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REPORT OF THE TRUSTEESHIP COUNCIL

Statement made by the representative of Italy at the
962nd meeting of the Fourth Committee

Note by the Secretariat: The following statement is
circulated to members of the Committee in accordance
with a decision taken by the Committee at its
962nd meeting.

Mr. Chairman,

We have before us document A/4262 which embodies some basic provisions related to the request presented by the Government of Somalia through my delegation, as representative of the Administering Authority.

The request, as the Committee is well aware, aims at obtaining an earlier termination of the Trusteeship Agreement.

In my statement of Monday, 9 November, I gave the Committee a faithful account of the situation in Somalia. I am pleased to state that we in our delegation were extremely gratified by the acknowledgements given by various representatives of our achievements in Somalia. I hardly need to mention the feelings harboured by the Somali delegation in this respect and by H.E. Hagi Farah Ali Omar in particular.

I should like, with your permission Mr. Chairman, at this point to pay tribute to this man, whom I have come to value very highly for his wisdom, his quiet efficiency and, why not, for his good sense of humour.

Mr. Chairman, you will recall that in presenting the request of the people of Somalia I submitted that the proper way of approaching it was for this Committee to ascertain if granting earlier independence was or was not in the interest of the Territory, was or was not consistent with the basic objectives of the Trusteeship System.

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Realizing fully that in order to enable this Committee to reach a definite conclusion and, consequently, a decision on this matter, our duty was to give ample and adequate information as regards the degree of progress achieved by Somalia, particularly in relation to the "Plan for the transfer of functions" and the recommendations of the Trusteeship Council, we proceeded accordingly.

Also bearing in mind the fact that this Committee was to be reasonably certain that the work that remained to be done would be completed in advance of the date set by the General Assembly, we furnished information as to the steps and measures that had to be taken for this purpose.

The Committee will recall that I promised to come back to this point as soon as my delegation should be in a position to submit further information so as to reach a complete and exhaustive picture of the situation.

The general favour with which this Committee will - I am certain - respond to the request of the people of Somalia will indicate that allowing the Trusteeship Agreement to terminate at a date earlier than 2 December 1960 would be a well deserved recognition of the people and the leaders of the Trust Territory.

It is, however, our duty to help the Committee in its deliberations at this stage, as it is our wish that it reach a decision, if I may say so, en pleine connaissance de cause.

I think that, bearing in mind the wording of the draft resolution before us, and in particular of the second operative paragraph, where it reads "it is envisaged that the preparations for independence will be completed several months before 2 December 1960", it would be quite in order for me to indicate with the highest possible degree of accuracy what these preparations refer to.

I have before me the report of the Italian Trust Administration of Somalia concerning the measures taken for the purpose of implementing the "Plan of transfer of powers" and the recommendations of the Trusteeship Council, in which the Italian Administration and the Government of Somalia express their confidence that these measures will be enacted soon.

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May I quote from it:

MEMORANDUM

Italian Trust Administration of Somalia

"After preliminary consultations with the Government of Somalia, which have been pursued until only a few days ago with a purpose of working out all the details pertaining to the various questions under examination, the Trust Administration and the Government of Somalia have now gotten under way a number of measures related both to the 'Plan for the transfer of functions of Government' and to certain specific recommendations of the Trusteeship Council.

"On 31 October 1959 the second session of the Legislative Assembly of Somalia has been inaugurated. The Assembly has before it the task of discussing and approving a number of important drafts for the enforcement of these measures.

"The Italian Administration and the Government of Somalia are confident that these measures will be enacted soon, for the good of the country.

"1. LAW CONFERRING CONSTITUENT POWERS TO THE LEGISLATIVE ASSEMBLY

"A bill to this effect which was approved by the Council of Ministers on 2 November last, will be introduced shortly in the Legislative Assembly. The main points of this bill are the following:

"(a) full constituent powers are conferred upon the present Legislative Assembly as regards the elaboration and approval of the Constitution of Somalia;

"(b) the Constituent Assembly shall adopt its own rules of procedure;

"(c) the Constituent Assembly shall not be subject to rules 5 and 6 of the Ordinance No. 2 of 5 January 1956, concerning the powers of sanction and promulgation normally vested in the Administrator;

"(d) once the Constitution is approved, the Constituent Assembly's mandate shall terminate;

"(e) both during and after its labours as Constituent Assembly the Legislative Assembly shall continue to exercise its normal functions according to law No. 26 of 12 December 1958.

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"2. THE CONSTITUTION OF SOMALIA IN RELATION TO THE PRINCIPLES LAID DOWN IN THE 'TRUSTEESHIP AGREEMENT' AND IN RELATION TO THE 'DECLARATION OF CONSTITUTIONAL PRINCIPLES' ANNEXED TO IT

"As stated by the Italian Government in the 'Plan for the transfer of the functions of Government' and as subsequently confirmed by the Italian representative in the Trusteeship Council in presenting the Plan, the Administering Authority has taken the attitude that the elaboration and promulgation of the Constitution is a matter reserved for the exclusive competence of the Constituent Assembly of Somalia.

"The attention of the Government of the Assembly as well as of the people of Somalia has been repeatedly called, however, to the basic principles set forth by the Trusteeship Agreement and by the Declaration annexed to it.

"In particular, on 31 October 1959, in the opening speech at the inauguration of the second session of the Legislative Assembly, the Administrator of Somalia said inter alia:

'As stated in the 'Plan for the transfer of the functions of Government' and reiterated in front of the Trusteeship Council at its 24th session, the Administering Authority takes the view that all matters pertaining to the formulation and enactment of the Constitution should be exclusively reserved to the deliberations and decisions of the Constituent Assembly.

'I feel, however, that it is my duty to call your attention, Honourable Representatives, to the advisability of taking in full consideration, in our endeavours in the Constituent Assembly, the fundamental moral value which all civilized countries attribute to the Declaration on Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948. This equally applies to other general principles contained in the 'Declaration on constitutional norms' drawn up in conformity to the recommendation of the General Assembly at its IVth session'.

"In view of the heavy and busy schedule confronting the representatives in the Constituent Assembly and of the relatively short time at their disposal as well as of the serious responsibility of the Government in this matter, the Government of Somalia has taken the decision of establishing a post of Minister without Portfolio, in charge of all matters related to the Constitution. A parliamentary representative with special qualifications and special juridical experience will shortly be appointed to that post.

"3. BROADENING OF THE COMPOSITION OF THE POLITICAL COMMITTEE, OF THE CONSTITUENT ASSEMBLY AND POPULAR CONFIRMATION OF THE CONSTITUTION

"The attention of the Government of Somalia has also duly been called to these important points in conformity to the Trusteeship Council's

recommendations. Similarly, the Assembly's special attention has been called to these questions, without, however, overlooking the fact that, as already stated, all this matter should be reserved to the exclusive deliberations of the Constituent Assembly.

"To this end, the Administrator thought it fit to quote in extenso, in his opening speech previously mentioned, the text of the recommendations appearing under paragraph 39 of the Trusteeship Council's report.

"The Government of Somalia, for their part, have stated that they are in favour of broadening the composition of the Political Committee for the elaboration and the preparation of the Constitution, established on 5 September 1957, by decree No.140.

"According to a bill drafted by the Council of Ministers, shall be appointed to serve on the Political Committee two representatives of each political party legally established and regularly designated by the competent organs of those parties.

"In the same manner the Government of Somalia has made it known that it is in favour of a popular confirmation, by way of referendum, of the Constitution.

"As far as the broadening of the composition of the Constituent Assembly is concerned, serious consideration has been given to it, not without realizing pretty soon, however, that any decision on this matter was liable to run into heavy difficulties.

"It was therefore thought best and appropriate to leave it to the Constituent Assembly itself to decide on all this matter.

"On the other hand it is keenly felt in Government quarters as well as in Parliament that by agreeing to implement the recommendations concerning popular confirmation of the Constitution in addition to that regarding the Political Committee, many of the reasons for broadening the Constituent Assembly seem now to have disappeared.

"4. PROMULGATION OF THE CONSTITUTION

"The Italian Administrator is confident that the Constitution will be elaborated and approved with all possible speed, so that it may be enacted on the day of proclamation of independence.

"The Government of Somalia, on their part, have decided that the Constitution should have first priority over any other laws or problems which have to be considered by the Constituent Assembly. The Assembly and its members have expressed their full agreement with the Government on this point.

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"As regards the promulgation of the Constitution the following procedures have been outlined:

"(a) if the Constitution is approved and confirmed by the people by means of a referendum at the date of independence, then it could be put into force on that day on a permanent or definitive basis;

"(b) if at that date the Constitution had not been wholly completed or the popular confirmation was still lacking, that part of the Constitution as approved by the Constituent Assembly could be enforced on a temporary or provisional basis.

"In any case the Constitution shall be promulgated by the Head of the Somali State, as his first official act upon assuming his functions.

"5. HEAD OF THE STATE

"The Government of Somalia has come to the decision of giving first priority also to the elaboration of the provisions related to the election and to the powers of the Head of the State.

"As regards this point, the Constituent Assembly may very likely find itself confronted with a choice among the following courses that could be adopted:

"(a) Once the Constituent Assembly has approved the Constitution and once the Constitution has become final following popular confirmation, the Assembly may embody the Chapter of the Constitution providing for the nomination and the functions of the Head of the State in a special law.

"On the basis of this special law the Assembly would then proceed to the nomination of the Head of the State.

"(b) In case of a provisional Constitution, as indicated under sub-paragraph (b) of the preceding paragraph, the Assembly may elect a Head of the State on a provisional basis, in compliance with a special law which would include, wholly or in part, the relevant provisions of the Constitution.

"Also considered is a special temporary solution according to which the functions of provisional Head of the State could be entrusted to a Board or Directorate.

"In any case, the election of the Head of the State, on a provisional as well as on a final basis, would take place immediately before the termination of the Trusteeship Agreement, so as to enable the Head of the State to assume his charges the same day that the mandate elapses.

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"The budget of Somalia for 1960 provides for the setting aside in a Reserve Fund of an amount earmarked for the expenses to be met by the Head of the State.

"6. POLITICAL RECONCILIATION

"The Italian Trust Administration has continued to the widest possible extent in its endeavours aiming at a reconciliation among the various political groups.

"In his inaugural speech before the Assembly, the Administrator has expressed his confidence that the Constituent Assembly will contribute, through its labours, to an even better understanding between the political parties and to a deeper harmony in the country on the eve of momentous events for Somalis.

"On the whole, there are reasons to believe that all these efforts have not been in vain. The political situation in Somalia appears currently much less tense than during the first half of this year.

"The Administration is pleased to inform that a noticeable improvement in the relations between the majority party and the thirteen dissenting deputies has taken place recently. On 9 November 1959 the Central Committee of the 'Somali Youth League' has adopted a decision in principle to re-admit them in the Party.

"7. ELECTORAL LAW

"(a) It will be the task of the Constituent Assembly, when deliberating on the Constitution, to decide if and how the general principles regulating elections in Somalia should be modified.

"(b) Provisions for holding of new elections, when annulled by the competent judge. Law No.4 of 1 August 1959 has filled the gap pointed out by the United Nations Advisory Council, by modifying article 58 of Law No.26 of 12 December 1958.

"According to the new law 'in case an election is declared invalidated, it shall be proceeded, within one year from the decision taken by the judge, to new elections'.

"In compliance with this new law, new elections will take place on January 11 to 15, 1960 in the Lugh Ferrandi District, since returns of general elections of March 4 to 8, 1959, in that District had been declared null by the competent regional judge.

"(c) Voters lists. According to a provision adopted by the Government of Somalia all citizens who have a right to vote shall be listed in special registers under the special responsibility of the District Commissioners.

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"8. LAW ON CITIZENSHIP

"The Legislative Assembly will take into consideration, in the course of the present session, a bill which will regulate the question of 'acquisition * of citizenship', as an addition to the law No.2 of 1 December 1957 on 'originary citizenship'.

"Within the next few days - the bill is at present being examined by the Council of Ministers - it should be sent to the Assembly for its consideration.

"A copy of the text of this bill will be put at the disposal of the Advisory Council for its observations.

"9. CENSUS

"The Government of Somalia has taken the decision to resume operations for a census of the populations of extra-municipal areas, as provided for by law No.6 of 30 September 1956.

"10. MINISTRY OF FOREIGN AFFAIRS

"A Minister without Portfolio will be charged with the task of establishing a Ministry for Foreign Affairs. He will select the necessary personnel and provide for the required facilities, so as to permit the Ministry to begin operations officially at the end of the mandate.

"In the meantime a number of diplomatic and consular appointments are being considered, in relation to funds which are being set aside for the purpose and to the countries with which Somalia entertains traditionally closer relations.

"The budget for Somalia for 1960 provides for the setting aside, in a special Reserve Fund, of an adequate amount for the setting up and operation of a Ministry of Foreign Affairs and a number of offices abroad.

"11. SOMALIZATION OF GOVERNMENT SERVICES

"Five departments out of nineteen are still entrusted by the Government of Somalia to Italian experts, namely:

- Department of Public Works;
- Department of Foreign Trade and Foreign Exchange;
- Department of Research;
- Department of Veterinary;
- Department of Administrative Affairs of the Ministry of Internal Affairs.

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"It should be noticed, incidentally, that it does not seem to be here a case of whether or not we should proceed to further 'Somalization', because the Departments listed above are all dependencies of Ministries headed by Somalis. Rather, it appears to be more a matter of appointments made, which could only be, on a basis of strict professional qualifications, by the Government of Somalia in its exclusive competence.

"12. DISTRICT JUDGES

"Special courses are being held at the Court of Justice for the training of personnel with a view to make them available as soon as possible to the thirty District Judicial Offices.

"13. MEDICAL FACILITIES

"Thirteen new doctors, twelve of whom are Italian and one from the United Arab Republic, have joined recently the medical staff working for the Government of Somalia.

"14. LIVESTOCK

"The Government of Somalia is seriously considering to introduce a tax on livestock. This will entail overcoming several difficulties and complexities of various orders (technical, political, etc.). As of now, the Government revenues include some receipts from the sales of livestock on local markets, for slaughtering and for the export of livestock.

"15. MONETARY CIRCULATION AGENCY OF SOMALIA

"(a) As provided for in the 'Plan for the transfer of functions of Government' a special law will transform the so-called 'Somalcassa' into a Central Bank for Somalia.

"(b) Another law shall regulate credit operations.

"(c) At present, nine Somali officials, at the expense of 'Somalcassa', are taking special training courses with the Bank of Italy, the Banco di Roma, the Banco di Napoli and the Istituto Italiano dei Cambi.

"16. SOCIAL SECURITY AGENCY

"In due course of time, as previously indicated, all the facilities pertaining to INAIL 1/ will be transferred to CASS. 2/

"If requested by the Government of Somalia, INAIL will consider providing for adequate technical assistance, after the transfer above."

1/ Istituto Nazionale Aggicurazione Infortuni del Lavon.

2/ Cassa Aggicurazioni Sociali Somalia.

Mr. Chairman, I believe that this report is evidence of the fact that final preparations in Somalia for the day of independence are well under control.

That they will be completed in a relatively short time and well in advance of 2 December 1960, the Committee can be reasonably assured.

We were reasonably certain ourselves of this when we finally decided to go along with the request presented to us by the Somali Government.

This is the reason why, as I am pleased to state, we accept the procedure set forth in this draft resolution, as one which, in our opinion, would permit this Assembly to make a decision fully in accordance with the basic principles of the Trusteeship System.

Surely, if we agree on the principle - and who in this Committee would feel like denying the people of Somalia an acknowledgement such as the one implied by their request? - if we agree on the principle, I am confident, Mr. Chairman, that we shall be able to agree on how to formalize. And this draft resolution will, in our opinion, be in the best interest of the Somali people, to their full satisfaction and wholly in accordance with the prerogatives of this General Assembly.
