

TRUSTEESHIP COUNCIL

OFFICIAL RECORDS



Monday, 11 June 1951, at 2 p.m.

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President: Sir Alan BURNS (United Kingdom of Great Britain and Northern Ireland).

Present:

The representatives of the following States members of the Trusteeship Council: Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Thailand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representative of the following State non-member of the Trusteeship Council: Italy.

The representative of the following specialized agency: United Nations Educational, Scientific and Cultural Organization.

Examination of the annual report of the Administering Authority on the Trust Territory of Somaliland under Italian administration for the period from April 1950 to December 1950 (T/902) (continued)

[Agenda item 4 (a)]

At the invitation of the President, Mr. de Holte Castello (Colombia), Mr. Pharaony (Egypt) and Mr. Carpio (Philippines), representatives of States members of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian administration; and Mr. Fornari, special representative of the Administering Authority for the Trust Territory of Somaliland under Italian administration, took their places at the Council table.

1. The PRESIDENT invited the Council to resume its examination of the annual report on Somaliland under Italian administration,¹ confining itself in the first instance to questions relating to the political advancement of the indigenous inhabitants and later turning to the economic, social and educational advancement of the population.

2. Mr. SAYRE (United States of America) asked for information on the causes of the civil disorders and acts of violence which had taken place, particularly in

Baidoa, following the transfer of authority to the Government of Italy, and whether there had been any recurrence of collective violence during the current year.

3. Mr. FORNARI (Special representative for Somaliland) said that during the first month of Italian administration in Somaliland there had been several outbreaks of collective violence in certain parts of the country, including Baidoa. The clashes had occurred between political groups, some of which favoured, and others of which opposed, Italian administration of Somaliland. From the outset the Administration had taken steps to promote free speech for all parties and had treated all factions equally. The Administration had met with collaboration in many sections of the country; but in the interior, where certain parties had been accustomed to imposing their views, the Administration's task had been much more difficult.

4. Tribal considerations also entered into the matter. In Baidoa there were two racial groups: the Dighil Mirifles, an agricultural people favourable to Italian administration; and the Darots, who were predominantly engaged in trade and commerce, were members of the Somali Youth League, and were, generally speaking, opposed to Italian administration. The Darots had been accustomed to dominating the other political factions in Baidoa and had been anxious to retain control over the local political situation, being ready to resort to force if necessary. The other parties had resented such attempts to dominate them, and, as a result, disorder had broken out. Luckily, the police authorities had been able to intervene in time to localize the trouble. A number of persons had been denounced to the police and had been arrested; the police had been able, without resorting to extreme or extraordinary measures, to pacify the people and restore complete calm throughout the Territory.

5. In addition to police action, the Italian Administration had taken steps to convince the people that a democratic State could not be created by violence but must be founded on respect for law and order and on equality for all without distinction as to race, religion or political belief. That policy had already produced

¹ See *Rapport du Gouvernement italien à l'Assemblée générale des Nations Unies sur l'administration de la Somalie placée sous la tutelle de l'Italie, Avril 1950 - Décembre 1950, Ministère des affaires étrangères.*

results, and since May 1950 there had been no further cases of collective violence in Somaliland. There had however been a number of incidents resulting mainly from tribal disputes over wells and pasture land. The Administration had discussed those matters with the various tribes and had managed to arrange a peaceful settlement of many of the questions with the result that the number of disputes had decreased to a considerable extent.

6. During a change in administration, misunderstandings were inevitable, particularly where the people concerned were still in a backward stage of development. Violence had ceased when the population had learned that such action would not help their country and that the Administering Authority intended to permit the various political parties to continue their activities with all possible freedom. The population was now convinced of the Administration's good intentions, and he thought it most unlikely that further cases of collective violence would occur. In addition, there was evidence of greater co-operation among the political parties, and that augured well for the future of Somaliland.

7. In reply to a further question by Mr. SAYRE (United States of America) regarding the participation of the various political parties in the Territorial Council, Mr. FORNARI (Special representative for Somaliland) explained that all political parties were represented on the Territorial Council and members also participated in the committee appointed to sit between sessions of the Council. The legislative authority was now vested in the Administration, which, in accordance with the Trusteeship Agreement, took no decisions until it had consulted the Territorial Council. It was now compulsory to consult the Council on all questions connected with the alienation of land, and in such matters the agreement of two-thirds of that body was required. The powers of the Council were to be gradually extended, first to the budget, and later to the question of a recasting of the system of paying tribute. It would be some time, however, before that body could be elected directly by the people. In the meantime, the Administration was doing its utmost to ensure that the Council was truly representative of the Somali people.

8. Mr. SAYRE (United States of America) noted that reference was made in the report to a regional tribunal for dealing with disputes between indigenous groups. He thought that was a unique experiment in judicial procedure and wondered whether the special representative would describe how the tribunal functioned.

9. Mr. FORNARI (Special representative for Somaliland) said the regional tribunal had achieved notable results in settling collective inter-tribal disputes which were usually subject to customary law. He pointed out that under the Trusteeship Agreement the Administration was compelled to apply customary law as well as European and Moslem law. That was a relatively simple matter in the case of crimes committed by individuals. It was more difficult to decide how customary law was to be implemented in the case of

inter-tribal differences. It was for that reason that the regional tribunal had been set up.

10. Guilt was established through the traditional legal procedure. When a tribe was found guilty, the regional tribunal levied a monetary fine on the tribe as a whole, which apportioned the payment among its members as it saw fit. The sums thus paid to the Administration were used to carry out public works projects of benefit to the whole tribe.

11. In some cases, in addition to imposing a fine on the guilty tribe as a whole, certain individuals who were found to bear a large measure of the responsibility for the same crime were sentenced to imprisonment.

12. In collective disputes it was exceedingly difficult to discover the true culprit. There was no doubt that the tribe bore collective responsibility for the offence if it shielded the guilty person. It was in such matters that the regional tribunal had functioned most successfully. Individuals accused of crimes were considered innocent until proven guilty and were punished in accordance with the provisions of the penal code.

13. Mr. DE MARCHENA (Dominican Republic) observed that the legal status of the indigenous inhabitants was to be defined after the Italian Government had ratified the Trusteeship Agreement. In considering that question, it should be borne in mind that there was a vast difference between citizenship and nationality.

14. Mr. FORNARI (Special representative for Somaliland) said that the Administration had made little progress as yet in studying a nationality law. He was therefore not in a position to comment on the relationship between citizenship and nationality. The question was a most important and difficult one in Somaliland and he would welcome the views of the Council on the problem. Furthermore, in view of the complex nature of the matter, the Administration intended to ask the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration for its views on the subject before any legislation on nationality was passed.

15. Mr. DE MARCHENA (Dominican Republic) stressed that in law, nationality was acquired by birth whereas citizenship was conferred by the State upon the fulfilment of certain requirements. When studying legislation on nationality for Somaliland, the Administration would do well to bear that distinction in mind.

16. He then asked the special representative for information concerning the ratification of the Trusteeship Agreement by Italy.

17. Mr. FORNARI (Special representative for Somaliland) said that the Italian Government had already approved the Trusteeship Agreement. That text was now before the Italian Parliament which, he had been informed unofficially, would take up the matter in the near future.

18. With regard to possible obstacles to the establishment of civil registers which might arise from traditions or customs, he pointed out that there was of

course the problem of organization. The main difficulty, however, was to make a relatively backward population understand why the authorities should be furnished with certain information and why failure to give such information should be punishable.

19. The Administration intended to establish civil register offices and in the near future such offices would be operating in many of the principal centres. How successfully they would operate could not be foretold, but in the towns the people were sufficiently advanced to co-operate with the Administration, and in those areas some positive results were ensured.

20. Mr. MATHIESON (United Kingdom) said one of the most notable features of the report was the stress placed on the provisions of the Trusteeship Agreement, which laid upon the Administering Authority the duty of preparing the Territory for independence within ten years. The institutions which had been established should be viewed against that background. In that connexion, he wondered whether the special representative felt that the somewhat complex system which had been set up was the simplest form of administrative structure which could efficiently serve the needs of the Territory?

21. Mr. FORNARI (Special representative for Somaliland) doubted whether the administrative organization set up by the Italian authorities on the basis of the organization taken over from the British Administration could advantageously be simplified.

22. Instead of following the former Italian colonial system of establishing three central departments, it had seemed better to establish sixteen departments which formed independent bureaux since they could become the nuclei of the future ministries of the independent Somali State. Other departments had been established as separate units to ensure direct communication with the Administrator. The Italian authorities were prepared however to modify that organization as experience dictated.

23. In addition, the Territory was large and its administration would be extremely difficult if the number of Residencies were reduced. In fact the Somalis were constantly requesting that their number should be increased.

24. The Residencies had been grouped into six *Commissariati Regionali* (provincial units) in accordance with the different characteristics of the regions. The Italian Administration felt that the present division of the Territory would prove to be the best way for it to become a democratic State, the ideal towards which it wished to guide the Territory within the time allotted.

25. Mr. MATHIESON (United Kingdom) thought that explanation served to stress the necessity for training Somalis to assume an increasing number of administrative functions.

26. On page 20 of the annual report, it was pointed out that efforts were being made gradually to train local inhabitants in executive duties. He was particularly interested in the scope of the School of Political Administration. He also wondered whether anything

was being done, apart from the establishment of the school, to encourage participation on the part of the Somalis in the work of the Administration and to widen the scope of the duties now being performed by Somalis already in the Administration.

27. Mr. FORNARI (Special representative for Somaliland) said there were about 3,000 Somalis in the Administration, in addition to some 900 employed in an executive or legislative capacity. Furthermore, in a circular dated 28 March 1951 he had asked all *Commissariati*, Residencies and Departments to train their Somali employees for more responsible duties and to draw up plans for increasing their functions. Detailed projects had already been received providing for the participation of Somalis in the administration of the Territory on an increasing scale in technical and police services. Others would be trained in the School of Political Administration to assume higher posts of a political and administrative nature.

28. Mr. MATHIESON (United Kingdom) noted that the Territorial Council was largely composed of nominees from the residency councils. He wondered whether the special representative could explain in more detail the process of selection, election or nomination of the members of the residency councils?

29. Mr. FORNARI (Special representative for Somaliland) said that each Council was composed of tribal chiefs elected by their people, representatives of the political factions appointed by their parties, market and village chiefs, and a number of notables chosen from among the religious and cultural leaders of the community. Thus, the residency council became a miniature Territorial Council which the Resident was expected to consult on various questions affecting the Residency. It therefore helped not only to administer the Residency but also to train the people in deliberative proceedings on matters other than purely tribal questions.

30. The proportion of the groups represented in the residency councils varied from district to district in accordance with the number of tribes, villages and markets and political parties in the area. The only limitation was that the number of notables should not exceed the number of tribal chiefs.

31. Tribal chiefs were automatically members of the council, as were the village and market chiefs and the representatives of political parties. The notables were selected by the Resident with the approval of the Central Administration, which examined any complaints relating to the council and which had the power to alter decisions of the Resident.

32. Mr. SOLDATOV (Union of Soviet Socialist Republics) noted from page 18 of the report that no organic law defining the status of the Territory had yet been promulgated and asked what steps the Administering Authority was taking in the matter.

33. Mr. FORNARI (Special representative for Somaliland) replied that the Italian Government was considering that question in its study on the legal implications of the Trusteeship Agreement. For his part, he felt that the Trusteeship Agreement might suffice in

itself and that there was perhaps no need for a specific organic law defining the status of the Territory. In his opinion, what was really needed in Somaliland was a whole new set of laws covering every field, the aim of which would be the application of the terms of the Trusteeship Agreement. The existing legislation was a mixture of all the ordinances and regulations issued by the various authorities which had administered Somaliland in the past.

34. Mr. SOLDATOV (Union of Soviet Socialist Republics) said that several petitions received from Somaliland showed that some of the laws promulgated prior to the Second World War were being reintroduced; petition T/Pet.11/23 indicated that the Italian fascist law has been restored. It was stated on page 43 of the annual report that the legal system in Somaliland was based on a regulation approved by Royal Decree No. 1638 of 20 June 1935; consequently the basic regulations were those of 1935. In that connexion, he asked what legislation was applied with regard to land tenure and property rights and what steps the Administering Authority was taking to replace the laws promulgated prior to the Second World War by new legislation which would reflect the principles of the Trusteeship Agreement.

35. Mr. FORNARI (Special representative for Somaliland) explained that, on taking over the administration of the Territory, the Italian Government had discovered that the legislation in force was made up partly of laws promulgated prior to the Second World War, at the time when the Territory had been an Italian colony, and partly of British proclamations amending the original laws. The British proclamations had removed any aspects of the original laws which might be regarded as contrary to democratic principles. Since it could not immediately enact a whole new legislation for the Territory, the Italian Government had decided to retain for the time being the legislation as it had been applied under the United Kingdom administration.

36. With regard to the regulation approved by Royal Decree in 1935, he pointed out that it had been amended by regulation No. 7 of 20 April 1950 so that it was now perfectly in line with the Trusteeship Agreement. He would be glad to supply copies of the regulation and the amendment for any members who wished to consult them.

37. The Administering Authority was taking definite steps to replace the old legislation by new laws. For example, the Act governing mining concessions had been found to clash with the terms of the Trusteeship Agreement and the Administering Authority had therefore drafted a new law. That draft had been submitted to the Territorial Council and to the United Nations Advisory Council for their comments. The Territorial Council had already submitted its comments, but the Administering Authority was still awaiting those of the Advisory Council before promulgating the new law in its final form. That procedure would be followed in all cases where new legislation was needed.

38. With regard to land tenure and property rights, the original legislation was still technically in force,

but it was not applied because it was not in conformity with the terms of the Trusteeship Agreement. New legislation was being prepared on the subject and no concessions of land would be made until it came into force.

39. Mr. SOLDATOV (Union of Soviet Socialist Republics) said that he would be glad to receive a copy of the regulation approved by Royal Decree in 1935 and amended in 1950. He also felt it would be useful for members of the Trusteeship Council to have access to complete records of all the proceedings of the Territorial Council of Somaliland. For example, it would be interesting to know what type of comments the Territorial Council had made regarding the proposed new legislation on mining concessions.

40. Mr. ALEKSANDER (Secretary of the Council) said that the Secretariat had received a number of copies of the records of the Territorial Council, but he was not sure whether the record referring to the point raised by the USSR representative had arrived yet.

41. Mr. FORNARI (Special representative for Somaliland) explained that the record on mining concessions had not yet been published since the session at which the legislation on mining concessions had been discussed had only just ended. As far as he could recall, the discussion had dwelt mainly on the period for which concessions should be granted, opinions varying as to whether the time limit should be fixed at forty or fifty years.

42. Mr. SOLDATOV (Union of Soviet Socialist Republics) noted from page 186 of the report that the local newspaper *Corriere della Somalia* often published articles written by the indigenous inhabitants on the political, economic and social problems of the Territory. In those circumstances, it would be interesting for the members of the Council to receive copies of back numbers of the newspaper.

43. Mr. ALEKSANDER (Secretary of the Council) said that the Secretariat had received copies of the newspaper covering the period from February to May 1951.

44. In reply to a request by Mr. SOLDATOV (Union of Soviet Socialist Republics) Mr. FORNARI (Special representative for Somaliland) said that he would ask for copies of the newspaper covering the whole period since the Italian Government had taken over the administration of Somaliland to be sent immediately, but that they would probably not arrive for at least two weeks.

45. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked for additional information regarding the political programmes of the *Conferenza della Somalia* and the Somali Youth League.

46. Mr. FORNARI (Special representative for Somaliland) said that prior to the establishment of the Italian administration, the main question dividing the political parties had revolved around who should administer the Territory. Since that question had been settled, the differences between the various parties had

become less accentuated. All parties favoured rapid progress towards independence, but the Somali Youth League was the party which laid the most stress on that point. The African Union Party, an organization which had recently seceded from the *Conferenza della Somalia*, differed from the Somali Youth League in favouring a very gradual evolution from the tribal system rather than the rapid development advocated by the League. The main difference between the parties lay in their methods. The *Conferenza* believed it could work best through close collaboration with the Administering Authority, while the Somali Youth League had adopted an attitude of opposition which now took the form of constructive criticism rather than the purely negative attitude adopted by the party before the arrival of the Italian Administration.

47. In reply to a further question by Mr. SOLDATOV (Union of Soviet Socialist Republics), Mr. FORNARI (Special representative for Somaliland) explained that there had been no change in leadership in the Somali Youth League. The party had simply moderated its attitude because it had discovered that more could be achieved through constructive criticism than through completely negative opposition and refusal to participate. The Administering Authority was quite glad of the criticism because it too was working towards the independence of Somaliland.

The meeting was suspended at 4.5 p.m. and resumed at 4.25 p.m.

48. Mr. SOLDATOV (Union of Soviet Socialist Republics) recalled that, at the previous meeting, there had been some discussion regarding the number of members in the two main political parties. The special representative had been unable to give any exact figures at that time. He wondered whether the leaders of the parties themselves could make any definite claims regarding their membership or whether they too were unable to arrive at a definite figure.

49. Mr. FORNARI (Special representative for Somaliland) explained that it was very difficult in a country like Somaliland to obtain any definite statistics. The leaders of both parties naturally claimed that their party was the larger, but he doubted whether they could produce any documentary evidence in support of a definite figure.

50. Mr. SOLDATOV (Union of Soviet Socialist Republics) recalled that the Administering Authority had thought fit to assign four seats in the Territorial Council to the *Conferenza* and only three to the Somali Youth League, in spite of the difficulty of determining the exact membership of the two parties. He could only assume, therefore, that the allocation of seats had been purely arbitrary.

51. M. FORNARI (Special representative for Somaliland) did not agree with that assumption. Although the Administering Authority could not carry out a study to establish the exact number of members in each party, it could arrive at an approximate estimate of their relative sizes. The Four Power Commission of Investigation for the Former Italian colonies had concluded in its report (vol. II) in 1948 that the

Conferenza was somewhat larger than the Somali Youth League and the Administering Authority had confirmed that conclusion from its own experience. That was why four seats in the Territorial Council had been assigned to the *Conferenza* and only three to the Somali Youth League.

52. Mr. SOLDATOV (Union of Soviet Socialist Republics) noted from the report that all the executive posts in the Central Administration were occupied by Italians and asked what measures were being taken by the Administering Authority to ensure the participation of the indigenous inhabitants in the administration of the Territory.

53. Mr. FORNARI (Special representative for Somaliland) said that it was a very difficult problem to train sufficient numbers of indigenous inhabitants to take over the entire administration within the short period of ten years. The Administering Authority was however taking steps toward that end. In the first place, the indigenous inhabitants were afforded an opportunity to exercise their right of discussion and to interest themselves in the administration of the Territory through the Territorial Council and the residency councils. Secondly, there was the School of Political Administration, in which approximately forty students had been enrolled up to date. Lastly, the Administering Authority was trying to prepare the indigenous inhabitants who occupied minor posts in the administration for promotion to the senior posts.

54. The problem of educating the indigenous inhabitants for independence was extremely important and the Administering Authority would be very glad to consider any advice the Trusteeship Council or the Advisory Council might have to offer on the subject.

55. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked for further information regarding the School of Political Administration. In particular, he wished to hear details about the curriculum of the school, the conditions for admission and the type of posts the graduates were trained to occupy.

56. Mr. FORNARI (Special representative for Somaliland) explained that the school was still in its first year and in a purely experimental stage. It had been started in January 1951 and the first students had passed a fairly simple examination consisting of an essay in any written language (Arabic, Italian or English) and an oral examination. The school's curriculum, which might be revised in the light of experience, had been established by a scholastic council made up of Italians and members of the indigenous population. The curriculum included courses in Arabic and Italian; administrative practices and principles; the principles of political economy; history; law and general knowledge, including the principles of the United Nations. At the end of the first year — which had been compressed into four months since the school had only opened in January — the students had sat an examination for admission to the second year courses. An examination for new students would soon be held. The Administering Authority had a long-term education programme and the school's curriculum would probably take more definite shape after a little experience had been gained.

57. The aim of the school was to train officials who could take over the leading posts in the Administration. On leaving the school the students would naturally be free to choose the type of employment they wished and those who desired administrative posts would either be made Assistant Resident in one of the Residencies or else would be given a directorial post in the Central Administration. At first, those students would work together with Italian officials of the same rank and eventually it should be possible to leave them to carry out the work on their own.

58. Mr. SOLDATOV (Union of Soviet Socialist Republics) pressed for concrete information on the exact posts for which the graduates would qualify. He wondered how the Administration would decide which graduates should be sent to the Health or Finance Departments, for instance, when none of them had had any special training for any specific department.

59. Mr. FORNARI (Special representative for Somaliland) replied that the school's aim was to train pupils for executive posts in the Administration and not for purely technical posts. In most administrations there was a clear-cut distinction between the executive staff, which determined policy, and the technical staff, which carried it out. There would be a preparatory stage and the graduate would not become immediately a chief executive officer. First, he would be assigned as assistant to the chief of a bureau, then he might become the chief or a general administrator.

60. In reply to a question asked by Mr. SOLDATOV (Union of Soviet Socialist Republics) about the life of the students and their material circumstances, Mr. FORNARI (Special representative for Somaliland) said that most of them either had employment or were supported by their families. There was no need for any scholarships at the moment, but plans were being made to provide lodging facilities for all needy students in the future. He confirmed that the duration of the course was three years.

61. Mr. SOLDATOV (Union of Soviet Socialist Republics) referred to page 180 of the annual report which stated that the Italian State had decided to grant eighteen scholarships each year to African students for studies in Italy, and asked whether any Somalis had thus far received such scholarships.

62. Mr. FORNARI (Special representative for Somaliland) replied that no Somali was sufficiently educated at present to attend university courses. He pointed out that, in addition to the eighteen scholarships granted by the Italian State, the Administration of the Territory would also grant scholarships to promising students.

63. Mr. SOLDATOV (Union of Soviet Socialist Republics) referred to page 21 of the report, which stated that immigrants enjoyed all guarantees in their activities and that they were assured participation in the Administration, and asked what immigrants were meant in that paragraph.

64. Mr. FORNARI (Special representative for Somaliland) said it referred to all the inhabitants of Somaliland who had been born outside the Territory,

namely, Arabs, Indians, Pakistanis and Italians. There were only a few thousand such immigrants in the Territory.

65. Mr. SOLDATOV (Union of Soviet Socialist Republics) inquired about the respective percentages of Administration posts held by those various immigrants, because the tables in the report merely spoke of Italians, Somalis and "others", without giving any further detail.

66. Mr. FORNARI (Special representative for Somaliland) said he would give a detailed reply to that question at the following meeting of the Council.

67. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked whether the guarantees granted to immigrants were also assured to the indigenous population.

68. Mr. FORNARI (Special representative for Somaliland) replied that all the inhabitants of the Territory enjoyed equal rights and opportunities.

69. Mr. SOLDATOV (Union of Soviet Socialist Republics) said he was interested in actual practice rather than in statements of principle, for there was often much discrepancy between the two. He realized, however, that his question was too general in character, involving as it did every aspect of the Administration, and he would not therefore press for a reply.

70. Page 39 of the report stated that after the war new forces had emerged which wished to break with tradition and to achieve a more modern way of life. Those forces, still small in numbers, were organized in political parties which were legally recognized and which were free to carry out their activities throughout the Territory. He asked what steps the Administration was taking to support those progressive forces.

71. Mr. FORNARI (Special representative for Somaliland) said the Administration was convinced that those forces would provide the basis for a free and sovereign Somaliland. However, they still lacked experience and the Administration was encouraging their participation in various councils and committees while avoiding too sudden a disruption of the tribal system.

72. Mr. SOLDATOV (Union of Soviet Socialist Republics) thought it was strange in those circumstances that progressive parties should have been allocated only seven seats on the Territorial Council as compared to twenty-one allocated to the backward tribal system. The reverse would have been more logical.

73. Mr. FORNARI (Special representative for Somaliland) said that that proportion had been recommended by the Advisory Council itself. Two considerations should be borne in mind: first, it was essential to avoid too sudden a disruption of the tribal system, which would lead to chaos; secondly, the Territorial Council had to be representative of the Territory, which for the time being was still predominantly attached to the tribal system. The political parties represented only about 10 per cent of the population; as time went by, they would increase their following not only in

towns but also in the country. He naturally hoped that the process would be a rapid one.

74. Mr. SOLDATOV (Union of Soviet Socialist Republics) referred to page 23 of the report, which stated that the Administration had always consulted the Advisory Council on all important matters. He asked for some clarification of that point in connexion with paragraph 74 of the Advisory Council's progress report to the General Assembly for the period up to 31 July 1950 (A/C.4/178), dealing with the position of the Advisory Council and its relations with the Administration.

75. Mr. FORNARI (Special representative for Somaliland) confirmed that the Administration had always consulted the Advisory Council on all important matters.

76. Mr. DE HOLTE CASTELLO (Colombia) confirmed, in his capacity as member of the Advisory Council, that the Council had advised the Administration of many matters, including the composition of the Territorial Council.

77. Mr. SOLDATOV (Union of Soviet Socialist Republics) referred to page 27 of the report and inquired about the duties of the *carabinieri* as distinct from those of the police corps.

78. Mr. FORNARI (Special representative for Somaliland) said their task was to train and officer the Somali personnel of the police. There were only about 500 *carabinieri* in the Territory and that number would decrease as more and more Somalis were trained for responsible posts in the police. Four or five posts of chiefs of police would be turned over to Somalis during the current year.

79. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked for information about the Security Corps which had been sent to Somaliland to replace the British occupation forces there.

80. Mr. FORNARI (Special representative for Somaliland) said that the Security Corps was under the orders of its own general, who was responsible to the Administrator of the Territory. All its expenditure was borne by the Italian State. Under an agreement with the previous administering Power, Italy had had to send to Somaliland exactly the same number of troops as the number withdrawn by that administering Power. Consequently 6,000 troops had been landed in April 1950; 4,500 had already been repatriated, and only 1,000 would be left by 15 December 1951. That number was regarded as sufficient for the training of the Somali forces provided for in the Trusteeship Agreement.

81. Mr. SOLDATOV (Union of Soviet Socialist Republics) recalled that a report published in the *New York Herald Tribune* on 25 May 1950, had stated that strongly armed troops were in evidence everywhere, that artillery training was taking place within a few miles of Mogadiscio and that fighter planes were

roaring over the city. That statement had never been denied.

82. Mr. FORNARI (Special representative for Somaliland) replied that there was only one battery of four guns in Somaliland. As for the planes, there had been only six transport planes, three fighters and three reconnaissance planes in the Territory at the time. The fighting and the reconnaissance aircraft had been sent back to Italy since then. The Press report in question was obviously an exaggeration, to say the least.

83. Mr. SOLDATOV (Union of Soviet Socialist Republics) referred to page 44 of the annual report, which stated that the Administrator, the Residents and the regional commissioners had the right to administer justice. He wondered whether that was compatible with the principle of the complete independence of the judiciary.

84. Mr. FORNARI (Special representative for Somaliland) said it was true that certain judicial functions were exercised by the Residents and the commissioners. Their independence in the matter was, however, ensured by the fact that they could not be punished because of any sentences they had passed. He agreed that that was not an ideal system and pointed out that, as stated on page 44 of the annual report, a new system was under study. Under that system the judiciary would be completely separated from the executive.

85. Mr. SOLDATOV (Union of Soviet Socialist Republics) said it appeared from a statement made by the special representative earlier in the discussion that a whole tribe could be held responsible for crimes which might have been committed by some individual or individuals, and that there was in fact a system of collective responsibility. He wondered whether the special representative could quote some instances of judicial decisions when tribes had been charged with certain crimes and punished accordingly.

86. Mr. FORNARI (Special representative for Somaliland) emphasized that there was no system of collective punishment for individual crimes, which were tried under Italian or Koranic law. Collective punishment was imposed only in respect of collective offences, such as a fight between two tribes over a water well or pasture land. In former times, such fights would have led to feuds or vendettas, so that the existing system of collective responsibility and punishment represented great progress in that part of the world. He would be glad to supply the USSR representative with the minutes of one of the proceedings of regional tribunals which dealt with such collective offences.

87. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked that he might be supplied with the minutes not of one but of several of the regional tribunals dealing with those questions.

The meeting rose at 6.5 p.m.