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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FOUR HUNDRED AND EIGHTY-NINTH MEETING

Held at Headquarters, New York,
on Monday, 14 July 1958, at 11 a.m.

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under Italian administration (T/C.2/L.356, sections V and VI)
(continued)

PRESENT:

<u>Chairman:</u>	Mr. SMOLDEREN	Belgium
<u>Members:</u>	Mr. KELLY	Australia
	Mr. YANG	China
	Mr. DOISE	France
	Mr. JAIPAL	India
	Mr. GASBARRI	Italy
	Mr. BENDRYSHEV	Union of Soviet Socialist Republics

<u>Also present:</u>	Mr. de HOLTE-CASTELLO	Colombia)United
	Mr. BARADI	Philippines)Nations
	Mr. EL ZAYAT	United Arab Republic)Advisory
)Council for
)Somaliland
	Mr. MOHALLIM	Special Representative of the Administering Authority for the Trust Territory of Somaliland	

<u>Secretariat:</u>	Mr. MASHLER	Secretary of the Committee
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EXAMINATION OF PETITIONS CONCERNING THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION (T/C.2/L.356, sections V and VI) (continued)

At the invitation of the Chairman, Mr. de Holte-Castello (Colombia), Mr. Baradi (Philippines) and Mr. El Zayat (United Arab Republic), representatives of States members of the United Nations Advisory Council for Somaliland and Mr. Mohallim, Special Representative of the Administering Authority for the Trust Territory of Somaliland, took places at the Committee table.

V. Petitions from Mr. Ahmed Mohamed Mohamud (T/PET.11/714) and Hajji Ali Hilloule and three others (T/PET.11/716)

Mr. BARADI (Philippines), United Nations Advisory Council for Somaliland, recalled that the question of the compensation and pension claims of Somali ex-servicemen had been outstanding for a number of years and had been the subject of many petitions. In 1955 the Trusteeship Council had adopted resolution 1289 (XVI), in which it had recommended the Administering Authority to "evolve and implement ... a comprehensive scheme for the rehabilitation of unemployed ex-servicemen" and to "consider ... adequate measures ... to alleviate the condition of orphans and destitute children of former servicemen". In the course of visits which they had recently made to various parts of the Territory members of the Advisory Council had heard complaints from a very large number of ex-servicemen that no action had been taken on their claims for compensation or a pension. He considered, therefore, that the ex-servicemen should be told as quickly as possible whether their claims were admissible or not, that the legislation relating to compensation and pensions - especially the new law on the subject just passed by the Italian Parliament - should be explained to them and that that legislation should be applied in such a way as to enable them to receive the payments to which they were entitled at an early date.

In reply to a question from Mr. JAIPAL (India), Mr. GASBARRI (Italy) explained that Act No. 1053 of 22 October 1957 extended to Somali ex-servicemen the benefits which had already been granted to Eritrean and Libyan ex-servicemen; the Act had been published in the Official Bulletin of the Italian Administration in Somaliland on 2 January 1958. Somali ex-servicemen were therefore aware of the

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legal provisions applicable to them in regard to compensation and pensions. The delay in giving effect to those provisions was due to the inability of the majority of ex-servicemen to submit documentary evidence in support of their claims. In the meanwhile the Administering Authority was making advance payments on the pensions of ex-servicemen whose cases were under examination.

Mr. JAIPAL (India) thought that, in the circumstances, the Administering Authority should be given the necessary time to give effect to the new legislation. He therefore suggested that no new recommendation should be made for the present.

Mr. EL ZAYAT (United Arab Republic), United Nations Advisory Council for Somaliland, said that, although the new legislation was now in force, there was still general dissatisfaction amongst the ex-servicemen, which might create difficulties for the Government of Somaliland when the Territory had attained its independence. The ex-servicemen were at present convinced that the Trusteeship Council would meet their claims and it was therefore necessary to explain to them that, as the question of compensation and pensions was the responsibility not of the Somali Government or the Administering Authority, but of the Italian Government as such, the Trusteeship Council was not in a position to intervene directly in the matter.

In reply to questions from Mr. YANG (China), Mr. GASBARRI (Italy) said that 3,306 applications for pensions had been received up to 13 May 1957, although it had only been possible to investigate thirty cases because of the difficulties to which he had referred. Some years ago, moreover, the Italian Government had drawn up a programme of economic assistance which would provide employment in an agricultural co-operative for ex-servicemen who were out of work. The Somali Ex-Servicemen's Association had so far refused to take part in that programme, but it was always open to them to change their view. In that event, the Somaliland Ex-Servicemen's Office would provide the necessary funds and be responsible for carrying out the programme. The same office was responsible for providing ex-servicemen with information on their compensation and pension rights. Under the terms of the new law of 1957, compensation and pensions paid to Somali ex-servicemen were a charge on the budget of the Italian Ministry of Foreign Affairs.

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Mr. YANG (China) considered that, in the circumstances, it would be sufficient to draw the petitioners' attention to the Administering Authority's written observations and the explanations given by the Italian representative, especially those relating to the work of the Somaliland Ex-Servicemen's Office.

In reply to a question from Mr. BARADI (Philippines), United Nations Advisory Council for Somaliland, Mr. GASBARRI (Italy) said that he did not know what sum would be appropriated for compensation and pensions payments under the new law. In the case of Eritrean and Libyan ex-servicemen, the Italian Treasury had made an appropriation of 300 million lire in the 1954-1955 financial year and of 650 million lire in the 1955-1956 financial year.

Mr. EL ZAYAT (United Arab Republic), United Nations Advisory Council for Somaliland, stated that sums of that order would be much too small to meet the claims of all those persons in Somaliland who, rightly or wrongly, claimed that they were entitled to benefit under the 1957 law. The Administering Authority should comply with the recommendations made in paragraphs 3 and 4 of Trusteeship Council resolution 1289 (XVI).

Mr. GASBARRI (Italy) said that, under Decree No. 142 of 20 September 1954, a special commission had been set up to examine the problem of Somali ex-servicemen. At that time only 5,027 ex-servicemen had made a pension claim.

Mr. DOISE (France) said that the entry into force of the 1957 Act and the establishment of the Somaliland Ex-Servicemen's Office were two very important developments, which had occurred since the petition had been written. He considered that the Administering Authority should be given time to put the new law into effect and the Office an opportunity of carrying out its work. He therefore supported the suggestions made by the Chinese and Indian representatives and proposed that the petitioners' attention should be drawn to the detailed explanations given by the Administering Authority and by the Italian representative.

In reply to a question from the CHAIRMAN, speaking as representative of Belgium, Mr. GASBARRI (Italy) explained that the question of arrears of pay had been finally settled in 1953. The new law enacted by the Italian Parliament applied only to pensions and compensation paid to individuals.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that the problem of ex-servicemen was a very urgent and serious one which caused unrest and discontent among the large section of the population. It should be settled before the Territory became independent. He pointed out that all responsibility for the provision of pensions and other forms of assistance to the ex-servicemen rested with the Italian Government. He drew attention to two important aspects of the problem: the need to provide ex-servicemen with full information concerning their rights under the new Italian law so that each individual would know what his own position was, and the need to ensure an adequate livelihood for disabled ex-servicemen not receiving a pension. In his opinion, the Council should recommend the Administering Authority to take all the necessary steps to bring about a speedy solution of the problem of ex-servicemen and to provide Somali ex-servicemen who had become totally or partially disabled in the service of the Italian Government, as well as needy widows and children of deceased ex-servicemen, with sufficient assistance to enable them to lead normal lives. With respect to petition T/PET.11/714, he asked whether the petitioner was entitled to a pension under the new law and whether he had received any replies to the letters which he had sent to various Italian authorities. He also asked for information concerning the artificial arm which the Administering Authority was alleged to have promised the petitioner.

Mr. GASBARRI (Italy) said that he could not give a definite answer to the Soviet representative's first question, but thought that the petitioner was entitled to a pension under the new law because he had already received temporary compensation. He did not know whether the petitioner had received any replies to the letters which he claimed to have sent to Government officials, nor did he have any information with regard to the artificial arm. He added that in accordance with current legislation Mr. Ahmed Mohamed Mohamud was entitled to special compensation for the loss of his arm.

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In reply to questions from Mr. KELLY (Australia), Mr. GASBARRI (Italy) said that there were two institutions at Mogadiscio, one civilian and one military, which were open to the orphans of ex-servicemen. He did not know exactly how many orphans were in those institutions at the present time.

Mr. KELLY (Australia) wished to know whether the Somali authorities would continue to give preference to ex-servicemen and the orphans of ex-servicemen with respect to employment opportunities when the Territory became independent.

Mr. MOHALLIM (Special Representative) said that the Somali Government had not taken up the question of preferential treatment with the Italian authorities. Most of the orphans would have come of age by the time the Trusteeship Agreement was terminated. They would be able to support themselves by their labour, and any problems with respect to individual cases which might arise at that time could be settled by the Somali Government and the Italian authorities.

In reply to a question from Mr. JAIPAL (India), Mr. GASBARRI (Italy) said that the Somali ex-servicemen had been volunteers.

Mr. JAIPAL (India) thought that the Council should draw the Administering Authority's attention to paragraphs 4 and 5 of Trusteeship Council resolution 1289 (XVI), take note of the legislative provisions recently enacted by the Italian Government and recommend that the Administering Authority expedite the review of claims submitted by Somali ex-servicemen. In addition, he suggested that the petitioner's attention should be drawn to the programme of economic assistance in agriculture which the Government had drawn up for the benefit of the ex-servicemen's associations, a programme in which the latter were free to participate at any time.

Mr. EL ZAYAT (United Arab Republic), a member of the United Nations Advisory Council for Somaliland, observed that, according to the ex-servicemen's associations of the Territory, the number of persons claiming the status of ex-serviceman would be in the neighbourhood of 100,000. Although that figure was obviously exaggerated, it gave some idea of the magnitude and gravity of the problem.

VI. Petition from Mr. Sharif Osman Iman (T/PET.11/715)

In reply to questions from Mr. DOISE (France), Mr. MOHALLIM (Special Representative) said that the petitioner had been studying law at the University of Cairo on a scholarship granted by the Egyptian Government. He apparently did not possess the necessary qualifications for admission to an Italian or French university.

Mr. DOISE (France) observed that there had obviously been a misunderstanding. In those conditions, he proposed that the petitioner's attention should be drawn to the observations of the Administering Authority.

Mr. YANG (China) and Mr. JAIPAL (India) supported the French representative's proposal.

Mr. YANG (China) wished to know whether the petitioner was continuing his studies in Somaliland at the present time.

Mr. MOHALLIM (Special Representative) said that could not give a definite answer to that question. However, he knew that the petitioner had applied for a scholarship offered by the United States Government. His record was under review at the present time. He had also applied for a position in the Somali Government, but had not yet received any reply at the time the Special Representative had left the Territory.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked why the petitioner had been unable to continue his studies in Cairo. He also pointed out that, in his petition, Mr. Sharif Osman Iman complained of his ruined future and the misery to which he was reduced. Since the events mentioned by the petitioner had taken place in 1956, he wished to know which authorities had been responsible for higher education at that time.

Mr. MOHALLIM (Special Representative) said that he did not know why the petitioner had left Cairo. The petitioner had returned to Somaliland of

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his own free will. The Somali Government had been responsible for all matters relating to higher education since May 1956.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that it was necessary to help the petitioner to continue his education.

The meeting rose at 1 p.m.