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Chairman: Prince WAN WAITHAYAKON (Thailand).

Draft trusteeship agreement for the Territory of Somaliland under Italian administration: special report of the Trusteeship Council (A/1294) (continued)

[Item 21 (c)]*

1. The CHAIRMAN recalled that, at the request of the Ethiopian delegation, the Committee had decided at its 173rd meeting to postpone its discussion of the draft trusteeship agreement for Somaliland for one week. The Ethiopian delegation had been anxious that the Fourth Committee's discussion of that question should not coincide with the *Ad Hoc* Political Committee's discussion on Eritrea.

2. He had, however, ascertained from the Chairman of the *Ad Hoc* Political Committee that the Fourth Committee could devote its next three meetings to the draft trusteeship agreement for Somaliland without any danger of conflicting with the *Ad Hoc* Political Committee's discussion on Eritrea. It had been proposed at the 173rd meeting that the Committee should take up the question of information on Non-Self-Governing Territories, but members of the Committee were not yet in a position to discuss that item. As the Committee had so far dealt with only one item on its agenda and should therefore avoid wasting any time, he had appealed to the representative of Ethiopia to agree to an immediate discussion of the draft trusteeship agreement for Somaliland. He was grateful to the Ethiopian representative for accepting his proposal, which he realized would necessarily cause the Ethiopian delegation some inconvenience.

3. He proposed that, before the Committee began its discussion of the draft trusteeship agreement, representatives of Italy should be invited to participate in the work of the Committee, without the right to vote.

It was so agreed.

At the invitation of the Chairman, Mr. Brusasca and Mr. Fornari, representatives of the Administering Authority for Somaliland under Italian administration, took their places at the Committee table.

4. The CHAIRMAN proposed that the Chairman of the United Nations Advisory Council on the Trust Territory of Somaliland under Italian Administration should be invited to participate in the work of the Committee, without the right to vote.

It was so agreed.

At the invitation of the Chairman, Mr. de Holte Castello, Chairman of the United Nations Advisory Council on the Trust Territory of Somaliland under Italian Administration, took his place at the Committee table.

5. The CHAIRMAN announced that the Secretary-General had received two letters from the Somali Youth League, in the first of which it asked for permission to make an oral statement before the Fourth Committee and in the second to be granted the status of an observer during the Fourth Committee's discussion on the draft trusteeship agreement for Somaliland.¹

6. The Secretary-General had also received a memorandum from the *Conferenza della Somalia*, but no request for a hearing.²

7. Mr. RYCKMANS (Belgium) suggested that the memoranda submitted by the two organizations should be circulated to members of the Committee to enable them to decide whether or not a hearing was required.

It was so decided.

8. Mr. KHALIDY (Iraq) said that, as the Chairman of the Advisory Council and the representatives of the Administering Authority had been invited to be present

¹ These letters were subsequently circulated as document A/C.4/179.

² This memorandum was subsequently circulated as document A/C.4/180.

* Indicates the item number on the General Assembly agenda.

while the draft trusteeship agreement was under discussion, it was desirable that the Youth League, which was one of the most influential organizations in Somaliland, should also be represented. He was prepared to submit a formal proposal that their request for a hearing should be met.

9. Mr. PEREZ CISNEROS (Cuba) thought that the Fourth Committee should follow its established practice of hearing the views of the indigenous populations of the Trust Territories, whether expressed in the form of written memoranda or oral statements, and should accordingly grant a hearing not only to representatives of the Somali Youth League but also to representatives of the *Conferenza della Somalia*, if that organization made a similar request.

10. Mr. ISSIDEEN (Yemen) and Mr. FARRAG (Egypt) supported the Iraqi representative's proposal that a hearing should be granted to representatives of the Somali Youth League. While it would be useful to circulate the memoranda submitted, as the Belgian representative had suggested, there was no need to delay the invitation on that account.

11. Mr. GARREAU (France) recalled that, when the Trusteeship Council had discussed the draft trusteeship agreement for Somaliland at its second special session, it had adopted resolution 112 (S-2) announcing its willingness to hear representatives of local organizations; but none had taken advantage of that opportunity. His delegation did not consider that the Somali Youth League's request should be refused, but, as similar requests would almost certainly be received from other organizations, the Committee should follow the example of the Trusteeship Council and inform all organizations representing the population of Somaliland that it was prepared to give them a hearing.

12. Mr. CARBONELL (Colombia) supported the Iraqi representative's proposal that the Somali Youth League should be granted a hearing. He also agreed with the representative of France that the same privilege should be extended to all organizations representing the population of Somaliland.

13. Mr. RYCKMANS (Belgium) pointed out that, however desirable it might be in theory, the Committee might not in practice have time to grant a hearing to any organization which might subsequently apply. It was clear from the Advisory Council's report (A/C.4/178) that party feeling in Somaliland ran high and to grant a hearing to one party only might therefore give rise to serious political dissension. Both the representative of the Administering Authority, which was required to maintain an attitude of impartiality towards all political parties, and the Chairman of the Advisory Council, should be in a position to inform the Committee of the views of all the political parties in the Territory.

14. Mr. LANNUNG (Denmark) considered that all parties should have the same opportunities of submitting their views to the Fourth Committee, which could thus obtain a balanced picture of the views of the population of the Territory.

15. Mr. QUESADA ZAPIOLA (Argentina) said that his delegation felt that all parties interested in the question of Somaliland should be heard on an equal footing. Either a hearing should be given to the repre-

sentatives of both the Somali Youth League and the *Conferenza della Somali* or, if the latter organization was unable to send representatives to Lake Success, only written statements from both organizations should be accepted. To act in any other way would be to confer an advantage on the organization which was able to send representatives to state its case verbally.

16. Mr. MACAPAGAL (Philippines) said that, at the third meeting of the second special session of the Trusteeship Council, his delegation had sponsored the proposal to permit representatives of organizations in Somaliland to state their views before the Trusteeship Council. It now saw no reason why the Fourth Committee should not follow the same procedure, particularly as the representatives of Italy had been invited to take part in its discussions. It had been suggested that political conditions in the Territory made it undesirable to grant a hearing to the Somali Youth League alone, but the Advisory Council's report did not bear out the gloomy picture which the representative of Belgium had painted. The Somali Youth League had so far been the only applicant for the privilege, but there was nothing to prevent other organizations from following its example.

17. Mr. KERNKAMP (Netherlands) thought that the organizations of Somaliland should have expressed their views when the draft trusteeship agreement was under discussion at the sixth session of the Trusteeship Council. The draft agreement having been approved unanimously by the Trusteeship Council, the present was not the appropriate time for the submission of their views. If the Committee gave a hearing to representatives of the Somali Youth League, it would in fact be giving that organization preferential treatment. The memorandum it had submitted was before the members of the Committee, who would no doubt take it into consideration. In the circumstances there appeared to be no good reason for admitting representatives of the organization to the Committee's discussions.

18. Mr. PEREZ CISNEROS (Cuba) did not feel that the Committee would be guilty of partiality if it gave the Somali Youth League a hearing. It would, on the contrary, be establishing a precedent for dealing with any similar requests received in future.

19. Mr. FARRAG (Egypt) did not think that a decision to hear one political party could be construed as partiality, inasmuch as the Committee was ready to hear any organization which applied to it.

20. Mr. ISSIDEEN (Yemen) did not consider that the failure of other parties to request a hearing was any reason for refusing a hearing to the Somali Youth League. In his opinion, the political parties of Somaliland were well aware that the Fourth Committee would grant them a hearing if they so requested. Since the future of Somaliland was at stake, it was imperative to grant the Somali Youth League a hearing.

21. Mr. TAJIBAEV (Union of Soviet Socialist Republics) thought that the Fourth Committee only stood to gain by inviting representatives of the Somali Youth League. The representatives of the League, which was one of the most influential organizations in Somaliland, would give the Committee a better idea of the situation in the Territory and would state the aims of its people. The fate of Somaliland could not be decided without

hearing the views of its people, which the Administering Authority was not qualified to state.

22. The League's request had been opposed on the ground that it was necessary to give all organizations in the Territory the same privilege. The USSR delegation did not consider that the request from the Somali Youth League should be linked up with the question of inviting other organizations. Those organizations might not in fact wish to send representatives to the Fourth Committee. In the opinion of the USSR delegation, to refuse the Somali Youth League's request to attend the discussion as an observer would be unjust and illegal.

23. Mr. BRUSASCA (Representative of the Administering Authority for Somaliland under Italian administration) expressed the view that the Committee should first of all take a decision in principle on the question whether it would allow representatives of all parties or organizations in Somaliland to speak before it. The Administering Authority did its best to maintain an impartial attitude and to hear the views of all parties. The Somali Youth League represented only a part of the population of the Trust Territory; he felt sure that, if other parties and organizations had been aware that the opportunity to express their views before the Fourth Committee was open to them, they would have made similar requests.

24. Mr. KERNKAMP (Netherlands) would oppose an invitation to the Somali Youth League. He felt that such an invitation would be an indication of favouritism, since other organizations in Somaliland might have found it impossible for financial or other reasons to send representatives to Lake Success.

25. Mr. KHALIDY (Iraq) thought that the issue was a relatively simple one, which should not be unduly complicated. He agreed with the representative of France that all parties to the question should be heard, but stressed the fact that so far only one organization had requested a hearing.

26. He therefore introduced the following proposal:

"The Fourth Committee decides to grant the request of the Somali Youth League to participate without vote in the work of this Committee during the debate on the question of the draft trusteeship agreement for Somaliland."

27. Mr. HAY (Australia) opposed that proposal. It had been quite proper for the First Committee, at the 288th and 290th meetings of its fourth session, to grant a hearing to representatives of the Somali Youth League and other similar organizations, in connexion with the debate concerning the future of the former Italian colonies. The decision to place Somaliland under United Nations trusteeship, however, had been taken at the end of that debate; there could be no question of reopening the question. The matter now before the Fourth Committee was merely the examination and approval of the draft trusteeship agreement, which had been approved by the Trusteeship Council after careful and exhaustive study; it had, moreover, been approved unanimously, and could not therefore be considered a controversial issue. The Australian delegation felt that if the Committee granted the request of the Somali Youth

League to participate in the current debate, it would thereby be calling in question the decision taken by the General Assembly the preceding year.

28. Mr. GARREAU (France) felt that the Fourth Committee could not enter into the details of the political situation in the Trust Territory, since it was concerned only with approval of the draft trusteeship agreement. He did not think that the proposed hearings could serve any useful purpose; although he himself was prepared to hear the views of any groups or organizations concerned, he felt that such hearings would merely retard the Committee's work unnecessarily. In any case, he could not agree that representatives of such groups could be admitted to the Committee's meetings as observers. In his opinion, the Fourth Committee should adopt the procedure which had been followed by the First Committee the preceding year.

29. Mr. UDOVICHENKO (Ukrainian Soviet Socialist Republic) agreed with the representative of Yemen that the declarations and resolutions adopted by the United Nations were worth little unless they could be given practical effect. The people whose representatives had requested a hearing by the Committee were the very people for whose welfare the General Assembly and the Trusteeship Council had assumed responsibility; it was unthinkable that they should not be given an opportunity to speak for themselves on the question at issue. The Committee had granted a hearing to an Administering Authority which had not yet been confirmed as the permanent Administering Authority for Somaliland; that Power could not be accepted as the sole representative of the interests of the indigenous inhabitants. The time factor was of small importance when weighed against the ultimate fate of an entire population.

30. Mr. RYCKMANS (Belgium) observed that a decision on the part of the Committee to hear the representatives of one part of the population of Somaliland necessarily implied agreement to grant a hearing to the representatives of any other similar party which might apply to it. In view of the limited time available to the Committee for discussion of the question, however, it would be impossible in practice to extend a general invitation to all such parties and organizations in Somaliland. He therefore wished to ask the Chairman of the Advisory Council whether, if other parties or organizations subsequently requested hearings which could not be granted owing to lack of time, a decision by the Committee to hear the representatives of the Somali Youth League might have an adverse effect upon later efforts to reconcile the various political parties in the Territory. If that were so, he would vote against granting a hearing to the Somali Youth League.

31. Mr. MIKAOUI (Lebanon) said he would support the proposal of the representative of Iraq. His delegation would also view with sympathy any subsequent requests for hearings on the part of other parties or organizations representing the indigenous population of Somaliland.

32. Mr. BIHELLER (Czechoslovakia) moved closure of the debate

33. Mr. GARREAU (France) asked for further elucidation of the proposal of the representative of Iraq

concerning the admission of representatives of the Somali Youth League as observers. He declared his intention of proposing an alternative text.

34. The CHAIRMAN put to the vote the motion for closure of the debate.

The motion was adopted by 17 votes to 15, with 13 abstentions.

35. Mr. GARREAU (France) submitted the following text as a separate proposal:

"The Fourth Committee may permit representatives of local opinion, such as the representatives of political parties and other organizations in Somaliland, to state their views before the Committee should they desire to do so."

36. He drew attention to the fact that his proposal reproduced almost exactly the terms of the Trusteeship Council's resolution 112 (S-2), in pursuance of which representatives of local opinion in Somaliland had been invited to attend the Council's sixth session and present their views.

37. Mr. PEREZ CISNEROS (Cuba) presented the following proposal for the consideration of the Committee:

"The Fourth Committee,

"Bearing in mind the resolution of the Trusteeship Council under which authorization was given for the representatives of local opinion in Somaliland to be allowed to express their views when they so desired in connexion with the trusteeship agreement for that Territory;

"Considering that the Fourth Committee is about to begin the study of the draft of the above-mentioned trusteeship agreement;

"Considering that the Somali Youth League has asked to appear before the Fourth Committee of the General Assembly to express its views on the above-mentioned draft;

"Decides to authorize the representatives of Somali youth to make a statement expressing their views on the draft trusteeship agreement for Somaliland and invites them to be present at its meetings."

38. He felt that that proposal would leave the way open for the later admission of representatives of other groups, if any should request a hearing.

39. Mr. J. COOPER (United States of America), while making it clear that his delegation favoured the granting of a hearing to the representatives of the Somali Youth League, nevertheless thought that the Committee should consider the precedents which its action might create. He did not feel that the proposal of the representative of Iraq met the requirements of the situation; moreover, he felt that its adoption by the Committee would place the Somali Youth League in a more favourable position than the other parties and organizations representing the indigenous population of the Territory. It was the Committee's duty to hear all available opinions, in order to reach a fair and impartial decision. He therefore supported the proposal of the Cuban delegation.

40. In reply to questions put by Mr. QUESADA ZAPIOLA (Argentina), Mr. GARREAU (France), and Mr. KHALIDY (Iraq), Mr. PEREZ CISNEROS (Cuba) explained more fully the purpose of his proposal. His intention was, first, to authorize the representatives of the Somali Youth League to state their views with respect to the draft trusteeship agreement; and, secondly, to ensure their continuous presence throughout the deliberations of the Committee on that subject. He agreed with the representatives of France and Iraq that the term "observers" had a special connotation, and he had therefore been careful to avoid using it in his text. He wished, however, to enable the members of the Committee to question the representatives of the Somali Youth League following their initial statement, and to that end he had included in his text a specific invitation to them to be present at the Committee's meetings.

41. Mr. QUESADA ZAPIOLA (Argentina) asked the Secretariat whether any steps had been taken to verify the signatures of the memorandum from the *Conferenza della Somali* and the identity of the representatives of the Somali Youth League.

42. Mr. HOO (Assistant Secretary-General in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories) replied that the signatures were the same as those which Sub-Committee 16 of the First Committee had examined the previous year (A/C.1/SC.16/L.2).

43. Mr. LANNUNG (Denmark) observed that the General Assembly should take a liberal attitude in connexion with requests for hearings of representatives of Somali organizations, particularly as the United Nations had a specific responsibility for that Territory. He supported the proposal submitted by the French representative.

44. Mr. ANKER (Norway) concurred in the view of the Danish representative that a liberal attitude should be taken in regard to the credentials of such representatives. Those representatives should not, however, participate in the work of the Fourth Committee; after having made a general statement, they could be invited to answer questions which Committee members might raise, after which they would withdraw. Naturally, if the Committee wished to put further questions, the representatives could be recalled. He did not think that the word "observers" implied that they would actually participate in the Committee's work.

45. Mr. QUESADA ZAPIOLA (Argentina) wondered whether the persons who had asked for a hearing had lived in Somaliland during the preceding year, and whether they were in close touch with the situation in that Territory.

46. Mr. BRUSASCA (Representative of the Administering Authority for Somaliland under Italian administration) did not think that they resided in Somaliland. He had not come into contact with them in the course of his duties. One of them at least did not come from that Territory.

47. Mr. DE HOLTE CASTELLO (Chairman of the United Nations Advisory Council on the Trust Territory of Somaliland under Italian Administration) said

that the Advisory Council had not been in touch with the signatories of the request from the Somali Youth League, although they were recognized as representatives of that organization.

48. Mr. MACAPAGAL (Philippines) thought that the question whether the representatives concerned had actually lived in Somaliland during the previous twelve months was irrelevant: the main question was to determine whether they were *bona fide* representatives of the Somali Youth League.

49. Mr. WINIEWICZ (Poland) pointed out that a final judgment could not be reached until the representatives of the people of Somaliland had been heard in the Fourth Committee. The political situation had been very difficult at the time when the United Nations had first begun to discuss Somaliland; perhaps that was why representatives of the organizations there had not attended the meetings of the sixth session of the Trusteeship Council. He therefore urged the Committee to take a liberal attitude regarding the credentials of the representatives who had asked to appear before the Fourth Committee. Apparently they did in fact represent the Somali Youth League, which was a major political element in the Territory; they should therefore be heard in the Committee. The same facilities should be granted to legitimate representatives of any other organizations in Somaliland.

50. Mr. RIFAI (Syria) could not understand why there should be any objection to granting a hearing to the representatives of the Somali Youth League. That organization had been heard the previous year in the *Ad Hoc* Political Committee. Representatives of indigenous populations had also been heard in other United Nations bodies. He urged the Committee to proceed to a vote on the question.

51. Mr. FARRAG (Egypt) strongly supported the proposal that the representatives should be heard. They had been considered as legitimate representatives in 1949 and apparently their status had not changed.

52. Mr. GARREAU (France) referred to the case of the Reverend Michael Scott, who had been heard by the Fourth Committee at the 138th meeting of its fourth session. Mr. Scott was not a South West African; nevertheless he had spoken on behalf of the indigenous population in that territory. The main question was whether the representatives of the Somali Youth League were in fact authorized to speak on behalf of that organization. He suggested that a sub-committee should be set up to deal with their credentials.

53. Mr. TAJIBAEV (Union of Soviet Socialist Republics) thought that valuable time was being wasted in discussing the question. The Committee should invite the representatives of the Somali Youth League without fear or hesitation. Furthermore, they should not be mere spectators but should be allowed to participate in the discussions. He therefore supported the Iraqi proposal.

54. With regard to the question of credentials, the memorandum clearly stated that the individuals concerned were *bona fide* representatives of a majority in Somaliland and therefore it was unnecessary to set up a special sub-committee to deal with that formality.

55. Mr. HENRIQUEZ UREÑA (Dominican Republic) thought that the expression "and invites them to be present at its meetings" should be deleted from the last paragraph of the Cuban draft text. The representatives concerned could make a statement to the Committee, but it was superfluous to extend a specific invitation as suggested in the Cuban proposal.

56. Mr. HIMIOB (Venezuela) agreed that the Cuban text should be altered and that the representatives of the Somali Youth League should merely be authorized to make a statement expressing their views on the draft trusteeship agreement for Somaliland.

57. Mr. PEREZ CISNEROS (Cuba) regretted that he could not agree with the suggestions of the representatives of the Dominican Republic and Venezuela. He still thought that the Cuban draft represented the most liberal and progressive approach to the question.

58. Mr. QUESADA ZAPIOLA (Argentina) explained that the question whether the representatives of the Somali Youth League had actually been resident in Somaliland during the particular year had been raised solely to ascertain whether they were prepared to amplify their statement, if necessary, or whether they would confine themselves to reading a memorandum prepared by other persons. In that connexion, he called attention to the usual practice of the Trusteeship Council in such matters.

59. Mr. GARREAU (France) considered that his proposal was self-explanatory and that it reflected the views of the members of the Committee. Legitimate representatives of all political parties and other organizations in Somaliland should be permitted to state their views before the Committee. There were certain drawbacks to the Cuban proposal; it would, for example, necessitate the adoption of a new resolution in connexion with every request for a hearing. The French proposal, on the other hand, simplified the procedure by providing for any such requests which might be made in the future.

60. Mr. KHALIDY (Iraq) considered it unfair to criticize the representatives of the Somali Youth League in their absence. The representative of the Administering Authority had referred to them in evasive and somewhat derogatory terms; it should be borne in mind that the draft trusteeship agreement had not yet been approved by the General Assembly. A spirit of co-operation was therefore expected of the Italian representative.

61. He pointed out that the word "observers", which had given rise to such lengthy discussion, did not in fact appear in his proposal, as he did not consider that the representatives from Somaliland should appear before the Committee in that capacity.

62. He could not agree with the Cuban representative's view that the Iraqi proposal had gone beyond the request submitted by the Somali Youth League. His proposal did not create a precedent; on many previous occasions representatives of various organizations had been granted hearings before United Nations organs and had participated in the discussions from the beginning to the end; they had not been expected to make one statement and then withdrew. The Trusteeship Council had never refused a request for a hearing submitted by representatives of indigenous populations,

and there was no justification for the Committee's reluctance to grant a hearing.

63. The French proposal failed to make any specific mention of the Somali Youth League. Each request from representatives of organizations to be heard by the Committee should be considered on its own merits and a separate decision should be taken in each case. The phrase "to state their views" in the French draft was unnecessarily restrictive; the representatives should have the opportunity of making general observations regarding the draft trusteeship agreement for Somaliland. For those reasons, the Iraqi delegation could not accept the French proposal.

64. The Cuban proposal also implied that the representatives would be permitted to make only one statement, after which they would presumably have to withdraw. He could not agree to that suggestion.

65. There was no reason to fear that inviting the Somali Youth League representatives would establish a dangerous precedent. The Committee should demonstrate its readiness to grant hearings to legitimate representatives of indigenous populations. He therefore urged it to adopt the Iraqi proposal.

66. The CHAIRMAN, referring to the question of credentials, read a letter dated 8 September 1950, addressed to the Secretary-General (SG25/03 (1)), and signed by fourteen officers of the Somali Youth League and the Hamar Youth Club, naming the signatories of the memorandum as their accredited representatives.

67. After a discussion on whether the French and Cuban texts were amendments to the Iraqi text or separate motions, the CHAIRMAN ruled that all three proposals before the Committee were separate motions

and must therefore be voted on in the order in which they had been submitted. Accordingly, he put to the vote the proposal of the representative of Iraq.

68. Mr. KHALIDY (Iraq) asked for a roll-call vote on his proposal.

A vote was taken by roll-call.

Yugoslavia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen.

Against: Australia, Belgium, Canada, Denmark, France, Netherlands, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Yugoslavia, Argentina, Brazil, China, Colombia, Cuba, El Salvador, Greece, Haiti, Israel, New Zealand, Thailand, Venezuela.

The Iraqi proposal was adopted by 20 votes to 11, with 13 abstentions.

69. Mr. COOK (United Kingdom) explained that he had voted against the resolution because, although his delegation would have raised no objection to hearing a statement by the Somali Youth League, it could not agree to inviting such an organization to participate in the Committee's debates.

The meeting rose at 6.45 p.m.