

## ANNEXURE

### Text proposed by the delegation of India

The following Constitution shall be annexed to and form part of the Trusteeship Agreement for any former Italian colonies that may be placed under 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 defense 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 the 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, in his opinion, 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 behavior 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.

250<sup>th</sup> plenary meeting,  
21 November 1949

289 (IV). Question of the disposal of former Italian colonies

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 recommendations 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,

A. With respect to Libya, recommends:

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B. With respect to Italian Somaliland, recommends:

1. That the Italian Somaliland shall be an independent Sovereign State;
2. That this independence shall become effective at the end of ten years from the date of the approval of a Trusteeship Agreement by the General Assembly;
3. That, during the period mentioned in paragraph 2, Italian Somaliland shall be placed under the International Trusteeship System with Italy as the Administering Authority;

4. That the Administering Authority shall be aided and advised by an Advisory Council composed of representatives of the following States: Colombia, Egypt and Philippines. The headquarter 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 the territory;
5. That the Trusteeship Council shall 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 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 the drafting of this declaration the Trusteeship Council and the Administering Authority shall be guided by the annexed text proposed by the Indian delegation;
8. That Italy shall be invited to undertake provisional administration of the territory:
  - (a) At a time and 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 provincial administration;

250<sup>th</sup> plenary meeting

21 November 1949

C. *With respect to Eritrea, recommends:*

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