three months from the date of the termination of the financial year an annual report embodying the results of their revision to the Board of Directors and the Minister of Oil and Minerals.

3. The Corporation shall place at the disposal of the auditors all the necessary books, papers, and particulars which would enable them to perform their work. They shall ascertain that the draft balance sheet and accounts have been prepared properly and that they truly represent the financial status of the Corporation. The auditors shall also notify the Chairman of the Board in writing of any objectionable omission, error, or contravention. If the Chairman does not rectify the omission, error or contravention as the case may be, the auditors shall point this out in their annual report to the Board of Directors and the Ministry of Oil and Minerals.

4. If serious errors exist which may expose the Corporation to a positive loss, the auditors must convene the Board of Directors to a meeting forthwith and submit the matter to them.

ART. 18. — The Minister of Oil and Minerals shall submit to the Council of Ministers a report on the activities of the Corporation following the end of the financial year. The report shall be supported by a copy of the annual report of the Board of Directors and the report of the Diwan of Audit.

ART. 19. — The Board of Directors shall be composed as follows :

1. The Chairman of the Board.
2. The Under-Secretary of the Ministry of Oil and Minerals whose candidature shall be submitted by the Minister and who shall act for the Chairman in the latter's absence.
3. The Deputy Director-General of the Corporation.
4. Two members representing respectively the Ministry of Industry and the Ministry of Treasury, provided that their grade is not below Grade I, that they hold higher qualifications and that their candidature be moved by the competent minister.

Appointments to the Board of Directors whether in regard to the Chairman or members shall be made by decision of the Revolution Command Council. The appointment shall be for four years, renewable. The Chairman and Deputy Director-General shall be appointed on a full-time basis. The decision appointing them shall fix their grade and remuneration.

ART. 20. — The Board of Directors shall administer and discharge the Corporation's affairs by means of the following :

1. Laying down the general policy of the Corporation within the general plan of the State.
2. Giving its opinion in respect of the contracting and partnership agreements submitted to the Corporation prior to their presentation to the Council of Ministers.
3. Approving the draft balance-sheet and end-of-year accounts.
4. Investing the Corporation's fund.
5. Preparing regulations concerning personnel affairs without having to conform to Government regulations.
6. Laying down internal and other regulations with regard to the Corporation's administrative, financial and technical affairs, without having to conform to Government regulations.
7. Approving the Corporation's participation in the foundation of companies.
8. Appointing staff members and promoting them to appropriate grades in accordance with the regulations.
9. Considering any matter which the Minister of Oil and Minerals or the Chairman of the Corporation may submit to the Board of Directors, which matter shall be related to the Corporation's affairs, or organization of its activities or any matter conducive to the achievement of the Corporation's objectives.
10. Other functions laid down in this Law and regulations issued the under.

ART. 21. — The Corporation's Board of Directors shall in connection with the companies it may establish on its own undertake the following :

- a. Approve the balance-sheet, profit and loss account, and appropriation of profits.
- b. Amend the company's statute.
- c. Extend or shorten the life of the company.
- d. Increase or decrease the company's capital.
- e. Authorise the company to deal with reserves or allocations for purposes other than those laid down in the company's balance-sheet.
- f. Merge two or more companies.

The Corporation's Board of Directors shall choose representatives from its own members to represent it at the general assemblies of the companies in which the Corporation has a share.

ART. 22. — The Board may form committees from among its own members or others to study specific topics. It may invite to its meetings any person whose experience and knowledge are deemed useful with regard to the problems laid before the Board.

Such invited persons shall not be entitled to vote.

ART. 23. — The Board shall be convened by the Chairman at least once every month.

Its meetings shall be considered proper only when at least three members including the Chairman attend. Resolutions shall be passed by a majority vote. In the event that votes are equally divided, the Chairman shall have the casting vote.

The Minister of Oil and Minerals may at any time convene the Board to a meeting. He may attend its meetings in which event he shall take the chair.

ART. 24. — The resolutions of the Board of Directors shall be deemed effective only when ratified by the Minister of Oil and Minerals. Resolutions shall be submitted for ratification to the Minister within seven days from the date on which they were passed. The Minister is entitled to object to them within fifteen days from the date on which they were notified to him, otherwise they shall be considered effective.

In the event of his objection, the resolutions shall be referred to the Board of Directors. If the latter maintains the resolutions, the Minister shall submit the matter to the Council of Ministers for a decision.

Resolutions referred to in subparas 3, 5, 6 and 7 of Article 20 shall not come into effect unless ratified by the Council of Ministers.

ART. 25. — The Chairman of the Corporation's Board of Directors shall be the Director-General of the Corporation and he shall supervise its executive functions. He shall :

1. Implement the Board's decisions.
2. Prepare estimates of the balance-sheet and end-of-year accounts.
3. Submit data, studies and statistics relevant to the topics on the agenda of the Board.
4. Represent the Corporation with regard to its relations with third parties and before the court.
5. Issue payment-out orders from the Corporation's budget. He may delegate another official of the Corporation to perform this task.
6. Supervise, appoint, promote, and transfer the Corporation's personnel in accordance with the regulations.
7. Assume any other powers provided for in this Law and the regulations issued thereunder or any powers invested to him by the Board.

The Deputy Director-General shall assist the Chairman of the Board and shall act for him in his absence.

ART. 26. — A member of the Board of Directors shall not conclude with the Corporation either directly or indirectly a partnership, contracting, supply, sale or rent agreement, nor shall he buy a right which is disputed with the Corporation. He shall not attend meetings of the Board or any committee formed by the Board if he or any of his relatives or in-laws up to fourth degree has an interest in the subject laid before the Board or the committee. Any work carried out contrary to this rule shall be deemed nul and void.

A member of the Board shall not take part in any legal action against the Corporation. Membership of the contravening member shall be abolished by decision of the Revolutionary Command Council.

ART. 27. — Decisions taken by the Board of Directors regarding personnel of the Corporation shall continue to apply until regulations organizing personnel affairs have been drawn up.

ART. 28. — The Corporation shall have representatives on the board of Companies in whose capital it has a share. The number of these representatives shall be proportionate to the Corporation's share in the capital of the company. They shall enjoy the same rights and powers as other members of the board. They shall notify the Chairman of the Corporation of the decisions adopted by the board within a maximum one week from the date on which they were taken.

ART. 29. — Any remunerations due to the representatives of the Corporation on the board of companies shall go to the Corporation. The Corporation's Board of Directors may fix a remuneration for the work of the representative.

ART. 30. — The Corporation shall be exempt for a period of ten years from all taxes and duties. This period may be extended or shortened by decision of the Council of Minister of Oil and Minerals.

ART. 31. — All the personnel of the Libyan General Petroleum Corporation shall be transferred to the Libyan National Oil Corporation and they shall retain their present job status. Financial allocations voted for the abrogated corporation shall also be transferred to the new Corporation.

ART. 32. — Law No. 13 of 1968 founding the Libyan General Petroleum Corporation shall be annulled.

ART. 33. — The Minister of Oil and Minerals shall implement this Law which shall come into force from the date of publication in the Official Gazette.

Issued in Tripoli on 27 Dhul Hijja 1389 H. — 5 March 1970.

Colonel Mu'ammar QADDHAFI  
Prime Minister  
Ezzeddin El-Mabrouk  
Minister of Oil and Minerals.