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Chairman: Mr. Alexis KYROU (Greece).

Eritrea: Report of the United Nations Commissioner in Eritrea (A/2188, A/2233, A/AC.61/L.4, A/AC.61/L.34)

[Item 21]*

At the invitation of the Chairman, Mr. Anze Matienzo, United Nations Commissioner in Eritrea, took a seat at the Committee table.

1. The CHAIRMAN read a letter (A/AC.61/L.4) from the Permanent Observer of Italy to the United Nations asking to be allowed to attend and possibly participate in the discussion of the question of Eritrea in the *Ad Hoc* Political Committee. The Chairman felt sure that the Committee members would agree to that request.

It was so decided.

At the invitation of the Chairman, Mr. Guidotti, Permanent Observer of Italy to the United Nations, took a seat at the Committee table.

2. Mr. ANZE MATIENZO (United Nations Commissioner in Eritrea) said that the adoption of General Assembly resolution 390 (V) on 2 December 1950 had been an achievement to the credit of the United Nations. By that resolution the General Assembly had solved the Eritrean problem and found a way out of the impasse in which the work of the Foreign Ministers at the Paris Conference had ended. The implementation of that resolution had raised problems which had seemed insuperable, since the racial, linguistic and religious structure of the population of Eritrea was extremely complex. Furthermore, the political parties whose freedom had been guaranteed by the United Kingdom Administration, which had prepared the people of Eritrea for democracy, had upheld very divergent points of view: the Unionist Party had favoured the unconditional union of Eritrea and Ethiopia; the Eritrean Democratic Front had demanded Eritrea's independence and the Moslem League of the

Western Province had advocated the partition of the territory. The violent and sometimes bloody conflicts arising out of those divergent aspirations had come to an end when the United Nations had recommended the establishment of a federation, a compromise which had satisfied both those in favour of union with Ethiopia and those in favour of independence and which had had the further advantage of maintaining the unity and integrity of the territory.

3. Mr. Anze Matienzo went on to consider the special characteristics of the Federation recommended by the General Assembly. The Federation consisted of two entities, one an ancient empire with clearly defined traditions, Ethiopia, and the other a territory which had never administered itself, Eritrea. Those two entities with differing international status, prerogatives and responsibilities, had been federated under the sovereignty of the Ethiopian Crown. The Constitution, traditions and international status of Ethiopia were to be respected and Eritrea was to become an autonomous unit with a Constitution based on the principles of democratic government. The General Assembly resolution had not envisaged the establishment of a separate federal government: the government of the Federation had been entrusted to the Ethiopian organs of government in which the Eritreans would participate. An Imperial Federal Council, composed of equal numbers of Ethiopian and Eritrean representatives, would play an advisory role in the new federal structure. The Federal Act constituted by the first seven paragraphs of the operative part of resolution 390 A (V) was the charter of the Federation; it contained the legal provisions defining the fields of federal law. The Federal Government had been given responsibility in international affairs and the power to maintain the integrity of the Federation.

4. General Assembly resolution 390 (V) was a new type of decision in the history of the United Nations. For the first time, the Assembly had appointed a Commissioner who was responsible for ensuring that the resolution was carried out without the assistance

*Indicates the item number on the agenda of the General Assembly.

of a council composed of Member States. For the first time, too, the General Assembly had drawn up the statute for the Federation and laid down the principles on which should rest the Constitution of one of the members of the Federation. The Commissioner's mandate had been of a dual nature. In the first place, he had been required to prepare a draft constitution and to assist the Eritrean Assembly in its consideration of that draft. The resolution had given him real powers of decision since he had been called upon to approve the Eritrean Constitution and to agree to any negotiation of a temporary customs union between Eritrea and Ethiopia. In the second place, since the Commissioner was to maintain his headquarters in Eritrea until the transfer of power had been completed and was to report to the General Assembly on the implementation of the resolution, he had been required to give his opinion on the implementation of the resolution in spheres which had not been within his own competence. The resolution had conferred certain functions on the Commissioner and the United Kingdom Administration respectively, functions which each had been required to exercise independently, their relations being entirely of a consultative nature. Such an arrangement had presupposed co-operation between the representative of the General Assembly and the Member State concerned. In addition, the resolution had guaranteed the Eritrean people the right to self-determination, since it provided that the Eritrean Constitution should contain provisions adopting and ratifying the Federal Act on behalf of the people of Eritrea. The same right had been guaranteed to the people of Ethiopia, since the resolution provided that the Federal Act and the Constitution of Eritrea should enter into effect following their ratification by the Emperor of Ethiopia.

5. With regard to those provisions, it had been obvious that the co-operation of all the parties involved was essential to the success of the task entrusted to the Commissioner. Mr. Anze Matienzo was happy to pay a tribute to the sincere desire for co-operation displayed by senior officials of the Governments concerned and the goodwill and respect for the General Assembly's decisions shown by the inhabitants of Eritrea.

6. In his consultations with the Administering Authority, Mr. Anze Matienzo had discussed first the legal interpretation of the General Assembly resolution, secondly the broad outlines of the future Constitution and governmental structure of Eritrea and, finally, the provisional text of the draft constitution. He paid a tribute to the wise and disinterested co-operation of the United Kingdom authorities with whom he had reached full agreement on the interpretation of the resolution and who had made a number of constructive suggestions with regard to Eritrean institutions and improvements to the draft constitution.

7. He had felt that it was not his duty to consider in detail problems which, under the General Assembly resolution, fell within the competence of the Administering Authority. In such questions he had confined himself to defining general principles. For example, he had stated that so far as the new Eritrean administration was concerned, the administrative machinery should be as simple as possible in order to further the advancement of Eritrea. Similarly, for political and

psychological reasons, he had felt that as far as possible a balance should be maintained between the Christians and Moslems who constituted the two principal groups of the population. Lastly, with a view to Eritrean rather than European interests, he had advocated the retention in the technical services of the administration of foreign experts with a thorough knowledge of Eritrean problems. With regard to the convening of the Eritrean Assembly, he had felt that the country's traditions should be respected by setting up a system of elections by indirect suffrage—without prejudice to the direct elections which would be held in the major towns—in order to enable the population to acquire the experience necessary for improving the electoral system. Both in reorganizing the Eritrean administration and in convening the Eritrean Assembly, the United Kingdom administration had shown efficiency, discretion and tact. The Eritreans had been asked to participate in the administration without distinction of race and had been given the opportunity of acquiring the necessary training; the elections had been held without any incident or conflict and, for the first time in its history, the Eritrean population had been able to elect its representatives in complete freedom.

8. Mr. Anze Matienzo had considered his consultations with the Government of Ethiopia so important that they were in fact negotiations. With regard to the interpretation of the General Assembly resolution, the Government of Ethiopia had considered that, although the Federal Act established a very close federation in certain respects, since it did not provide for a separate federal government, it did not, on the other hand, give any safeguard for the respect for federal laws, decrees and privileges in Eritrea. To ensure future stability, it was important to maintain the links established by the resolution between the Federal and the Eritrean Governments. In that connexion, the Government of Ethiopia had recalled that, when the legislative and judicial powers of the Government of Eritrea had been laid down, the word "powers" had been deliberately substituted for the word "autonomy" in paragraph 2 of the Federal Act. Since the legislative and judicial powers of the Eritrean Government were separate from the legislative and judicial powers of the Federation, the Government of Ethiopia had considered that a link must be retained between the Federal and Eritrean Executives. In its opinion, the Crown should take part in the Eritrean Executive and should have the right of veto on laws adopted by the Eritrean Legislature in order to ensure that he was not the servant of an Assembly which could flout federal jurisdiction. The Government of Ethiopia was not thinking of the right of veto as absolute and final, but only as a suspensive power by which the Assembly could be induced to reconsider decisions it had taken, a prescribed majority then being required for their confirmation.

9. In Mr. Anze Matienzo's opinion, the provisions of the Federal Act had been very clear. Under paragraph 1, Eritrea was to constitute an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown. Under paragraph 2, the Eritrean Government was to possess legislative, executive and judicial powers in the field of domestic affairs. Paragraph 3 had defined the matters to which the jurisdiction of the Federal Government extended and provided that the Eritrean Government's jurisdiction should extend to all

matters not vested in the Federal Government. Lastly, paragraph 12 of the operative part of resolution 390 A (V) had provided that the Constitution of Eritrea should be based on the principles of democratic government. Those principles had been so clear that no special significance should be attached to the fact that the word "powers" had been substituted for the word "autonomy". If the powers of Eritrea did not originate directly or indirectly from the Eritrean people, paragraph 12 of the resolution would be violated, and Eritrean autonomy would disappear if the Crown could intervene in the Eritrean Executive and exercise a right of veto in legislative matters.

10. The autonomy provided for in the Federal Act did not destroy the links which should exist between the two Executives, since, although it was clear that in a federation there must be continuous relations and hence effective liaison between the various members of the federation, that did not mean that the federal power could intervene in the appointment of the Chief Executive or exercise any form of supervision over the latter. The danger of possible abuses could not give grounds for authorizing any preventive measures to diminish the autonomy proclaimed in the Federal Act. The sovereignty of the Crown ensured the formal unity of the Federation and implied that the acts of the Federal Government would be carried out in the Emperor's name, but it did not mean that the Emperor's powers extended to matters outside the federal jurisdiction. The existence of Ethiopian sovereignty could not alter the federal and Eritrean jurisdictions as defined in paragraphs 2 and 3 of the operative part of the General Assembly resolution.

11. Fully aware of the Ethiopian Government's loyalty and its sincere concern for its international responsibilities and for the maintenance of the Federation's integrity, Mr. Anze Matienzo had considered that the necessary safeguards could be provided without creating the possibility of interference in the domestic affairs of Eritrea. Eritrea had to be given real autonomy if its people were to accept the Federation.

12. The negotiations on those difficult questions had taken place in a cordial atmosphere and had been inspired by a sincere desire to reach agreement. The Emperor of Ethiopia and his Minister for Foreign Affairs had contributed greatly to their success.

13. Mr. Anze Matienzo then described the arrangements which had been made to consult the Eritrean population and to enable it to exercise its right of self-determination. Tens of thousands of persons attended the public meetings at which representatives of the people had freely expressed their views. The meetings had been orderly and had helped to create the democratic spirit essential for the application of democratic principles. The United Nations Office in Asmara had remained open to all Eritreans at all times. The people had been able to see that the United Nations Charter effectively ensured respect for the principles of equality for all without distinction as to race, religion or language, and without discrimination. They had acquired a new dignity and confidence in themselves and in their country's future. Mr. Anze Matienzo had prepared a document setting out the background and nature of the Eritrean question, explaining the meaning and scope of the provisions of the General Assembly

resolution and concluding with a questionnaire on general subjects and an outline of the future Eritrean Constitution. That document had proved very useful during the consultations, since each group of the population tended to interpret the resolution according to its own interests. Ultimately the conflict between the two main tendencies—the movement towards union and that towards independence—had gradually disappeared, giving way to an understanding of the system contemplated in the resolution, a federal system with Eritrean autonomy.

14. One of the first difficulties the Commissioner had had to face had been caused by the organized terrorism of the *shiftas* whose activities, previously motivated by political considerations, had degenerated into common crimes. He had felt justified in studying the situation and condemning those activities. He had called on the people to co-operate with the United Kingdom administration in restoring order so that the Federation might be established in an atmosphere of peace and fraternity. The United Kingdom administration had proclaimed a general amnesty in the hope that forgiveness and clemency would set matters right, while announcing that any one who did not accept the offer of amnesty or committed further offences would be severely punished. It had also taken steps to ensure employment for any *shiftas* who accepted the offer of amnesty. Almost 90 per cent of the *shiftas* had surrendered with their arms six weeks after the proclamation of the amnesty and had soon been absorbed in the normal life of the country.

15. In view of the differences of opinion between himself, the Government of Ethiopia and various population groups concerning the interpretation of certain fundamental principles of the General Assembly resolution, Mr. Anze Matienzo had felt that he should not attempt to impose his own views and had decided to seek the opinion of a panel of legal consultants appointed by the Secretary-General. The panel had met at Geneva and had studied the problems of international and constitutional law raised by the resolution. It had, for example, considered whether the resolution created legal obligations for the Members of the United Nations. It had endeavoured to define the duties of the Commissioner under the resolution and had expressed its view with regard to the application of the resolution after the entry into force of the Federal Act and the Eritrean Constitution. It had also examined the question of the identity of the Empire of Ethiopia in relation to the establishment of a federal government, the legal interpretation of the "sovereignty" of the Ethiopian Crown, the provisions of the Federal Act concerning human rights and fundamental liberties, and the question whether the Constitution could include provisions safeguarding institutions, traditions, religions and languages of the inhabitants of Eritrea. The panel had made a special study of the basic principles of the Constitution of Eritrea, namely, Eritrean autonomy and democracy—and had stated that if the Eritrean Government wished to obtain United Nations technical assistance in matters placed under Eritrean jurisdiction by the Federal Act, it must apply to the Federal Government which would forward the application to the United Nations. The report of the panel of legal consultants had confirmed the Commissioner's own views; he had transmitted the report to the Administering Authority

and the Ethiopian Government and had informed the inhabitants of Eritrea that the panel's legal opinions would constitute the basis of the Constitution to be drafted. The Government of Ethiopia had formulated a number of reservations with regard to some of the panel's legal opinions.

16. Mr. Anze Matienzo then explained how the draft Eritrean constitution had been studied. He had accepted the suggestions of the Ethiopian Government and the United Kingdom Administration without sacrificing the unity of the draft or the essential elements of the General Assembly resolution. Since the Eritrean population had not as yet had any opportunity for self-government and since it was heterogeneous from three points of view—ethnic, religious and linguistic—the Constitution had to be clear, short and precise, had to respect the country's traditions, safeguard the fundamental rights of the indigenous population and provide legal guarantees for aliens, especially the Italians whose courage and perseverance had enabled Eritrea to make remarkable progress. Lastly, it had to make it easier for all sections of the Eritrean population to live together in peace and concord and guarantee Eritrean autonomy and participation in the Federation, while fully respecting the sovereignty of the Ethiopian Crown and federal jurisdiction.

17. The Eritrean Assembly, consisting of thirty-four Christians and thirty-four Moslems, had made a detailed study of the draft constitution. Several amendments were adopted, improving the text without destroying its unity or endangering its fundamental principles. All the articles had been adopted by a greater than two-thirds majority and the chapter on human rights had been adopted by acclamation. The Constitution as a whole (A/2188, Annex II) had been adopted unanimously. By the ability they had displayed, by their faith in the future and their sincere desire for progress, the Eritrean people had shown that they deserved the confidence of the United Nations.

18. Mr. Anze Matienzo then outlined the main provisions of the Constitution of Eritrea. Article 1 provided for the Eritrean people, through their representatives, to adopt and ratify the Federal Act. Chapter I dealt with the status of Eritrea, its autonomy, the legislative, executive and judicial powers, matters coming within the jurisdiction of Eritrea, and Eritrea's obligations as a member of the Federation, while chapter II defined the status of the Emperor's representative in Eritrea. Article 16 stated that the Constitution of Eritrea was based on the principles of democratic government, reproducing the terms of paragraph 12 of General Assembly resolution 390 A (V). Article 22, in chapter IV, which dealt with human rights and fundamental freedoms, reproduced the provisions of paragraph 7 of that resolution.

19. An electoral High Commission, whose members were appointed by the Supreme Court, was responsible for supervising all electoral proceedings and was independent of the Executive. The legislative power was exercised by an Assembly whose members were elected by the people. The Executive consisted of a Chief Executive assisted by Secretaries of Executive Departments. Under a semi-presidential system, the Chief Executive was responsible for the direction of the Executive and Administrative Departments and the public services.

Within the limits fixed by the Constitution and the laws in force, the Chief Executive had the power of decision; in order, however, that the Chief Executive should not be all-powerful, administrative officials were placed under the authority of an independent civil service commission, while the officials responsible for the organization of elections were subordinate to the electoral High Commission. An Auditor-General, independent of the Executive, was to be elected by the Assembly, with the function of examining the annual accounts and making a report to the Assembly containing his observations. Judicial power was exercised by a Supreme Court and by other courts which applied the various systems of law in force in Eritrea. Provisions had been adopted to safeguard the independence of the judiciary. The Constitution also established an Advisory Council of Eritrea, with the function of assisting the Chief Executive and the Assembly with a view to achieving economic and social progress in Eritrea. It could draw up plans for the development of the country's resources and for the improvement of public health and hygiene, thus opening the door to technical assistance—the great hope of the underdeveloped countries. The Constitution had been supplemented by a number of organic laws: the Administration of Justice Proclamation, the Eritrean Functions of Government Act, the Eritrean Electoral Act, the Eritrean Budget Act, the Eritrean Audit Act, the Eritrean Advisory Council Act and the Eritrean Civil Service Act.

20. Mr. Anze Matienzo was sure that the Federal Government would be able to retain the confidence of the Eritrean people, thus strengthening co-operation between Eritreans and Ethiopians. Respect for Eritrean autonomy and the federal jurisdiction would ensure the stability of the régime and would avoid conflicts of jurisdiction. Since the General Assembly's resolution had not provided for the establishment of a Federal Supreme Court to decide such conflicts, he hoped that the Federal Government would decide to establish such a court after consultation with the Imperial Federal Council. The Court's jurisdiction should not extend to matters within the domestic jurisdiction of Eritrea, so as not to infringe the authority of the Eritrean Supreme Court, and it should be composed of an equal number of Eritreans and Ethiopians. Mr. Anze Matienzo expressed the hope that Eritrea would have fair representation in all organs of the federal judiciary.

21. Moreover, in the economic field, Eritrea would have to continue to receive the assistance afforded it in the past. That was a great responsibility for the Federal Government, which it would have to discharge fairly and with respect for Eritrean autonomy, since without economic and financial autonomy, political and legal autonomy could become illusory. The country's economy could be improved by the development of its agricultural resources.

22. The confidence shown in the Ethiopian Government by the United Nations had increased its prestige and influence. The Ethiopian Government had freely assumed heavy responsibilities, especially in the international sphere. One of the most important of those responsibilities was the maintenance of the Federation's integrity which might be threatened either by a secession movement or by annexation to Ethiopia.

23. Mr. Anze Matienzo thanked the General Assembly for the honour it had done him and his country by appointing him Commissioner in Eritrea. He had made every effort to serve the cause of the United Nations. He thanked the United Kingdom Administration, the Emperor of Ethiopia and the Government of Ethiopia for having contributed to the success of his mission and paid tribute to the spirit of co-operation shown by the Italian Government and the Italian community in Eritrea. He thanked the Secretary-General, the panel of legal consultants and the Secretariat for their co-operation. Lastly, he paid a tribute to the Eritrean people who, by adopting the General Assembly's recommendations, had forgotten the disputes of the past to turn to the future in a spirit of co-operation and fraternity. It had proved by its example that men of different races, languages and religions could live together in peace and harmony. He was happy to announce that the provisions of paragraph 13 of the General Assembly resolution 390 A (V) had been carried out and that the Federation of Eritrea and Ethiopia under the Ethiopian Crown had become a reality on 15 September 1952.

24. Sir Gladwyn JEBB (United Kingdom) submitted the report of the Government of the United Kingdom (A/2233) on its administration of Eritrea and on the accomplishment of the duties laid upon it by General Assembly resolutions 390 (V) and 530 (VI). That report and the report of the United Nations Commissioner in Eritrea (A/2188) gave a full account of all the measures taken to give effect to resolution 390 (V) since the process of transforming Eritrea into an autonomous unit federated with Ethiopia, under the sovereignty of the Ethiopian Crown, had begun early in 1951.

25. The United Kingdom delegation thought that some general remarks should be made on the course of events in Eritrea and the part the Administering Authority had played in them. Resolution 390 (V) had laid heavy responsibilities upon the United Kingdom Government. The carrying-out of those responsibilities had been beset with great difficulties, not the least of which had been the rather short period of twenty months within which the process of transferring the powers of government had to be completed. The United Kingdom Administration believed that it had discharged its responsibilities creditably. That result would not have been achieved without the whole-hearted co-operation of the United Nations Commissioner and the Ethiopian Government or without the assistance of the Italian Government in the complicated task of giving effect to resolution 530 (VI) embodying economic and financial provisions relating to Eritrea.

26. Political problems had had to be dealt with first. When resolution 390 (V) had been adopted by the General Assembly, the people of Eritrea had been divided into three rival groups, one of which advocated union with Ethiopia, the second independence, and the third partition. No group had suggested federation with Ethiopia. The fact that the various factions had finally become reconciled and that the people had accepted the federal solution was evidence of the good sense and understanding of the principal political leaders and of the people of Eritrea.

27. Eritrea's uncertainty since 1945 concerning its future had aroused political passions, which had given

way to a desire for conciliation when the General Assembly resolution, even though a compromise, had been adopted. The Eritrean political leaders had publicly accepted the federation proposals in December 1950, a few days after the resolution had been adopted. It had immediately become apparent that the only way to maintain that unity was to apply all the provisions of the resolution undeviatingly.

28. The greatest responsibility in that regard had lain upon the United Nations Commissioner. He had had to explain the resolution to the Eritrean people; he had had to draft the Constitution, secure public support for it and ensure both its adoption by the Eritrean Assembly and its ratification by the Emperor of Ethiopia. His task had been very complex and delicate. He had kept in close touch with the United Kingdom Administration, which had given him as much help as possible. The Constitution as finally drafted had been approved by the Administering Authority and the Ethiopian Government. The terms of resolution 390 (V) had been scrupulously observed in the Constitution.

29. In the light of its experience in administering Eritrea, the United Kingdom Government believed that the political and racial cleavage was too deep-rooted to disappear completely overnight. Inexpert handling of political affairs or a revival of intolerance in any quarter could revive hostility and once again divide the country. It should, however, be said that the competence and statesmanship of the present leaders and the spirit of understanding and goodwill on the part of everyone were especially encouraging.

30. The United Kingdom Administration had next to give special attention to the problem of security. In 1951, Eritrea had been in a state of insecurity owing to the brigandage of the *shiftas*. That situation and the action taken by the United Kingdom Administration to eliminate the menace were described at length in the reports submitted by the United Kingdom Government and the United Nations Commissioner. In June 1951, the United Kingdom Administration had granted a general and unconditional amnesty to all *shiftas* without regard to their previous crimes or offences. That important decision had, of course, been taken only after the United Kingdom Government had fully considered the matter. The Eritrean public had approved of the decision but had not exerted any pressure for its adoption. The decision had been fully supported by the United Nations Commissioner and the Ethiopian Government, and its favourable reception by the people had been stimulated by an appeal made to them by the Emperor. The United Kingdom Administration regarded its handling of the *shifita* problem as one of its most important achievements. The *shifita* problem had not been completely eliminated by the general amnesty, and banditry would probably not disappear for a number of years. The United Kingdom Administration believed, however, that the action taken by it would enable the Eritrean Government to deal effectively with the problem.

31. Under resolution 390 (V) the preparation of the Eritrean Constitution was the primary responsibility of the United Nations Commissioner, but the initiative in all other matters rested with the United Kingdom Administration, whose most important tasks were as

follows: conduct of the affairs of Eritrea, organization of an Eritrean administration, the induction of Eritreans into all levels of the administration, and the convocation of a representative assembly of Eritreans. Those tasks had to be carried out in consultation with the United Nations Commissioner.

32. A purely Eritrean administration could not be formed until a staff of qualified Eritreans had been trained. Special methods of recruitment and training had to be used, and a number of foreign officials had to be engaged or continued in employment. A simplification of the administrative machinery and a diminution in the scope of the new government had nevertheless made it possible to obtain an administration which, when the powers of government had been transferred, had consisted 96 per cent of Eritreans. Only 350 foreigners remained, 27 of whom were British and most of the remainder Italians. All appointments made by the United Kingdom Administration had been approved by the Executive Committee of Eritrea. The country now had an administrative staff fully adequate for its needs. The administration would obviously be wanting in experience for some time and would not be as efficient as the preceding administration, but the presence of foreign advisers and technicians would assist it in making the necessary progress.

33. The admission of Eritreans into the administration had been carried out with the greatest care in order that every qualified person wishing to obtain employment would be able to do so. All proposals of the United Kingdom Administration had been submitted for approval to the Executive Committee. No one could claim, therefore, that any particular form of government or any particular government employees had been forced upon the new Eritrean Government.

34. Under resolution 390 (V), the administering Power had had to convoke a representative assembly of Eritreans chosen by the people. The United Kingdom Administration believed that the only way to do that properly was to hold general free elections throughout the territory. For the first time in Eritrean history a general election had been held. On the basis of one representative for about 15,000 inhabitants, the representative assembly consisted of sixty-eight members. The people went enthusiastically to the polls, and the Assembly may be regarded as truly representative of the people. The elections had not on the whole been characterized by sharp political battles. The laying-out of constituencies had been governed by tribal relationships and terrain. They had apparently been very well distributed, because the Assembly consisted of thirty-four Christians and thirty-four Moslems and the population of Eritrea was half Christian and half Moslem. No political party had obtained a majority, and the spirit of co-operation between Christians and Moslems had been reflected in the work of the Assembly, which had performed its primary task, the adoption of the Constitution, seriously and with dignity.

35. The equal distribution of seats between Christians and Moslems had caused all fear of the domination of one group by the other to disappear. The co-operation that had been established between the two religious groups had not been imposed by the United Kingdom Administration, the United Nations Commissioner or any other authority. The tolerance and

wisdom of the Eritreans had enabled them to forget all the political, racial and religious quarrels of the past. The first Chairman of the Representative Assembly had been a Christian and the Vice-Chairman a Moslem. The Executive Committee elected by the Representative Assembly had consisted of an equal number of Christians and Moslems, and its Chairman had been a Moslem. When the Assembly had elected a Christian as the Chief Executive, he had appointed two Moslems and two Christians as secretaries of executive departments. The Representative Assembly had then elected a Moslem as Chairman and a Christian as Vice-Chairman. The Eritreans themselves had thus accepted the principle of absolute parity between Christians and Moslems in both executive and legislative posts. The same principle had been followed by the United Kingdom Administration in the appointment of staff to the Eritrean Administration, but parity could not be as finely observed, because qualified or competent Moslems were harder to find. The Eritreans had shown the same spirit of tolerance and understanding in solving constitutional questions, such as the choice of the representative of the Emperor, the choice of a flag for Eritrea, the official language and other matters which had aroused heated controversy in the early stages of the transition period.

36. As to public finance, the United Kingdom Administration had left Eritrea a balanced budget. That had been done without reducing the extent or efficiency of the social services and without diminishing the forces necessary to maintain law and order. A balanced budget had been absolutely necessary in order to ensure the independence of the new Government. The United Kingdom Administration was pleased that it had been able to balance the budget, but those who had drawn up the budget would not be there to ensure that the revenue was properly collected and that the expenditure was kept down to the estimates. The financial and economic resources of the country were limited. Eritrea hoped to be able to obtain "point four" aid from the United States and assistance from the specialized agencies of the United Nations. The Emperor of Ethiopia was favourable to the idea of United Nations assistance, and the Ethiopian Government had always indicated its readiness to meet any deficit on the Eritrean budget. The Federal Government would undoubtedly realize the need for assisting Eritrea financially.

37. With regard to financial matters, a very satisfactory settlement had been reached between the United Kingdom Government and the Ethiopian Government with regard to the United Kingdom's expenditure during its administration. The Ethiopian Government had, as a gesture of friendship and without recognizing any obligation to do so, agreed to pay the United Kingdom the sum of £950,000 sterling. The exchange of notes constituting the agreement would be published and be registered with the United Nations Secretariat. It gave the United Kingdom delegation great pleasure to make a public acknowledgment of the Ethiopian Government's liberal gesture.

38. Apart from finance, the economic needs of Eritrea required careful study. If it were not federated with Ethiopia, Eritrea would not be economically viable. The policy of the United Kingdom Administration had been to give some protection to local industries by a

comparatively low customs tariff; that had also kept down the cost of living for the Eritreans and for the Italian community, which played an important part in the development of Eritrea. The impact of the higher federal customs tariff and of the probable reorientation of foreign trade had yet to be seen. The effect of any measure in that field would need to be watched by the federal authorities as well as by the Eritrean Government, since economic difficulties could bring political trouble. It was from that direction, more than any other, that any danger to the unity and internal peace of Eritrea might be likely to arise.

39. Resolution 530 (VI), on economic and financial provisions relating to Eritrea, had given the Administering Authority guidance on the disposal of State property and the settlement of rights under existing concessions and contracts. The provisions of the resolution had been faithfully applied, although, owing to the shortness of time available for their application, the United Kingdom Administration had not been able to bring every question to a perfect conclusion; it had, however, laid the groundwork for eventually carrying out the resolution as a whole.

40. Resolution 390 A (V) had placed upon the United Kingdom Government the onus of deciding what Eritrean services would become federal. The definition of federal services in paragraph 3 of the operative part of that resolution was imprecise, and very careful examination of its meaning had been made in consultation with the United Nations Commissioner, and in the light of the views expressed by the Ethiopian Government. The United Kingdom Administration felt that in that respect it had fairly given effect to the spirit and the letter of the resolution and that the appropriate powers and services had been effectively and smoothly transferred to the Federal Government.

41. The United Kingdom Government felt that it had acquitted itself honourably of the task given to it by the General Assembly. Its work in Eritrea had brought peace and security to an area of Africa which had been torn with dissension for a decade. Federation might or might not have been the ideal solution, but it had been accepted by the people of Eritrea and had brought about unity in the country. The federation had come into being in an excellent atmosphere. During the state visit to Eritrea of the Emperor of Ethiopia, the Eritreans had greeted him with an enthusiasm which promised well for the future. The United Kingdom Administration had co-operated for eleven and a half years with the Eritrean people, of whom it had taken leave on 15 September 1952 in a very friendly atmosphere and with sincere expressions of goodwill on both sides. The United Kingdom Government wished Eritrea happiness and prosperity in its new status under the wise guidance of the Emperor of Ethiopia and with the sympathy and co-operation of the Federal Government.

42. Ato AKLILOU (Ethiopia) wished to express, on behalf of his people and his Sovereign, and of the Ethiopian and Eritrean peoples, the satisfaction with which the entry into force of the Federation of Eritrea and Ethiopia had been greeted. The Eritrean question had thus been settled in accordance with General Assembly resolution 390 (V). Congratulations were due to the Members of the United Nations, which, by that

resolution, had put an end to many years of difficulties and uncertainty; to the United Nations Commissioner, who had drawn up a constitution perfectly adapted to the special situation of Eritrea; to the United Kingdom Administration, which had conscientiously performed the important task entrusted to it by the United Nations; and, lastly, to the inhabitants of Ethiopia and Eritrea, who, in accordance with the principle of the self-determination of peoples, had adopted the General Assembly's recommendation. It should be emphasized, however, that, without the personal intervention of the Emperor of Ethiopia and the sacrifices made by that country, the Federation of Eritrea and Ethiopia could never have been achieved.

43. The fact that a solution had been reached only after seven years of efforts showed that the problem had not been an easy one. Resolution 390 (V) had actually been no more than a compromise which the peoples concerned had been free to accept or to reject. Nothing in the history of the United Nations had indicated any desire on its part to impose a solution which did not take into account the wishes of the populations; the fact that the United Nations had sent two successive commissions of inquiry showed how anxious it had been to base its recommendations on the wishes of the peoples concerned.

44. Neither the inhabitants of Eritrea nor those of Ethiopia had asked for the establishment of a federation; it had therefore been necessary to obtain the consent of the populations that were being invited to enter into a federation. As a number of delegations had pointed out during the fourth session, there had been a preliminary question to be decided: the consent of Ethiopia. Ethiopia had had to know exactly what the conditions of the proposed federation would be; for that reason, the Federal Act had been drafted even before the voting of resolution 390 (V). The Imperial Government had then had to ratify the Eritrean Constitution and the Federal Act. Those ratifications had been made on 11 August and 11 September 1952. The federation had entered into force as from that date.

45. Since resolution 390 (V) had been only a recommendation to the two parties concerned, its legal and moral force had depended upon the agreement and approval of those parties. That point had been emphasized by the United States representative, at the fifth session, when he had submitted the draft resolution in the *Ad Hoc* Political Committee (48th meeting). Once the resolution had been adopted, an exacting task had awaited the United Nations Commissioner, the United Kingdom Administration and the Ethiopian Government: they had had to bring home to the population the advantage of the solution recommended by the United Nations and the need for adopting it.

46. To that end, the United Kingdom Administration had made full use of its position and had set to work, efficiently and impartially, upon the complete application of the provisions of the resolution regarding the convocation of a representative assembly and the establishment of a provisional administration. The United Kingdom Administration had performed its task in close collaboration with the Ethiopian Government, and it had consequently been possible to take all the necessary administrative steps before the date of 15 September 1952.

47. The United Nations Commissioner had discharged his responsibilities to the satisfaction of all concerned; all those who had had occasion to collaborate with Mr. Anze Matienzo had been able to appreciate his sincerity, his uprightness and his outstanding statesmanship. Without the close and uninterrupted co-operation between him and the Ethiopian Government, it would not have been possible to prepare the populations for the solution recommended by the General Assembly, which had not been envisaged either by the Eritreans or by the Ethiopians.

48. Finally, it had been necessary for the Emperor of Ethiopia to appeal directly to the people to support the idea of federation unreservedly. Making full use of his personal prestige, the Emperor had called unceasingly upon the inhabitants of the two countries to forget past differences, to unite and to collaborate in accepting the General Assembly's recommendation. It was after the Emperor's first appeal, in December 1950, that the Unionist Party of Eritrea had taken the initiative of calling together the other political parties to form a united front for the unanimous support of resolution 390 (V). That Party had previously been opposed to the idea of federation, and there was no doubt that, if it had not responded to the Emperor's appeal, there would have been no federation.

49. The Ethiopian representative felt that he should recall the fact that some delegations had challenged his statements regarding the wishes of the Eritrean population. While some had argued that it was the future of an essentially Moslem territory that was to be decided, he had, on the contrary, always stated that the population was divided equally between two religions. He had also stated that the Unionist Party was the most important, and that the self-styled representatives who had appeared before the General Assembly represented a mere handful of inhabitants. Those statements had been abundantly borne out by the facts: the Eritrean Assembly consisted of thirty-four Christians and thirty-four Moslems; the Unionist Party was by far the largest, since, with the support of the much smaller Moslem League of the Western Province, it had a two-thirds majority in the Eritrean Assembly. Most of the so-called representatives who had come to Lake Success had not even been elected to the Eritrean Assembly; of the two principal opponents of any association of Eritrea with Ethiopia, one had been elected only on a second ballot and the other had forfeited his deposit by failing to obtain the necessary minimum number of votes.

50. The present Chief Executive was the main leader of the Unionist Party; the present President of the Assembly was the main leader of the Moslem League of the Western Province. It was the appeal made by the Emperor shortly after the adoption of resolution 390 (V) which had brought about the alliance of the two great political parties.

51. A favourable political atmosphere having thus been created, the United Nations Commissioner and the Ethiopian Government had had to collaborate closely in order to prepare a Constitution which would command the approval of the Eritreans and of the Ethiopian Government. The Eritrean Constitution had had to respect Eritrean independence strictly, while allowing for the responsibilities that the Ethiopian Gov-

ernment was to assume with regard to federal services. It was always a delicate matter to draw the line of demarcation between federal and local jurisdictions. The United Nations Commissioner, in his consultations with the Eritreans, the United Kingdom Administration and the Ethiopian Government, had succeeded in reconciling at times very divergent views and draw up a Constitution which had received the unreserved approval of all concerned.

52. In May 1951 the Ethiopian Government had proposed the establishment of an Eritrean Executive as strong and as stable as possible. The results of the elections had shown that the Unionist Party would be the dominant party in the new Eritrean Government, but it was at its suggestion that a provision had been inserted in the Eritrean Constitution for the representation and participation of minority parties in the Executive. Similar considerations had led the Ethiopian Government to make suggestions to the United Nations Commissioner with a view to precluding any possibility of a conflict of jurisdiction between the Federal Government and the Eritrean Government. The provisions of articles 14 and 59 of the Eritrean Constitution were clear evidence of those preoccupations. The Ethiopian Government had gone even further: it had particularly urged the protection of human rights and fundamental freedoms by the Constitution and it had wished that all Eritreans should enjoy all the privileges of Ethiopian citizens under the Ethiopian Constitution of 1931, with no obligations other than those resulting from the Federation.

53. It was clear that legal provisions alone would not make it possible to achieve the desired goal. As Ato Aklilou had already pointed out at the General Assembly's third session, in the *Ad Hoc* Political Committee (239th and 256th meetings), Eritrea was not economically self-sufficient, but Ethiopia was prepared to grant it all necessary aid. The Ethiopian Government had shown that those were no idle words by supplying the Eritrean Government unconditionally with the working capital it needed and making it a gift of considerable stocks of equipment.

54. The introduction into Eritrea of Ethiopian currency, a hard currency linked to the American dollar, had been gladly welcomed by all the Eritreans who would now be able to obtain imports which they had lacked before. It had to be borne in mind that exports from Eritrea, which was a poor country, were practically non-existent and that the balance of payments in Eritrea had always shown a deficit. The Federation would ensure the balance of payments in Eritrea and the country would benefit directly from Ethiopian exports.

55. The Ethiopian Government intended that foreign enterprises in Eritrea, especially Italian enterprises, should be enabled to continue their useful work under the federal system and assured them of its goodwill. For example, when it had been noted that the Ethiopian customs duty on diesel oil handicapped the operation of certain Italian enterprises in Eritrea, the Ethiopian Government had immediately made an exception in favour of those enterprises. That was a tangible proof of the Ethiopian Government's wish to promote the well-being of Eritrea in every way. Since the adoption of resolution 390 (V), Ethiopia had unceas-

ingly worked for that end and had taken care not to infringe the autonomy of Eritrea in any way. The Ethiopian Government undertook to respect that autonomy and all the provisions of the Federal Act. There should be no doubts concerning the sincerity of that undertaking.

56. The entry into force of the Federation had been welcomed enthusiastically in Eritrea and the journey which the Emperor of Ethiopia had made in Eritrea from the former frontier at the Mareb River to Agordat, passing through Asmara, Massawa and Cheren, had been triumphal. That welcome had not surprised the Ethiopian representative, who recalled the words in which he had expressed his deep faith in the Federation to the General Assembly (315th plenary meeting) when it had adopted resolution 390 (V). In that Federation, there would be no majorities or minorities, Moslems or Christians, friends or enemies; there would only be brothers who wished to write a new chapter of history, to bring to an end a long era of exile and suffering and to show the truth and justice on which the work of the United Nations was founded.

57. After seven years of international discussions, anxiety and difficulties, sixty-seven years of animosity between two peoples had been wiped out. Peace and security were ensured in East Africa. The Italians were welcomed there as friends and all the inhabitants of Eritrea and Ethiopia, under the liberal and enlightened guidance of the Emperor, would march together along the path of peace and progress, inspired by a desire for collaboration.

58. Mr. GUIDOTTI (Permanent Observer of Italy to the United Nations) thanked the Committee for the opportunity he had been given to express his Government's views on a solution which was an important United Nations achievement and a substantial contribution to the application of the principles of the Charter. By adopting resolution 390 A (V) on 2 December 1950, the General Assembly had courageously undertaken to solve a problem on which the great Powers had held long and unproductive debates. It had seemed that the points of view to be conciliated were diverse and complex. The peaceful coexistence of peoples, like that of individuals, called for the constant conciliation of the interests involved, in a just and impartial spirit. The Italian Government was sure that the federal system was the only solution which could ensure close association between Ethiopia and Eritrea, while safeguarding the ethnic and social characteristics and economic interests of the two countries. Ethiopia and Eritrea could not have been fused into a single entity without prejudicing the peaceful development of that part of Africa. The Italian Government had therefore given its full and unreserved support to the principle of federation, which was a compromise solution between two extremes: the annexation of Eritrea by Ethiopia and the full independence of Eritrea.

59. Two years after the adoption of resolution 390 (V), the General Assembly had before it two reports on the question, one by the United Nations Commissioner in Eritrea and the other by the Government of the United Kingdom, the former Administering Authority for Eritrea. The Italian Government was glad to participate in the consideration of those reports in its usual spirit of understanding. Long years of asso-

ciation between Italy and Eritrea had created lasting ties between those two countries, which would be perpetuated by the presence in Eritrea of a large and hard-working Italian community. The Italian Government's interest in the Federation showed its earnest wish to see the Italian community in Eritrea play an effective part in the Federation as an element of friendship and co-operation between Italy and Ethiopia. The Italian people had followed with great interest the United Nations Commissioner's efforts to safeguard Eritrean institutions and traditions within the Federation and to give the country the broadest autonomy compatible with its Constitution, its institutions and the international status of Ethiopia. The Italian Government therefore paid a sincere tribute to the impartial and constructive spirit in which the United Nations Commissioner had carried out his difficult task.

60. In the final report, the United Nations Commissioner had described his work on behalf of the United Nations. He had clearly pointed out the conditions which he regarded as indispensable for ensuring the peaceful coexistence of the federated peoples and the application of General Assembly resolution 390 (V). The Italian Government felt that by approving the final report of the United Nations Commissioner in Eritrea in its entirety, the General Assembly would be paying a well-deserved tribute to his work.

61. The General Assembly resolution had also assigned important functions to the Administering Authority in Eritrea. In that connexion, the Government of the United Kingdom had submitted to the Committee a complete report on the principal aspects of the new Eritrean Administration. The United Nations Commissioner and the Administering Authority would have been unable to carry out their task without the collaboration of the Ethiopian Government. Mr. Guidotti had noted with great satisfaction the Ethiopian representative's declaration that his Government would scrupulously respect the provisions of the Federal Act drawn up by the General Assembly, which now constituted the charter of the Federation. The solemn and unequivocal assurance given by the Ethiopian Government was an important contribution to the creation of the atmosphere of confidence which was indispensable to the progress of an autonomous Eritrea.

62. Mr. Guidotti also wished to pay a tribute to the civic qualities and political maturity of the Eritrean people, which had greatly facilitated the United Nations Commissioner's work, and to the Eritrean Assembly, which had played a decisive part in the drafting of a Constitution in accordance with the principles laid down by the General Assembly.

63. The General Assembly resolution 390 (V), the Federal Act and the Eritrean Constitution contained provisions which specially affected Italy. Those were the provisions on the continued collaboration of foreign communities in the economic development of Eritrea. Those provisions, which had been dictated by the interests of Eritrea and those of the many Italians who had lived in Eritrea for several generations, transformed into legal obligations those principles of international collaboration, of equality between aliens and nationals and of the respect of human rights and fundamental freedoms without distinction as to race, religion or origin, the application of which was a moral

obligation for all civilized nations. In that connexion, Mr. Guidotti had noted with satisfaction the formal assurances given by the Ethiopian representative concerning the Italian community in Eritrea and its economic activities.

64. It was obvious that certain questions raised by the new federal structure still remained to be solved, especially the question of setting up a federal supreme court, which should meet all the requirements laid down by the United Nations Commissioner in his report, and the question of applying the provisions of article 4 of the Federal Act, which stipulated that customs duties paid on goods entering or leaving the Federation which had their final destination or origin in Eritrea should be assigned to Eritrea. The economic structure of Eritrea had entered a delicate phase as the result of the customs union with Ethiopia. The Italian Government therefore hoped that the United Nations and its specialized agencies would give Eritrea the financial and technical assistance it required.

65. Mr. Guidotti concluded with the hope that the General Assembly would examine the Eritrean question in the light of those considerations. The Italian Government therefore welcomed the joint draft resolution (A/AC.61/L.34) before the Committee.

66. Mr. SPRAGUE (United States of America) noted with satisfaction that in less than two years General Assembly resolution 390 (V) on the future of Eritrea had been carried out successfully in accordance with the principles laid down therein. In making that decision, the General Assembly had fulfilled the task assigned to it in 1948 (142nd plenary meeting) of determining the future of the former Italian colonies.

67. The United States delegation considered that the United Nations Commissioner in Eritrea had rendered outstanding service to the Eritrean people and to the United Nations. He had carried out with patience, skill and integrity a task which involved many consultations with the representatives of the Eritrean people, the Ethiopian Government and the Administering Authority. The Constitution of Eritrea, drawn up on the basis of a plan prepared by the United Nations Commissioner, was an instrument which took into account both the special conditions of Eritrea and the needs of the Federation. It provided the necessary guarantees in connexion with human rights and democratic principles and reflected great credit on the people of Eritrea and the Eritrean Assembly.

68. The Ethiopian Government had co-operated constantly and actively in the establishment of the Federation and had progressively adapted itself to the requirements of the system. The United States delegation welcomed the Ethiopian representative's statement that his Government was determined to respect all the provisions of the Federal Act and the autonomy of Eritrea. He also paid a tribute to the Administering Authority which had, until the transfer of powers,

administered Eritrea in such a manner as to facilitate the establishment of the Federation. The Italian Government's co-operation with the United Nations Commissioner was also praiseworthy.

69. The United States delegation was sure that the remaining practical problems would be solved in a constructive spirit of mutual respect and loyalty to the purposes of the United Nations which had inspired the Ethiopian Government and Eritrean authorities in the establishment of the Federation. It noted with satisfaction that the Eritrean people was now represented in the United Nations through the Federal Ethiopian Government. The Government and people of the United States greeted the new Federation and congratulated those who had established it. The United Nations could justly feel satisfaction at having provided a practical and just solution of the Eritrean problem and having thus contributed to the maintenance of the peace, security and stability of East Africa.

70. The United States delegation was pleased to present, on behalf of the co-sponsors, joint draft resolution A/AC.61/L.34, which expressed the General Assembly's satisfaction and should be supported by all delegations.

71. Mr. ZORIN (Union of Soviet Socialist Republics) asked the United Nations Commissioner in Eritrea why it had been his opinion that a system of parliamentary government would not be suitable to Eritrea, as was stated in paragraph 334 of his report.

72. Mr. Anze MATIENZO (United Nations Commissioner in Eritrea) replied that the semi-presidential system which had been applied in Eritrea had come to his mind on his first contact with the Eritrean people. Eritrea comprised two racial and religious groups and needed a stable government with real authority. Although the parliamentary system was democratic, it was not suitable for Eritrea, owing to the instability of the executive power under such a régime. Moreover, the jurisdiction of the Eritrean Government was limited in certain respects, such as the question of internal police, tax collection and the budget. It had therefore seemed that a unicameral system would be more suitable to Eritrea than the bicameral system of the usual parliamentary régime. Under the Constitution of Eritrea, the Chief Executive was elected by the Assembly, but was not responsible for action taken by him in the exercise of his duty. The members of the Assembly, however, could ask him questions and he was morally responsible to them. It was necessary to avoid the direct election of the head of the executive body, because Eritrea had no democratic tradition and Eritrean electors could more easily exercise their political rights through the direct election of members of the Assembly, rather than that of the Chief Executive. The Commissioner hoped that those explanations would satisfy the USSR representative.

The meeting rose at 5.30 p.m.