

VIII

RESOLUTIONS ADOPTED ON THE REPORTS OF THE AD HOC POLITICAL COMMITTEE

385 (V). Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms

The General Assembly,

Considering that one of the purposes of the United Nations is to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Having regard to General Assembly resolutions 272 (III) and 294 (IV) concerning the question of the observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms, and to its decision in the latter resolution to submit certain questions to the International Court of Justice for an advisory opinion,

1. *Takes note* of the advisory opinions¹ delivered by the International Court of Justice on 30 March 1950 and 18 July 1950 to the effect that:

(a) The diplomatic exchanges between Bulgaria, Hungary and Romania on the one hand, and certain Allied and Associated Powers signatories to the Treaties of Peace on the other, concerning the implementation of article 2 of the Treaties with Bulgaria and Hungary and article 3 of the Treaty with Romania, disclose disputes to the provisions for the settlement of disputes contained in article 36 of the Treaty of Peace with Bulgaria, article 40 of the Treaty of Peace with Hungary, and article 38 of the Treaty of Peace with Romania;

(b) The Governments of Bulgaria, Hungary and Romania are obligated to carry out the provisions of those articles of the Treaties of Peace which relate to the settlement of disputes, including the provisions for the appointment of their representatives to the Treaty Commissions;

(c) If one party fails to appoint a representative to a Treaty Commission under the Treaties of Peace with Bulgaria, Hungary and Romania where that party is obligated to appoint a representative to the Treaty Commission, the Secretary-General of the United Nations is not authorized to appoint the third member of the Commission upon the request of the other party to a dispute;

2. *Condemns* the wilful refusal of the Governments of Bulgaria, Hungary and Romania to fulfil their obligation under the provisions of the Treaties of Peace to appoint representatives to the Treaty Commissions, which obligation has been confirmed by the International Court of Justice;

¹ See *Interpretation of Peace Treaties, Advisory Opinion*: I.C.J. Reports 1950, page 65 and *Interpretation of Peace Treaties (second phase), Advisory Opinion*: I.C.J. Reports 1950, page 221.

3. *Is of the opinion* that the conduct of the Governments of Bulgaria, Hungary and Romania in this matter is such as to indicate that they are aware of breaches being committed of those articles of the Treaties of Peace under which they are obligated to secure the enjoyment of human rights and fundamental freedoms in their countries; and that they are callously indifferent to the sentiments of the world community;

4. *Notes* with anxiety the continuance of serious accusations on these matters against the Governments of Bulgaria, Hungary and Romania, and that the three Governments have made no satisfactory refutation of these accusations;

5. *Invites* Members of the United Nations, and in particular those which are parties to the Treaties of Peace with Bulgaria, Hungary and Romania, to submit to the Secretary-General all evidence which they now hold or which may become available in future in relation to this question;

6. *Likewise invites* the Secretary-General to notify the Members of the United Nations of any information he may receive in connexion with this question.

*303rd plenary meeting,
3 November 1950.*

386 (V). Relations of States Members and specialized agencies with Spain

The General Assembly,

Considering that:

The General Assembly, during the second part of its first session in 1946, adopted several recommendations concerning Spain, one of which provided that Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and another that Member States withdraw their Ambassadors and Ministers from Madrid,

The establishment of diplomatic relations and the exchange of Ambassadors and Ministers with a government does not imply any judgment upon the domestic policy of that government,

The specialized agencies of the United Nations are technical and largely non-political in character and have been established in order to benefit the peoples of all nations, and that, therefore, they should be free to decide for themselves whether the participation of Spain in their activities is desirable in the interest of their work,

Resolves:

1. To revoke the recommendation for the withdrawal of Ambassadors and Ministers from Madrid, contained

in General Assembly resolution 39 (I) of 12 December 1946;

2. To revoke the recommendation intended to debar Spain from membership in international agencies established by or brought into relationship with the United Nations, which recommendation is a part of the same resolution adopted by the General Assembly in 1946 concerning relations of Members of the United Nations with Spain.

*304th plenary meeting,
4 November 1950.*

387 (V). Libya: Report of the United Nations Commissioner in Libya; Reports of the administering Powers in Libya

The General Assembly,

Having resolved by its resolution 289 A (IV) of 21 November 1949 that Libya shall be constituted a united independent and sovereign State,

Having noted the report² of the United Nations Commissioner in Libya, prepared in consultation with the Council for Libya, and those of the administering Powers,³ submitted in accordance with General Assembly resolution 289 A (IV), as well as the statements⁴ made by the United Nations Commissioner and the representatives of the Council for Libya,

Having noted in particular the confidence expressed by the United Nations Commissioner that the aim of the General Assembly, namely, that Libya should become an independent and sovereign State, will be attained within the time-limit prescribed, with the increasing co-operation of the administering Powers with the United Nations Commissioner and the mutual co-ordination of their activities toward that end,

Having noted the statements in the above-mentioned report of the United Nations Commissioner regarding the needs of Libya for technical and financial assistance both before and after independence, if such assistance is requested by the Government of Libya,

1. *Expresses confidence* that the United Nations Commissioner in Libya, aided and guided by the advice of the members of the Council for Libya, will take the necessary steps to discharge his functions toward the achievement of the independence and unity of Libya pursuant to the above-mentioned resolution;

2. *Calls upon* the authorities concerned to take all steps necessary to ensure the early, full and effective implementation of the resolution of 21 November 1949, and particularly the realization of the unity of Libya and the transfer of power to an independent Libyan Government; and, further,

3. *Recommends:*

(a) That a National Assembly duly representative of the inhabitants of Libya shall be convened as early as possible, and in any case before 1 January 1951;

² See *Official Records of the General Assembly, Fifth Session, Supplement No. 15.*

³ See documents A/1387, A/1390 and A/1390/Add.1.

(b) That this National Assembly shall establish a Provisional Government of Libya as early as possible, bearing in mind 1 April 1951 as the target date;

(c) That powers shall be progressively transferred to the Provisional Government by the administering Powers in a manner which will ensure that all powers at present exercised by them shall, by 1 January 1952, have been transferred to the duly constituted Libyan Government;

(d) That the United Nations Commissioner, aided and guided by the advice of the members of the Council for Libya, shall proceed immediately to draw up a programme, in co-operation with the administering Powers, for the transfer of power as provided in subparagraph (c) above;

4. *Urges* the Economic and Social Council, the specialized agencies and the Secretary-General of the United Nations to extend to Libya, in so far as they may be in a position to do so, such technical and financial assistance as it may request in order to establish a sound basis for economic and social progress;

5. *Reaffirms* its recommendations that, upon its establishment as an independent State, Libya be admitted to the United Nations in accordance with Article 4 of the Charter.

*307th plenary meeting,
17 November 1950.*

388 (V). Economic and financial provisions relating to Libya

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Whereas, in accordance with the provisions of article 23 and paragraph 3 of annex XI of the Treaty of Peace with Italy, the question of the disposal of the former Italian colonies was submitted on 15 September 1948 to the General Assembly by the Governments of France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Whereas, by virtue of the above-mentioned provisions, the four Powers have agreed to accept the recommendation of the General Assembly and to take appropriate measures for giving effect to it,

Whereas the General Assembly, by its resolutions⁵ of 21 November 1949 and of 17 November 1950, recommended that the independence of Libya should become effective as soon as possible, and in any case not later than 1 January 1952,

Whereas paragraph 19 of annex XIV of the Treaty of Peace with Italy, which contains the economic and financial provisions relating to ceded territories, states that "The provisions of this annex shall not apply to the former Italian colonies. The economic and financial provisions to be applied therein will form part of the arrangements for the final disposal of these territories pursuant to article 23 of the present Treaty",

⁴ See *Official Records of the General Assembly, Fifth Session, Ad Hoc Political Committee, 7th-17th meetings inclusive.*

⁵ See resolutions 289 (IV) and 387 (V).