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Ninth Session

AD HOC COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE THIRD MEETING

Held at Flushing Meadow, New York,
on Friday, 8 June 1951, at 11 a.m.

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Procedure for the discussion of petitions

Chairman: Prince WAN WAITHAYAKON

Thailand

Members: Mr. LESCURE

Argentina

Mr. HOUARD

Belgium

Mr. SCOTT

New Zealand

Mr. SOLDATOV

Union of Soviet Socialist Republics

Mr. STRONG

United States of America

Also present:

Mr. DELLA CHIESA

Representative of Italy,
Administering Authority for the
Trust Territory of Somaliland

Mr. FORNARI

Special Representative of the
Administering Authority of the
Trust Territory of Somaliland
under Italian administration

Secretariat:

Mr. RAPOPORT

Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING SOMALILAND UNDER ITALIAN ADMINISTRATION
(T/908, T/L.169, T/PET.11/3, T/PET.11/7, T/PET.11/9, T/PET.11/10, T/PET.11/13,
T/PET.11/14, T/PET.11/16, T/PET.11/17, T/PET.11/18, T/PET.11/20, T/PET.11/22,
T/PET.11/23, T/PET.11/25, T/PET.11/26, T/PET.11/27, T/PET.11/31, T/PET.11/28,
T/PET.11/30, T/PET.11/29, T/PET.11/32)

The CHAIRMAN said the Committee would consider the petitions listed in part II of document T/L.169 in order to decide what supplementary information, if any, it required from the Administering Authority. The petitions themselves would be discussed at a later meeting.

Petition from Chiefs and Notables of Galcaio District and five residents of Ethiopia (T/PET.11/3)

In answer to a question from Mr. STRONG (United States of America) as to the results of the inquiry being made into the alleged theft of 3,000 shillings, Mr. FORNARI (Special Representative) said he had no additional information. It was not certain that Aden Elmi had been in possession of the money, since he had not declared it when crossing the frontier.

In answer to questions from Mr. HOUARD (Belgium), Mr. FORNARI (Special Representative) said that Aden Elmi had not brought any case against the police for theft, and had not stated that he had any witnesses to the theft.

/Petition

Petition from Chiefs, Notables and Leaders of the Somali Youth League, Branch of Kismayu (T/PET.11/7)

No supplementary information was requested on that petition.

Petition from the Somali Youth League, Branch of Bender Kassim (T/PET.11/9)

No supplementary information was requested on that petition.

Petition from Messrs. Abshir Hassan, Yusuf Mussa Abuker, Abduraham Yusuf, Mohamud Omar, Mohamud Abdi Nur, Omar Abdule, Farah Jibril and Hussein Warsama (T/PET.11/10)

In reply to questions from Mr. HOUARD (Belgium) Mr. FORNARI (Special Representative) said the petitioners had not brought a case before the courts. The question had been settled to their satisfaction in November or December 1950; the refugees had returned to Baldoa and had received assistance from the authorities.

In answer to a question from Mr. LESCURE (Argentina), Mr. FORNARI (Special Representative) said that none of the refugees had been employed by the administration. They had been allowed to return to their previous positions in trade, and to their houses.

Petition from the Somali Youth League, Local Committee of Dolo (T/PET.11/13)

In answer to a question from Mr. HOUARD (Belgium), as to whether the request that the United Nations Advisory Council should visit Dolo had been fulfilled, Mr. FORNARI (Special Representative) said that members of the Advisory Council had visited Lugh Ferrandi, some 20 kilometres from Dolo and, he thought, some other places in the area.

Petition from the Somali Youth League, Mogadiscio (T/PET.11/14)

In reply to a question from Mr. HOUARD (Belgium), Mr. RAPOPORT (Secretary of the Committee) said that the text of the telegram referred to at the top of page 30, document T/L.169, was given in document T/908, page 15.

/Petition

Petition from the Somali Youth League, Branch of Bardera (T/PET.11/16)

No supplementary information was requested on that petition.

Petition from the Somali Youth League, Branch of Lugh Ferrandi (T/PET.11/17)

No supplementary information was requested on that petition.

Petition from the Somali Youth League, Branch of Gardo (T/PET.11/18)

In answer to questions from Mr. HOUARD (Belgium), Mr. FORNARI (Special Representative) said that the premises occupied by the League were rented from the Administration by virtue of an unwritten agreement. As the Administration required buildings to house schools, it had been obliged to ask the League to vacate the premises. There being no written contract, no legal compensation was due.

Petition from Mr. Tom Groves (T/PET.11/20)

In reply to a question from Mr. HOUARD (Belgium), Mr. FORNARI (Special Representative) said that the New Times was published in Addis Ababa.

In answer to a question from Mr. IESCURE (Argentina), Mr. FORNARI (Special Representative) said it was quite incorrect to claim that the composition of the Somali police had been largely changed. Out of some 3,400 police employed at the time the Italians arrived, only some 20 or 30 had left their posts, and only 50 or 60 new policemen had been engaged. All other officials, both high and low, had remained.

Petition from the Somali Youth League, Branch of Alula (T/PET.11/22)

No supplementary information was requested on that petition.

Petition from the International Ethiopian Council for Study and Report (T/PET.11/23)

No supplementary information was requested on that petition.

/Petition

Petition from the Somali Youth League, Branch of Afmadu (T/PET.11/25)

In answer to questions from Mr. HOUARD (Belgium), Mr. FORMARI (Special Representative) said that no wells had been closed in Afmadu and that, in fact, new wells had been constructed. Because of a severe drought, however, it had been necessary to establish a system of rotation for the watering of cattle and the drawing of water, which might have given rise to the complaint.

In view of the inadequacy of the water supply in Somaliland, the Italian Administration had prepared projects for the boring of wells and submitted them to the Technical Assistance Administration, which had sent an expert mission to study the terrain and decide where wells could best be made.

Petition from Mr. Mohamed Ali Yusuf and others (T/PET.11/26)

In reply to questions from Mr. HOUARD (Belgium), Mr. FORMARI (Special Representative) said that the functions of examining magistrate (juge d'instruction) and public prosecutor (Procureur de la Republique) were still being discharged by the senior officer of the magistrature militaire referred to in document T/L.169, paragraph 108. New legislation was, however, being studied and the military official would soon be replaced by a civilian magistrate. Moreover, the magistrate in question was not a career officer, but had been a civilian magistrate before entering the magistrature militaire. His functions were exercised in Mogadiscio.

Petition from the Somali Youth League, Branch of Shushuban (T/PET.11/27) and
Petition from the Somali Youth League, Branch of Bargal (T/PET.11/31)

In reply to a question from Mr. HOUARD (Belgium) regarding paragraph 2, Mr. FORMARI (Special Representative) said that the procedure for the appointment of the Territorial Council had provided, as a first step, for the despatch of delegates from the Residency Councils not to Mogadiscio but to the chief towns. He thought that the petitioners were in fact complaining that three members of the party in question had been sent to Bender Kassim.

/Petition

Petition from the Somali Youth League, Branch of Hordio (T/PET.11/28) and
Petition from Mr. Yusuf Gula, Somali Youth League of Hafun (T/PET.11/30)

Replying to questions from Mr. SCOTT (New Zealand) and Mr. HOUARD (Belgium) regarding the fifth paragraph of the petition, Mr. FORNARI (Special Representative) said that the meaning of the paragraph was not clear. The whole of Somaliland had been affected by drought the previous year. Although sufficient rain had fallen in southern Somaliland in the first rainy season, there had been a drought throughout the country in the second rainy season. The situation was particularly serious in northern Somaliland, which had suffered from insufficient rainfall for several years.

The Italian Administration had sent food and medical supplies to the area and had carried out public works in order to keep the population employed. Law and order in the area had never been disturbed, and the population had not had any reason to require protection.

Mr. HOUARD (Belgium) asked whether the Special Representative could provide the Committee with full information, accompanied if possible by statistics, regarding the measures taken by the Italian Administration to alleviate the consequences of the drought.

Mr. FORNARI (Special Representative) said that the information requested by the Belgian representative would be obtained.

Mr. STRONG (United States of America) said that the petition also raised the question of educational facilities. He inquired whether the Special Representative could give any information about the existing facilities in the area and on the Italian Administration's proposals for their expansion.

Mr. FORNARI (Special Representative) said that the Italian Administration was making a continuous and increasing effort to expand educational facilities. During the first year the Administration had concentrated on ensuring that existing schools were used to full capacity. The number of classes had risen from 100 to 267 and the number of teachers had almost doubled. Further

/increases

increases were planned for the current year, during which the number of teachers would be increased and new schools would be built. The number of schools would be increased in the north of the country, where there were at present five.

Petition from the Somali Youth League, Branch of Tarbeh (or Torba) (T/PET.11/29)

In reply to a question from Mr. HOUARD (Belgium) regarding the meaning of paragraph (14) on page 4, Mr. FORNARI (Special Representative) said that the inquiries made had indicated that no one had been sent to consult the Territorial Council from the Tarbeh area.

In reply to a question from Mr. STRONG (United States of America) regarding the first two sentences of paragraph (2) on page 2, Mr. FORNARI (Special Representative) said that the petitioners appeared to be confusing the Territorial Council with the Residency Council.

Mr. STRONG (United States of America) asked the Special Representative if he could indicate the measures taken by the Italian Administration to publicize the aims of the Territorial Council among the population and to educate them in methods of holding discussions.

Mr. FORNARI (Special Representative) said that a monthly bulletin issued in Mogadiscio summarizing the activities of the Territorial Council was distributed to all Commisarios and Residents, who had instructions to circulate them as widely as possible. As, however, a large proportion of the population was illiterate, further steps were necessary. Members of the Council were asked to publicize its work on returning to their homes, and those members who were also members of Residency Councils would be expected to report to the latter on the work of the Territorial Council. A radio station had been in operation in Mogadiscio for the past few months and had been broadcasting on political and social subjects with a view to acquainting the population with the work of the Territorial Council and with the principles of democracy.

/In reply

In reply to a question from Mr. SCOTT (New Zealand), who wished to know where the Resident mentioned in the petition lived, Mr. FORNARI (Special Representative) said that all the petitioners came from Migiurtinia, which had five towns, each with a Resident.

Petition from Mr. Mohamed Sheikh Nur Concerning Somaliland under Italian Administration (T/PET.11/32)

Mr. LESCURE (Argentina) asked whether the Special Representative could state the time-limit for the submission of claims to land, also the dates of construction of the buildings erected both by private individuals and by the authorities, to which reference was made on page 8 of the petition.

Mr. FORNARI (Special Representative) said that under the Italian civil code such claims could no longer be submitted after a period of thirty years. He would obtain the other information requested by the Argentine representative.

PROCEDURE FOR THE DISCUSSION OF PETITIONS

After an exchange of views on the desirability of considering petitions raising general questions, one by one or according to subject matter, it was decided that such petitions would be discussed one by one in the order given in Part II of document T/L.169. In each case, however, consideration would be given at the same time to other petitions raising similar issues using as a guide Part III of document T/L.169. No decision would be regarded as final until all petitions dealing with the same subject had been examined.

The meeting rose at 1.10 p.m.