

B

The General Assembly

Authorizes the Secretary-General, in accordance with established practice,

1. To arrange for the payment of an appropriate remuneration for the members of the United Nations Tribunal set up under article X above and to reimburse their travel and subsistence expenses;

2. To assign to the United Nations Tribunal such staff and provide such facilities as the Secretary-General may consider necessary to carry out the terms of the present resolution, utilizing the existing United Nations staff of the Libyan Mission in so far as possible.

326th plenary meeting,
15 December 1950.

389 (V). Technical and financial assistance to Libya

Whereas Libya as a result of the war has suffered extensive damages to private and public property, both movable and immovable, as well as to its system of communications,

Whereas the existence of these war damages and the necessity of repairing them represents one of the major economic and financial problems to be taken into consideration in order that an independent Libya may be established with a sound basis for economic and social progress, which is one of the avowed purposes of the United Nations in accordance with paragraph 4 of the resolution⁷ adopted by the General Assembly on 17 November 1950,

The General Assembly,

Instructs the Secretary-General to study the problem of war damages in connexion with the technical and financial assistance which Libya may request from the Economic and Social Council, the specialized agencies and the Secretary-General, and to report on the subject to the sixth session of the General Assembly.

326th plenary meeting,
15 December 1950.

390 (V). Eritrea: Report of the United Nations Commission for Eritrea; Report of the Interim Committee of the General Assembly on the Report of the United Nations Commission for Eritrea

A

Whereas by paragraph 3 of Annex XI to the Treaty of Peace with Italy, 1947, the Powers concerned have agreed to accept the recommendation of the General Assembly on the disposal of the former Italian colonies in Africa and to take appropriate measures for giving effect to it,

Whereas by paragraph 2 of the aforesaid Annex XI such disposal is to be made in the light of the wishes and welfare of the inhabitants and the interests of peace and security, taking into consideration the views of interested governments,

⁷ See resolution 387 (V).

Now therefore

The General Assembly, in the light of the reports⁸ of the United Nations Commission for Eritrea and of the Interim Committee, and

Taking into consideration

(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,

Taking into account the importance of assuring the continuing collaboration of the foreign communities in the economic development of Eritrea,

Recognizing that the disposal of Eritrea should be based on its close political and economic association with Ethiopia, and

Desiring that this association assure to the inhabitants of Eritrea the fullest respect and safeguards for their institutions, traditions, religions and languages, as well as the widest possible measure of self-government, while at the same time respecting the Constitution, institutions, traditions and the international status and identity of the Empire of Ethiopia,

A. Recommends that:

1. Eritrea shall constitute an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown.

2. The Eritrean Government shall possess legislative, executive and judicial powers in the field of domestic affairs.

3. The jurisdiction of the Federal Government shall extend to the following matters: defence, foreign affairs, currency and finance, foreign and interstate commerce and external and interstate communications, including ports. The Federal Government shall have the power to maintain the integrity of the Federation, and shall have the right to impose uniform taxes throughout the Federation to meet the expenses of federal functions and services, it being understood that the assessment and the collection of such taxes in Eritrea are to be delegated to the Eritrean Government, and provided that Eritrea shall bear only its just and equitable share of these expenses. The jurisdiction of the Eritrean Government shall extend to all matters not vested in the Federal Government, including the power to maintain the internal police, to levy taxes to meet the expenses of domestic functions and services, and to adopt its own budget.

4. The area of the Federation shall constitute a single area for customs purposes, and there shall be no barriers to the free movement of goods and persons within the area. Customs duties on goods entering or leaving the Federation which have their final destination or origin in Eritrea shall be assigned to Eritrea.

5. An Imperial Federal Council composed of equal numbers of Ethiopian and Eritrean representatives shall meet at least once a year and shall advise upon the com-

⁸ See *Official Records of the General Assembly, Fifth Session, Supplements, Nos. 8 and 14.*

mon affairs of the Federation referred to in paragraph 3 above. The citizens of Eritrea shall participate in the executive and judicial branches, and shall be represented in the legislative branch, of the Federal Government, in accordance with law and in the proportion that the population of Eritrea bears to the population of the Federation.

6. A single nationality shall prevail throughout the Federation:

(a) All inhabitants of Eritrea, except persons possessing foreign nationality, shall be nationals of the Federation;

(b) All inhabitants born in Eritrea and having at least one indigenous parent or grandparent shall also be nationals of the Federation. Such persons, if in possession of a foreign nationality, shall, within six months of the coming into force of the Eritrean Constitution, be free to opt to renounce the nationality of the Federation and retain such foreign nationality. In the event that they do not so opt, they shall thereupon lose such foreign nationality;

(c) The qualifications of persons acquiring the nationality of the Federation under sub-paragraphs (a) and (b) above for exercising their rights as citizens of Eritrea shall be determined by the Constitution and laws of Eritrea;

(d) All persons possessing foreign nationality who have resided in Eritrea for ten years prior to the date of the adoption of the present resolution shall have the right, without further requirements of residence, to apply for the nationality of the Federation in accordance with federal laws. Such persons who do not thus acquire the nationality of the Federation shall be permitted to reside in and engage in peaceful and lawful pursuits in Eritrea;

The rights and interests of foreign nationals resident in Eritrea shall be guaranteed in accordance with the provisions of paragraph 7.

7. The Federal Government, as well as Eritrea, shall ensure to residents in Eritrea, without distinction of nationality, race, sex, language or religion, the enjoyment of human rights and fundamental liberties, including the following:

(a) The right to equality before the law. No discrimination shall be made against foreign enterprises in existence in Eritrea engaged in industrial, commercial, agricultural, artisan, educational or charitable activities, nor against banking institutions and insurance companies operating in Eritrea;

(b) The right to life, liberty and security of person;

(c) The right to own and dispose of property. No one shall be deprived of property, including contractual rights, without due process of law and without payment of just and effective compensation;

(d) The right to freedom of opinion and expression and the right of adopting and practising any creed or religion;

(e) The right to education;

(f) The right to freedom of peaceful assembly and association;

(g) The right to inviolability of correspondence and domicile, subject to the requirements of the law;

(h) The right to exercise any profession subject to the requirements of the law;

(i) No one shall be subject to arrest or detention without an order of a competent authority, except in case of flagrant and serious violation of the law in force. No one shall be deported except in accordance with the law;

(j) The right to a fair and equitable trial, the right of petition to the Emperor and the right of appeal to the Emperor for commutation of death sentences;

(k) Retroactivity of penal law shall be excluded;

The respect for the rights and freedoms of others and the requirements of public order and the general welfare alone will justify any limitations to the above rights.

8. Paragraphs 1 to 7 inclusive of the present resolution shall constitute the Federal Act which shall be submitted to the Emperor of Ethiopia for ratification.

9. There shall be a transition period which shall not extend beyond 15 September 1952, during which the Eritrean Government will be organized and the Eritrean Constitution prepared and put into effect.

10. There shall be a United Nations Commissioner in Eritrea appointed by the General Assembly. The Commissioner will be assisted by experts appointed by the Secretary-General of the United Nations.

11. During the transition period, the present administering Power shall continue to conduct the affairs of Eritrea. It shall, in consultation with the United Nations Commissioner, prepare as rapidly as possible the organization of an Eritrean administration, induct Eritreans into all levels of the administration, and make arrangements for and convoke a representative assembly of Eritreans chosen by the people. It may, in agreement with the Commissioner, negotiate on behalf of the Eritreans a temporary customs union with Ethiopia to be put into effect as soon as practicable.

12. The United Nations Commissioner shall, in consultation with the administering Power, the Government of Ethiopia, and the inhabitants of Eritrea, prepare a draft of the Eritrean Constitution to be submitted to the Eritrean Assembly and shall advise and assist the Eritrean Assembly in its consideration of the Constitution. The Constitution of Eritrea shall be based on the principles of democratic government, shall include the guarantees contained in paragraph 7 of the Federal Act, shall be consistent with the provisions of the Federal Act and shall contain provisions adopting and ratifying the Federal Act on behalf of the people of Eritrea.

13. The Federal Act and the Constitution of Eritrea shall enter into effect following ratification of the Federal Act by the Emperor of Ethiopia, and following approval by the Commissioner, adoption by the Eritrean Assembly and ratification by the Emperor of Ethiopia of the Eritrean Constitution.

14. Arrangements shall be made by the Government of the United Kingdom of Great Britain and Northern Ireland as the administering Power for the transfer of power to the appropriate authorities. The transfer of power shall take place as soon as the Eritrean Constitution and the Federal Act enter into effect, in accordance with the provisions of paragraph 13 above.

15. The United Nations Commissioner shall maintain his headquarters in Eritrea until the transfer of power has been completed, and shall make appropriate reports

to the General Assembly of the United Nations concerning the discharge of his functions. The Commissioner may consult with the Interim Committee of the General Assembly with respect to the discharge of his functions in the light of developments and within the terms of the present resolution. When the transfer of authority has been completed, he shall so report to the General Assembly and submit to it the text of the Eritrean Constitution;

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

1. To arrange for the payment of an appropriate remuneration to the United Nations Commissioner;

2. To provide the United Nations Commissioner with such experts, staff and facilities as the Secretary-General may consider necessary to carry out the terms of the present resolution.

*316th plenary meeting,
2 December 1950.*

B

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

Decides that a Committee composed of the President of the General Assembly, two of the Vice-Presidents (Australia and Venezuela), the Chairman of the Fourth Committee and the Chairman of the *Ad Hoc* Political Committee shall nominate a candidate or, if no agreement can be reached, two or three candidates, for the post of United Nations Commissioner in Eritrea.

*316th plenary meeting,
2 December 1950.*

* * *

The Committee established by the General Assembly under the above resolution to nominate a candidate or candidates for the office of United Nations Commissioner in Eritrea agreed to nominate the following candidates:

Mr. Victor Hoo (Assistant Secretary-General);

Justice Aung Khine (Burma);

Mr. Eduardo Anze Matienzo (Bolivia).

The General Assembly, at its 325th plenary meeting on 14 December 1950, elected by secret ballot Mr. Eduardo Anze Matienzo to the office of United Nations Commissioner in Eritrea.

391 (V). The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of Annex XI of the Treaty of Peace with Italy

The General Assembly,

Decides to defer to its sixth session consideration of item 59 of the agenda of its fifth session, entitled "The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of Annex XI of the Treaty of Peace with Italy".

*325th plenary meeting,
14 December 1950.*

392 (V). 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

The General Assembly,

In accordance with its resolution 289 C (IV) adopted on 21 November 1949, in which the General Assembly called upon the Interim Committee "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",

Having taken note of the memorandum,⁹ prepared at the Interim Committee's request by the Secretariat, giving information relating to the boundaries of the former Italian colonies not already fixed by international agreement, and having taken into consideration the views of the interested governments,

1. *Recommends:*

(a) *With respect to Libya,*

That the portion of its boundary with French territory not already delimited by international agreement be delimited, upon Libya's achievement of independence, by negotiation between the Libyan and French Governments, assisted on the request of either party by a third person to be selected by them or, failing their agreement, to be appointed by the Secretary-General;

(b) *With respect to the Trust Territory of Somaliland,*

That the portion of its boundaries with British Somaliland, as well as with Ethiopia, not already delimited by international agreement be delimited by bilateral negotiations between the United Kingdom Government and the Administering Authority, in respect of the boundaries with British Somaliland, and between the Ethiopian Government and the Administering Authority in respect of the boundaries with Ethiopia;

In order to resolve any and all differences arising in the course of such negotiations, the respective parties to each bilateral negotiation agree, on the request of either party, to a procedure of mediation by a United Nations Mediator to be appointed by the Secretary-General and, further, in the event of the inability of the parties to accept the recommendations of the Mediator, to a procedure of arbitration;

2. *Recommends, further,* that, with respect to any other boundaries not delimited by international agreement, the parties concerned seek to reach agreement by negotiation or by arbitration.

*326th plenary meeting,
15 December 1950.*

393 (V). Assistance to Palestine refugees

The General Assembly,

Recalling its resolution 302 (IV) of 8 December 1949,

Having examined the report¹⁰ of the United Nations Relief and Works Agency for Palestine Refugees in the

⁹ See documents A/AC.18/103, A/AC.18/103/Corr. 1 and A/AC.18/103/Corr. 2.

¹⁰ See documents A/1451 and A/1451/Corr.1.