

Documenti

Mozione finale sulle ex-Colonie italiane votata dall'Assemblea generale dell'O.N.U. (21 novembre 1949). (*)

A.

The General Assembly,

In accordance with Annex XI, paragraph 3, of the Treaty of Peace with Italy, 1947, whereby the Powers concerned have agreed to accept the recommendation of the General Assembly on the disposal of the former Italian Colonies and to take appropriate measures for giving effect to it,

Having taken note of the report of the Four Power Commission of Investigation, having heard spokesmen of organizations representing substantial sections of opinion in the territories concerned, and having taken into consideration the wishes and welfare of the inhabitants of the territories, the interests of peace and security, the views of the interested Governments and the relevant provisions of the Charter,

(*) La votazione dell'Assemblea generale è stata effettuata non per paragrafi (come avvenuto in sede di Commissione politica) ma per parti essenziali. L'esito delle votazioni, svoltesi per appello nominale, è stato il seguente:

LIBIA: 49 favorevoli, nessuno contrario, 9 astenuti (gruppo sovietico, Jugoslavia, Svezia, Nuova Zelanda e Francia).

SOMALIA: 48 favorevoli, 7 contrari (gruppo sovietico, Jugoslavia e Etiopia), 3 astenuti (Svezia, Nuova Zelanda e Liberia).

ERITREA: 47 favorevoli, 5 contrari (gruppo sovietico) e 6 astenuti (Filippine, Svezia, Jugoslavia, Etiopia, Grecia e Liberia).

VOTAZIONE COMPLESSIVA: 48 favorevoli, 1 contrario (Etiopia), 9 astenuti (Bielorussia, Cecoslovacchia, Francia, Jugoslavia, Nuova Zelanda, Polonia, Svezia, Ucraina e U.R.S.S.).

La procedura per la nomina dell'Alto Commissario è stata approvata con 48 voti a favore, 5 contrari e 3 astensioni. Pure approvata con 32 voti a favore, 14 contrari e 6 astensioni è stata una proposta franco-turco-argentina, per lo studio, da parte della « Piccola Assemblea », della procedura da adottare per la delimitazione dei confini delle ex-Colonie italiane, dove non risultino già fissati da accordi internazionali. La « Piccola Assemblea » dovrà presentare in rapporto al riguardo alla V Sessione ordinaria dell'Assemblea generale.

A) *With respect to Libya, recommends:*

1. That Libya, comprising Cyrenaica, Tripolitania and the Fezzan, shall be constituted an independent and sovereign State;

2. This independence shall become effective as soon as possible and in any case not later than 1 January 1952;

3. That a constitution for Libya, including the form of the government, shall be determined by representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan meeting and consulting together in a National Assembly;

4. That, for the purpose of assisting the people of Libya in the formulation of the constitution and the establishment of an independent government, there shall be a United Nations Commissioner in Libya appointed by the General Assembly and a Council to aid and advise him;

5. The United Nations Commissioner, in consultation with the Council, shall submit to the Secretary-General an annual report and such other special reports as he may consider necessary. To these reports shall be added any memorandum or document that the United Nations Commissioner or a member of the Council may wish to bring to the attention of the United Nations;

6. That the Council shall consist of ten members, namely:

(a) One representative nominated by the Government of each of the following countries: Egypt, France, Italy, Pakistan, the United Kingdom and the United States of America;

(b) One representative of the people of each of the three regions of Libya and one representative of the minorities in Libya;

7. That the United Nations Commissioner shall appoint the representatives mentioned in 6 (b), after consultation with the administering Powers, the representatives of the Governments mentioned in paragraph 6 (a), leading personalities and representatives of political parties and organizations in the territories concerned;

8. That, in the discharge of his functions, the United Nations Commissioner shall consult and be guided by the advice of the members of his Council, it being understood that he may call upon different members to advise him in respect of different regions or different subjects;

9. That the United Nations Commissioner may offer suggestions to the General Assembly, to the Economic and Social Council and to the Secretary-General as to the measures that the United Nations might adopt during the transitional period regarding the economic and social problems of Libya;

10. That the administering Powers in co-operation with the Commissioner:

(a) Initiate immediately all necessary steps for the transfer of power to a duly constituted independent Government;

(b) Administer the territories for the purpose of assisting in the establishment of Libyan unity and independence, co-operate in the formation of governmental institutions and co-ordinate their activities to this end;

(c) Make an annual report to the General Assembly on the steps taken to implement these recommendations;

11. That upon its establishment as an independent State, Libya be admitted to the United Nations in accordance with article 4 of the Charter.

B) *With respect to Italian Somaliland, recommends:*

1. That Italian Somaliland shall be an independent sovereign State;

2. This independence shall become effective at the end of ten years from the date of the approval of the Trusteeship Agreement by the General Assembly;

3. During the period mentioned in paragraph 2, Italian Somaliland shall be placed under the International Trusteeship System with Italy as the Administering Authority;

4. The Administering Authority shall be aided and advised by an Advisory Council composed of representatives of the following States: Colombia, Egypt and the Philippines. The headquarters of the Advisory Council shall be Mogadiscio. The precise terms of reference of the Advisory Council shall be determined in the Trusteeship Agreement and shall include a provision whereby the Trusteeship Council shall invite the States members of the Advisory Council, if they are not members of the Trusteeship Council, to participate without vote in the debates of the Trusteeship Council on any question relating to this territory;

5. That the Trusteeship Council negotiate with the administering Authority the draft of a Trusteeship Agreement for submission to the General Assembly if possible during the present session, and in any case not later than the fifth regular session;

6. That the Trusteeship Agreement shall include an Annex containing a declaration of constitutional principles guaranteeing the rights of the inhabitants of Somaliland and providing for institutions designed to ensure the inauguration, development and subsequent establishment of full self-government;

7. That in the drafting of this declaration the Trusteeship Council and the Administering Authority be guided by the annexed text proposed by the Indian delegation;

8. That Italy be invited to undertake provisional administration of the territory:

(a) At a time pursuant to arrangements for the orderly transfer of administration agreed upon between Italy and the United Kingdom, after the Trusteeship Council and Italy have negotiated the Trusteeship Agreement;

(b) On condition that Italy gives an undertaking to administer the territory in accordance with the provisions of the Charter relating to the International Trusteeship System and to the Trusteeship Agreement pending approval by the General Assembly of a Trusteeship Agreement for the territory;

9. That the Advisory Council shall commence the discharge of its functions when the Italian Government begins its provisional administration.

C) *With respect to Eritrea, recommends:*

1. That a Commission consisting of representatives of not more than five Member States, as follows, Burma, Guatemala, Norway, Pakistan and the Union of South Africa, be established to ascertain more fully the wishes and the best means of promoting the welfare of the inhabitants of Eritrea, to examine the question of the disposal of Eritrea and to prepare a report for the General Assembly together with such proposal or proposals as it may deem appropriate for the solution of the problem of Eritrea;

2. In carrying out its responsibilities the Commission shall ascertain all the relevant facts including written or oral information from the present administering Power, from representatives of the population of the territory, including minorities, from Governments and from such organizations and individuals as it may deem necessary. In particular, the Commission shall take into account:

(a) The wishes and welfare of the inhabitants of Eritrea, including the views of the various racial, religious and political groups of the provinces of the territory and the capacity of the people for self-government;

(b) The interests of peace and security in East Africa;

(c) The rights and claims of Ethiopia based on geographical, historical, ethnic or economic reasons, including in particular Ethiopia's legitimate need for adequate access to the sea;

3. In considering its proposals the Commission shall take into account the various suggestions for the disposal of Eritrea submitted during the fourth regular session of the General Assembly;

4. The Commission shall assemble at the headquarters of the United Nations as soon as possible. It shall travel to Eritrea and may visit such other places as in its judgment may be necessary in carrying out its responsibilities. The Commission shall adopt its own rules of procedure. Its report and proposal or proposals shall be communicated to the Secretary-General not later than 15 June for distribution to Member States so as to enable final consideration during the fifth regular session of the General Assembly. The Interim Committee of the General Assembly shall consider the report and proposal, or proposals, of the Commission and report, with conclusions, to the fifth regular session of the General Assembly.

D) *With respect to the above provisions:*

1. *Invites* the Secretary-General to request the necessary facilities from the competent authorities of each of the States in whose territory it may be necessary for the Commission for Eritrea to meet or travel;

2. *Authorizes* the Secretary-General, in accordance with established practice:

(a) To arrange for the payment of an appropriate remuneration to the United Nations Commissioner in Libya;

(b) To reimburse the travelling and subsistence expenses of the members of the Council for Libya, of one representative from each Government

represented on the Advisory Council for Somaliland, and of one representative and one alternate from each Government represented on the Commission for Eritrea;

(c) To assign to the United Nations Commissioner in Libya, to the Advisory Council for Somaliland, and to the United Nations Commission for Eritrea such staff and to provide such facilities as the Secretary-General may consider necessary to carry out the terms of the present resolution.

ANNEXURE

TEXT PROPOSED BY THE DELEGATION OF INDIA

(See section B, paragraph 7)

The following constitution shall be annexed to and form part of the trusteeship agreement for any of the former Italian colonies that may be placed under the International Trusteeship System:

1. The sovereignty of the Trust Territory shall be vested in its people and shall be exercised on their behalf by the authorities and in the manner prescribed herein.

2. The executive authority of the Trust Territory shall be exercised by an Administrator appointed by the Administering Authority.

3. To assist him in the discharge of his functions the Administrator shall appoint a Council consisting of five representatives of the principal political parties or organizations in the Trust Territory.

4. In matters relating to defence and foreign affairs, the Administrator shall be responsible to and carry out the directions of the United Nations acting through its appropriate organs. In all other matters, the Administrator shall consult and be guided by advice of his Council.

5. The legislative authority of the Trust Territory shall normally be exercised by the Administrator with the consent of his Council enlarged by such additional representatives of the people as the Administrator may summon for the purpose. In exceptional circumstances, the Administrator may, subject to the control of the United Nations acting through its appropriate organs, make and promulgate such ordinances as, in his opinion, the circumstances demand.

6. The judicial authority of the Trust Territory shall be exercised by a Supreme Court and courts subordinate thereto. The judges of the Supreme Court shall be appointed by the Administrator but shall hold office during good behaviour and shall not be removable except with the consent of the United Nations acting through its appropriate organs.

7. All the authorities of the Trust Territory shall, in the exercise of their respective functions, respect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

8. The United Nations, acting through its appropriate organs may:

(a) Make rules to supplement this constitution;

(b) Review the administration periodically and amend this constitution so as to establish the Trust Territory as an independent State within a period not exceeding five years.

B.

The General Assembly, to assist it in making the appointment of the United Nations Commissioner in Libya,

Decides that a Committee composed of: the President of the General Assembly, two of the Vice-Presidents of the General Assembly (Brazil and Pakistan), the Chairman of the First Committee, and the Chairman of the *ad hoc* Political Committee shall nominate a candidate or, if no agreement can be reached, three candidates.

C.

The General Assembly,

Considering its recommendations regarding the disposal of the former Italian colonies,

Calls upon the Interim Committee of the General Assembly to study the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement, and report with conclusions to the fifth regular session of the General Assembly.