

TRUSTEESHIP COUNCIL

Twentieth Session

Tuesday, 21 May 1957,
at 2.35 p.m.

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President: Mr. John D. L. HOOD (Australia).

Present:

The representatives of the following States: Australia, Belgium, Burma, China, France, Guatemala, Haiti, India, Italy, New Zealand, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of the following specialized agencies: International Labour Organisation; United Nations Educational, Scientific and Cultural Organization; World Health Organization.

Examination of petitions (T/L.764)

[Agenda item 5]

ONE HUNDRED AND NINETY-SECOND REPORT OF THE STANDING COMMITTEE ON PETITIONS: PETITIONS CIRCULATED UNDER RULE 85, PARAGRAPH 2, AND COMMUNICATIONS CIRCULATED UNDER RULE 24, OF PROCEDURE OF THE TRUSTEESHIP COUNCIL (T/L.764)

1. Mr. SMOLDEREN (Belgium), Chairman of the Standing Committee on Petitions, explained that the Committee was in a very difficult position owing to the fact that there had been no interval between the nineteenth and twentieth sessions of the Council and that considerable delay had occurred in the Committee's work on account of the large number of petitions.

2. The Committee had begun its work on 9 May, and not on 20 May, as had been planned. During its five meetings it had been able to complete the examination of all the petitions from Somaliland under Italian administration although it had been anticipated that that task would need eleven meetings.

3. After thanking the members of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration, who had given the Committee valuable assistance, he introduced the one hundred and ninety-second report of the Standing Committee on Petitions (T/L.764) and invited the Council to come to a decision on paragraph 3 and to take note of paragraphs 5 and 6.

4. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that the Committee had not taken advantage of all the time at its disposal; sometimes the Committee did not meet for days, despite the fact that it had more than one thousand petitions on its agenda. He expressed the hope that it would be able to meet more frequently and that the special representatives of the Administering Authorities would be available to it so it would be in a position to examine a larger number of petitions at the present session.

5. Mr. SMOLDEREN (Belgium) replied that all but one of the forty-two petitions from Somaliland under Italian administration had been examined. The Committee had still to adopt its reports, which it could do as soon as the documents were ready and translated into the working languages. With reference to the eleven petitions from Tanganyika and the two petitions from New Guinea, the special representatives of those Territories had not yet arrived in New York.

6. Turning to the question of petitions from the Cameroons under French administration, he said that the presence of the special representative, Mr. Deniau, in the Territory was indispensable as a new Legislative Assembly was being set up, and in the meantime the Committee had thought it well to examine first the petitions from the Territories whose situation would be examined by the Council during the present session. Moreover, the number of petitions received from the Cameroons under French administration was so great that it would doubtless be necessary to follow new methods to expedite their examination.

7. He emphasized that the Committee could not have held more meetings than it had. By 20 May it had completed the work which, according to forecasts, should have been completed by 3 June.

8. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) noted that the Standing Committee on Petitions did not meet every day as it should. The Soviet delegation felt that that situation was irregular and requested that the necessary remedial action be taken.

9. The PRESIDENT put to the vote the recommendations in paragraphs 5 and 6 of the report (T/L.764).

The recommendations were adopted.

10. Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the regular procedure laid down in the rules of procedure should be applied to the petitions listed in paragraph 3 of the report (T/L.764): the Standing Committee would examine such petitions and submit to the Council any recommendations that it felt necessary.

The USSR proposal was rejected by 7 votes to 5, with 2 abstentions.

Examination of the annual report of the Administering Authority on the administration of the Trust Territory of Somaliland under Italian administration for 1956 (T/1315, T/1321, T/L.765)

[Agenda item 4 (e)]

Financing of the economic development plans of the Trust Territory of Somaliland under Italian administration: report of the Mission of the International Bank for Reconstruction and Development to the Trust Territory of Somaliland under Italian administration (Trusteeship Council resolution 1255 (XVI)) (T/1296)

[Agenda item 11]

Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration (T/1311)

[Agenda item 16]

At the invitation of the President, Mr. de Holte Castello (Colombia), Mr. El-Zayat (Egypt) and Mr. Baradi (Philippines), representatives of States members of the United Nations Advisory Council for the Trust Territory of Somaliland, under Italian Administration and Mr. Zadotti, special representative of the Administering Authority for the Trust Territory, took places at the Council table.

OPENING STATEMENTS

11. Mr. GRILLO (Italy) introduced the annual report¹ in which the Administering Authority described the political, economic, social and cultural condition of Somaliland under Italian administration in 1956, and also the steps taken to complete the constitutional structure of the Territory, in view of its forthcoming independence.

12. After paying a tribute to the memory of the late Mr. Salah, representative of Egypt on the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration, he expressed his Government's gratitude to that Council for its co-operative spirit and its well-informed opinions. The constitution of a legislative assembly had given rise to a new situation, for which the Administering Authority was not responsible, and the Advisory Council was not entitled to advise Somali legislative bodies. New methods would therefore have to be adopted if it was to continue its task, bearing in mind the wishes of the Somali Government and the desire of the Italian Administration to interfere as little as possible in the administration of the Territory in order that the Somalis might learn to assume responsibility for their legislative decisions.

13. He recalled the work done by the Legislative Assembly and the Somali Government in 1957: the former had, in particular, passed a law widening the field of activity of the Somali Credit Institute, a banking

¹ *Rapport du Gouvernement italien à l'Assemblée générale des Nations Unies sur l'administration de tutelle de la Somalie, 1956, Ministry of Foreign Affairs (Rome, Istituto Poligrafico dello Stato P.V., 1957). Transmitted to members of the Trusteeship Council by the Secretary-General under cover of document T/1315.*

institution, and also a law on foreign trade, and had adopted the 1957 budget. The Government had set up a Somali administration and had had to face the repercussions of the blocking of the Suez Canal. Since 1 January 1957 Italian advisers had ceased to take part in the meetings of the Council of Ministers. The first session of the Legislative Assembly had opened at Mogadiscio at the end of April 1957. Its task would be to prepare the electoral law on the basis of which the second Legislative Assembly would be elected. That Assembly would have, *inter alia*, the task of drawing up a constitution and, by the end of 1958, Somaliland would have the four essential basic institutions of a sovereign State: a constitution, a head of State, a government and a parliament.

14. One of the major points in the Government's programme was that of defining the juridical status of the Somali people in order to regulate their citizenship and the citizenship of non-Somalis who aspired to such status.

15. With regard to women's suffrage, the Administering Authority had always maintained that the decision should be left to the Somalis themselves in view of the importance and delicacy of the problem. The Council would note that women's suffrage was one of the aims of the Government's political programme.

16. Public order in Somaliland was good and tribal relations had improved. Military expenditure had been reduced. An Italian delegation was shortly leaving for Addis Ababa to resume negotiations for defining the frontier between Ethiopia and Somaliland under Italian administration in pursuance of General Assembly resolution 1068 (XI).

17. In the judicial field, new regulations had come into force in May 1956 for the purpose of simplifying civil and criminal law. The Government had also been directed by the Legislative Assembly to prepare a penal code, a code of civil procedure and other codes. There was now complete separation of powers and judges were fully independent.

18. Somalis were gradually taking over the administration of the Territory. If all the Italians and other foreigners had not yet been replaced it was because, despite the training given at the Higher Institute of Legal, Economic and Social Studies and the award of scholarships, there was still a lack of trained personnel.

19. Turning to social questions, he pointed out that the situation with regard to public health was satisfactory. Of course, much remained to be done but the only problem at the moment was lack of means. The Advisory Council stated in paragraph 244 of its report (T/1311) that no demand should be made for the time being to increase medical expenditure to any great extent. Education came exclusively within the competence of the Somali Government. The annual report gave information on the increase in the number of schools, particularly secondary schools, and in school attendance, particularly at girls' schools, on the training of Somali teachers and administrative personnel, and on the increase in the number of scholarships. The Administration had given particular attention to the education of nomads and had been in touch with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to see what could be done about them.

20. In the economic field, it should be remembered that Somaliland under Italian administration was naturally a very poor country with an uncompromising climate and generally unfertile soil which made develop-

ment especially difficult. Neither the discovery of new resources, like petroleum, nor the development of traditional sectors offered prospects of rapid expansion which could profit the Somali economy. The conclusions in the report of the Mission sent to the Territory by the International Bank for Reconstruction and Development (T/1296) were categorical. That did not imply that nothing could be done to improve present conditions; the Administering Authority's annual report gave ample information on work in irrigation and attempts to improve the cultivation of cotton, bananas, etc.

21. One of the most delicate problems facing the Trust Territory was nomadism, which, as his delegation had often asserted, could not possibly be eradicated. The causes lay in geographical conditions: the inadequacy of rainfall and the absence of permanent pastures. Paragraphs 276 to 280 of the Advisory Council's report provided an excellent summary of all the elements of the problem and, together with the reports of the Bank and the Administering Authority, provided the best possible answers to those who refused to consider the nomadism as an aspect of social pathology and who dismissed the idea that the Territory was economically unproductive because 80 per cent of its inhabitants were nomads. In any event, the nomads produced 30 per cent of the Territory's exports. The Administering Authority was doing its best to educate the nomads and to improve their conditions but the difficulties which UNESCO experts had found and which were mentioned in the annual report (p. 115) should always be borne in mind.

22. Concern had been voiced about the consequences of the association of Somaliland with the European common market. The Treaty establishing the European Economic Community had been discussed at the twenty-third session of the Economic and Social Council and would probably be studied by the Economic Commission for Europe at its next session. The role of the Trusteeship Council was to examine the effect of the Treaty on Somaliland without entering into a debate on the subject as a whole. The Italian Government considered that the association of the Trust Territory with the European market was a decisive step towards the assistance of the under-developed countries. The provisions of the Treaty would apply to Somaliland under Italian administration until 2 December 1960, the date on which the Territory would become independent. It would then be for the Somali Government to decide whether it wished to continue to participate in the common market by concluding an agreement of the type contemplated for other countries which had already attained their independence.

23. Article 133 of the Treaty, dealing with the reduction of customs tariffs, stipulated that the reduction contemplated should not be applied to territories which, by reason of a special international obligation, applied non-discriminatory tariffs. The consequence for Somaliland under Italian administration could be easily judged. The Territory would enjoy additional aid for social and infrastructural investments amounting to \$5 million over a period of five years. Under article 133, the Territory was not bound to any special tariff provision in favour of European common market countries. Exports from the Territory would have access to the other five European markets as well as to the Italian markets. The future application of the Treaty to Somaliland was perfectly in line with the foreign trade policy of the Territory as outlined in the annual report.

24. Generally speaking, the Italian delegation shared the Bank's conclusions on the Territory's economic situation with the exception of some which appeared a little too pessimistic, particularly with regard to the cost of exporting bananas at a competitive price and to cotton production. In all the fields where the Bank's report hinted at the possibility of development, plans had been made at least until 1960. However, the fact remained that, if the Territory was to live on its present resources, technical and financial assistance would be required for a number of years after the termination of trusteeship for its own capital would be inadequate. It was most unlikely even that it would succeed in balancing the 1960 budget. The funds necessary could be roughly estimated at \$4 million per year as a beginning. If such aid were not forthcoming most of the work would have to be held up. It was difficult to prepare development plans without knowing how much financial aid Somaliland would receive in 1960.

25. Technical assistance could be provided by the United Nations whose responsibility it was to see that the new State, its own protégé, should not go bankrupt. The financial aid necessary had been assessed by the Italian authorities and the Bank at 32 million somalos, of which 15 million would be needed to balance the ordinary budget, 10 million for economic development and 7 million for technical assistance. The Italian Government could not undertake to provide that sum so long in advance, because the Italian Constitution required parliamentary ratification in such a case. However, the Italian Government was ready to offer assistance in so far as the Somalis were willing to accept it.

26. Another factor in the economic development of the Territory was capital investment. The Government welcomed foreign private capital and was ready to give it all possible guarantees. It would be interested in learning the Council's opinion on the question of private investments, particularly as the Italian banks were studying the question of guaranteeing private investments amounting to 22 million somalos.

27. In conclusion he asked the Council to study the various problems on a scientific economic basis. His delegation reserved the right to make various practical suggestions after hearing the representatives on the Council.

28. Mr. BARADI (Philippines), member of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration, recalled the unhappy circumstances of the death of Mr. Kamal Eddine Salah, who had been a friend and an admired colleague of all.

29. As Mr. El-Zayat, the new representative of Egypt on the Advisory Council, had just taken office, Mr. Baradi was presenting the Advisory Council's report (T/1311), which covered a particularly interesting period in the development of the Territory. The Territory now had a Legislative Assembly and a Government, and the Somalis had assumed almost complete legislative and executive responsibility. That important event had led the Advisory Council to consider how, in the new circumstances, it might be of maximum service under its terms of reference. The report showed that the Advisory Council had endeavoured to determine the extent to which the procedures hitherto followed might be altered so as to make the maximum contribution in assisting and advising the Administering Authority. The suggestions made in the report did not imply any criticism of the admirable work of the Administering

Authority. The adoption of the proposed changes would redound to the advantage of all concerned.

30. In the political field, the complete Somalization of the administrative services throughout the Territory seemed to be producing very satisfactory results. Somali officials were in general performing their duties efficiently and conscientiously, and on the whole enjoyed the confidence and co-operation of those entrusted to their administration. The Somalization of the central administrative services was progressing satisfactorily according to the rate at which Somalis could be trained for the more specialized requirements of those services.

31. The delimitation of the border with Ethiopia was a cause of constant concern to the Somalis. It was generally known that in the Fourth Committee (642nd meeting), during the eleventh session of the General Assembly, the Chairman of the Somali Legislative Assembly had spoken in favour of mediation, as had been provided in General Assembly resolution 392 (V). The Somalis had been disappointed that the General Assembly had not recommended the immediate application of that procedure.

32. In the economic field, a significant event had been the visit made to the Territory by the Mission from the International Bank, whose report would be considered by the Trusteeship Council at its present session. At the time when the Advisory Council had prepared its own report, it had not been in a position to comment on the conclusions arrived at by the Mission. The economic development of Somaliland under Italian administration was a matter of first priority, and the Advisory Council hoped that, during the examination of the Mission's report, the Territory's resources would be assessed with a view to utilizing them in the most effective way.

33. The application of the technical co-operation agreement for Somaliland under Italian administration concluded on 28 June 1954 between the Government of Italy and the Government of the United States had materially assisted the Territory, both economically and socially. Because of the importance of that programme, the Advisory Council had included a detailed description of it in its present report.

34. Progress had also been achieved in the social and educational fields, which had absorbed 21.58 per cent of the Government budget for 1957. Preventive medicine was receiving more and more emphasis, as was illustrated by the efforts to eradicate malaria that had been made by the Administration in co-operation with the United Nations Children's Fund and the World Health Organization.

35. Nomadism was a problem that would require much time, patience and money before an ultimate solution could be found. It was a matter of waiting until the nomads spontaneously changed their mode of existence in accordance with an altered economy.

36. The language question continued to occupy the attention of many Somalis. Hardly a day passed that a letter arguing either for or against the development and use of the Somali language did not appear in *Il Corriere della Somalia*.

37. Social insurance and health services had been mentioned in the Advisory Council's report for the first time. The Istituto Nazionale per le Assicurazioni contro gli Infortuni sul Lavoro was endeavouring to lay the foundations for a modern scheme of social insurance.

38. In education, the general programme elaborated in 1956 by a UNESCO expert was being followed. It was encouraging to note that school attendance and the number of girls and women receiving instruction had risen. The Advisory Council's report also recorded two experiments in nomadic and community development conducted by UNESCO, and technical training experiments that were being supervised by an expert from the International Labour Organisation.

39. The Trusteeship Council would find it useful to consult annexes IV and V of the Advisory Council's report, which contained statements made by the Somali Prime Minister on the political and economic programmes of the Government.

40. In conclusion, he paid a tribute both to the Administering Authority for all that it had done and to the young Somali Government on the way in which it had fulfilled its responsibilities.

41. Mr. SALSAMENDI (United Nations Educational, Scientific and Cultural Organization) regretted that UNESCO was not in a position to comment on educational progress in Somaliland under Italian administration because it had not yet received the report on that Territory.

QUESTIONS CONCERNING THE TRUST TERRITORY AND REPLIES OF THE REPRESENTATIVE AND SPECIAL REPRESENTATIVE OF THE ADMINISTERING AUTHORITY

42. Mr. KESTLER (Guatemala) asked whether the date on which the constituent assembly was to begin work had been decided upon.

43. Mr. ZADOTTI (Special Representative) replied that the date would be established by the Legislative Assembly after the census of the nomad population which was in progress had been completed.

44. Mr. KESTLER (Guatemala) wanted to know whether the political elections in February 1956 had been held under the majority system or the system of proportional representation.

45. Mr. ZADOTTI (Special Representative) said that the proportional representation system had been used.

46. Mr. KESTLER (Guatemala) asked for clarification on the scope of article 19 of Ordinance No. I of 5 January 1956, which gave the Administrator the right to dissolve the Assembly if it could not exercise its functions or exercised them in such a way as to be prejudicial to the normal development of legislative activity.

47. Mr. ZADOTTI (Special Representative) explained that that provision was for use in extreme circumstances. It was a sort of safeguard so far as the responsibilities of the Administering Authority were concerned. In the event, for instance, that the Legislative Assembly passed something which was contrary to the principles of the United Nations Charter or of the Trusteeship Agreement and had confirmed it after the Administrator had refused his approval, the Assembly could be dissolved under that provision. The legislative activities of the Territory would not be seriously interrupted by the application of article 19 because, in the event the Assembly was unable to fulfil its normal functions, it would have to be re-elected within three months.

48. In reply to a further question by Mr. KESTLER (Guatemala), Mr. ZADOTTI (Special Representative) pointed out that the ordinance providing that the Legis-

lative Assembly might entrust certain legislative powers to the Administration for a limited period of time had been issued before the Somali Government had been established. That provision was no longer in effect, and those powers now belonged to the Government. The powers in question were those which a legislative body might normally delegate to the executive.

49. Mr. KESTLER (Guatemala) asked for details about the system of interpellation.

50. Mr. ZADOTTI (Special Representative) said that it was a normal parliamentary procedure under which a member of the Assembly could interpellate the Government on certain subjects, and the Government would have to reply. It was for the Parliament to decide whether it was satisfied and whether its confidence in the Government should or should not be withdrawn.

51. Mr. KESTLER (Guatemala) referred to Act No. 1 of 7 May 1956, appearing on page 136 of the annual report of the Administering Authority, and asked whether the Administrator was obliged to choose the Ministers from the majority political party.

52. Mr. ZADOTTI (Special Representative) replied that while the Ministers were appointed formally by the Administrator, they were actually designated by the Prime Minister when he was forming his Cabinet. Of course, he chose them in response to the wishes of the Assembly, but he had ample freedom to choose the Ministers whom he wished to have in his Government.

53. Mr. GRILLO (Italy) pointed out that the institutions in Somaliland under Italian administration were democratic, and similar to those existing in all parliamentary countries. The provisions relating to the dissolution of the Assembly, the right of interpellation and the appointment of Ministers were all on the same lines as in most democratic countries. With regard to the Guatemalan representative's last question, he explained that, as in Italy, the head of State appointed the person who was most likely to win a vote of confidence from the Assembly. If the Parliament was not satisfied, it would not give a vote of confidence to the Prime Minister chosen by the head of State.

54. Mr. LOBANOV (Union of Soviet Socialist Republics) wished to know why the Advisory Council had presented so few conclusions on draft legislation and how it had come about that the Council of Ministers had not in practice been able to take advantage of the services of the Advisory Council.

55. Mr. ZADOTTI (Special Representative) pointed out that the powers of the Advisory Council were in close relation to those of the Administering Authority. If the Administering Authority was gradually surrendering some of its powers to the Somali people, the Advisory Council likewise would be losing some of its powers. The Administering Authority did not consider itself empowered to ask the Advisory Council to advise sovereign bodies such as the Legislative Assembly or the Council of Ministers.

46. Mr. LOBANOV (Union of Soviet Socialist Republics) recalled that the Advisory Council was supposed, in particular, to help the Legislative Assembly to reach decisions on proposed legislation. That meant that advice given by the Council would in no way restrict the Government's initiative.

57. He then asked why the Advisory Council had not been kept informed by the Administering Authority on progress made with regard to plans for the economic development of the Territory and on their execution.

58. Mr. ZADOTTI (Special Representative) replied that the Administering Authority was not responsible for establishing new relations between the Advisory Council and the Somali bodies. The Trusteeship Agreement provided that the Advisory Council was to aid and advise the Administering Authority. The Administering Authority accordingly could not, without prejudicing the powers of the Legislative Assembly and the Council of Ministers, accept the principle that the Council should aid and advise freely elected Somali bodies.

59. While, under article 8 of the Trusteeship Agreement, the Administering Authority was to seek the advice of the Council on general plans, it was not required to submit progress reports to the Council on everything that it did. In that case, the Advisory Council would no longer be advising the Administering Authority, but controlling it.

60. Mr. LOBANOV (Union of Soviet Socialist Republics) pointed out that the Advisory Council seemed to think that under article 8 it was fully entitled to receive information of that kind.

61. He then asked for information on the incidents which had occurred in the Baidoa region. He wanted to know how many casualties had resulted and what measures had accordingly been taken.

62. Mr. GRILLO (Italy) replied that there had been two separate incidents. In the first, three persons, including a policeman, had been killed and five persons, including two policemen, wounded. As a result of the second incident, the number of casualties had risen to five killed and six wounded, including one policeman killed and two policemen wounded. The Government had given instructions to tax collectors not to press for the time being for payment of the *shamba* tax, which had been the cause of those incidents.

63. Mr. DE HOLTE CASTELLO (Colombia), member of the United Nations Advisory Council for Somaliland under Italian Administration, said that his delegation had pointed out at the eighteenth session of the Trusteeship Council (703rd meeting) that there might be some doubt as to the future functions of the Advisory Council in view of the rapid Somalization of the Territory. His delegation had had no intention of suggesting the abolition of the Advisory Council but had been simply expressing doubts on a legal point.

64. It was clear both that the Somali Government and the Legislative Assembly were being entrusted with steadily increasing powers and that the Administering Authority was seeking to hand over its functions. The Advisory Council was supposed to help the Administering Authority, but obviously it could not force its opinions on that Authority. It should be noted, incidentally, that if the Advisory Council had not received certain information, there was nothing to prevent it asking for that information.

65. As to the Baidoa incidents, the Advisory Council had given a detailed description of them in chapter II of its report.

66. Mr. LOBANOV (Union of Soviet Socialist Republics) asked for details on the proposing of draft legislation. It was his understanding that until 1 May 1957, draft laws proposed by one or more members of the Legislative Assembly had to have the Administrator's favourable advice, and the draft laws approved by the Assembly were subject to the sanction of the Administrator.

67. Mr. ZADOTTI (Special Representative) replied that that procedure was no longer in force. Draft legis-

lation could now be introduced by the Government, members of the Legislative Assembly, or groups of members of that body, and was sent directly to the Chairman of the Assembly.

68. Replying to another question from Mr. LOBANOV (Union of Soviet Socialist Republics) concerning the action taken on the Trusteeship Council's recommendations relating to direct elections and universal suffrage (A/3170, p. 93), Mr. ZADOTTI (Special Representative) said that the Administering Authority had drawn the attention of the Somali Government to the Council's recommendations but that the new legislation had not yet been completed. Before it came into force, the census of the nomad population, at present in progress, would have to be completed.

69. Mr. LOBANOV (Union of Soviet Socialist Republics) noted that in its report the Administering Authority announced that two Somalis had been appointed to posts in the Ministry of Foreign Affairs. Did the Administering Authority think that that measure was adequate in view of the fact that the Territory was to achieve its independence within two years and would need its own diplomatic personnel?

70. Mr. ZADOTTI (Special Representative) pointed out that the Administering Authority was proposing to recruit diplomatic personnel by competitive examination. Furthermore, a foreign service section had been created in the Office of the Administrator for the purpose of training of such personnel.

71. Mr. LOBANOV (Union of Soviet Socialist Republics) felt that such methods were better adapted to the needs of Italy than to those of a country where university graduates were rare and the problem of training was of considerable importance.

72. With regard to the Court of Justice to which the Administering Authority's annual report referred, he

wanted to know how the judges on it were to be appointed and what the membership would be.

73. Mr. ZADOTTI (Special Representative) replied that the Court of Justice was the highest judicial body in the Territory. It had been set up by the Administering Authority before the Legislative Assembly had been constituted. It was divided into several sections, one for civil and criminal cases, the other for administrative cases, and a third which acted as an audit office. The Court of Justice was the final authority in cases under the *sharia* (Moslem) law. The judges were for the time being appointed by the Administrator on the recommendation of the President of the Court.

74. Mr. KIANG (China) asked for the opinion of the special representative on paragraph 105, sub-paragraphs (ii) and (iii), of the Advisory Council's report.

75. Mr. ZADOTTI (Special Representative) replying to the point raised in sub-paragraph (ii), concerning powers conferred on the prefect in respect of municipal administration, said that the Administering Authority was not in a position to comment on a law passed by the Somali Legislative Assembly.

76. With regard to sub-paragraph (iii), which concerned fines which might be imposed by the police, the principle involved was embodied in Italian law. The fact that an officer of the law charged someone with an offence did not mean that the matter escaped the jurisdiction of the court. If the offender paid the fine, he thereby admitted his guilt, and the case would be dismissed. In those circumstances the fine represented a sort of compromise. The offender was always free to take the matter to the competent court.

77. Mr. KIANG (China) reserved his delegation's right to comment on the point.

The meeting rose at 5.25 p.m.