

Law No. (142) of 1970 AD
On Tribal Lands and Wells

In the Name of the People,

The Revolutionary Command Council

- Upon review of the Constitutional Declaration issued on 2 Shawwal 1389 AH, Corresponding to 11 December 1969 AD,
- Law No. (9) of 1959 AD on Tribal Lands Disputes, as amended by Law No. (17) of 1963 AD; and
- Real Estate Registration Law issued on 2 Jumada al-Thania 1385 AH, corresponding to 28 September 1965 AD, as amended, and
- Based on the submission of the Prime Minister and the approval of the said council,

Issued the following law

Article (1)

1. All tribal lands and wells that are not registered with the Real Estate Registration and Notarization Department shall be deemed to be fully owned by the State and shall be registered as State property.
2. All real estate registrations based on decisions of tribal lands and wells disputes committees shall be revoked. Lands and wells that are registered on that basis shall be deemed to be unregistered and the preceding paragraph shall be applicable thereto. No registrations may be made pursuant to the decisions of the said committees.

3. Tribal lands and wells hereunder shall be the lands and wells that are commonly used by one or more tribes in accordance with prevailing customs, and does not include lands owned by specific individuals or a particular family.

Article (2)

Subject to the provisions of Articles 3 and 7 of this law, the tribes that are currently using the lands and wells referred to in Article (1) shall continue to make use thereof.

The said lands and wells shall continue to be used in accordance with the terms and conditions laid down by a regulation, to ensure that they are not neglected or abandoned.

These Regulations shall be issued by virtue of a decree of the Council of Ministers based on a proposal of the Prime Minister or his representative and the Ministers of Housing and Utilities, and Agriculture and Agricultural Reform.

Article (3)

The possession of any holder of disputed tribal lands and wells shall be removed when this law comes into force, whether the dispute was submitted to the committees for settlement of tribal land disputes or to any other body, or a decision has been issued by these committees, whether final or not, and whether the final decision was not executed due to the dispute of any party, or it was executed and the dispute continued.

The lands and wells from which possession is removed in applying the provision of the preceding paragraph shall be determined by decrees of the Council of Ministers.

Article (4)



DCAF
a centre for security,
development and
the rule of law

The regulation stipulated in Article (2) shall regulate the use of disputed lands and wells when this law comes into effect as well as their exploitation by citizens to ensure that these lands are properly exploited and not neglected, and that fairness is realized in respect of their use amongst citizens residing in areas where they are located, so that one group does not obtain use to the exclusion of another and the opportunity of use is made available to everyone.

In case of failure to achieve the aforementioned purposes by the use of the abovementioned lands and wells by citizens, the State shall directly exploit them itself or entrust this to a public institution or body or to any other entity.

Article (5)

The persons concerned shall be entitled to compensation for any necessary or beneficial expenses they incurred in respect of the lands and wells referred to in Article (3), if it is not decided that they will continue to make use thereof in accordance with the provisions of this law.

The regulation referred to in Article (4) shall regulate the procedures and conditions according to which compensation shall be determined. The new beneficiaries may be held liable for the value of all or part of the compensation, within the limits and in the manner set out by the said regulation.

Article (6)

The Council of Ministers may decide how to temporarily exploit the lands and wells whose possession has been removed under the provision of Article (3) until a final decision is made with regard to them in accordance with the provisions of Article (4) of this law and the regulation referred to therein.

Article (7)

The provisions of Articles (3, 4, 5 and 6) of this law shall apply to lands and wells used by tribes in accordance with the provision of Article (2) if a dispute arises with regard to their use in the future and a decree of the Council of

Ministers is issued with regard to them based on the submission of the Minister of Interior and Local Government given that there is serious dispute regarding them which requires removing the possession from those holding them and applying the provisions of the aforementioned articles in their regard.

Article (8)

1. Disputes that were ongoing before tribal lands disputes committees and were not settled shall be considered terminated by force of law.

2. Disputes relating to the entitlement to compensation for occupying or using the aforementioned lands by third parties during the period preceding the entry into force of this law shall be settled by one or more committees formed by the Minister of Justice under the chairmanship of a member of the judiciary, provided that the decree for its formation shall set out the procedures before it.

Article (9)

Law No. (9) of 1959, as amended by Law No. 17 of 1963 AD referred to, shall be repealed. Any other provision that is in conflict with the provisions of this law shall also be repealed.

Article (10)

The Prime Minister or his representative and the Ministers of Housing and Utilities, Justice, Agriculture and Agricultural Reform, each within his own jurisdiction, shall implement this law, which shall come into force from the issuance date thereof and shall be published in the Official Gazette.

The Revolutionary Command Council

**President / Mohammed Al Maqref
Muammar Gaddafi**

Colonel /



DCAF
a centre for security,
development and
the rule of law

This document constitutes an un-official transcription/translation. DCAF cannot be held responsible for damages that may arise from its use. For official reference, please refer to the original text as published by the Libyan Authorities.

DCAF's Libyan Security Sector Legislation project is financed by the DCAF Trust Fund for North Africa.

www.security-legislation.ly

**Minister of Housing and Utilities
Prime Minister**

**Major / Al-Khuwaildi
Mohamed Ali Al Jady**

Al-Humaidi

**Minister of the Interior and Local Government
Minister of Justice**

Mohamed Ali Tabu

Minister of Agriculture and Agricultural Reform

Issued on 23 Ramadan 1390 AH

Corresponding to 21 November 1970 AD



DCAF
a centre for security,
development and
the rule of law

This document constitutes an un-official transcription/translation. DCAF cannot be held responsible for damages that may arise from its use. For official reference, please refer to the original text as published by the Libyan Authorities.

DCAF's Libyan Security Sector Legislation project is financed by the DCAF Trust Fund for North Africa.

www.security-legislation.ly