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ADVISORY COUNCIL

FOR THE TRUST TERRITORY OF SOMALILAND

UNDER ITALIAN ADMINISTRATION

COVERING THE PERIOD FROM 1 APRIL 1951 TO 31 MARCH 1952

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CHAPTER I

GENERAL

Establishment, composition, terms of reference and headquarters of the Advisory Council

1. In accordance with Annex XI, paragraph 3, of the Treaty of Peace with Italy the Powers concerned agreed to accept the recommendation of the General Assembly on the disposal of the former Italian colonies. The General Assembly, by its resolution 289 (IV) decided to place former Italian Somaliland under the International Trusteeship System with Italy as the Administering Authority. Italy was to be aided and advised by an Advisory Council composed of the representatives of Colombia, Egypt and the Philippines and the Council's headquarters was to be in Mogadiscio. The precise terms of reference of the Advisory Council were to be determined in the Trusteeship Agreement, a draft of which the Trusteeship Council was charged with negotiating with Italy as the Administering Authority.
2. The Trusteeship Agreement thus drafted was applied on 1 April 1950 with Italy assuming the provisional administration of the Territory on that date. The draft Trusteeship Agreement was approved by General Assembly resolution 442 (V) on 2 December 1950 and ratified by the Italian Parliament on 4 November 1951.

Functioning of the Advisory Council

3. Under the Council's terms of reference to aid and advise the Administering Authority, the work of the representatives on the Advisory Council may be described as follows:
 - (1) Attendance at Advisory Council meetings. Since its establishment the Advisory Council has held a total of 55 meetings of which 40 took place during the year under review;
 - (2) Informal conferences or exchanges of views among members of the Council or among members and the Secretariat;
 - (3) Interviews with the Administration on important or pressing matters;
 - (4) Conferences with individuals, groups or organizations of the population;
 - (5) Dissemination of information about the United Nations;

/(6) Field

- (6) Field trips to observe conditions;
- (7) Attendance at official functions;
- (8) Special studies undertaken by representatives.

4. Since the establishment of the Advisory Council member States on the Council have been represented in Mogadiscio as follows:

- (1) Colombia: Mr. E. De Holte Castello, from 31 March 1950 to date;
- (2) Egypt: Amin Rosten Bey, 31 March 1950 - 13 May 1950;
Mr. Talaat Mohamed Ragheb, 26 May to 26 November 1950;
Salah El Din Fadel Bey, 2 February 1951 to date;
- (3) Philippines: Mr. Manuel Escudero, 31 March 1950 to 8 April 1950
and again from 16 June 1950 to 10 September 1950;
Mr. Victorio D. Carpio, from 23 March 1951 to date.

5. There have been three representatives in Mogadiscio during the following periods:

1 April 1950 to 8 April 1950;
16 June 1950 to 10 September 1950;
23 March 1951 to 22 April 1951

6. However, rule 24 of the Council's rules of procedure (A/AC.33/R.1/Rev.1) provides that two representatives constitute a quorum for the holding of a meeting of the Advisory Council and such a quorum existed in Mogadiscio from:

1 April 1950 - 13 May 1950;
26 May 1950 - 10 September 1950;
2 February 1951 - 9 March 1951;
23 March 1951 - 21 May 1951;
24 August 1951 - 13 November 1951;
18 November 1951 - 18 December 1951;
20 January 1952 - 2 March 1952

7. All three representatives attended the ninth session of the Trusteeship Council in New York during June and July 1951.

8. The above dates show that in the two years of the Council's existence all three representatives were together in Mogadiscio for only 123 days. A quorum existed in Mogadiscio for 354 days over the same period. Practical experience has shown that it is impossible for the Council to function properly with only two members present. Inevitably differences of opinion have arisen between these two members regarding the position which the Council should adopt in transacting its business. At such times, therefore, an impasse occurred which only the vote of the third member present could have obviated.

/Chairmanship

During the year under review, because of the absence of one or the other representatives, the Chairmanship of the Council was held by the following representatives:

- (1) Philippine representative: 1 to 23 April, 1951
- (2) Colombian representative: 23 April 1951 to 10 July 1951
10 July 1951 to 23 August 1951 (acting for Egypt)
- (3) Philippine representative: 23 August 1951 to 10 September 1951 (acting for Egypt)
10 September 1951 to 18 January 1952
18 January 1952 to 26 January 1952 (acting for Colombia)
- (4) Colombian representative: 26 January 1952 to 18 March 1952
18 to 31 March, 1952 (acting for Egypt)

Secretariat

In accordance with General Assembly resolution 289 (IV), Section D, paragraph 2(c), the Secretary-General assigned staff to assist the Advisory Commission in performing its functions. During the year under review Dr. A.J. Lucas succeeded as Principal Secretary by Mr. T.C. Shore on 3 November 1951.

CHAPTER II

RELATIONSHIP WITH THE ADMINISTERING AUTHORITY

General remarks

11. By the beginning of the second year of the Italian administration procedural details concerning particularly the furnishing of information as required in the first paragraph of article 8 of the Trusteeship Agreement and the requests for advice (second paragraph of article 8 of the Trusteeship Agreement) had been worked out so that throughout the year under review no real difficulties were encountered in this connexion.

12. Only with respect to a communication on the subject of the "Transfer of the power to grant pardons" (A/AC.33/AA.48/LEG)^{1/} which had been submitted to the Advisory Council as "information" rather than as a "request for advice" was there a slight deviation from the normal procedure observed, especially since this had been submitted to the Territorial Council before it was submitted to the Advisory Council and a time-limit was set for the Advisory Council's reply. The representative of Egypt at the Council's 24th meeting held in New York proposed that the Chairman should officially ask the Administrator the reasons for this. At the next meeting the Chairman explained the Administrator's position in this particular matter to the full satisfaction of the Advisory Council. The Administrator suggested that the Advisory Council and the Territorial Council should be consulted simultaneously on any new draft laws because otherwise the Territorial Council might conceivably be influenced in its decisions by the opinions already expressed by the Advisory Council. The Advisory Council in its turn, if called upon to make recommendations after the Territorial Council had expressed itself, would be embarrassed if it had to make a pronouncement contrary to the wishes of the Territorial Council. When the Territorial Council was not in session the Administration would simply hold any advice received from the Advisory Council until the Territorial Council had a chance,

^{1/} See also paragraph 100.

on reconvening, to consider the matter involved. The Administrator in his desire to find procedures which would continue to preserve the atmosphere of mutual understanding and co-operation that existed between the Administration and the Advisory Council made the suggestion that the Advisory Council and the Territorial Council should in future be consulted simultaneously on any draft laws. That suggestion satisfied the Council.

When in Mogadiscio, the representatives on the Advisory Council have been constantly in contact with the Administering Authority which has given them every assistance in the prosecution of their work. The Advisory Council, in its members individually, found it useful to invite officials of the Administration to elaborate on matters under consideration. This procedure, for example, was followed with mutual benefit to the Advisory Council and the Administration in connexion with the request for advice on the Five Year Plan for Educational Development.

basis of the relationship

The Advisory Council's relationship with the Administering Authority stems from the pertinent provisions of the General Assembly resolution and the Trusteeship Agreement which established the Advisory Council to aid and advise the Administering Authority.

It was article 8 especially that received considerable discussion during the fifth session of the General Assembly. In this connexion, the speech of the Chairman of the Advisory Council at the 175th meeting of the Fourth Committee was reported as follows:^{2/}

"...It was, however, essential that the Administering Authority should not fail to consult the Council on all questions specified in the Trusteeship Agreement in accordance with the terms of that Agreement. During the initial period the Council had not been adequately informed, but the situation had rapidly improved and was now entirely satisfactory."

16. At the 179th meeting the Chairman of the Advisory Council asked the Administering Authority for formal assurance that the Council would be

^{2/} See Official Records of the General Assembly, Fifth Session, Fourth Committee, 175th meeting, paragraph 57.

consulted on the budget. The budget was not one of the items mentioned in article 8 of the Trusteeship Agreement.

17. Ambassador Fornari, the Administrator of Somaliland, spoke as follows at the 178th meeting:^{3/}

"...my delegation wishes before all else to assure the distinguished representatives of Iraq, Egypt and India that the Administration will continue to consult the Advisory Council on all important questions and to keep it informed of its activities. In particular, I should like to say to the distinguished representative of Egypt that we shall not fail to include among those important questions the matters referred to in article 3, paragraph 3, of the draft trusteeship agreement. I should like to give the same assurances to the representative of India, who pointed out /177th meeting/ that the Advisory Council had stated in paragraph 75 of its report contained in document A/C.4/178 that in the beginning it had not been kept fully informed of the Administering Authority's plans as they matured and of the rapid sequence of developments. I should add, however - and would draw the Indian representative's attention to this - that the Advisory Council added that it was pleased to record that since the return of the Administrator from Rome, that is to say since the beginning of July, the Administering Authority has furnished information on every decision. Hence I can only reiterate that the procedure which has been followed by the Italian Administration in the past will continue to be followed in the future."

18. Concerning the budget, the speech of Ambassador Fornari at the 179th meeting was reported as follows:^{4/}

"...The Chairman of the Advisory Council and the representative of India had asked for an assurance that article 8 of the draft agreement would be interpreted to include the budget estimates for the Territory. They could rest assured that the budget estimates would be submitted to the Advisory Council for its advice." ^{5/}

^{3/} Ibid., 178th meeting, paragraph 39.

^{4/} Ibid., 179th meeting, paragraph 49.

^{5/} The first draft provisional budget, the one for the financial year 1952-53, was received on 21 February 1952 and this was submitted by the Administration to the Advisory Council for informational purposes only. The Advisory Council considers that, under the terms of article 8 of the Trusteeship Agreement, this should have been submitted for its advice and therefore proposes to take the initiative in rendering advice on this budget.

19. Thus the Advisory Council interprets article 8 of the Trusteeship Agreement to mean that there is a general obligation on the part of the Administering Authority to keep it informed and to request its advice.

20. The first paragraph of this article reads, in part:

"The Advisory Council shall be fully informed by the Administering Authority on all matters relating to the political, economic, social and educational advancement of the inhabitants of the Territory, including legislation appertaining thereto..."

21. The general obligation on the part of the Administering Authority to request the Advisory Council's advice is seen in the second paragraph of article 8 of the Trusteeship Agreement /italics not in the original text/:

"The Administering Authority shall seek the advice of the Advisory Council on all measures envisaged for the inauguration, development and subsequent establishment of full self-government for the Territory; in particular, it shall consult the Advisory Council regarding plans for..."

22. The words "in particular" show that the subjects subsequently listed in article 8 do not constitute a restrictive list on which alone the Administering Authority should ask the Advisory Council's advice. The obligation remains quite general.

23. Finally the Advisory Council is of the opinion that it has the initiative in making observations and recommendations to the Administering Authority, basing this opinion on the latter part of the first paragraph of article 8 of the Trusteeship Agreement:

"...and may make to the Administering Authority such observations and recommendations as it may consider will be conducive to the attainment of the objectives of this Agreement."

24. Thus, the Advisory Council replied to the information given by the Administering Authority on the transfer of the power to grant pardons (A/AC.33/AA.48/LEG referred to in paragraph 12 above) as though it had been submitted in the form of a request for advice.

Information received from the Administering Authority

25. In accordance with the first paragraph of article 8 of the Trusteeship Agreement the Advisory Council received from the Administering Authority information transmitted not only in the form of legislative documents (printed

/in the

in the Bollettini Ufficiali), but also in the form of special communications which are listed in annex II.

Requests for advice received from the Administering Authority, the Advisory Council's answers to these and the implementation given by the Administering Authority to the Council's recommendations

26. With the exception of one request for advice concerning the fixing of salaries of locally recruited teachers submitted to the Advisory Council under the provisions of article 5 of the Declaration of Constitutional Principles annexed to the Trusteeship Agreement all requests for advice were presented in accordance with the second paragraph of article 8 of the Trusteeship Agreement. The requests for advice, containing the subject-matter of the questions under consideration, the Advisory Council's replies, the opinions of the Territorial Council and the implementation given to the Advisory Council's recommendations by the Administration are summarized below:

(a) Establishment of organs of self-government

(1) Establishment of a municipal council in Mogadiscio

27. A letter from the Administrator (A/AC.33/R.13), dated 2 February 1951, referred to the plan to establish municipal councils in the chief town of each Residency and requested the Advisory Council's advice as to the manner of selection or designation, the composition and the powers of a municipal council in Mogadiscio. To assist the Advisory Council in its considerations the Secretariat prepared a working paper (A/AC.33/W.30/P and Corr.1). The Advisory Council examined this request at its 13th meeting and resolved to postpone its decision until all representatives were prepared to state their opinions. The advice was finally given on 14 April 1951 (A/AC.33/R.21).

28. The question was also discussed at the 5th, 6th and 7th meetings of the Territorial Council during its first session (A/AC.33/AA.30/P).

Summary of the request

29. Two methods were suggested for the way in which the councillors should be designated. First, the names of Somali and Arab members should be designated to the Administrator by the Resident's Council of Mogadiscio which should be free to select candidates from among its own members as well as from among persons who were not members. Second, the names of Italian and foreign (i.e. Indian and Pakistani) members should be indicated to the Administrator by the Commissario of Mogadiscio in agreement with the Resident of Mogadiscio, the Chamber of Commerce, the organizations and associations representing general interests and the minority communities concerned.

30. It may be added that both these proposals were unanimously approved by the Territorial Council.

31. As to the composition the Administration had proposed the following: 6 Somalis, 6 Italians, 1 Arab and one representative for the rest of the foreign community (i.e. Indians, Pakistanis and Eritreans). This the Territorial Council did not approve and adopted unanimously the proposal made by one of its members recommending that the distribution of seats for the various communities should be as follows: Arab, 1, Indo-Pakistani, 1, and for the remainder of the seats two Somalis for each Italian.

32. Ordinance No. 9 in the Bollettino Ufficiale No. 6, Supplement No. 1, of 22 June 1951 shows that the Administration adopted this proposal of the Territorial Council.

33. As to the functions proposed by the Administration for the municipal council these were to be largely consultative in character. The Head of the Municipal Services may at his discretion ask the opinion of the municipal council on all matters of general administration, but there are also certain special questions on which he may not take his decision without first having obtained the opinion of the municipal council. The special questions concern the budget of the municipality, imposition of new taxes and town planning.

Summary of the Advisory Council's reply (A/AC.33/R.21)

34. The Advisory Council agreed with the Administration's proposed two methods of designating the members of the municipal council, at least so far as the first trial year was concerned. However, it added a recommendation that the Administration should give study at the earliest possible date to evolving an electoral system which would permit the whole population of Mogadiscio itself to elect the councillors.

35. The Advisory Council also agreed with the proportion of representation on the municipal council as recommended by the Territorial Council for this early stage. However, the Advisory Council at the same time considered these proportions to be purely temporary and subject to variation as soon as circumstances permitted and in such a way that the Somalis would be accorded an ever-increasing share in the management of their own affairs.

36. The Advisory Council appreciated the fact that, in the early stages, owing to the present limitations of the Somali people, the municipal council would have to be largely a consultative body, but recommended to the Administration that the municipal council's powers should be enlarged as the Somalis qualified themselves for greater responsibilities.

37. The Advisory Council, while subscribing strongly to the selection of literates, felt that literacy should not be a condition for membership on the municipal council. If it were, illiterates of wide experience, of great practical wisdom and common sense would be denied the right to contribute to the welfare of their fellow citizens side by side with leading personalities in various political parties.^{6/}

^{6/} Literacy is not mentioned as a qualification in the Administration's Ordinance No. 9 setting up this municipal council.

38. The Advisory Council made a final recommendation to the effect that the Administration should give thought as to how the municipal council could be used as a training school in which young and intelligent Somalis could gain valuable practical experience in municipal affairs.

(ii) Establishment of municipal councils in the outlying districts of Somaliland

39. A letter from the Administrator (A/AC.33/R.24) dated 25 April 1951 asked the Advisory Council's advice on a plan to institute municipal councils in the most important centres of the Territory. The Advisory Council considered this request at its 22nd and 23rd meetings and made its recommendations to the Administrator by its letter dated 12 May 1951 (A/AC.33/R.25). The pertinent ordinance No. 10 dated 6 June 1951 was finally published in the Bollettino Ufficiale No. 6, Supplement No. 1, of 22 June 1951.

Summary of the request

40. The intention was to introduce such institutions into the democratic framework already established as a further means of political education wheret the Somalis would increase their political consciousness, and prepare themselves to shoulder their future responsibilities under self-government. The process had to be gradual according as the milieu to receive these institutions evolved and became aware of their importance and value. There would be two phases. The first would be more in the nature of an "administration of municipal services" in all Residencies and other important centres of economic life. For the time being there would be no legal acknowledgement of its activity, although there would be a budget for the municipal administration derived from taxes of a local character. The second and final phase would be a full-fledged and proper municipal administration with complete administrative and financial autonomy and a wider power of action proceeding from the acknowledgement of its existence according to law.

41. The first phase, i.e. the administration of municipal services, would be headed by a "municipal council" presided over by the Commissario on whose instructions the services would be carried out. Its composition would be rather restricted and would consist of:

(1) Prominent persons of the municipal area (not less than two and not more than four);

(2) One or two representatives of foreign communities, having considerable economic interests in the municipal area;

(3) One or two representatives of economic categories;

(4) One or two representatives of professions, arts and crafts;

(5) One representative of cultural and religious associations.

The number of councillors should not be under six nor over twelve according to the importance of the municipal centre.

/42. The same

42. The same two methods of designating^{7/} the councillors as used for the municipal council of Mogadiscio (see paragraphs 29 and 30 above) would be employed, with the competent Commissario making a one-year appointment by issuing his own ordinance.

43. The powers of these municipal councils would initially be purely advisory, to be gradually amplified later. Their opinion would be asked on such matters as:

- (1) Local budget;
- (2) New taxes;
- (3) Works of public utility - roads, markets, wells etc.;
- (4) Creation of professional associations and institutions;
- (5) Development of artisanship.

Summary of the Advisory Council's reply

44. The Advisory Council approved of the Administration's proposal in general, but also made the following recommendations. First, that representation on these councils should be specifically accorded to the most important political parties, inasmuch as they play a significant role in the political development of Somaliland. Second, that an effort be made to take a census in the towns concerned so that some kind of electoral lists could be formed for the inauguration at an early date of some form of electoral system which would be more democratic than the present system of designation. Third, that the Residency Council should be limited to drawing up lists of proposed members of the municipal council, leaving it to the Administrator himself to make the final choice. Fourth, that in interpreting the word "indigenous" the definition of this term as given in the committee which drew up the draft Trusteeship Agreement should be retained, i.e. "indigenous" means "born in, permanently residing in and possessing citizenship of the Territory". In other words long duration of residence in the Territory is not sufficient to qualify anyone as being "indigenous".

Implementation of the Advisory Council's recommendations by the Administering Authority

45. Ordinance No. 10 dated 6 June 1951 establishes the "Administration of Municipal Services" in each chief town of the Residencies and Vice-Residencies as from 1 July 1951. In the composition of the municipal council this ordinance makes no specific mention of the political parties as recommended by the Advisory Council. However, document A/AC.33/AA.52/POL which reproduces the Administration's circular No. 316131 of 23 June sent to all Commissari and Residents, giving general directives on the application of Ordinances 9 and 10 reads on page 4:

^{7/} The Residency Council would designate the members in the first instance, either from among its own members or from among persons who were not members.

"The purely territorial character on which the organization of the Municipal Administration is founded does not permit the allotting of a specific representation to tribes or political parties; it is clear, however, that exponents of ethnical or political groups will find their place in the various categories constituting the Council, particularly in that mentioned in a) in article 3.

"Commissioners and Residents, however, will have to bear in mind the important function performed by political parties in the field of the political evolution of the country, and should arrange to allot to their exponents or members a large participation. These form, in fact, the progressive elements and have shown on several occasions that they possess a good aptitude for dealing with problems concerning the Territory."

46. It may perhaps be assumed from article 6 of Ordinance No. 10 that the Administrator, as was recommended by the Advisory Council, will make the final selection of the councillors:

"The competent Provincial Commissioner, in accordance with instructions received from the Administrator, will appoint the members of Municipal Council by an ordinance of his own. They will remain in office one year and receive no salary."

47. However, there seems to be a contradiction when this is compared with the circular which on page 5 (A/AC.33/AA.52/POL) reads:

"The lists shall be forwarded to Commissioners who, bearing in mind the instructions contained in this Circular, and particularly the part concerning the representation to be allotted to political parties, shall choose direct from the lists the members of Municipal Councils, who will be officially vested with their functions by a special ordinance" [*italics in paragraphs 46 and 47 not in the original text*].

48. The Administration has made an attempt to retain the definition of "indigenous" as recommended by the Advisory Council, see page 3 of the circular:

"For a precise and uniform interpretation of the word 'autochthonous' [*indigenous*] it is reminded here that a person who was born and resides permanently in the Territory is considered as autochthonous [*indigenous*]."

49. Special reference to "possessing citizenship" was not made no doubt because as yet citizenship is not defined.

(iii) Reforms in the organs of self-government

50. A letter from the Administration (A/AC.33/R.32), dated 14 August 1951, asked the Advisory Council's advice on a draft ordinance dealing with certain

/reforms

reforms contemplated in the organs of self-government in the Territory, notably the "scir", or tribal meeting, the Residency Councils and the Territorial Council. This was a most involved question and the Advisory Council discussed it at length during its 27th, 28th, 30th, 32nd, 33rd, 34th, 36th and 37th meetings.

51. A reply was sent to the Administrator on 1 October 1951 (A/AC.33/R.34). The Territorial Council discussed this matter at five consecutive meetings during its third session of 1951 which opened on 4 October. The Administration published the pertinent ordinance, No. 18, dated 20 October, in the Bollettino Ufficiale No. 10, Supplement No. 1, dated 25 October.

Summary of the request

52. The Administration considered it necessary to re-examine the problem of the political advancement of the Territory, the purpose being to ascertain the help required by the organs of self-government and the extent to which their functioning could be improved so that the Territory could be led the more quickly to full autonomy and independence. The initial prerequisite to this end was the unification of Somali society by means of territorial (as over against ethnic) organs which would be the most democratically representative and as dynamic as possible. The Administration, therefore, made ten main proposals to the Territorial Council, summaries of which are given below, incorporating the substance of the request for advice made to the Advisory Council. The proposals would:

- (1) Require "scirs" to be held every two or three years to elect the tribal chiefs, thus giving the Somalis greater opportunity to express their political wishes;
- (2) Increase the size of the Residency Councils by adding more political representatives to a number not less than one-fifth of the recognized branches opened by each party in the individual Residencies;
- (3) Increase the political representation in the Territorial Council by giving each legally recognized political party having at least five branches in the interior of the Territory one seat plus one more seat for every additional 25 recognized branches;
- (4) Take into account only those branches open as of 30 June 1951, in making the increases mentioned in (2) and (3) above. Future recognition of branches would depend upon the submission of a list containing at least 200 members per branch;
- (5) Allot 19 seats for "tribal" representation on the Territorial Council. However these seats would not be given on an ethnic basis (Darot, Hawiya etc.) but solely on a territorial basis i.e. so many seats per region according to the density of population without any distinction among ethnic groups;
- (6) Add to the Territorial Council three additional seats for Somali economic groups;

- (7) Add to the Territorial Council two seats for cultural groups, giving these to persons designated by the Mogadiscio Cultural-Social Institute and by the Hamar Youth Club;
- (8) Pass, on a yearly basis, the seat now occupied by a representative of the Pakistani group among representatives of the Indian, Eritrean and Ethiopian communities;
- (9) Introduce the secret ballot when members of the Territorial Council are being designated and require the candidates to be able to read and write either in Italian or in Arabic;
- (10) Extend to the Residency Councillors the immunities presently enjoyed by the Territorial Councillors.

53. Before passing to a review of the advice given by the Advisory Council, it would perhaps be useful to record the reactions of the Territorial Council to the above proposals since these must be taken into consideration in coming to an understanding of the final ordinance.

54. The Territorial Council vigorously opposed the proposal to set the interval at which tribal chiefs should be elected in the "scirs" to once every two or three years. On this point the councillors proved to be very conservative in their desire to retain the old traditional system. Therefore, the Administration abandoned its proposal for the time being.

55. On proposals 5, 6 and 7 there was much debate and divergence of opinion. However the consensus of opinion seemed to favour giving up the ethnic basis in allotting regional seats on the Territorial Council. A recommendation was made that the number of these regional seats should be increased.

56. The majority of councillors denied that the Hamar Youth Club was a cultural group. It was a political party and therefore should receive the same treatment as all other political parties, being excluded from representation on the Territorial Council until it had the required number of branches.

57. The recommendation was made that there should be a fourth seat for Somali economic groups and this seat should be given to associations of syndical character.

58. No majority decision was obtained on the Administration's fourth proposal. On proposal 8 the Territorial Council recommended that the Eritrean and Ethiopian groups, being so small, should be excluded.

Summary of the Advisory Council's reply

59. Owing to the nature of the problem it was inevitable that many of the recommendations made were of quite detailed character which are difficult to include in a broad summary. They can all be found in document A/AC.33/R.34. Below are listed only the most important of these recommendations which were to the effect that:

- (1) A system of written records should be introduced for the "scir" elections of tribal chiefs. These would furnish a basis for future electoral lists;
- (2) There should be some sort of a secret ballot in "scir" and Residency Council elections;
- (3) As proposed by the Administration, village chiefs and the chiefs of market should be included among the prominent persons to serve on municipal councils. Hereditary chiefs should be confirmed in their office by popular vote as soon as practicable;
- (4) Political parties should be allowed to designate any of their members to serve on the Residency Councils i.e. they should not be compelled to use only the chairman and secretary;
- (5) In estimating the importance of the various political parties only those party branches recognized as of 1 September 1951 should be taken into account. A census of party members, the real basis of appraising the importance of these parties, should be taken in 1952. The possibility of granting Residency Councils greater powers in 1953 should be examined;
- (6) A new text was proposed in substitution of the Administration's text dealing with the subjecting of chiefs of tribes, members of the Residency Councils and members of the Territorial Council to penal procedure;
- (7) Where lists of party members necessary to establish a recognize^d branch are challenged, appeal against the decision of the Resident pro or con should be allowed to the competent tribunal in Mogadiscio;
- (8) For representation on the Territorial Council:
 - (a) In estimating the importance of the political parties only their branches recognized as of 1 September 1951 should be taken into account. A census of the members should be taken as soon as practicable;

- (b) The "progressive political parties" (a term used by the Administration for the Somali Youth League and its affiliates should have at least the same number of representatives as the so-called "moderate progressive parties" (formerly constituting the Conferenza group). The representation accorded to the political parties should be greater than it was in 1951;
 - (c) The number of seats accorded to regional representation should be gradually reduced in favour of political representation;
 - (d) Since the Hamar Youth Club was no longer to be considered as a cultural group, one seat only should be given to cultural associations in Somaliland. The Hamar Youth Club should have its seat as a political party;
 - (e) The seat deducted from the cultural groups should be given to a representative of the wage-earner, employee or labour group;
 - (f) With respect to "foreign" minority groups (Eritrean, Pakistani etc.) securing representation, a law defining citizenship should be passed as soon as possible.
- (9) The so-called "double-list" whereby two lists of names are submitted to the Administrator from which he will make the final selection should be abolished and one single list only required;
- (10) With reference to "scir" elections (by secret ballot) the term elezioni should be adopted in the Italian text rather than designazioni, thus emphasizing the democratic trend;
- (11) As agreed by the Advisory Council, all members of the Territorial Council should be able to read and write;
- (12) The Territorial Council should be allowed at an early date to elect its own presiding officer;
- (13) Provision should be made for holding extraordinary plenary sessions of the Territorial Council, thus reducing the number of appeals to article 5 of the Declaration of Constitutional Principles annexed to the Trusteeship Agreement.

Implementation of the Advisory Council's recommendations by the Administering Authority

60. The Administering Authority decided not to force the issue concerning "scir" elections, in conformity with the opinion of the Territorial Council and no changes at this level are introduced. This disposed of the Advisory Council's first three recommendations listed above. With regard to the others:

- (4) The Advisory Council's recommendation was accepted;
- (5) The date 1 September 1951 was accepted. The Administering Authority considered that for practical reasons it would be difficult now to attempt registering party members. Also it would perhaps be violating party freedom;
- (6) The Advisory Council's text was adopted, but no mention was made of chiefs of tribes for the same reason as applies to recommendations (1), (2) and (3) above;
- (7) This was accepted. Right of appeal to the Regional Commissario and in the final instance to the Administrator was granted;
- (8) (a) The same as for (5);
(b) The Administering Authority did not approve granting now an equal number of seats to the "progressive parties" and to the "moderate progressive parties". Their respective representation would be determined in the future according to the number of their recognized branches;
(c) No such reduction was provided for;
(d) The Advisory Council's recommendation that one seat only be given to cultural groups was accepted. However the Hamar Youth Club failed to qualify by its number of branches as a political party and was given no seat in the Territorial Council;
(e) One seat of the four seats given to Somali representatives of economic groups was earmarked for a representative of the wage-earners;
(f) No such provision was made.
- (9) This was not accepted;
- (10) See (1), (2) and (3) above;
- (11) This had been originally planned by the Administration;
- (12) The Administering Authority agreed to do this, but not immediately;
- (13) No such provision was made.

(b) Economic and financial development

(i) Mining regulations

61. The Administrator's letter (A/AC.33/R.19) dated 4 April 1951 asked the Advisory Council's advice on the subject of certain mining regulations about

to be issued. The Advisory Council examined this request at its 17th, 18th, 24th, 25th and 26th meetings and gave its answer on 2 July 1951 (A/AC.33/R.3). The Administration issued the pertinent regulations in the Bollettino Ufficiale No. 8, Supplement No. 2, Ordinance No. 13 dated 15 August 1951.

Summary of the request

62. The Administration was studying the old mining regulations still in force and planning to adapt these to the altered juridical situation of the Territory, now under trusteeship. Two fundamental questions had to be answered: first, what legal form should be used in allotting mineral resources to such companies or private persons as apply for them; and second, what time limit should be fixed in these legal forms. Natural resources must remain national property. Therefore provisions must be made to prevent the indigenous population as a whole from being dispossessed of its birthright either by foreign interests or by small groups of Somalis themselves. The problem was to reconcile the time limit for any concession with the requirements of the applicant. Obviously a fairly long time limit (in other territories from 20 to 99 years) was necessary in order for the concessionaire to realize profit on a heavy initial investment. In view of the fact that the Trusteeship Administration of Somaliland was for a period of 10 years, applicants for mining concessions would hardly risk their capital unless they were sure of a reasonably long period of exploitation coupled with the absolute certainty that their rights would be respected for the whole time limit if this exceeded the period of Trusteeship.

Summary of the Advisory Council's reply

63. The Advisory Council agreed that the Administration was charged with stimulating exploitation of the Territory's natural resources in the interests of the indigenous population. No general rule applicable to all cases was possible. Each case would have to be settled separately and in such a way that the granting of the concession would be based on a period closest to the normal time required for the amortization of the capital, as well as on the minimum period customary in other countries for exploiting the same minerals by companies operating exclusively with foreign capital. In no case could there be a complete and permanent transfer of property from the State to private interests, foreign, or indigenous. During any period of concession a fair share of the profits should revert to the Somalis in the form of royalties over and above taxes. The Administration should encourage and facilitate the investment of Somali capital in private enterprises. The Advisory Council also recommended certain measures for locally recruited manpower e.g. the encouragement of the training of indigenous elements so that they could take an ever-increasing part in the control of mining enterprises; the percentage of total salaries paid to Somalis should be gradually increased etc.

64. With regard to the second point i.e. the guarantees necessary to attract foreign capital to develop the underground resources of Somaliland, the Advisory Council recommended that the Administration examine, in conjunction with the

appropriate United Nations organs, especially the Technical Assistance Administration and the International Bank for Reconstruction and Development, what guarantees could be given such capital, whether from public or private funds.

65. Finally the Advisory Council stated that it would be pleased to examine each concrete case as it came up and express more precise advice according to the circumstances.

Implementation of the Advisory Council's recommendations by the Administration

66. No specific mention is made in the ordinance of any of the Advisory Council's recommendations. The Administration decided that no concession should be granted for an initial period longer than forty years, but allowed two subsequent extensions, if this seemed advisable, of not over ten years each. The Territorial Council at its meeting on 14 May 1951 had voted that the maximum time limit should be fifty years.

(ii) New economic enterprises

67. The Acting Administrator's letter (A/AC.33/R.26), dated 1 June 1951, asked the Advisory Council's advice on certain rules and regulations, contained in the draft ordinance annexed to the letter, which the Administration planned to put into force to control the establishment of new economic enterprises in the Territory. The Advisory Council considered the question at its 24th, 25th and 26th meetings and made its reply on 3 July 1951 (A/AC.33/R.29). The pertinent final ordinance No. 17 dated 15 September is found in the Bollettino Ufficiale No. 10.

Summary of the request

68. The proposed new regulations would not interfere with economic enterprises already established according to earlier regulations. The Administration admitted that freedom of initiative in the economic field was the best way to further progress. Nevertheless it considered that, in the early stages at least, some control was necessary to prevent enterprises being started which were either foolhardy or which, lacking proper financial support, were sure to fail, thus provoking economic disturbances and retarding economic progress.

Summary of the Advisory Council's reply

69. The Advisory Council examined the draft ordinance and made the general observation that the Trusteeship System, like its predecessor, the Mandates System, was based in economic matters on the principle of maximum commercial freedom and of equal economic treatment. This being so, the Advisory Council recommended:

- (1) That a licence should be required to practise professions or trade, which concerned public health or which required a high degree of technical skill. Should such a licence be refused, the reasons for the refusal should be stated in writing;
- (2) That large economic enterprises, including monopolies, should be required to present a declaration to the Chamber of Commerce which would be checked against the laws and pertinent commercial specifications. This declaration should be published and could be challenged during a certain specific period. At the end of that period the licence could then be granted or refused. If refused, the reasons for the refusal should be given in writing;
- (3) Licences for small enterprises should be granted after a declaration made before the Administration;
- (4) In all cases involving refusal of licence an appeal to the Courts should be allowed;
- (5) In the ordinance specific reference should be made to articles 15, 16 and 17 of the Trusteeship Agreement.

Implementation of the Advisory Council's recommendations by the Administering Authority

70. The Advisory Council's recommendations (2), (3), (4) and (5) were incorporated into the final ordinance, except that in the case of (2) the request for a licence would be published in the Bollettino Ufficiale for 30 days. It is interesting to note that the Territorial Council made two recommendations: (a) that the competence for granting licences for major economic enterprises should be given in the first instance to the Chief of the Internal Commerce, Industry and Labour Bureau. This would allow for an appeal to the Administrator and (b) that in places where there was a municipal council, this body should assist the Resident in examining the authorizations. The final ordinance takes into account both these recommendations of the Territorial Council except that in (a) appeal is allowed to the Judge of Somaliland (not to the Administrator) whose decision shall be final.

(iii) Fishing rights

71. The Acting Administrator's letter (A/AC.33/R.27), dated 7 June 1951, asked the Advisory Council's advice on an attached draft ordinance regulating fishing concessions in the territorial waters of Somaliland. The Advisory Council considered the draft ordinance at its 24th to 26th meetings and replied on 2 July 1951 (A/AC.33/R.28). The final ordinance, No. 15, dated 5 September 1951, appeared in the Bollettino Ufficiale No. 9, Supplement No. 1.

Summary of the request

72. The Administration considered that the regulations in force appeared unsuited to the juridical position of the Territory now under trusteeship. To rectify the situation a new draft ordinance had been prepared and the advice of the Advisory Council on its various provisions was requested. The Territorial Council had already been consulted and favoured an ordinance along the lines of the one drafted.

Summary of the Advisory Council's reply

73. The Advisory Council made the following recommendations:

- (1) A coastal strip within the limits of the territorial waters should be reserved exclusively for small-scale local fishing. Coastal supervision would be required to protect such a strip;
- (2) The Administration should study the possibilities of setting up fishing co-operatives, extending their scope to all aspects of the life of the fishermen;
- (3) Somali fishermen should be trained technically so that later they would themselves be able to handle a national fishing industry;
- (4) The Administration should encourage the co-participation of foreign and local capital so that the Somalis would have an ever-greater share in the management and profits of the fishing industry.

Implementation of the Advisory Council's recommendations by the Administering Authority

74. The Administration re-drafted article 4 so that in the final ordinance the Advisory Council's first recommendation was incorporated. Coastal supervision was provided for by article 19. In its letter of 3 October 1951 (A/AC.33/RC.27) the Administration stated that the establishment of co-operatives would be encouraged and that study would be given to the possibilities of training Somali fishermen.

(iv) Subjecting revenues from agricultural enterprises to income tax

75. The Administrator's letter (A/AC.33/R.36), dated 4 October 1951, asked the Advisory Council's advice on an attached draft ordinance according to which incomes derived from agricultural enterprises would now be subjected to income tax. The Advisory Council studied the draft ordinance at its 41st and 42nd meetings and replied to the Administration on 7 November 1951 (A/AC.33/RA.36). The final ordinance, No. 23, dated 27 November 1951, appeared in Bollettino Ufficiale No. 12. At the request of the Territorial Council the retroactive

effect of this ordinance (1 July 1951) was not enforced. Instead it was to be applied as from 1 January 1952. (See Ordinance No. 23 dated 24 November 1951). Also, for the first half-year, 1 January - 30 June 1952 the parties concerned are required to declare one-half of incomes indicated in the said article, formerly exempted, obtained during the financial year 1 July 1951 - 30 June 1952.

Summary of the request

76. In order to encourage the establishment and development of agricultural enterprises and to promote the flow of capital and labour required, there had been in the Territory preferential legislation providing certain exemptions from income tax. Only incomes realized by persons who were neither farm labourers nor tenant farmers and who were not owners of farms were subject to income tax. The reasons for such exemptions no longer existed and the Administration proposed to abolish them, subjecting to income tax all agricultural incomes regardless of who produced or realized them. However, the Administration realized the need to encourage new agricultural projects and reserved the right to consider subsequent measures to grant these fiscal facilities in the difficult initial period - especially where co-operatives were concerned.

Summary of the Advisory Council's reply

77. The Advisory Council agreed entirely with the Administration's plan and approved the sole article of the ordinance. The Advisory Council also commended the Administration in its efforts to assist new agricultural enterprises.

(v) Rules and regulations for the control of private insurance companies

78. The Administrator's letter (A/AC.33/R.39), dated 10 October 1951, asked the Advisory Council's advice on certain draft regulations, attached to the letter, for the control of private insurance companies in Somaliland. The Advisory Council considered this draft at its 41st and 42nd meetings and, after having obtained further clarification of certain points from the Administration, gave its reply on 7 November 1951 (A/AC.33/RA.39). The Territorial Council also discussed this matter at its meeting on 23 October 1951 and recommended that five of its members (instead of two as suggested by the Administration) should be designated to assist the Administrator in granting authorizations.

Summary of the request

79. The Administration considered it advisable to adopt special regulations controlling private insurance companies in Somaliland in order to enforce on

/these companies

these companies the obligation to provide in Somaliland the securities prescribed by law and to invest in the Territory the reserves guaranteeing the policies issued. Furthermore, it was desirable to regulate the matter in such a way that complete independence from regulations existing in Italy would be obtained.

Summary of Advisory Council's reply

80. The Advisory Council had no criticism to offer for 16 of the 17 draft rules. However, rule 6 read in part: "... Authorization cannot be granted to foreign companies unless reciprocity of treatment is recognized in their countries of origin, in favour of Somali companies." This seemed to the Advisory Council perhaps to go beyond the provisions of article 17 of the Trusteeship Agreement. Therefore, the Advisory Council recommended that, in the drafting of this particular rule, especial care should be taken to see that it remained clearly within article 17 of the Trusteeship Agreement.

(vi) Economic Council for Somaliland

81. The Administrator in his letter (A/AC.33/R.42), dated 14 November 1951, asked the advice of the Advisory Council on a proposal to establish an economic council for Somaliland. The Advisory Council considered the request at its 47th meeting and replied to the Administrator on 1 December 1951 (A/AC.33/RA.42).

Summary of the request

82. The Administration was engaged in studying the creation of a consultative organ to be charged with appraising and expressing its opinions on economic problems submitted to it. This council would be divided into sections corresponding to the most important branches of Somali economy e.g. agriculture, industry, commerce etc. In preparing the relevant legislative measures the Advisory Council's advice would be of assistance to the Administration.

Summary of the Advisory Council's reply

83. The Advisory Council considered the Administration's plan to be a further step in the right direction and was in full agreement with the organizational details as set forth in the Administration's letter.

(c) Educational advancement

Salaries to be paid to locally-recruited teachers

84. The Administrator addressed a letter (A/AC.33/R.31), dated 12 August 1951, to the Advisory Council asking the latter's advice on the salaries to be paid to temporary or substitute teachers who had been engaged locally to fill vacant posts in the primary and secondary schools of the Territory. The school year

/having begun,

having begun, it was an urgent matter and could not be postponed until the next session of the Territorial Council for its consideration also. Therefore the Administration had taken recourse to the provisions of article 5^{8/} of the Declaration of Constitutional Principles annexed to the Trusteeship Agreement. The Advisory Council considered the request at its 27th, 28th and 29th meetings and, having been assured by a letter dated 27 August 1951 from the Secretary-General of the Administration, Mr. Gorini, that in the proposed salary scale equal pay would be given for equal qualifications and equal work without any discrimination based on nationality or origin in accordance with the standards adopted by the International Labour Organisation, gave its reply on 30 August 1951 (A/AC.33/R.33). Ordinance No. 16 dated 7 September 1951 annuls the pertinent provisions of Decree No. 1737 with effect from 1 July 1951. Decree No. 100 dated 7 September 1951, also effective as of 1 July 1951, states that locally-recruited teachers will be paid according to the table in annex I of Ordinance No. 62 dated 15 September 1950. The measures taken were brought to the attention of the Territorial Council in March 1952.

Summary of the request

85. The Administration did not consider it just to remunerate such personnel on the same basis as regular members of the teaching profession brought from Italy and proposed, therefore, to apply the same salary scale as used for the corresponding categories of personnel engaged on the basis of local fixed-term contracts as indicated in Ordinance No. 62 of 15 September 1950. However, it was first necessary to annul by a legislative ordinance the relevant clauses of Decree No. 1737 dated 24 September 1936 which laid down the salaries of teachers, including temporary and substitute personnel.

Summary of the Advisory Council's reply

86. The Advisory Council was of the opinion that recourse should be taken to article 5 of the Declaration of Constitutional Principles only when there was grave urgency in matters of public interest and considered it debatable whether the case in hand qualified according to such an interpretation.

8/ This article reads: "In exceptional circumstances the Administrator may, after consultation with the Advisory Council, make and promulgate such ordinances as in his opinion the circumstances demand. These ordinances shall be laid before the Territorial Council as soon as practicable and the Administering Authority shall include an account of all such ordinances in its annual report to the Trusteeship Council."

87. However, the Advisory Council endorsed the Administration's plan, and also recommended that the Territorial Council be apprised as soon as practicable of the action taken. The Advisory Council also raised the question whether it was necessary to determine the new salary scale by means of a legislative ordinance or whether an executive decree would not be sufficient. 9/

(d) Labour and social advancement

(1) Establishment of a Central Health Council

88. The Administrator sent a letter (A/AC.33/R.20), dated 5 April 1951, to the Advisory Council asking the latter's advice on a plan to set up a Central Health Council. The Advisory Council considered the question at its 17th, 18th and 20th meetings and adopted unanimously a resolution (A/AC.33/R.22) which was submitted to the Administration on 16 April 1951. The pertinent ordinance No. 12 dated 30 June 1951 appears in Bollettino Ufficiale No. 7.

Summary of the request

89. The proposed Central Health Council would be a technical body charged with studying plans for the progressive development of health organizations in the Territory. It would therefore work in conjunction with other health units in an advisory capacity but could also take the initiative in investigating important problems. Technical and administrative officials would be asked to take part. Although Somalis had no technical qualifications, nevertheless a certain number of prominent persons interested in medical matters and representing the various regions would be included in the composition of this Council.

Summary of the Advisory Council's reply

90. The Advisory Council expressed its satisfaction with the initiative shown by the Administration in establishing such a council so necessary in the best interests of the Somalis. It also hoped that it would soon be possible to include trained Somalis in the Council. Finally it made the recommendation that in any technical council like the Central Health Council an official of general administrative competence should have a seat in order to co-ordinate the work of the council with more general aims.

Implementation of the Advisory Council's recommendations by the Administering Authority

91. A reply to the Advisory Council's letter was received from the Administrator in which it was pointed out that the Head of the Department of Public Health and Education and also a representative from the Department of Internal Affairs - both administrative rather than technical officers - would sit on the Central Health Council. In this way the co-ordination scheme recommended by the Advisory Council would be implemented.

9/ The new salary scale was fixed by Decree No. 100 dated 7 September 1951.

(ii) Establishment of Labour Offices in the Residencies

92. The Administrator sent a letter (A/AC.33/R.35), dated 5 October 1951, to the Advisory Council asking the latter's advice on an annexed draft ordinance which contemplated setting up Labour Offices in the Residencies. The Territorial Council discussed the proposal at its 15th and 16th meetings, found it most acceptable and made the recommendation that in all labour disputes it should be compulsory first to call upon the regional Labour Office to adjust the differences. Only when the Labour Office was unable to effect a reconciliation should appeal to the law courts be allowed. The Administration accepted this and the final ordinance No. 22 dated 23 November 1951 appeared in the Bollettino Ufficiale No. 12.

Summary of the request

93. A Labour Office existed in Mogadiscio only. To develop a social policy in line with the principles of the Trusteeship Agreement and with the recommendation of United Nations specialized agencies, the Administration planned to establish Labour Offices also in other Residencies. These offices would be under the control of the Labour and Social Assistance Section of the Administration's Industrial, Internal Commerce and Labour Office and pro tem, i.e. until a specialized technical staff was available, would be entrusted locally to the Resident. The duties of such offices would be similar to those of corresponding offices in Italy and other countries. The detailed provisions were spelled out in the annexed draft ordinance on which the Advisory Council's opinion was invited.

For the summary of the Advisory Council's replies and the implementation of its recommendations by the Administering Authority, see paragraphs 98 and 99 below.

(iii) Labour Inspectorate Services

94. Also on 5 October 1951 the Administrator addressed a letter (A/AC.33/R.38) to the Advisory Council which had as an annex a draft ordinance dealing with the establishment of Labour Inspectorate Services. The Territorial Council discussed this, along with the related ordinance on Labour Offices, during its 15th and 16th meetings and found it highly commendable. The final ordinance, No. 21, dated 23 November 1951 appeared in Bollettino Ufficiale No. 12.

Summary of the request

95. The Administration planned to establish Labour Inspectorates at the same time as it set up Labour Offices. It would be a further step in leading the

Territory towards a more modern type of labour legislation whose creation was also recommended by the international conventions prepared by the International Labour Office. These Inspectorates would act largely as co-ordinating bodies, making studies that would lead to ever more complete labour regulations. The Inspectorates would eventually be given more complete labour regulations and would eventually be given over to technical personnel, preferably Somali, as soon as such were available. Meantime the functions would be entrusted to the regional Commissari who would act under the Central labour Inspectorate to be established under the Administration's Industry, Internal Commerce and Labour Office.

(iv) Compulsory insurance against work-incurred accidents in industry

96. The Administrator sent a letter (A/AC.33/R.37), dated 10 October 1951, asking the Advisory Council's advice on an annexed draft ordinance providing for compulsory insurance against work-incurred accidents in industry. The Territorial Council gave its opinion at its meetings on 22 and 23 October. Minor suggestions were made, but the plan on the whole was highly commended. The final ordinance No. 27 dated 7 December 1951 appeared in the Bollettino Ufficiale No. 12, Supplement No. 3.

Summary of the request

97. The Administration planned to give all industrial workers financial protection through compulsory insurance in the event they suffered an accident during the course of their work. The principles reflect those sanctioned in the international convention on indemnities for work-incurred accidents of 1925 concerning the application of the international labour regulation to non-metropolitan areas. This proposed step of the Administration, taken with respect to a little-developed territory like Somaliland, was considered highly important since it represented in the social field what had been one of the major conquests of even well-advanced nations.

Summary of the Advisory Council's replies given with regard to the above three draft ordinances

98. Because the draft ordinances on Labour Offices, Labour Inspectorate Services and Compulsory Insurance against Work-Incurred Accidents in Industry were considered to be closely related, the Advisory Council studied them as a unit during its 41st to 44th meetings. It was found necessary to obtain clarification on certain points from the Administration. When this had been received the Advisory Council made its reply (A/AC.33/RA.35, RA.37, RA.38) on 9 November 1951 as follows:

- (1) The Advisory Council hoped that the basis of these proposed measures of social security for the Somalis would soon be broadened. For

/example,

example, it seemed that large segments of the population, e.g., civil servants, agricultural workers, domestic servants etc. would not only have no social legislation in their favour, but also no compulsory insurance. The Advisory Council also wondered whether the Administration planned giving insurance against occupational diseases in addition to ordinary accidents;

- (2) The Somalis needed education in the basic concepts of social security insurance so that they would see it was to their own advantage to pay the necessary dues. The Advisory Council assumed the Administration was taking the necessary steps in this connexion;
- (3) The Advisory Council expressed the hope that the social security laws to be enforced at an early date would be applied to all workers without distinction as to race, sex or religion; 10/
- (4) The Advisory Council assumed that the Administration was also planning soon to introduce legislation dealing with basic terms of workers' contracts, minimum wages, recognition and registration of workers' syndicates and labour unions with their rights and duties by law clearly defined;
- (5) The Advisory Council recommended that technical training like that given to Somali skimmers should be extended to other fields - agriculture, livestock etc. so that the Somalis by improving their techniques would be enabled to better their present economic and social status.

Implementation of the Advisory Council's recommendations by the Administering Authority

99. An analysis of the three pertinent ordinances in their final form shows only that:

- (1) Supervision of technical and professional training courses is provided for in article 2(1) of ordinance No. 22;
- (2) Industrial insurance against work-incurred accidents applies only to machine tenders (article 2, ordinance No. 27);
- (3) No insurance against occupational diseases is provided except for carbonchio infections. 11/

10/ Italian social security laws had been made applicable in Somaliland, but their application thus far had been made only to Italians and not to Somalis.

11/ This is a disease commonly incurred by persons working with skins and hides. It attacks the skin, lungs and intestines and in the latter two cases is often fatal.

(e) Miscellaneous

(i) Transfer of power to grant pardons

100. The Acting Administrator, Mr. Gorini, sent the Advisory Council a letter (A/AC.33/AA.48/LEG), dated 7 June 1951, informing the latter that the Administration intended to publish shortly an ordinance whereby the Administrator would be empowered to grant free pardon and to commute penalties imposed by the courts of Somaliland. This constituted a transfer of such power from the Chief of the Italian State.

101. At the meeting of the Territorial Council held on 20 May 1951 the representative of the Administration had stressed the necessity of making a clear distinction between free pardon and amnesty. The Territorial Council pronounced itself as being in favour of the proposed measure.

102. The Advisory Council studied the question at its 24th and 25th meetings. Although the Acting Administrator's letter was sent to inform the Council rather than to ask the Council's advice concerning the ordinance, the Council decided to reply in the usual manner, considering the matter as a request for advice.^{12/} A letter dated 2 July 1951 was sent to the Administrator which stated that the Advisory Council favoured the ordinance since its provisions could only be of advantage to the people of Somaliland. The Advisory Council noted, however, the clear distinction drawn between free pardon and amnesty. Because of the general character of amnesty, applying as it does to many people rather than to one single individual, the granting of amnesty could cause political repercussions to a much greater degree than the grant of free pardon. For that reason the Advisory Council suggested that the Administration might consult it should at any time a grant of amnesty come under consideration.

(ii) Payment of dues to the Sultan of Zanzibar

103. A letter from the Administrator (A/AC.33/R.40) dated 18 October 1951 requested the Advisory Council's advice on the subject of payment of dues to the Sultan of Zanzibar.

^{12/} See also above, paragraph 12.

Summary of the request

104. The Italian Government had received a memorandum from the British Embassy in Rome requesting:

- a. Reimbursement of annuity shares advanced to the Sultan by the British Government for the period from 1937/38 to 1947/48;
- b. Resumption of payment of annuities due to the Sultan.

105. This request was made according to the terms of article 4 of the British-Italian treaty dated 15 July 1924 for the transfer of Giubaland stipulated by Great Britain also in the name and on behalf of the Sultan of Zanzibar.

106. The Administering Authority informed the Advisory Council that the first request would be decided upon without direct participation by the Administration since it referred to questions existing prior to the Trusteeship Agreement.

107. The Administration desired to have the Advisory Council's advice, however, with respect to the second request since, should it be granted, the payments would be a burden upon the Territory's budget and also would represent an obligation for the future Somali State.

Summary of the Advisory Council's reply

108. The Advisory Council completed its consideration of this question at its 50th meeting and sent a letter (A/AC.33/RA.40), dated 15 February 1952 to the Administrator saying that in view of articles 4 and 6 of the Declaration of Constitutional Principles annexed to the Trusteeship Agreement, it considered that it did not really fall within the Council's competence to give advice on this question. The Council added that no doubt the Administering Authority would carry on direct negotiations with Great Britain and inform the Trusteeship Council of the steps taken, having recourse if necessary to conciliation or even arbitration in the event of failure to reach an agreement.

(f) Outstanding requests for advice

109. As of 31 March 1952 the Advisory Council had four requests for advice still awaiting its consideration. Among these was a request for advice on the Administration's Five Year Plan for Educational Development for Somaliland which the Council decided not to answer until it could study the recommendations given by United Nations Educational, Scientific and Cultural Organization and the United Nations Technical Assistance Mission to Somaliland under Italian Administration which had recently visited the Territory. The other requests for advice outstanding concerned:

- (1) A draft ordinance on judicial matters;
- (2) A draft ordinance on police regulations;
- (3) The taking of a census of the population.

/Visit of

Visit of Mr. Brusasca

110. Mr. Brusasca arrived in Mogadiscio on 12 August and left on 18 August 1951.^{13/} In the many addresses which he gave to various bodies in the Territory Mr. Brusasca, on behalf of the Italian Government, stressed again that Italy was resolved scrupulously to discharge all the responsibilities which it had accepted under the Trusteeship Agreement. In particular, he expressed his thanks that the Advisory Council had been created which even in this first period had given such valuable aid to the Administering Authority. Mr. de Holte Castello, the only Advisory Council representative present at the time in Mogadiscio, and Mr. Shore of the Secretariat accepted Mr. Brusasca's invitation to accompany him on a field trip (August 14-17) which included visits to Bur Acaba, Ischia, Balda, Bardera and Duggiama.

^{13/} Mr. Brusasca had paid an earlier visit to Somaliland (25 May - 10 June 1950) during the existence of the Advisory Council.

CHAPTER III

RELATIONSHIP WITH THE POPULATION

General remarks

111. Both General Assembly resolution 289(IV) and the Trusteeship Agreement envisage a bilateral relationship between the Advisory Council on the one hand and the Administering Authority on the other, the latter furnishing information and the former giving aid and advice. It is obvious, however, that for the effective and intelligent performance of its functions the Advisory Council must have full information and a thorough knowledge of conditions. For this reason, from the very first, representatives on the Council welcomed visitors, individuals as well as representative groups, from all sections of the population, either at their offices at the United Nations compound or at their residences. Besides, they attended meetings, ceremonies and anniversary celebrations to which they were invited. This they did not only in Mogadiscio but also on their field trips throughout the Territory.

112. In this manner, representatives on the Advisory Council have established friendly and cordial relations with the inhabitants of the Territory and brought home to the people the Principles of the United Nations Charter and the basic objectives and operations of The International Trusteeship System.

Political parties

113. In the opinion of the Advisory Council political parties are one of the most potent factors in bringing home to the people of Somaliland the actual conditions which prevail in the Territory and the problems of administration. They can stress the need for abandoning the old tribal concepts if the people are to be prepared for their independence by 2 December 1960.

114. In the course of its work during the period covered by this report, the Advisory Council has been called upon by the Administering Authority to give advice on a number of proposed legislative measures concerning the position of political parties in the general governmental framework of the Territory (see paragraphs 26-60 above). During the same period, the Council has also shown its appreciation of the importance of political parties for present and future developments in the Territory and on many occasions it expressed its support of the plan to promote and encourage the growth of political parties among the Somali people. At the same time, the Administering Authority in its request
/for advice

for advice on its proposed reforms of the organs of self-government declared the basic conditions which the organs of local self-government must gradually develop in order to attain constant evolution are "to be able to read and write and to belong to a political party" (A/AC.33/R.32).

115. There are at present five major political parties represented on the Territorial Council, namely:

- (1) Somali Youth League, five representatives;
- (2) Unione Nazionale Somala, two representatives;
- (3) Hizbia Dighil and Mirifle, two representatives;
- (4) Lega Progressista Somala, one representative;
- (5) Unione Africani Somalia, one representative.

116. It should be noted here that the Advisory Council recommended that regional representation on the Territorial Council should be gradually reduced in favour of political regional representation as the political parties grow in strength.

117. In addition to the five parties mentioned above, there are many more political organizations which do not meet the requirements for representation on the Territorial Council in 1952. The majority of these are either local in character or political associations of a clearly tribal nature, e.g. the Associazione Gioventù Abgal. There are also political parties with few members and consequently they are not of any importance.

118. The political parties represented on the Territorial Council are classified by the Administering Authority as "progressive" and "moderate progressive" parties.

119. The "progressive" parties are actually the Somali Youth League which was, like most other parties, founded during the war years and which had initially opposed the return of Italy to the Territory. This party still plays the role of opposition in the Territory.

120. The "moderately progressive" parties, i.e., the Unione Nazionale Somala, the Lega Progressista Somala, the Unione Africani Somalia and Hizbia Dighil and Mirifle, are the groups which favoured the return of Italy and are now commonly labelled as pro-Italian. Like the Somali Youth League, each of these parties has its headquarters in Mogadiscio and branches in other localities. Their policies as well as their activities appear to support their declared willingness to co-operate with the Administering Authority in its work to promote

/the general

the general advancement of the Territory towards eventual independence. All these parties were at one time or another included in the Conferenza della Somalia, but are now, with one exception, the Unione Nazionale Somala, separate political units. The Conferenza della Somalia is no longer recognized by the Administering Authority as a political entity for purposes of representation, on the Territorial Council. It is at present made up of the Unione Nazionale Somala and other minor associations.

121. These "moderately progressive" parties do not appear to be very active and their leadership in Mogadiscio and throughout the Territory does not seem to possess the same degree of initiative and organization as that of the Somali Youth League. However, it is noted that one of them, the Unione Africani, has cast off its defensive cloak and is going about its work with initiative and aggressiveness.

122. The Advisory Council recommended to the Administering Authority that efforts should be made to determine the relative membership strength of each party, in order that political representation could be based on relative numerical strength rather than on the number of branches which a party has. Still, it is at present almost impossible to ascertain with any degree of accuracy the numerical strength of any of the parties in the Territory. However, the Administering Authority is attempting to secure such information.

123. In any case, the present significance of political parties and their contribution to the advancement of the Territory lie in their being factors around which Somali society and political thinking may be re-grouped and brought into modern lines of organization. One of the most important duties of political parties in Somaliland is to establish a new system for social and political organization to replace the old and somewhat worn system of tribal association. It is good to note that political parties have achieved some success in that direction, but there is still a great deal to be done.

124. The appearance of women on the political scene has been noticed on a number of occasions during the period under consideration. The Somali Youth League, the Unione Africani Somalia, the Lega Progressista Somala and other parties have women's auxiliary associations. Of course, members of such women's auxiliary associations are usually wives, sisters and other relatives of the male members of the party.

/125. In addition

125. In addition to their political activities, certain parties, such as the Somali Youth League, have educational programmes which are conducted for the benefit of their members, young and adult of both sexes.

Special functions

(a) Attendance at Somali gatherings

126. In dealing with the Somalis, the Advisory Council perceived that the population of the Territory, even in Mogadiscio, has little idea of what the United Nations is, or what it does. The Advisory Council and its Secretariat have seized every opportunity to impart knowledge in this connexion, thus assisting the Administration which under article 4(c) of the Trusteeship Agreement is required to give instruction in schools and other educational institutions regarding the activities of the United Nations and its organs, the basic objectives of the International Trusteeship System and the Universal Declaration of Human Rights. On no few occasions during the year the Advisory Council and its Secretariat have been invited to attend both celebrations of the various political parties and other gatherings of common interest to all Somalis. Usually one of the representatives of the Council spoke at such meetings, thus availing himself of the chance to bring the United Nations again to the attention of his listeners. Two gatherings in particular are worthy of mention in this regard since they were attended by thousands of Somalis at open air meetings. The first was on 11 December 1951 in celebration of the Prophet Mohammed's birthday. The Egyptian representative gave an address. The second was on 1 January 1952 when a large festivity was arranged to celebrate the independence of Libya. On this occasion the representative of the Philippines spoke.

(b) United Nations Day

127. The Advisory Council on its own initiative and the Secretariat also took the excellent opportunity that was presented by United Nations Day and Human Rights Day to contact the Somalis. On United Nations Day^{14/} in Mogadiscio a large reception was held which over 200 representatives of the local population and Administration officials attended. The representative of the Philippines, then Chairman of the Advisory Council, acted as host and in his address reviewed

the history and achievements of the United Nations. He explained the principles and basic objectives of trusteeship and the special features contained in the Trusteeship Agreement for Somaliland which are not found in any other Trusteeship Agreement. The representative of Colombia went to Merca where he spoke at the reception arranged there. Similarly the Principal Secretary went to Ischia Baidoa. Various members of the Secretariat went to Belet Uen, Bullo Burti, Afgoi, Villaggio Duca degli Abruzzi. A large function also took place in Brava in honour of United Nations Day. At all gatherings United Nations pamphlets and literature in Arabic and Italian were distributed.

(c) Human Rights Day

128. On Human Rights Day special attention was devoted to the Universal Declaration of Human Rights in all schools in the area. In Mogadiscio a large audience saw the United Nations film, "Of Human Rights". The Declaration was printed in Arabic and Italian in the local newspaper and also broadcast in these two languages over the local radio, with the Egyptian representative reading the Arabic version.

(d) Conference of non-governmental organizations

129. The Advisory Council, through its Secretariat, organized a three day conference of non-governmental organizations in Mogadiscio which took place on 16, 17 and 18 August. The purpose of the conference was to find ways and means whereby public interest would be aroused in the United Nations by disseminating information throughout the Territory. Representatives of 26 organizations attended the conference which proved to be entirely successful. Addresses were given about the United Nations and these were later broadcast over the local radio station. Discussion groups were held during the evening meetings. Three United Nations films viz., "Men of Good Will", "Of Human Rights" and "For all the World's Children" were shown to large and interested audiences. The conference decided to establish a central committee from which an executive committee was to be evolved later. The Advisory Council gave a reception for the delegates and a number of the Administration's officials. Mr. Brusasca, the Italian Under-Secretary of State, who was in the Territory at the time and Ambassador Fornari also attended. Mr. Brusasca gave an address in which he strongly supported the plan being worked out whereby the non-governmental organizations would become the means by which the people of Somaliland would be

/ever more

ever more fully informed about the United Nations and the specialized agencies. Through this conference of non-governmental organizations, the first of its kind to be held in a Trust Territory, the ground was well prepared for a programme of education for the Somalis in United Nations affairs.

Field trips

130. Field trips serve two very useful purposes. Firstly, the Somalis who reside in the up-country parts of the Territory are made aware of the fact that the United Nations is interested in their welfare, that an organ of the United Nations is actually based in the Territory to lend its aid and advice to the Administration in preparing Somaliland for independence. During these field trips also, advantage is taken of the opportunity to distribute United Nations literature. Secondly, the representatives on the Advisory Council and the Secretariat are able to see for themselves the conditions that exist in different parts of the Territory and from such observations equip themselves with background information which is so necessary for the proper performance of their functions as, for example, dealing with the requests for advice submitted by the Administering Authority. Such trips can, of course, be taken only when climatic conditions permit. During the rainy season the roads become quite impassable.

131. During the year under review the following trips were made:

- (a) 6 April 1951. The Philippine and Egyptian representatives, accompanied by Dr. Spinelli and Dr. Bozzi of the Administration visited Merca and Genale to see the Italian plantations there.
- (b) 8 April 1951. The Philippine and Egyptian representatives, accompanied by Dr. Gorini of the Administration and Mr. Shore of the Secretariat, visited Villaggio Duca degli Abruzzi to see the extensive plantations and sugar factory of the Società Agricola Italo-Somala (SAIS), as also the hospital and villages of the Somali workers;
- (c) 21 to 22 April 1951. The Philippine representative and Dr. Spinelli of the Administration flew over the Mudugh and Mijertein provinces where for the past three years there was a drought, stopping at Galcaio, Gardo and Bender Cassim, visiting the fish canning factory and the fresh hot water spring at Bender Cassim;
- (d) 6 May 1951. The Philippine representative, accompanied by Dr. Gorini, went to Merca to see the opening of the bank and to see the hospital and veterinary experimental station;
- (e) 20 May 1951. The Philippine representative, went to Gezira and Danane to see the local salt beds;

/(f) 27 May 1951.

- (f) 27 May 1951. The Philippine representative, with members of the Secretariat staff, visited Afgoi to attend a Unione Africana political rally and the plantations nearby;
- (g) 14 to 17 August 1951. The representative of Colombia accompanied Under-Secretary of State Brusasca and Ambassador Fornari on a trip visiting Bur Acaba, Ischia Baidoa, Bardera and Duggiuma. Mr. Shore of the Secretariat also went on this trip;
- (h) 9 to 19 September 1951. The Philippine representative, with Dr. Canavesio of the Administration, Dr. Lucas and Mr. Deeb of the Secretariat, and Mr. Howard of the Visiting Mission, visited Villaggio Duca degli Abruzzi to see the land involved in a petition of the Walamoi tribe against the SAIS; they then proceeded to Bulo Burti, Belet Uen, Oddur, Ischia Baidoa, Bardera, Chisimaio, Afmadu, Margherita and Brava, to see the dry land farming districts between the Giuba and Uebi Scelesi rivers, the plantations in the Lower Giuba districts, and the schools, leather industry and mineral water factory in Brava;
- (i) Mr. Deeb of the Secretariat was detailed to accompany the Visiting Mission and assist in Arabic interpretation when the Visiting Mission went to Merca and Brava on 23 and 24 September and to Galcaio, Bender Cassim and Gardo on 30 September and 1 October 1951;
- (j) The representative of Colombia was in Merca from 20 to 25 October 1951;
- (k) The Principal Secretary toured the border between Ethiopia and Somaliland from 15 to 23 October 1951 and also attended United Nations Day festivities in Baidoa and Bardera;
- (l) The Deputy Principal Secretary went to Belet Uen and Bulo Burti on 23 and 24 October 1951;
- (m) 9 November 1951. The representative of Colombia accompanied by Mr. Deeb visited the agricultural co-operative in Balad;
- (n) The Egyptian representative accompanied by members of the Secretariat went to Villaggio Duca degli Abruzzi on 2 December to attend a function of the Conferenza party;
- (o) 27 January to 9 February 1952. The Philippine representative, accompanied by Dr. Canavesio of the Administration and Mr. Deeb of the Secretariat, visited Mudugh Province through Itala, El Dere, Meregh, El Bur, Dusa Mareb, Galcaio, Obbia, and back through Fer Fer and Bulo Burti, where he had been invited by local officials to visit schools, courts, hospitals, infirmaries and wells. By means of conferences, interviews and political rallies to which he was invited he made a study of the border and political situation, inter-tribal fighting, the school system, the administration of justice and general economic conditions of the Province;
- (p) 4 March 1952 the Colombian representative accompanied by Mr. Deeb of the Secretariat visited Villaggio Duca degli Abruzzi in connexion with a land dispute between certain members of the Walamoi and Shidle tribes on the one hand and the Società Agricola Italo-Somala on the other;
- (q) 19 to 23 March the representative of Colombia visited Merca, Brava and the lower Giuba;

/((r) 21 to 23 March

(r) 21 to 23 March the Principal Secretary accompanied the Commanding Officer of the Security Corps, General A. Ferrara on a visit to Bula Burti, El Bur, Dusa Mareb and Galcaio,

Communications

132. The work of the Advisory Council which has engaged more time and attention on the part of representatives than any other is that dealing with communications. "Communications" is here used in a general sense, including the so-called "petitions" in the technical sense, as well as communications for information purposes only, but all referring to conditions or problems in the Territory. It does not refer, however, to communications received from the Administering Authority with reference to information or requests for advice under article 8 of the Trusteeship Agreement.

133. These communications come in almost every day, and hardly a day passes without some of the senders of these communications coming and seeking interviews with representatives on the Advisory Council, or sometimes with the Secretariat staff. From 1 April 1950 up to date there had been received thus far some 350 communications, of which 227 were received during the year under review. They deal with practically every aspect of administration in the various functional fields of political, economic, social and educational development.

134. With regard to these communications, rule 45 of the Advisory Council's rules of procedure provides:

"All petitions concerning the affairs of the Trust Territory or the operation of the International Trusteeship System as laid down in the Charter which do not contain a request for a specific action by the Advisory Council, if received by the Advisory Council shall be transmitted to the Secretary-General for submission to the Trusteeship Council".

135. Nevertheless, the Secretariat, on instructions from Headquarters, forwarded all these communications to the Secretary-General.

136. It must also be stated here that the Advisory Council is divided on the treatment which should be given to these communications of a petitional nature that are addressed directly to the Advisory Council itself. The representatives of Colombia and Egypt believe that the Advisory Council should deal with these communications officieusement as long as the Administering Authorities are co-operative with the Advisory Council and ready to discuss these complaints with the representatives in a harmonious spirit of co-operation and understanding.

/The representative

The representative of the Philippines claims that communications requesting the direct intervention of the Advisory Council on matters dealing with conditions or problems in the Territory, as provided for in rule 45 of its rules of procedure, is part and parcel of the Advisory Council's function to aid and advise the Administering Authority and therefore it can deal with such communications officially with the Administration.

Dissemination of information about the United Nations

137. As mentioned in paragraph 3, dissemination of information on the United Nations constitutes one of the many functions of the Advisory Council to aid the Administering Authority. The Council's presence in Somaliland gives the Territory a greater appreciation and a wider knowledge of the work of the United Nations. As stated before in this report, hardly a day passes when numerous Somalis do not appear at the United Nations compound for one reason or another. The United Nations flag flies daily over the offices of the Advisory Council. Through the existence of the Advisory Council and its Secretariat and through their daily activities, the inhabitants of this Territory are constantly reminded of the United Nations and its work.

138. In addition to the activities of the Advisory Council on special occasions described elsewhere in this report, the Council and its Secretariat have followed a concrete programme of disseminating information about the United Nations throughout the Territory, reaching at times even the remotest parts. The programme is intended to acquaint all levels of Somali society with the work of the United Nations and more specifically with the operations of the International Trusteeship System and the work of the Trusteeship Council.

139. The work done during the period under review may be classified as follows:

- (a) Work through educational institutions;
- (b) Work through associations (political and other);
- (c) Work through the local press and radio.

140. Before going into any further detailed discussion, it should be stated here that in this particular phase of its work, the Advisory Council and its Secretariat have always received the sincere and effective co-operation of the Administering Authority.

(a) Work through educational institutions

141. Information material prepared by the United Nations Department of Public Information has been circulated to school-teachers and directors throughout the Territory. Posters depicting United Nations Day, Human Rights Day etc., have also been distributed to educational institutions at frequent intervals.

142. In Mogadiscio, where the work of disseminating information is most active, special attention was paid to the Preparatory Political and Administrative School. On one occasion, the representative of the Philippines gave a lecture to the School in which he talked about the work of the United Nations in general and in particular about the Trusteeship System in relation to Somaliland. On various other occasions, special kits containing various pamphlets on the United Nations and its work were prepared for distribution to the individual students of the School.

(b) Work through associations (political and other)

143. The Territory has a number of active associations of a political, social and cultural character which are interested in the United Nations and its work. This interest has been encouraged by furnishing such organizations with literature, posters and photographs explaining and portraying the United Nations and its work. All political parties in the Territory have been from time to time supplied with information material.

144. The Istituto Culturale Sociale in Mogadiscio has been, due to its genuine social and cultural character, an important medium through which much information about the United Nations was imparted. The Istituto has a well-furnished building, equipped with a meeting-hall, a reading-room and a small library. Consequently, it serves as a depository of United Nations information material for the use of its 300 odd members who represent almost all political parties and foreign communities in Mogadiscio. The representatives and members of the Secretariat held lectures and talks to members of the Istituto at various times during the period under consideration.

145. The Merca branch of the Istituto was also serviced by the Secretariat.

(c) Work through the local press and radio

146. The only daily newspaper in the Territory, the Corriere della Somalia, has on a number of special occasions presented feature articles about United Nations activities. The Corriere has also covered the important activities of the Advisory Council and its Secretariat as well as those of the Visiting Mission during its recent visit in Somaliland.

/147. The

147. The periodical, the Meridiano Somalo which made its appearance on the literary scene in Somaliland late in 1951 has shown a lively interest in the Council and the United Nations. The Principal Secretary published an article in the December 1951 issue of the magazine, explaining in clear and simple fashion the Advisory Council and its terms of reference. Other feature stories on the Advisory Council and the United Nations Visiting Mission have appeared.
148. The facilities of the local broadcasting station have been utilized upon occasion. The effectiveness of this medium of information is not very strong as yet among the Somalis, especially outside Mogadiscio.
149. Films have also been used, but on a relatively small scale, owing to the difficulty and expense of hiring a projector. The Advisory Council has its own film library which at present consists of twenty United Nations films, and it expects the arrival of a projector from New York. However, three United Nations films, viz., "Men of Good Will", "Of Human Rights" and "For all the World's Children" were shown at different times to an estimated audience of 10,000 in Mogadiscio.
150. In conclusion, the experience of the last two years of work in this connexion has shown that to increase the effectiveness of such work in the Territory, more literature should be made available here in Arabic and Italian.

CHAPTER IV

RELATIONSHIP WITH OTHER UNITED NATIONS BODIES

The General Assembly

151. General Assembly resolution 289 (IV), Section B, paragraph 4, established the Advisory Council and stipulated also that the Council's precise terms of reference should be determined in the Trusteeship Agreement. Thus, the Advisory Council is a subsidiary organ of the General Assembly. While article 11 of the Trusteeship Agreement defines the relationship of the Advisory Council with the Trusteeship Council, no explicit mention is made anywhere of the relationship between the General Assembly and the Advisory Council. Nothing is said about the Advisory Council's right to report to its parent organ, the General Assembly, nor about the right to participate in the General Assembly's discussions on Somaliland as the Advisory Council can do before the Trusteeship Council.

152. At the Advisory Council's 45th meeting, the Egyptian representative expressed the opinion that from every point of view it was in the interests of the Advisory Council's work and prestige to be represented at the General Assembly and with this opinion the representative of the Philippines fully concurred. In this way, for example, the observations of the individual members of the Advisory Council could be made known to the parent organ. This did not happen for the year under review inasmuch as the Trusteeship Council at its ninth session decided not to incorporate such views in its report to the General Assembly.

153. The representative of the Philippines believes that, from the fact that no specific mention is made of the Advisory Council's right to report to the General Assembly, it cannot be deduced that such a right does not exist. He is of the opinion that the Advisory Council has certain inherent, implied and incidental prerogatives in addition to those expressly granted to it, and among these is the right to report to and to be represented at the General Assembly on matters relating to the administration of the Territory or for the purpose of seeking further instructions on or clarification of its terms of reference. In this connexion he pointed out that the Advisory Council's Chairman had represented the Council at the fifth session of the General Assembly. The Advisory Council had also authorized its Chairman to appear

/before the

before the General Assembly at its sixth session in Paris in order to obtain clarification of some aspects of the Advisory Council's terms of reference. However, the Secretary-General had not felt himself justified in making available the necessary funds for the trip.

154. The Advisory Council therefore firmly believes that it has the right to establish direct contact with its parent body whenever matters arise which in the Advisory Council's opinion require such contact to be made with the General Assembly.

The Trusteeship Council

155. Article 11 of the Trusteeship Agreement defines in a somewhat general fashion the relationship between the Trusteeship Council and the Advisory Council.

156. Speaking at the 179th meeting of the Fourth Committee at the fifth session of the General Assembly the Chairman of the Advisory Council, the representative of Colombia, gave his interpretation of the second paragraph of article 11 of the Trusteeship Agreement when he said that in his opinion the Advisory Council was entitled to submit reports and memoranda to the Trusteeship Council without being bound to a fixed time (e.g. during the course of debates in the Trusteeship Council on any question specifically relating to the Territory) when they should be submitted. All three representatives on the Advisory Council attended the ninth session of the Trusteeship Council in accordance with the second paragraph of article 11 of the Trusteeship Agreement.

The United Nations Technical Assistance Mission to Somaliland under Italian Administration

157. The United Nations Technical Assistance Mission arrived in Mogadiscio on 27 August 1951. With the late Dr. William Dean, formerly Chief of the African Unit in the Division of Economic Stability and Development, Department of Economic Affairs as Chief, it consisted of the following members: Mr. W. Bond, agronomist from FAO; Dr. V. Coffari, public health expert from WHO; Mr. G. Féral, expert in social development and nomadic questions; Mr. A. Fielding-Clarke, educationalist from UNESCO; Mr. J. Pechanec, expert in livestock and range management from FAO. Miss D. Johnston was administrative assistant and secretary of the Mission.

158. Leaving the initiative entirely with the Mission, the representative on the Advisory Council and the Secretariat held themselves ready at all times to furnish whatever information and advice they might be called upon to give. Numerous conferences and discussions followed as a result of this during which the Advisory Council endeavoured to be of assistance wherever possible by placing at the disposal of the Technical Assistance Mission members its knowledge of the people, of the area and of the prevailing conditions accumulated through a lengthy experience of the Territory.

159. Administratively the Advisory Council's Secretariat provided the Technical Assistance Mission with office equipment and supplies, secretarial and clerical assistance, documents and communications services.

The United Nations Visiting Mission to Trust Territories in East Africa, 1951

160. The Secretary, Mr. George Howard, of the United Nations Trusteeship Council's Visiting Mission arrived in Mogadiscio on 1 September 1951. On 9 September Mr. Howard was taken by the Advisory Council's Chairman, the representative of the Philippines, and by the Principal Secretary, on an eight-day tour of the Territory so that he might become acquainted with it and be able to work out in conjunction with the Administration a satisfactory itinerary for the Visiting Mission itself.

161. The Visiting Mission arrived in Mogadiscio on 19 September 1951. Mr. de Marchena of the Dominican Republic was its Chairman and Dr. Victor Hoo Assistant Secretary-General of the Department for Trusteeship and Information from Non-Self-Governing Territories represented the Secretary-General. The members were Mr. William Cargo of the United States of America, Mr. George Laking of New Zealand and Mr. Kridakon of Thailand.

162. Owing to quite different terms of reference there was little official contact between the Visiting Mission and the Advisory Council although informal discussions were held concerning matters of mutual interest. During the Visiting Mission's stay in the Territory the Advisory Council's Secretariat provided it with full secretarial assistance, interpretation-translation services, documents and communications services and all conference facilities. The Visiting Mission left the Territory on 7 October 1951.

Adoption of the report

163. The present report, written in the English language, and to which is

/annexed

annexed the statement of the representative of the Philippines,^{15/} was approved by the representative of Egypt through a telegram dated 1 April 1952 sent to Mogadiscio from Cairo. It was approved and signed by the representative of Colombia and by the representative of the Philippines in a single copy at the United Nations Advisory Council's Headquarters in Mogadiscio on 14 April 1952.

164. The representatives of Colombia, of Egypt and of the Philippines reserve their right under the second paragraph of article 11 of the Trusteeship Agreement to make to the Trusteeship Council such oral statements or submit such written reports or memoranda as they may deem necessary for the Council's proper consideration of any question specifically relating to the Territory.

(Signed) E. de Holte Castello
(Colombia)

(Egypt)

V.D. Carpio
(Philippines)

^{15/} See annex I.

ANNEX I

OBSERVATIONS OF THE PHILIPPINE REPRESENTATIVE

REASONS FOR THESE OBSERVATIONS

1. I write these observations mainly for three reasons: first, to give the background of the present report; second, to present aspects of the Council's functioning and certain drawbacks which have thus far prevented the Council from being the effective organ it was envisaged to be; third, to call attention to certain problems calling for solution if the Assembly decision to grant independence to Somaliland in ten years is to be effectively implemented.

BACKGROUND OF PRESENT REPORT

2. At its 48th meeting last February, upon my proposal, the Council decided to submit this year a report consisting of three parts: Part I was to be a general account of the Council's work during the year; Part II was to be an appraisal of problems concerning both the functioning of the Council and the political, economic, social and educational conditions in the Territory, with such conclusions and recommendations as the Council might see fit to make; Part III was to consist of observations of individual members of the Council. The Principal Secretary was then requested to draft Parts I and II, while the representatives were to submit their individual observations for inclusion in Part III.

3. As now drafted, signed and submitted, the report is a far cry from the Council's decision at its 48th meeting. It contains nothing of what the Council decided was to have been Part II, - an appraisal of problems and conditions and the Council's conclusions and recommendations thereon. Except for a few minor changes, it is in form and substance as the Principal Secretary drafted it for what was to have been merely Part I, dealing mainly with requests for "advice" and so cluttered with details, without much regard to proportion and substance, that the reader is apt to find himself hopelessly lost in knowing the "whys" and "wherefores" of it all. At best, the report, it seems to me, is a lop-sided, incomplete and weak apology for the Advisory Council, shunning the bitter facts and lacking what might have been of most value to organs of the United Nations -

/an objective

an objective appraisal of problems and conditions in the Territory and a fearless, impartial assessment, based on the Council's knowledge of conditions on the spot, of the Administering Authority's policies and methods in terms of the letter and spirit of the Assembly resolution and the Trusteeship Agreement.

4. Reasons for all these are: (a) the Principal Secretary, who was requested to draft the report, proceeded to draft only Part I, stating that the Council had first to discuss and approve Part I before he could proceed with the drafting of Part II; (b) as soon as the Council was about through discussing and approving Part I, he gave it as his opinion that Part II had no place in the report, allegedly because, according to him, in contrast to other organs of the United Nations (such as the Trusteeship Council, Visiting Missions etc.) the Advisory Council's terms of reference was simply to give "advice" to the Administering Authority, and therefore an assessment of problems was out of place, since in his opinion the Council's report should merely outline the work for the period under review; (c) the representative of Colombia taking his cue from the remarks of the Principal Secretary, changed his mind on the Council's decision, declaring he would never sign any report that contained an appraisal of problems or conditions in the Territory; (d) during the drafting, discussion and signing of the report, there were present in Mogadiscio but two representatives, the intransigence and volubility of one always serving as effective check and "veto" on the other's attempts at improving the report.

5. In these circumstances, much as he would have preferred a report that could compare favourably and not suffer by comparison with the report of the Visiting Mission, the Philippine representative, to avoid an impasse, had to set aside his personal preferences in the greater interests of harmony, co-operation and solidarity in the Advisory Council. For this reason, he finally did join in signing the report, to which these observations are attached as annex I.

FUNCTIONING OF THE ADVISORY COUNCIL

6. One thing the Philippine representative would have wanted included in the report was a graphic picture of the functioning of the Council so as to draw attention to certain drawbacks that have thus far limited the Council's efficacy in its duty to aid and advise the Administering Authority. One such

/drawback,

drawback, for instance, is the divergence of views on the precise nature and extent of the Council's functions, particularly regarding complaints or communications received almost daily from individuals, tribes, social groups or political organizations, dealing with practically all phases of policy or method, some being indeed frivolous but some being of the gravest import involving alleged mass arrests and imprisonment without process, violation of human rights and fundamental freedoms, political persecution, subsidized intrigues pitting pros against antis, tribe against tribe and political party against another etc., and calling for urgent solution if the principles or objectives of trusteeship are to be anything more than lip service.

7. In these circumstances the Philippine representative takes the view that complaints or communications of the gravest nature addressed to and calling for "specific action by the Advisory Council" under rule 45 of its rules of procedure, are within the legal competence of the Council as part of its powers to "aid and advise" and for which the Council may take all lawful steps in ascertaining the facts and, as the facts warrant, take such other steps with the Administration as may lead to a satisfactory solution. Unless the Council could do this, he believes, there would be little left of its powers to "aid and advise" which should then be reduced merely to "advise"; its having its Headquarters in Mogadiscio would then be pointless since requests for advice, which are few and far between, could then perhaps be as satisfactorily taken care of elsewhere; and the close contact and prolonged conferences and interviews with the people which occur daily and taking most of the representative's time would then be all misdirected efforts. In such a case, the Advisory Council might as well close shop and write "finis" to this novel experiment in international trusteeship if not to the Trusteeship System itself.
8. The representative of Colombia takes an entirely opposite view. He believes that the Council's function is merely giving advice and would want to read the words "aid and advise" used once in the Assembly resolution and twice in the Trusteeship Agreement, as though they were merely "advise". When, therefore, the Council replies to written requests for advice, the Council has done its duty. He takes the view that complaints or communications are beyond the official functions of the Advisory Council, claiming they are within the exclusive power

of the Trusteeship Council under Article 87 of the Charter, but representatives may deal with them unofficially if they desire. In one lucid moment of inspiration, he even proposed that representatives should pack up and go home, coming only to Mogadiscio at certain months of the year to do what little work there was. He disdains the close contacts and conferences and interviews which the Egyptian and Philippine representatives maintain with the population because, according to him, that would be interfering with the political affairs of the people.

9. Because of this conflict of views, there have unfortunately occurred times of tension and impasse in the functioning of the Council regarding complaints or communications, particularly because, during the past year covered by the report, the third representative, who could well have broken the deadlock, was unfortunately absent from the Territory except for a period of one month and twenty-two days. All this notwithstanding, the situation would perhaps have not been so bad had not the Principal Secretary put his moral weight on the matter. On assuming his post on 3 November 1951, the new Principal Secretary wrote an inaugural letter to the representatives defining his stand in the following tenor:

"Now I come to the matter of petitions. During my seven months here I have observed that the manner in which the Advisory Council should deal with petitions has always been a subject of disagreement. There is no doubt at all in my mind but that the Advisory Council is not authorized to deal officially with petitions. I entirely agree with my predecessor, Dr. Lucas, that only the Trusteeship Council is empowered to take such official action as provided for under Article 87 b of the Charter. For that reason, I would strongly recommend that the matter of petitions should never appear in the Advisory Council's agendas, should never be discussed during an Advisory Council meeting, should not find place in the official records of the Council's meetings. If we follow such a procedure we can easily avoid all official action. But that does not mean that there is nothing that the Advisory Council can do in assisting with the very important task of dealing with petitions. It was evident during the last session of the Trusteeship Council that there would be no objection at all if the Advisory Council lent its good offices unofficially in trying to settle some of the problems raised in the petitions all of which we must forward to New York."

10. In these circumstances, it would seem as though the Council is being

/relegated

relegated to the innocuous position of a mere "rubber stamp" or transmitting agency for complaints of a petitional nature which, despite the provisions of rule 45 of the Council's rules of procedure, are all being transmitted by the Secretariat to the Secretary-General. For this reason, the Philippine representative, in his capacity as Chairman of the Council, wanted to report the matter to the General Assembly desirous to set the matter at rest for the good of all concerned, in order to obtain clarification of the Council's terms of reference, and for that purpose was authorized to represent the Council at the sixth session of the General Assembly in Paris last fall. Unfortunately, the attempt was frustrated by the Office of the Secretary-General refusing to authorize the trip allegedly on the grounds that:

- (1) The Advisory Council has no authority to accept and examine petitions;
- (2) It has no direct relationship with the General Assembly;
- (3) It has no right to report to, or appear before, the General Assembly and participate in discussions on Somaliland;
- (4) The proposed trip does not fall within the category of essentiality.

11. It is indeed unfortunate that for lack of precision in the definition of the terms "aid and advise" there should have ensued differences of views which have thus far prevented the Council from functioning in the manner envisaged. It is even more unfortunate that the three representatives could not always have been present in Mogadiscio so that the impasse created by the two representatives remaining might have been avoided. But what surely is most unfortunate is that in the midst of all these difficulties, the Council has got so little encouragement and co-operation from those concerned in its attempts to extricate itself from this morass of conflicting views and inaction through contact with, and clarification of its terms of reference by, the General Assembly, its parent organ. What is worst of all, perhaps, is that this situation of impasse and incertitude is fast causing the people to lose their faith in the United Nations in general and the Advisory Council in particular, so that the simmering cauldron of discontent among the people seems fast-developing into a deepening sense of frustration and desperation which, unless

allayed in time, is apt to burst up in nothing but calamitous results. It has happened before; it can happen again.

12. The situation is so pregnant with consequences not only to the Somalis but also to international trusteeship that surely it cannot last for long. Something can and must be done. Hence, the Philippine representative's desire to bring the matter to the General Assembly, the only organ which, outside of what is provided in article 22 of the Trusteeship Agreement, alone can clarify the Council's terms of reference with binding finality. This explains his desire that the matter had been covered in the Council's report for all to know under what conditions the Council functions and the possible repercussions thereof, hoping that in the best interests of the United Nations and particularly of the International Trusteeship System, those in a position to do so may take the necessary steps to a satisfactory solution.

PROBLEMS CALLING FOR ACTION

Main objection to the report

13. My main objection to the report consists in its failure to make a fearless and objective appraisal of problems based on actual knowledge of conditions on the spot, and to set forth its conclusions or recommendations if any. It seems to shun or shy at the bitter truth, and modifies facts in other than their true colors. It does not evince that necessary moral courage and determination to perform duty without fear or favour. The objection has been raised that the Advisory Council is here to aid and advise but not to judge and criticize. This, I think, is a narrow distorted view of the real role and function of the Advisory Council, and ignores the reasons behind the setting-up of the Council as a basis for a three-pronged compromise which finally broke the one-year deadlock between those in favour and those against a single-power trusteeship.

14. The Visiting Mission which visited the Territory for 17 days last fall made, in paragraph 63 of its report this passing but most significant remark regarding the Advisory Council: "The Advisory Council should be of great value.... in assessing the latter's Administering Authority's policies and methods in terms of the provisions of the Trusteeship Agreement." This "assessment" is precisely what I envisaged when I proposed a Part II of the report, - a part which does

/not now

not now appear due either to lack of courage or to misconception of the Council's functions. The Visiting Mission as a sub-organ of the Trusteeship Council, itself engaged in international trusteeship as the Advisory Council is, was here in the Territory for but a short period of 17 days but its assessment and appraisal of problems and conditions and its fearless and objective recommendation are simply marvelous. In my view, the Advisory Council having been here for two years should have been in a position to write as good if not a better report than the Visiting Mission, which was here only 17 days. I regret to say that the Advisory Council's report suffers greatly by comparison with that of the Visiting Mission in both form and substance. I can only hope this is not due to differences in moral fibre and mental calibre of the respective memberships.

Appraisal of problems

15. Had I had my own way with our report, I would have made, as did the Visiting Mission, an impartial assessment of the various problems and conditions as I know or observe them on the spot. I would perhaps have made the same appraisal of the major problems in the Territory as appear on paragraphs 45-52 of the Visiting Mission's report, which I consider well taken, but would have emphasized more certain aspects of some. Thus, whatever little knowledge or ideas I have would be known to all for whatever they are worth, if anything. Thus, in the various functional fields, I would have dealt with more or less emphasis on the following:

Political development

Need for organic act

16. In the political field, perhaps the most pressing need at this time is an organic act for the Territory, a simple not too long legislative measure, defining the rights and duties of the citizen and particularly setting forth the rights of persons under suspicion of a crime or under arrest, the right to bail and to speedy and public trial, the mechanics, time and procedures of a preliminary investigation, plea, trial and sentence, along with the definitions of fundamental policies and departments of government. At the ninth session of the Trusteeship Council (T/PV.349, page 42), the special representative posed the question of whether or not there was need for such an organic act inasmuch as the Trusteeship

Agreement was soon to be ratified which would serve as such an organic act. He therefore requested the opinion of the Council on the matter.

17. In my view so dire is the need for such an organic act that if the eleventh session of the Trusteeship Council does nothing more for Somaliland than recommend forthwith such legislation so that in a few months it could be promulgated, then it will have done plenty. My contact with the people for the past year and my little knowledge of law and procedure convince me that a great deal of the trouble and misunderstanding between the population and the Administration stems from the fact that, on the one hand, the people cannot understand why under this new regime of trusteeship administration they should still be governed by an endless medley of old Italian laws, Royal decrees, proclamations and ordinances belonging to regimes gone by, while on the other hand some petty officials, carabinieri or police, perhaps owing to habit or to failure to understand the full import of the new set-up, have not always employed practices and methods different from those of the old days.

18. This brings to mind a recent example. About a month ago, a Somali named Osman was shot at by an unknown person. Osman did not die as he received only two slight wounds. He was one of those brought to Lake Success to speak for Italian return to Somaliland and is now a member of the Territorial Council and the General Secretary of a pro-Italian political party. The criminal was not apprehended in the act. As I was told, the full force of the carabinieri and the police went into action and that night arrested indiscriminately some two or three thousand persons, mostly Somali Youth League members, from the streets and houses and everywhere. They were huddled in all police stations of the city, and for failure to say to what tribe they belonged, many were boxed, kicked and slapped, some receiving broken ribs, noses or teeth. They remained under arrest pending investigation for several days before being released, but some 150-200 persons, with families and homes here in Mogadiscio, were deported without court trial to various parts of the Territory. The city was virtually under martial law, reminiscent of the war days.

19. What royal decrees or laws countenance these police practices I do not know, despite my present studies of the present legislation. But I am certain that an organic act, as a common standard understood by all, would do away with many abuses and excesses and certainly with most of the mass arrests, imprisonments

/and anomalies

and anomalies complained of in petitions now flooding the Trusteeship Council. For this reason, I consider an organic act as a top-priority need in the political field.

Elections

20. I consider the Somalis an intelligent race, quick and willing to learn, sensitive and excitable. In trips through towns and bush, I have found even the nomad shepherd as something of a village-street philosopher wanting to hear himself talk on what the government does or does not do to alleviate the harsh economic life he leads, with full gesticulations to boot. If given opportunity, I think he can vote intelligently. I concur fully with the Visiting Mission's recommendation on the matter. It is only through experience that the people can be trained politically, and in view of the shortening ten years, I would give them all they can absorb.

Native participation in government

21. During the British occupation, there were Somalis who held responsible posts but who, after the hand-over, were either gradually weeded out or relegated to menial positions and their former posts taken by Italians. At the present time, there are anywhere from 750 to 800 Italians in the Administration, quite a number of whom are members of families of higher officials. Some of these are mere clerks sitting side by side with Somali clerks, who sometimes serve as trainers for their Italian counterparts. Yet salaries of Italian clerks are anywhere from three to four times those of the Somali clerks. By systematic training, it seems not only possible but necessary that sufficient Somalis should be qualified to replace even now a considerable number of the lower rank Italian employees, this not alone to hasten greater Somali participation but also to effect sizable savings in salaries and transportation. The present effort through the Political and Administration School does not seem to me adequate enough to cope up with the pressing need for trained Somalis. The School is not very popular. The effort must be accelerated and more vigorously supplemented by every other possible means particularly through greater and greater numbers of scholarships abroad, which the Administration in its Five Year Plan for Educational Development does not seem very willing to do. The Somalis are so anxious to train themselves

/that some

that some forty students have gone on scholarships to Egypt and I am told are now in secondary schools so that in about 8 years they can come back fully prepared for greater responsibilities. In my opinion, the provisions of the Trusteeship Agreement on scholarships abroad must be more vigorously implemented as the only remedy in the situation.

Territorial Council

22. The present system of appointment of members of the Territorial Council must be improved if the purpose is to train good leaders for an independent Somali State. More and more vigorous progressive young men must be chosen in lieu of fossilized tribal chiefs. As at present constituted, the Territorial Council seems to consist of an overwhelming "mechanical majority" at the bidding of the Administration, and a vigorous intelligent minority of seven members. It seems to me not only possible but necessary that the members should be chosen on a more democratic basis. For instance in a town like Obbia where all the people, except one person, belong to just one political party. That person, an old paid tribal Chief, was appointed to the Territorial Council rather than one of the more progressive young party leaders. And the procedure of deliberations could, too, be improved so as to avoid the appearance that the majority is there simply to give its "stamp of approval", at the Administration's signal, to measures the Administration wants approved regardless of lack of time for intelligent deliberation. For example, the Five Year Plan for Educational Development which took experts many months to formulate was railroaded through in a week, whereas UNESCO and the Advisory Council, which have also been consulted, have not as yet submitted observations on it after five months.

Political intrigues

23. Were I writing a report instead of these few observations, there would be many things that could be said to improve political conditions in the Territory. For instance, there is no question in my mind that the overwhelming majority of the people are sympathetic to and are therefore supporting the nationalistic aspirations and programmes of the Somali Youth League. Even the so-called pro-Italian parties which are "mushrooming" do not and cannot oppose those aspirations and many of their members are secretly conniving with the Somali Youth League.

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But some of the petty officials who are openly encouraging by subsidy or "baksheesh" the growth and proliferation of these parties do not seem to see it. They do not seem to realize that many of these parties exist only in name and then only as long as they are paid for, but that as soon as the subsidy stops they turn the other way. This, in my view, explains why the so-called Conferenza is no more.

24. Therefore, it seems to me that rather than encouraging and subsidizing the growth of these so-called pro-Italian parties, to save money, time and energy, there should be a recognition of the fact that there is no stopping this surge of nationalism among the people. Hence, instead of trying to pit one party against another, tribe against tribe etc., the Administration should try to marshal these forces of nationalism to more productive channels, take the leaders into its confidence, and together work for the success of the Trusteeship Administration. This, I am sure, can be done, given the atmosphere and the goodwill to do so.

Economic development

Need for land legislation

25. There is no denying the poverty of the Territory due to the meagreness of natural resources. The economy is basically agricultural-pastoral. The best portions of the limited cultivable area are already covered by European concessions. The remaining portions should be conserved for the benefit of the future Somali State but in no manner should they be alienated to foreign hands, although they could be given under lease to foreign concessionaires under conditions which would benefit both the concessionaires and the native population and induce the people to settle on the land. For this reason it seems desirable as early as possible to promulgate land legislation to this effect.

Livestock industry

26. A feature of the Territory's economy is the abundance of livestock, often of the poorer quality, but obviously heretofore little utilized to really improve the economic condition of the people. The technical problems of animal diseases, watering wells, control of accumulating livestock, improvement of quality, utilization of livestock in trade and commerce through the establishment of a

/meat-canning

meat-canning industry, are matters which can only be dealt with through a carefully prepared long-range programme and the sooner it is made, the better. While no doubt the Administration has all these problems in mind, it is obvious that this rich source of improving the economic life of the people should be taken advantage of as soon as possible.

Other possible industries

27. Outside of agricultural products and livestock, there seems to be no other possible industries available for development except hides, which now constitutes a considerable portion of exports; sugar which could be profitably produced but which under present conditions is still in part imported; and salt which is practically extinct. All these are apparently all available for development as additional sources of revenue to the Territory and should be given early attention.

Rationalizing administrative structure

28. The present administrative structure of some 17 Departments of the Government is, I believe, a bit too complicated and too expensive for a Territory as poor as Somaliland to maintain. Even the governments of some more progressive independent States do not maintain that many. And these departments are all manned by officials imported from Italy, with their families. There are at present some 700 to 800 officials thus coming from Italy. I know of one official who has in all nine members of his family all transported here by ship or plane at government expense. These officials receive salaries here about three or four times what they would receive in Italy if they worked there. They are given a home leave about every two years with their families at government expense. Here, it seems, they are given quarters allowances or quarters at nominal rates. I know of two or three instances where, upon change of occupants, big and luxurious quarters have been reconditioned and redecorated at tremendous costs to the government.

29. I write these observations in the hope that those concerned may take every possible step to re-examine the situation to the end not only to simplify and reduce the number of departments and reduce the number of imported personnel, and thus effect tremendous savings to the government, but also to replace the officials in the lower brackets with duly qualified Somalis. My observations lead

me to believe that many of these officials can easily be dispensed with and substituted by Somalis without much affecting the efficiency of the service.

Social advancement

Gag on freedom of speech and expression

30. There is just one phase I would wish to call attention to in the social field since the social problems in the Territory are well known - and that is the limitations on freedom of speech and expression. On two occasions I have attended political rallies where local officials have required native speakers to first submit their speeches in written form so that they may be gone into by the officials concerned, and in each case those speeches had to be redrafted and revamped in order to remove therefrom any and all references that did not sound favourable to the Administration. On another occasion an employee was dismissed from his job for writing a letter to the Corriere della Somalia which he requested the Editor to publish. The letter of course was never published but the writer lost his job. There seems to be an atmosphere of tense suspicion against everyone and everything. Employees have been dismissed from their jobs simply because they spoke their minds before the Visiting Mission when the Mission was here. And yet we talk here of freedom of speech and expression!

Educational advancement

31. Although the Administering Authority recognizes in article 4 of the Trusteeship Agreement that an independent democratic government and the moral, social, political and economic development of the Somalis can be established only on the sure foundations of education in its broadest sense, and for that reason undertakes to establish a sound and effective system of education, nevertheless, I believe that unless there is a radical change of policy in the present educational set-up the "sure foundation" envisaged in the article in question is doomed never to be established within the remaining short period of less than nine years. My reasons for this view are the following:

- (1) The present policy requires the teaching of two foreign languages from the very start to children who do not speak them. For lack of qualified local teachers who can speak these languages, the teachers must perforce be foreigners who cannot speak Somali, the language of the children. In these circumstances, one can easily

see the great difficulties in instructing the pupils by teachers who do not understand them and the probable quality of the instruction imparted.

- (2) Qualified teachers to teach Italian would have to be imported with salaries at least three, four, or five times those of local teachers. Their transportation expenses would have to be paid. Because of the poverty of the Territory, the number of such teachers would have to be necessarily limited, the appropriation for education being also limited. With regard to Arabic, Arab teachers would have to be imported if Arabic were to be properly taught. Their salaries are much less than those of Italian teachers but the government does not seem disposed to import many of them. The only alternative is to train Somalis in a hurry in a short time with the result that their education and training would be inferior and so would be the quality of instruction they could impart. In every case - for lack of money to pay Italian teachers; for failure of the administration to import Arab teachers; for lack of qualified Somalis to teach Arabic or Italian and who must first be trained in a hurry and superficially - the situation is gloomy and meantime the nine-year period is getting shorter.
- (3) Further, the majority of children getting the benefit of education for the first time are those of tender years - aged 6, 7 or 8. Add the remaining period of 8 or 9 years before the end of the ten-year period of trusteeship and they will be only 15, 16, or 17 when independence comes. They will not be old enough to contribute their training in the establishment of an independent government. What article 4 obviously envisages is the giving of an education that would enable the people to establish independence in ten years.
- (4) In these circumstances, article 4, (a) providing for scholarships abroad would have been the only remedy to ensure a sufficient number of trained men upon the grant of independence in ten years. But in its Five Year Plan for Educational Development, the Administration says it does not plan to send many abroad on scholarships.
- (5) Add to these facts, the lack of schools and textbooks in either Italian or Arabic, the scarcity of funds because of the limited budget, and it seems clear that the present educational system does not lead to the "sure foundation" for the establishment of independence in ten years as envisaged in the Trusteeship Agreement.

32. I submit that the present policy be re-examined along the following lines not only to do away with many of the difficulties above-mentioned and to ensure

/a better

a better quality of instruction but also to ensure the training of a good number of men sufficient to man an independent government after ten years. My proposals would be to:

- (1) Teach but one language instead of two, thus reducing by half all the troubles and expense regarding lack of teachers, textbooks etc., and doubling the efficiency of teaching and quality of instruction. Which language should be taught may well be left to a referendum.
- (2) Accelerate the policy of Somalization of the administrative service by weeding out many of the not absolutely indispensable officials and filling their posts with newly-trained Somalis.
- (3) Implement vigorously article 4(a) of the Trusteeship Agreement by sending say forty students abroad possibly to various countries yearly for different lines of specialization.
- (4) Concentrate more on the education of those who after nine years can be marshalled into service for the establishment of an independent government.

33. These, among others, are matters I would have discussed in the report. I wrote them hurriedly and at random but they spring from convictions which to me are life itself. I am deeply aware of their possible effects but there are causes and duties which may justly separate friends. I would therefore be untrue to myself if I did not register my outraged indignation at what I consider error and wrong in the Council's functioning and in the formulation of its report. I raise this note of warning that should the Council, or for that matter the International Trusteeship System, fail in its noble mission, it shall be because of the callous hypocrisy and sheer lack of moral courage of the time!

Mogadiscio, 14 April 1952.

(Signed)

V. D. CARPIO

(Philippine Representative)

ANNEX II

LIST OF INFORMATION DOCUMENTS RECEIVED
FROM THE ADMINISTERING AUTHORITY

POLITICAL

<u>DOCUMENT NO.</u>	<u>SUBJECT</u>	<u>DATE OF ADVISORY COUNCIL DOCUMENT</u>
A/AC.33/AA.34/POL	Agenda for the Second session of the Reduced Committee of the Territorial Council	5 April 1951
A/AC.33/AA.35/POL	Procedure for penal procedure	10 April 1951
A/AC.33/AA.38/POL	Introduction of indigenous personnel into the Amministrazione Fiduciaria Italiana della Somalia (AFIS) offices and civil service	17 April 1951
A/AC.33/AA.39/POL	Portion of the minutes of meeting of Reduced Committee of the Territorial Council 13 April at which controls for agricultural concessions were discussed	27 April 1951
A/AC.33/AA.40/POL	Members and rules of procedure of the Territorial Council	27 April 1951
A/AC.33/AA.45/POL	Travel permits between British Somaliland and the Trust Territory of Somaliland under Italian administration	9 May 1951
A/AC.33/AA.50/POL	Registry Offices	21 June 1951
A/AC.33/AA.51/POL	Third session of Reduced Committee	27 June 1951
A/AC.33/AA.52/POL	Municipal Administrations	5 July 1951
A/AC.33/AA.54/POL	Summary of agendas of the sessions of the Territorial Council and Reduced Committee January - June 1951	10 August 1951
A/AC.33/AA.55/POL	Letter from the Provincial Commissioner of Benadir Province to the Internal Affairs Office of the Administering Authority on the setting up of Municipal Services.	11 August 1951
A/AC.33/AA.57/POL	Third session of the Territorial Council	28 September 1951
	/A/AC.33/AA.63/POL	

POLITICAL
(cont'd)

<u>DOCUMENT NO.</u>	<u>SUBJECT</u>	<u>DATE OF ADVISORY COUNCIL DOCUMENT</u>
A/AC.33/AA.63/POL	List of the members to the Territorial Council	4 January 1952
A/AC.33/AA.68/POL	First meeting of 1952 of the Territorial Council	19 February 1952

EDUCATION

A/AC.33/AA.41/ED	Specialization courses for Somali soldiers	30 April 1951
A/AC.33/AA.43/ED	Teaching of United Nations Principles	1 May 1951
A/AC.33/AA.47/ED	Mogadiscio Radio Station	24 May 1951
A/AC.33/AA.49	Visit of Mr. P. Soupault of UNESCO	14 June 1951
A/AC.33/AA.59/ED	United Nations Day	31 October 1951
A/AC.33/AA.61/ED	Specialization courses for Somali service-men	28 November 1951
A/AC.33/AA.69/ED	Teaching programmes that will be followed in this Territory for elementary schools of Somali type	20 February 1952
A/AC.33/AA.70/ED	Principal rulings on the organization of the Preparatory Political and Administrative School	7 March 1952

ECONOMICS

A/AC.33/AA.36/EC	Wells in Somaliland	13 April 1951
A/AC.33/AA.42/EC	Improvement of methods for skinning and drying of hides	7 May 1951
A/AC.33/AA.56/EC	Training courses for native skimmers	31 August 1951
A/AC.33/AA.58/EC	International Labour Office report on mission to Italian Somaliland	29 October 1951

/A/AC.33/AA.60/EC

ECONOMICS
(cont'd)

<u>DOCUMENT NO.</u>	<u>SUBJECT</u>	<u>DATE OF ADVISORY COUNCIL DOCUMENT</u>
A/AC.33/AA.60/EC	Training courses for autochthonous skimmers	5 November 1951
A/AC.33/AA.71/EC	Draft Ordinance containing additional customs tax to provide funds for Municipal Administrations and the Somaliland Fair	12 March 1952
A/AC.33/AA.72/EC	Draft Ordinance which the Administration proposed to publish in connexion with controlling cotton growing in the Territory	25 March 1952
A/AC.33/AA.73/EC	Estimated budget for Somaliland for the financial year 1952/53	28 March 1952

LEGAL

A/AC.33/AA.44/LEG	Notes on penal proceedings before Provincial & District Commissioners	30 April 1951
A/AC.33/AA.48/LEG	Power to grant free pardon	14 June 1951
A/AC.33/AA.53/LEG	Reply to the letter sent to the Advisory Council by the Administering Authority concerning the power to grant free pardon	1 August 1951
A/AC.33/AA.62/LEG	Ratification and implementation of the Trusteeship Agreement	2 January 1952
A/AC.33/AA.66/LEG	Legal holidays in Somaliland	22 January 1952

SOCIAL

A/AC.33/AA.46/SOC	Housing projects for indigenous employees	22 May 1951
A/AC.33/AA.64/SOC	Administering Authority's reply to a request for information received by the Advisory Council from the International Abolitionist Federation	11 January 1952

/A/AC.33/AA.65/SOC

SOCIAL
(cont'd)

<u>DOCUMENT NO.</u>	<u>SUBJECT</u>	<u>DATE OF ADVISORY COUNCIL DOCUMENT</u>
A/AC.33/AA.65/SOC	Instructing <u>Commissarios</u> how to put into effect Ord. No. 21 (establishment of Labour Inspectorate) and Ord. No. 22 (establishment of Labour Offices)	22 January 1952
A/AC.33/AA.67/SOC	Additional information for the International Abolitionist Federation	25 January 1952

MISCELLANEOUS

A/AC.33/AA.37	Replacement of Italian military units of the Security Corps	16 April 1952
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