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REPORT OF THE TRUSTEESHIP COUNCIL

Memorandum submitted by the United Nations Advisory Council  
for the Trust Territory of Somaliland under Italian administration  
on the remaining arrangements for the orderly transfer of all the  
functions of government to a duly constituted independent  
government of the Territory

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MEMORANDUM OF THE UNITED NATIONS ADVISORY COUNCIL FOR THE TRUST TERRITORY  
OF SOMALILAND UNDER ITALIAN ADMINISTRATION ON THE REMAINING ARRANGEMENTS  
FOR THE TRANSFER OF ALL THE FUNCTIONS OF GOVERNMENT TO A DULY CONSTITUTED  
INDEPENDENT GOVERNMENT OF THE TERRITORY

I. INTRODUCTION

1. Pursuant to the provisions of article 25 of the Trusteeship Agreement for the Trust Territory of Somaliland under Italian administration, the Administering Authority submitted on 16 July 1959 to the Trusteeship Council the plan called for in that article "for the orderly transfer of all the functions of Government to a duly constituted independent Government of the Territory".<sup>1/</sup>
2. The United Nations Advisory Council presented its observations on the plan orally at the 1021st meeting of the Trusteeship Council's twenty-fourth session on 21 July 1959.<sup>2/</sup> Introducing these observations the Chairman of the Advisory Council noted that certain points of the plan still required further clarification by the Administering Authority.
3. Furthermore, the Trusteeship Council approved several recommendations relating to the plan for the transfer of powers and its implementation.<sup>3/</sup>
4. In a recommendation concerning the plan the Trusteeship Council took note of the statements of the Administering Authority

"that information on the remaining arrangements for the transfer of powers will, after consultation with the Government of Somalia and the United Nations Advisory Council, be transmitted to the General Assembly at its fourteenth session and that the United Nations Advisory Council will submit a special report in this connexion to the forthcoming session of the General Assembly." <sup>4/</sup>

Under this recommendation the Advisory Council transmits to the General Assembly the present memorandum.

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- <sup>1/</sup> Plan of transfer of the Governmental Functions from the Italian Government to the Somali Government (T/1477).
  - <sup>2/</sup> T/SR.1021.
  - <sup>3/</sup> A/4100, pp. 66-68, paras. 39, 45, 50.
  - <sup>4/</sup> A/4100, p. 66, para. 39.

5. When the Administrator informed the Advisory Council on 22 August 1959 that he had established the "Office for the transfer of powers and related matters", the Advisory Council welcomed the arrangement which would facilitate consultations. The Advisory Council was at all times ready to render its aid and advice to the Administering Authority.

6. During a consultation held on 3 October 1959 the Administrator informed the Council that the Somali Government decided to accept the Trusteeship Council's recommendation concerning the broadening of the composition of the Political Committee; that it also accepted the recommendation concerning the popular confirmation of the Constitution by means of a referendum. Principles of the referendum were however not elaborated. On the other hand, the Advisory Council was informed that the Somali Government was not yet prepared to accept the recommendation relating to the broadening of the composition of the Constituent Assembly.

7. The Advisory Council decided on the same day to communicate to the Administrator and through him, to the Prime Minister, its position with respect to the implementation of the Trusteeship Council's recommendations.<sup>1/</sup>

8. On 30 October 1959 the Administrator informed the Advisory Council that a draft law entrusting the Legislative Assembly with constituent powers had been tentatively prepared. In accordance with this draft law it will be in fact the responsibility of the Legislative Assembly meeting as a Constituent Assembly to decide on the desirability of implementing all the Trusteeship Council's recommendations related to constitutional matters and to the election of the future Head of State. The Advisory Council reserved its right to offer its advice when it received the final text of the proposal.

9. On 6 November 1959 the Administrator transmitted to the members of the Advisory Council a "draft memorandum on the beginning of the implementation of the recommendations adopted by the Trusteeship Council at its twenty-fourth session."

10. On 13 November 1959 the Advisory Council received from the Administering Authority copies of a report entitled "Report on the Recommendations adopted by the Trusteeship Council at its twenty-fourth session (resolution of 6 August 1959)".

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<sup>1/</sup> The text of the letter is reproduced in Annex I.

## II. REMAINING ARRANGEMENTS FOR THE TRANSFER OF POWERS<sup>1/</sup>

### A. LEGISLATIVE MEASURES CONFERRING UPON THE LEGISLATIVE ASSEMBLY THE POWERS OF A CONSTITUENT ASSEMBLY

#### Plan for the transfer of powers

11. The Plan presented to the Trusteeship Council on 21 July 1959 contained the following statements (section A, para. 4):

"By means of appropriate legislative measures, provision will be made for conferring upon the Legislative Assembly the powers of a Constituent Assembly for the purpose of drafting the Constitution."

"For its part, the Administering Authority states as of now, that it considers the preparation of the Constitution to be a matter reserved exclusively for the deliberations and decisions of the Somali Assembly."

#### Observations of the Advisory Council

12. The Advisory Council interpreted this statement to mean that "the appropriate legislative measures" entrusting the Legislative Assembly with the powers of a Constituent Assembly could not be repealed by the Administrator and that he would not exercise with regard to these legislative measures the reserved powers which he has with regard to normal legislative acts.

#### Recommendations of the Trusteeship Council

13. At its twenty-fourth session the Trusteeship Council noted the statement of the Administering Authority that the veto powers of the Administrator will not be exercised in respect of the proposals of the Political Committee and the Constituent Assembly for the Constitution.

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<sup>1/</sup> Note: Presenting its memorandum the Advisory Council follows its observations on the Plan for Transfer and the pertaining specific recommendations approved by the Trusteeship Council at its twenty-fourth session. A summary of the corresponding provisions of the Plan presented by the Administering Authority precedes in each case.

The full text of the Plan for the Transfer of Powers presented by the Administering Authority to the Trusteeship Council at its twenty-fourth session may be found in T/1477; the observations of the United Nations Advisory Council thereon in document T/SR.1021 and the recommendations of the Trusteeship Council at its twenty-fourth session adopted in connexion with the Plan are contained in document A/4100 (pp. 62-87).

Implementation

14. In the report received by the Advisory Council on 13 November 1959 the Administering Authority noted that the Somali Government approved in principle on 2 November a draft law which will be laid before the Legislative Assembly as soon as possible and confer upon it the powers of a Constituent Assembly.

15. The main points of this draft law were described as follows:

"(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 and regulations in the widest sense;

(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; 1/

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

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

16. The Advisory Council has not yet received the draft for its comments.

B. BROADENING OF THE COMPOSITION OF THE POLITICAL COMMITTEE AND THE CONSTITUENT ASSEMBLY

Plan for the Transfer of Powers

17. The Plan contained the following statement:

"Among the powers which may be conferred upon the Constituent Assembly under such legislative measures is that of deciding whether, and in what form, other representatives (administrative, cultural, regional, trade-union, economic, etc.) of the Territory should take part in a consultative capacity in the preparation of the draft Constitution."

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1/ It will be noted that the Administrator retains, however, the power to dissolve the Legislative Assembly and thus the Constituent Assembly itself.

18. The Plan then noted various forms of consultation and concluded as follows:

"For its part, the Administering Authority states as of now, that it considers the preparation of the Constitution to be a matter reserved exclusively for the deliberations and decisions of the Somali Assembly."

#### Recommendations of the Trusteeship Council

19. At its twenty-fourth session the Trusteeship Council noted with concern the reports of disturbances during the pre-election period and of total or partial non-participation of the opposition parties in the 1959 general elections. It considered that political reconciliation was one of the most important tasks facing the authorities in Somalia before independence.

20. It expressed the hope that steps would be taken to broaden the composition of the Political Committee and the Constituent Assembly to include representatives of all existing political parties and other important social and cultural organizations of the Territory.

#### Implementation

21. With regard to the recommendation concerning the broadening of the Constituent Assembly the Administrator informed the Advisory Council on 3 November 1959 that while the Somali Government accepted the recommendation concerning the broadening of the Political Committee and the popular confirmation of the Constitution, it did not yet accept the recommendation to broaden the Constituent Assembly but that the attitude of the Somali Government in this matter might not be however considered as final. At the Administrator's suggestion the Advisory Council commented on the issue in a letter addressed to him and dated 5 October 1959 the text of which is given in Annex I.

22. In the report of the Administering Authority received by the Advisory Council on 13 November 1959 it was stated that for various reasons the implementation of the recommendation concerning the broadening of the Constituent Assembly would face difficulties not easy to overcome.

23. In the same report it was stated that all these questions should be reserved to the exclusive deliberations of the Constituent Assembly.

24. With regard to the recommendation concerning political reconciliation, it was stated in the same report that the present political situation in Somalia

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was much less tense; a reconciliation between the majority party and the twelve dissident members of the Legislative Assembly who had sent petitioners to the Trusteeship Council's twenty-fourth session was proceeding and on 9 November 1959 the Central Committee of the Somali Youth League had decided in principle to readmit them to the party.

25. The report contained no information concerning the three opposition parties.

#### C. POPULAR CONFIRMATION OF THE CONSTITUTION

##### Recommendations of the Trusteeship Council

26. In a recommendation approved at its twenty-fourth session the Trusteeship Council expressed the hope that the Legislative Assembly and the Government of Somalia will consider providing for popular confirmation of the Constitution.

##### Implementation

27. The Administrator informed the Advisory Council that the Somalia Government accepted in principle this recommendation. The guiding principles of the referendum have not yet been formulated.

#### D. CONSTITUTION

##### Plan for the transfer of powers

28. In section "(B) Constitution" of the Plan and in annex 2 thereto outlining the draft of the Constitution, the preparatory studies for the Constitution drafted by the Technical Committee and the principal guiding criteria of the Constitution were described.

##### Observations of the Advisory Council

29. While the Advisory Council endorsed the statement of the Administering Authority that the preparation of the Constitution was a matter exclusively reserved for the deliberations and decisions of the Somalis, it expressed the hope that the people of Somalia would see to it that their Constitution would reflect and endorse fully the principles set out in the Trusteeship Agreement and in the Declaration of Constitutional Principles annexed to it.



Implementation

30. In the report received by the Advisory Council on 13 November 1959 the Administering Authority stated that the attention of the Government and the Assembly as well as the people of Somalia has been called repeatedly to the basic principles set forth by the Trusteeship Agreement and the Declaration of Constitutional Principles annexed to it; that in particular the Administrator drew the attention to these principles in his opening address to the Legislative Assembly on 31 October 1959; that the Somali Government has decided to establish a post of Minister without Portfolio in charge of matters related to the Constitution; and that a member of the Legislative Assembly with special qualifications and special juridical experience would be appointed to this post.

E. PROMULGATION OF THE CONSTITUTION

Plan for the transfer of powers

31. The Plan contains a statement that it will be for the Legislative Assembly "acting as a Constituent Assembly, to decide whether the Constitution of Somalia - which, it is to be hoped, can be approved without delay and which should obviously come into force on the date of the proclamation of independence - should be promulgated by the Head of the Somali State on that same date or in some other fashion."

Implementation

32. In the report received by the Advisory Council on 13 November the Administering Authority expressed the hope that the Constitution would be elaborated and approved with all possible speed, so that it may be enacted on the day of the proclamation of independence.

33. With regard to the promulgation of the Constitution, the following procedures have been suggested:

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

(b) If at that date the Constitution had not been completed or the popular confirmation was still lacking, the provisions of the Constitution as already approved by the Constituent Assembly could enter into force on a provisional basis on the date of the proclamation of independence;

/...

(c) In both cases the Constitution will have to be promulgated by the Head of the Somali State, as his first official act upon assuming his functions."

34. The Legislative Assembly, not having begun its work as a Constituent Assembly, has not yet deliberated on these matters.

#### F. THE HEAD OF THE STATE

##### Plan for the transfer of powers

35. The Plan stated that the Head of the State may be elected "subject to the procedures and formalities laid down by the Constitution ... on the basis of a special law to be enacted on the eve of the proclamation of independence or even before then".

36. This proposal should be compared with the provisions concerning the approval of the Constitution, in which it was stated that the Constitution "should obviously come into force on the date of the proclamation of independence" and "should be promulgated by the Head of the Somali State on that same date, or in some other fashion".

##### Observations of the Advisory Council

37. The Advisory Council noted that a link in the outline of procedure for the election of the Head of State was missing. In order to avoid contradictions it considered it necessary to synchronize the provisions concerning the Constitution and devise appropriate ways and means to establish a procedure for the election of the Head of State.

##### Implementation

38. In the report received by the Advisory Council on 13 November 1959 the Administering Authority stated that the Government of Somalia has decided to give first priority to the elaboration of provisions relating to the election and powers of the Head of State.

39. It listed several possibilities:

- (a) Once the Constitution is approved by the Constituent Assembly and becomes definitive by means of popular consultation, the Assembly could embody in a special law the provisions of the chapter of the Constitution

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concerning the nomination and the functions of the Head of State. On the basis of such a special law it would be possible to proceed to a final nomination of the Head of State.

(b) In the case of paragraph 33(b) above, the Assembly could elect a Head of State on a provisional basis. Such a nomination would be based on a special law incorporating in full or in part the provisions contained in the respective chapter of the Constitution.

(c) The possibility cannot be excluded of entrusting the functions of the provisional Head of State to a collegial body on a temporary basis.

G. ELECTORAL SYSTEM (ELECTORAL LAW, ELECTORAL REGISTERS, LAW ON CITIZENSHIP, CENSUS)

Plan for the transfer of powers

40. In the Plan the Administering Authority noted that new elections for the Legislative Assembly were held from 4 to 8 March 1955; that the Legislative Assembly is composed of ninety deputies, all of them Somali citizens who were elected by direct vote and universal suffrage, with women entitled both to vote and to stand for election; and that "the term of the Assembly shall be five years (this being, of course, a general principle subject to the condition that the Constitution of the new independent State as drawn up and approved by the Legislative Assembly will provide that the normal term of the Assembly is to be five years)".

Observations of the Advisory Council

41. In its comments on the Plan, the Advisory Council called attention to shortcomings and deficiencies in the present electoral law, to some of which the Administrator of the Territory himself deemed it necessary to refer, particularly to the fact that Somaliland has not yet a comprehensive law on citizenship, which deprives some of the Territory's residents from the right to vote. The Advisory Council was of the opinion that a list of voters in the Territory could and should be compiled.

42. The Advisory Council expressed the hope that the Legislative Assembly would prepare and approve an electoral law for general elections which would improve the present one and avoid its shortcomings in order that forthcoming elections would be as perfect as possible.

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Recommendation of the Trusteeship Council

43. Noting reports of the dissatisfaction of the opposition parties with certain of the provisions of the new electoral law and with election procedures, the Trusteeship Council recommended at its twenty-fourth session that, in order to obviate difficulties in the future, every effort should be made to complete as soon as possible the compilation of complete and accurate electoral registers, to enact legislation defining citizenship, and to improve the present electoral law so as to eliminate its shortcomings.

44. The Council took note of the declarations of the Administering Authority and of the Minister of Commerce and Industry of the Government of Somalia to the effect that the census enumeration would be resumed. Considering that the importance of a proper census for all purposes, including those of administration and development, could not be over-emphasized, the Council expressed the hope that every effort would be made to complete this important operation as soon as possible.

45. Furthermore the Council expressed the hope that the Government of Somalia would also consider the holding of general elections to the Legislative Assembly as soon as practicable after independence as a means of furthering political stability in the country.

Implementation

46. In the report received by the Advisory Council on 13 November 1959 it was stated that "it will be the task of the Constituent Assembly, when considering the Constitution, to decide if and how the general principles regulating elections in Somalia should be modified."

47. With regard to the electoral registers, it was stated in the same report that, according to a draft which is in preparation, the Government of Somalia will provide that all citizens who have a right to vote shall be listed in special registers entrusted to District Commissioners. No time limit was fixed for this registration.

48. With regard to the law on citizenship the report noted that in the course of the present session the Legislative Assembly will consider a bill to regulate the question of "acquired citizenship", as an addition to the Law No. 2 of 1 December 1957 on "original citizenship".

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49. Furthermore the Government decided to resume census operation of the extra-municipal population under Law No. 6 of 30 September 1956.

50. The Advisory Council has not yet received the draft laws concerning the subjects referred to above.

#### H. ADMINISTRATION

##### Plan for the transfer of powers

51. In section "(D) Administration" the Plan presented an outline of the present organization of the Italian Administration. It proceeded to discuss the question of "Dissolution of the Italian Administration" where it dealt with the dissolution of the Planning Office and with the drafting of administrative and accounting regulations for the independent Somali State.

##### Observations of the Advisory Council

52. With regard to both subjects dealt with specifically the Advisory Council interpreted the term "the absorption of the Planning Office and of the Office of the Magistrate of Accounts" by the Somali Government as meaning that the Administering Authority intended to somalize these offices.

##### Implementation

53. The Advisory Council has been informed that the Planning Office and the Office of the Magistrate of Accounts were intended to be somalized in due time.

#### I. SOMALIZATION OF THE GOVERNMENT SERVICE

##### Plan for the Transfer of Powers

54. The Plan outlined the present position of somalization, which has achieved good results.

##### Observations of the Advisory Council

55. The Advisory Council expressed the hope that the remaining departments entrusted to Italian heads of departments would be taken over by the Somalis before the attainment of independence, but that Italian experts would be retained wherever it would be deemed necessary by the Somali Government.

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56. In this connexion the Advisory Council hoped that more United Nations experts, as well as experts from other Member States of the United Nations, would be made available to the Somali Government, and that the Administering Authority would take the necessary steps in this matter.

#### Recommendations of the Trusteeship Council

57. The Trusteeship Council, at its twenty-fourth session, taking note that fourteen of the nineteen departments of the Territory's Government were directed by Somalis and that in the autonomous public organizations the process of appointing Somalis was well advanced, commended the Administering Authority for the continued progress in the somalization of the Administrative services of the Territory. Noting, however, that some important technical departments continued to remain in the hands of Italians and that Somali technical and diplomatic personnel was still insufficient, the Council hoped that the training of Somalis for these services would be further accelerated.

#### Implementation

58. In the report received by the Advisory Council on 13 November 1959, the Administering Authority stated that only five out of nineteen departments were still under Italian departmental heads. Since those departments were all part of Ministries headed by Somali Ministers it was no longer a matter of further somalization but merely of appointments made on the basis of strict professional qualifications by the Government of Somalia in its exclusive competence.

#### J. FOREIGN RELATIONS

##### Plan for the Transfer of Powers

59. The Plan outlined the participation of Somalia in foreign affairs and the preparation of some officials of the diplomatic and consular posts.

##### Observations of the Advisory Council

60. The Advisory Council suggested that this outline might be amplified. The Somali budget for 1960 should contain appropriations for the future Ministry of Foreign Affairs so that personnel, buildings, offices and other equipment would be ready when Somaliland becomes independent; a streamlined plan for the

organization and functioning of the Foreign Ministry should be approved well in advance of independence.

#### Implementation

61. In the report received by the Advisory Council on 13 November 1959 it was stated that the 1960 draft law concerning the budget under consideration by the Legislative Assembly contains a reserve fund which will be set aside for expenses of the establishment and operation of the future Ministry of Foreign Affairs; and that a number of diplomatic and consular appointments are being considered to countries with which Somalia entertains traditionally close relations.

### K. JUDICIARY

#### Plan for the Transfer of Powers

62. The Plan described in a general way the judicial organization of the Territory.

#### Observations of the Advisory Council

63. The Advisory Council noted that the somalization of district judges was proceeding but that it will not be possible to have qualified Somali judges appointed as regional judges or judges of the Court of Justice on the date of independence.

#### Recommendations of the Trusteeship Council

64. The Trusteeship Council noted with concern that in a number of cases district commissioners continued to exercise judicial functions. It urged the Administering Authority and the Somali Government to accelerate the appointment of Somali district judges and to intensify the programme for training suitable Somali candidates to fill higher judicial posts.

#### Implementation

65. In the report received on 13 November 1959 the Administering Authority stated that special training courses are being held at the Court of Justice for judicial and clerical training; and that it is intended to provide for the staff of the thirty district judges as soon as possible.

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L. EXTERNAL SECURITY

Plan for the transfer of powers

66. The Plan made it clear that the armed forces of the Territory consisted of the Police Force, which numbered some 3,600 Somali men. After independence, this Police Force would be responsible both for good order and for defence of the Territory.

Observations of the Advisory Council

67. The Advisory Council noted that during the period of Trusteeship the Administering Authority had the reserved responsibility for foreign affairs and defence. Both of these responsibilities of the Administering Authority will cease on Somalia's achievement of independence, when its Government should be ready to take over.

68. Since the Plan did not elaborate the question of the Territory's external security resulting from the termination of the Administering Authority's responsibility, the Advisory Council suggested that the Administering Authority, in consultation with the Somali Government and the Advisory Council, explore ways and means to provide for the particular defence of Somaliland after independence and report thereupon to the General Assembly at its forthcoming session.

Implementation

69. In the report received by the Advisory Council on 13 November 1959 it was stated that further consultations with the Somali Government and the Advisory Council would be necessary.

M. MOVABLE PROPERTY OF THE ITALIAN GOVERNMENT AND THE SOMALI GOVERNMENT

Plan for the transfer of powers

70. The Plan presumed "a partial or total" transfer of equipment and stocks of the Somali Air Force and the Compagnia Autonoma Carabinieri (Section M).



Observations of the Advisory Council

71. The Advisory Council expressed the hope that the equipment of the Air Force in the Territory would be left to the Somalis.

Implementation

72. The Advisory Council was informed by the representative of the Administering Authority that arrangements with the Somali Government might be made on achievement of independence.

N. MONETARY CIRCULATION FUND OF SOMALIA

Plan for the transfer of powers

73. The Plan noted the development of Somalcassa, which would assume the functions of a Central Bank of Somalia. The Administering Authority referred to the stability of the Somali currency and to the guaranteed coverage of the somalo.

Observations of the Advisory Council

74. The Advisory Council suggested that the Administering Authority should amplify its proposals with regard to currency exchange regulations after independence. Considering the present export and import trends between Somalia and Italy, as well as those expected after independence, lira credit balances accrued by Somalia in Italy should be made available and convertible to the Somali Government for purchases in other monetary areas.

75. The Advisory Council also suggested that the Administering Authority might clarify its position vis-a-vis the profits gained by Somalcassa during the Trusteeship period, amounting to approximately 10 million somalos.

Recommendations of the Trusteeship Council

76. The Trusteeship Council noted with satisfaction that steps were now being taken to select qualified Somali candidates for service in the Somalcassa and expressed the hope that sufficient Somali personnel would be trained to assume full control of the operations of the Central Bank of Somalia upon independence.

Implementation

77. The Advisory Council was informed that special training was now provided for selected Somali employees of the Somalcassa. In the report received by the Advisory Council on 13 November 1959, it was stated that a special law will transform the Somalcassa into a Central Bank for Somalia and that another law will regulate credit operations.

78. These draft laws have not yet been received by the Advisory Council.

O. SOMALI SOCIAL INSURANCE SCHEME (CASS)

Plan for the transfer of powers

79. The Plan presumed that the CASS would be in a position to assume its own management if that should be decided upon by the Somali Government, and would continue to use the INAIL buildings, equipments and supplies, which would be transferred to the CASS.

Observations of the Advisory Council

80. The Advisory Council suggested that it might be clarified that the CASS would obtain adequate support and that conditions enabling it to start its operations on a sound basis would be assured.

Implementation

81. In the report received by the Advisory Council on 13 November 1959, it was stated that all the facilities (buildings and equipment) of the INAIL would be transferred to CASS; and that INAIL would provide for adequate technical assistance if requested by the Somali Government.

ANNEX I

TEXT OF THE LETTER DATED 5 OCTOBER 1959 SENT BY THE CHAIRMAN  
OF THE ADVISORY COUNCIL TO THE ADMINISTRATOR

5 October 1959

Excellency,

The Advisory Council was pleased to have a conference with your Excellency on 3 October 1959 during which it was informed about the contents of a letter dated 28 September 1959 addressed to you by the Prime Minister relating to some recommendations of the Trusteeship Council adopted at its recent twenty-fourth session in relation with the plan for the transfer of powers.

Following this conference the Council met on the same day, 3 October, and agreed to communicate to your Excellency and, through you, to the Prime Minister and President of the Legislative Assembly the following.

The Advisory Council was pleased to learn that, wishing to comply with the Trusteeship Council's recommendations, your Excellency will take the necessary measures to broaden the composition of the Political Committee for the drafting of preparatory studies for the Constitution of Somalia and that measures providing for popular confirmation of the Constitution will be adopted. The Advisory Council will of course comment on these measures as soon as they will be communicated to it.

On the other hand the Advisory Council learned that the Somali Government could not yet accept the Trusteeship Council's recommendations concerning the broadening of the composition of the Constituent Assembly. The Council was however pleased to learn from your Excellency that the question was still under consideration and that your Excellency will endeavour still to explain to the Somali Government the importance of considering this recommendation favourable and implementing it.

His Excellency  
Mario di Stefano  
Administrator of Somalia  
Mogadiscio

/...

The Advisory Council sincerely hopes that recommendations approved by the Trusteeship Council would not be rejected as this would place it and all concerned in an embarrassing situation before the United Nations General Assembly in the current session especially at a time when we all desire to work for establishing the best possible atmosphere in the interest of Somalia.

The Advisory Council considers that the implementation of recommendations relating to the plan for transfer of powers is of paramount importance. It deems it appropriate to invite the attention to the factors which led to the formulation and adoption of the said recommendation by the Trusteeship Council.

It may be recalled in this respect that the recommendation to broaden the composition of the Constituent Assembly has been approved unanimously by all members of the Drafting Committee and similarly by all the members of the Trusteeship Council including Italy, and with His Excellency Minister Hagi Farah Ali Omar and other Somali members present.

On 30 July 1959, Minister Hagi Farah Ali Omar made a declaration before the Trusteeship Council in which he took note of the comments of the members of the Trusteeship Council concerning the broadening of the composition of the Constituent Assembly and stated: "The duration of the present legislature, the development of electoral systems, the broadening of representation within the political Committee for the study of the Constitution and within the Constituent Assembly, are all immediate problems. We shall approach them and solve them, taking into account, as heretofore, the suggestions of the Trusteeship Council. I propose to comment and elaborate on these suggestions to my government colleagues in Somalia in order to convey adequately the sentiments of friendship and solidarity which have inspired them." Your Excellency will note that this declaration has been made on 30 July 1959 whereas the recommendation itself has been approved by the Trusteeship Council on 6 August. It is therefore evident that the representative of the Somali Government was well acquainted with and accepted the recommendation in this matter. In the same declaration of 30 July, Minister Hagi Farah Ali Omar deemed it useful to stress that the special representative of the Administering Authority, Dr. Luigi Gasbarri, "has not only represented here the Administering Power, but also the Government of Somalia which

formally entrusted him with this task in respect of the conspicuous functions and responsibilities exercised by the Somali Government in the internal administration of the Territory".

It may also be recalled that in another recommendation the Trusteeship Council noted "with concern the reports of total and partial non-participation of the opposition parties in the 1959 general elections" and considered "that political reconciliation is one of the most important tasks facing the Authorities in Somalia before independence". In this connexion, the Trusteeship Council "heard with satisfaction the joint declaration made before it by the various political parties, which, in its view, gives promise of the realization of a harmonious political atmosphere in the Territory". Thanking the Trusteeship Council "in the name of all the petitioners" Minister Hagi Farah Ali Omar stressed "tolerance and mutual understanding" deriving from the common statement of the petitioners as "self-evident".

It was with a view to avoid possible complications, to further political stability in the Territory, and to strengthen its Government that the recommendation was fully backed by the Advisory Council and unanimously approved by the Trusteeship Council. The Trusteeship Council's report is now under consideration of the General Assembly which, we hope, will accept the recommendations, if complied with, as final.

This recommendation has been approved with a view to strengthen Somali unity and its Government. The United Nations General Assembly, we believe, would be placed in a most difficult position if "the sentiments of friendship and solidarity which have inspired" the recommendation - as Mr. Hagi Farah Ali Omar so eloquently stated - should not be met in the same spirit.

The Advisory Council does not recall an instance when the Government of a Trust Territory did not comply with a Trusteeship Council's recommendation approved with the concurrent vote of the Administering Authority itself, in the very presence of the Trust Territory's representatives.

It may be pertinent that your Excellency call the attention to the fact that law No.26 of 12 December 1958 on political elections (which is itself subject of Trusteeship Council recommendation No.11) did not contain any mention to the acting of the present Legislative Assembly as a Constituent Assembly, a factor

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which makes it still more desirable to implement the Trusteeship Council recommendation.

It is the sincere desire of the Advisory Council to assist Somalia and the Somalis to achieve independence as soon as possible under conditions guaranteeing its stability, unity and harmony. It believes that your Excellency as the Head of the Italian Trusteeship Administration will spare no effort to achieve this. It believes that the leaders of the present Government of Somalia feel a sacred trust of their historic mission to provide their country with a Constitution which would reflect the wishes and aspirations of all their people so that it could produly embody a preamble similar to that of the United Nations, "We the peoples of the United Nations" - "We the people of Somalia".

The Advisory Council feels sure that this appeal to the statesmanship of all concerned will not be in vain.

Please accept, Excellency, the assurances of my highest consideration.

Mohamed H. El Zayyat  
Chairman

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ANNEX II

OPINIONS EXPRESSED BY THE SOMALI LEGISLATIVE ASSEMBLY AND  
POLITICAL PARTIES ON THE PLAN FOR THE TRANSFER OF POWERS

During the first session of the Somali Legislative Assembly its members did not express particular opinions on the arrangements relating to the Plan for the Transfer of Powers with the exception of a motion requesting the attainment of independence of Somalia before the date set in the Trusteeship Agreement and "as soon as possible", approved unanimously on 25 August 1959. The second session was convened on 31 October 1959, when the Administrator recalled in his opening address the arduous constitutional tasks on which the Legislative Assembly was about to embark. He also quoted the Trusteeship Council's recommendations relating to the implementation of the Plan but there was no general discussion on the remaining arrangements for the Plan. The Legislative Assembly started to discuss various subjects not related to the Plan as specific drafts have not yet been presented to it. In particular a draft entrusting it with powers of a constituent assembly has not yet been prepared and consequently the Advisory Council has not been able to comment on it.

On 21 and 22 October and 5 November the Advisory Council heard opinions of different representatives on the arrangements for the transfer of powers and on the recommendations of the Trusteeship Council relating to them.

Representatives of the Central Committee of the Somali Youth League (SYL) thanked the Advisory Council for all it had done and was doing for Somalia and expressed respect for the recommendations of the Trusteeship Council. They regretted that, owing to the absence of the president of the party, they were not in a position to discuss questions of substance, but they hoped that the Council would continue to give their country its support and assistance when the important question of earlier independence and the question of the frontier between the Trust Territory and Ethiopia was examined by the General Assembly of the United Nations.

The representatives of the Great Somalia League (GSL), Somali National Union (SNU) and Independent Constitutional Somali Party (MDMS) expressed concern because the Trusteeship Council's recommendations relating to the broadening

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of the Constituent Assembly and the electoral system had not yet been implemented. Summing up their opinions, they accepted the recommendations of the Trusteeship Council; if those recommendations were not implemented, they would have to request new elections under United Nations supervision before termination of the period of trusteeship. They assured the Advisory Council of their respect for the recommendations of the United Nations. The recommendation concerning the establishment of a climate of peace and harmony in Somalia had been accepted by them but they regretted that a similar show of goodwill had not been shown by the Government of the Administering Authority. They also stated that it was the Administering Authority's responsibility as supreme authority until the end of Trusteeship to implement the recommendations of the Trusteeship Council. They further requested that the Trusteeship Council's recommendations should be respected. They questioned whether the present Government could be considered as the duly constituted independent Government referred to in article 25 of the Trusteeship Agreement. They reiterated that in case of non-implementation of the Trusteeship Council's recommendations new elections under United Nations supervision should be held before independence in order that all government functions might be transferred to a government thus duly created.

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