



TRUSTEESHIP COUNCIL

Twenty-second Session

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President: Mr. Alfred CLAEYS BOUUAERT (Belgium)

Present:

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

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

Examination of conditions in the Trust Territory of Somaliland under Italian administration (continued):

- (i) Annual report of the Administering Authority for the year 1957 (T/1388, T/1397, T/1398, T/L.858);
- (ii) Petitions raising general questions (T/CJM.11/L.298 to 303, T/PET.GEN/L.2, T/PET.11/L.26, T/PET.11/L.27);
- (iii) Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1957 (T/1344, T/1396);
- (iv) Economic advancement of Somaliland under Italian administration (General Assembly resolution 1206 (XII));
- (v) Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration (T/1372)

[Agenda items 3 (e), 4, 5, 15 and 17]

At the invitation of the President, Mr. de Holte Castello (Colombia) 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. Gasbarri, special representative of the Administering Authority for the Trust Territory, took places at the Council table.

OPENING STATEMENTS (concluded)

1. Mr. OMAR (Italy), Minister of Economic Affairs of the Government of Somalia, said that all Somalis rejoiced at the prospect of the accession of their country to independence in the near future. The imminence of that event made it all the more urgent that a solution should be found for the two problems on which the future development of the country depended. The one, an economic problem, was to find ways and means of developing the country's economy, thereby ensuring the stability of the budget and the balance of trade; the other, a political problem, was to delimit the frontier between Ethiopia and the Trust Territory.

2. Since May 1956 Somaliland had been gradually evolving towards independence and both the Legislative Assembly and the Territorial Government had been exercising ever broader powers. By the time the Administering Authority transferred its powers to the Government of Somalia, the latter would already have acquired experience in the exercise of legislative and executive power and the transfer would be no more than a formality.

3. The implementation of the plan for political, civic and constitutional development announced by the Prime Minister in his speech of 26 September 1956 had gone through 1957. Among the laws and other instruments enacted by the Territorial Government and the Legislative Assembly during the year under review, the following were particularly noteworthy: the law defining Somali citizenship of origin, which established the juridical status of the majority of the Territory's inhabitants; the law establishing the office of district judge, under which Somali magistrates would for the first time be empowered to decide cases involving any person regardless of religion or nationality; the law setting up a military tribunal with jurisdiction over all penal military matters concerning the Territory; the law relating to income tax, which modified the rates and broadened the basis of that tax; the law relating to the dwelling tax, which corrected certain inequalities and fixed the tax rate in accordance with the capacity to pay; the labour code and the maritime code, which were now before the Council of Ministers for approval; the civil code, the penal code and the codes of civil and penal procedure which were currently being drawn up by the commissions established for that purpose; the new electoral law for the election of municipal administrations, which incorporated several important new features of a democratic character such as women's suffrage, lowering of the voting age, eligibility of women to stand for election to municipal office, simplification of the electoral procedure, and so forth. Lastly, a new electoral law for the election of the Legislative Assembly was at present under study.

4. In view of the serious difficulties which had arisen in connexion with the taking of a census of the nomad population, the Territorial Government had planned to hold elections without drawing up lists of electors or making provision for distribution of electoral certificates. The Legislative Assembly had rejected that plan and had sent the draft electoral law back to the Government with the request that it undertake a new census, since otherwise the proposed popular consultation would have no validity. In the circumstances, the Government had no choice but to carry out the census requested, limiting it to the most essential operations and completing it within as short a time as possible in order not to prolong unduly the powers of the present Legislative Assembly, which would have to examine the new draft electoral law to be submitted by the Government on the basis of the results of the new census.

5. Thus Somaliland had made considerable progress in the political and constitutional fields and it had only a little way to go before acceding to independence. It would be most regrettable if such bright prospects were to be jeopardized by the continuing dispute over the frontier between Somaliland and Ethiopia. The Italian and Ethiopian Governments were striving to reach an equitable solution, as recommended by the General Assembly in its resolution 1213 (XII), and it was to be hoped that such a solution would have been achieved by the end of 1960.

6. He then gave the Council figures indicating favourable economic and budgetary developments. Territorial budget revenues in 1957 had exceeded 48.8 million somalos and were expected to reach 52 million somalos in 1958. The deficit in the balance of payments, which had amounted to 38 million somalos in 1950, had been reduced to 21 million somalos in 1957, despite the setback to the country's economy as a result of the closing of the Suez Canal during the first fourth months of the year. Monetary circulation had risen from 29 million somalos in 1954 to 38 million somalos in 1957, an increase of 28 per cent, while production had risen by more than 30 per cent. During the same period the cost-of-living index for the Somali population had been brought down from 129 to 115 (April 1950 = 100). Consumption of tea, sugar, dates, wheat, alimentary pastes, cotton and electric power had steadily increased. The programme for diversification of crops and increased agricultural production was continuing to be implemented. Cotton production had increased by one-third as compared with 1956 and the production of oil-seeds had more than doubled. Sugar production had increased by 13 per cent and exports to the sterling area had increased from 17 to 22 per cent. The deficit in the balance of trade with that area—36 million somalos in 1956—had been reduced to 29 million somalos in 1957.

7. In agriculture, investments amounted to 60 per cent of the planned total, and 50 per cent of the projects had been carried out. Somaliland no longer imported cereals and had in fact itself become an exporting country. With regard to the development of livestock farming, investments amounted to 66 per cent of the planned total, and 50 per cent of the projects had been carried out. In communications, 60 per cent of the planned investments had been made, and 50 per cent of the projects had been carried out. In urban development, 70 per cent of the planned invest-

ments had been made, and 75 per cent of the projects had been carried out. In the industrial sector, sugar refineries, canning factories and fisheries had continued to develop and had considerably increased their output. There was, however, still some leeway to be made up, particularly in textiles, leather, hides and canning. For that purpose, the Territory would need medium and long-term credits. The United States Government's Development Loan Fund had given the Territorial Government assurances, for which it was grateful. The increase in public investment had only been possible because of the subsidies which the Italian administration had granted either directly or through the Agency for Economic Development of Somalia (ASES), and with the assistance which the Territorial Government had received from the United States Government through the International Cooperation Administration.

8. The Territorial Government, in conjunction with the Administering Authority and in accordance with General Assembly resolution 1206 (XII), had estimated the financial needs of an independent Somaliland at 36 million somalos, or about \$5 million. Consultations were still being held between the Administering Authority and the Territorial Government on the measures required to meet those needs. According to the report of the Mission of the International Bank for Reconstruction and Development (T/1296), Somaliland would require external assistance for a period of twenty years. In view of the rapid economic and financial progress achieved during the two years following the dispatch of the Bank's Mission to the Territory, there was reason to hope that the period might be considerably reduced.

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

Political advancement

9. Mr. URRUTIA APARICIO (Guatemala) was disturbed to learn that the population census, which was essential for the organization of elections by direct universal suffrage, had not yielded the expected results in three of the six regions of the Territory. He asked what methods had been used and what particular obstacles had been encountered.

10. Mr. GASBARRI (Special Representative) said that under the provisions of Act. No. 6 of 30 September 1956, the tribal chiefs elected under Ordinance No. 5 of 30 March 1955 must first draw up a list of all the members of their tribes. The list was submitted to the district commissioners who checked it and authorized the entry of the names in the electoral lists. An inspection office had also to be set up. The Minister of the Interior, who was responsible for the census, had sent full information on the procedures to be followed to all the political parties. But as the figures obtained had not been in accord with the facts, it had been decided to disregard them in the organization of the elections.

11. Mr. URRUTIA APARICIO (Guatemala) wondered whether the draft electoral law, to which the Legislative Assembly had not given a very favourable reception, really embodied all the safeguards which the Administering Authority ascribed to it. In particular, he feared that the ten-day period fixed for the elections might easily give rise to irregularities.

12. Mr. GASBARRI (Special Representative) said that the procedure had not been finally determined, since the Legislative Assembly had referred the draft electoral law back to the Government for re-examination. The draft law submitted to the Assembly on 26 May 1956 provided that elections should be held by universal suffrage and by free direct and secret ballot; citizens of either sex, not under eighteen years of age, would be entitled to vote; elections would be held on the basis of a single electoral college; each party had to submit a national list of ninety candidates and make a deposit of 90,000 somalos. Persons of either sex, not under twenty-five years of age, who could read and write Arabic or Italian, were eligible for election. The elections were to last ten days, in order to enable all nomads, who constituted 75 per cent of the population, to vote; that period had been fixed after numerous consultations with the various government officials and experts. No elector would be able to vote twice because an indelible ink mark would be made on his hand. The draft law was very practical in that there would be a rapid procedure for certifying the voter's age, and it authorized nomads to vote in whatever polling station they wished.
13. Mr. URRUTIA APARICIO (Guatemala) asked whether it would not be possible to carry out the elections in a single day if there were more polling stations inside the Territory and if observers from the States Members of the United Nations were called in.
14. Mr. GASBARRI (Special Representative) did not think so; it would mean setting up tens of thousands of polling stations. The ten-day period for the elections had been fixed with due regard to the physical and financial circumstances of Somaliland.
15. In reply to further questions by Mr. URRUTIA APARICIO (Guatemala), Mr. GASBARRI (Special Representative) said that the deposit required under Law No. 6 had been less than 90,000 somalos. The Somali authorities, however, had decided to ask that amount in order to prevent the submission of lists which had no chance of success. The deposit would be forfeited where a list failed to obtain at least three seats, or 42,000 votes.
16. Ability to read and write Italian or Arabic was required of each candidate, because those were the Territory's official languages. As the United Nations Visiting Mission to Trust Territories in East Africa, 1957, had found, thousands of persons were able to read and write Italian or Arabic.
17. Mr. URRUTIA APARICIO (Guatemala) thought that the proposed term of office for deputies was too long.
18. Mr. GASBARRI (Special Representative) pointed out that the text of the draft law had not yet been given final form and might be amended. The Italian administration favoured a five-year term, as proposed by the Government, because the organization of elections in a Territory with very poor means of communication was particularly costly.
19. Mr. URRUTIA APARICIO (Guatemala) considered that when Somaliland had a constitution, a head of State, a Government and a Parliament, there would be nothing to prevent it from becoming independent, even before 2 December 1960. However, it could not be independent until the Administering Authority ceased to exercise any powers and, in particular, ceased to control the foreign policy and armed forces of the Territory. He noted that the United Nations Advisory Council for the Trust Territory of Somaliland had pointed out to the Administration that the adoption of a constitution and the election of a head of State might alter the status of the Territory and might require an amendment to the Trusteeship Agreement. In accordance with article 21 of the Trusteeship Agreement and Article 85 of the United Nations Charter, any such amendment would have to be approved by the General Assembly. He would like to know the views of the Administering Authority in that respect.
20. Mr. GASBARRI (Special Representative) explained that the problem no longer existed since the elections to the Legislative and Constituent Assembly, which were to have been held in 1958, could not take place until the spring of 1959.
21. In reply to a further question from Mr. URRUTIA APARICIO (Guatemala), Mr. GASBARRI (Special Representative) explained that the technical committee of experts appointed to draft the constitution under Decree No. 140 of 6 September 1957 was divided into six sub-committees. A special sub-committee has also been set up to study transitional measures but had been dissolved by its own decision before it had even started its work. The twenty-two member technical committee (comprising eleven Italians, nine Somalis and two experts appointed by the United Nations Advisory Council) had completed its work on the draft constitution, but the political committee set up under the same Decree with full authority to decide on the final text of the draft had not yet considered the text.
22. Mr. URRUTIA APARICIO (Guatemala) said that he would like to know what action had been taken in implementation of General Assembly resolution 1213 (XII) concerning the question of the frontier between the Trust Territory and Ethiopia.
23. Mr. PLAJA (Italy) apologized for not having mentioned that before and he hoped that no one would reproach him for having tried to apply to that question the principle of "quiet diplomacy" because he felt that that traditional diplomatic procedure was entirely appropriate. He said that, in implementing General Assembly resolution 1213 (XII), the Somali Government had appointed Mr. Plinio Bolla as a member of the arbitration tribunal, and had so notified the Ethiopian Government on 8 February 1958. For its part, the Ethiopian Government had appointed Mr. Milos Radojkovic on 13 March 1958. The two experts would meet shortly to consider the appointment of the third arbitrator. As regards the terms of reference for the arbitrators, the Italian Government, in consultation with the Somali Government, had submitted a draft to the Ethiopian Government. The Italian Government attached the utmost importance to the question of the frontier and hoped to be able to furnish additional information to the General Assembly at its thirteenth session.
24. Mr. SEARS (United States of America), commenting on the reported reluctance of the people of the Migiurtinia, Mudugh and Lower Giuba to supply information in connexion with the census, asked whether the Administration could do anything to induce the local chiefs to co-operate in the matter.

25. Mr. GASBARRI (Special Representative) said that the Minister of the Interior had asked the chiefs, who were elected and paid, to comply strictly with the census legislation. His intervention might prove useful when the next census was taken.

26. Mr. SEARS (United States of America) considered that the situation gave cause for concern. He asked whether the termination on schedule of trusteeship might not be endangered if the elections to the next Legislative Assembly were postponed until 1960, as had been suggested in some quarters.

27. Mr. PLAJA (Italy) said that in accordance with the Trusteeship Agreement, the Italian Government would make its plans for the transfer of powers known before 2 June 1959. The Administration would do everything possible, in the interests of the Somali people themselves, to shorten the delay in carrying out the plan drawn up by the Administering Authority.

28. Mr. SEARS (United States of America) said that he understood from the representative of Italy that the preparation of the draft constitution had reached a satisfactory stage and that the draft was ready for examination at the political level. He asked if that meant that the text of the new constitution was ready to be submitted to the Legislative Assembly for approval.

29. Mr. GASBARRI (Special Representative) stated that the technical committee appointed to draft the constitution had completed its work. Before being sent to the Legislative Assembly the draft would have to be approved and, if necessary, amended by the political committee, which was composed of the President and Vice-Presidents of the Legislative Assembly, the Prime Minister and other members of the Cabinet, the heads and secretaries of parliamentary groups, three officials appointed by the Prime Minister and a representative of each of the political parties represented in the Assembly.

30. Mr. JAIPAL (India) pointed out that in paragraph 17 of the report of the 1957 Visiting Mission (T/1344), it was stated that it might be possible to appoint a Somali officer as Vice-Commander-in-Chief by the beginning of 1958 and that by the end of that year, a Somali command would be constituted. He asked what plans the Administration had in mind in that connexion.

31. Mr. GASBARRI (Special Representative) said that Mr. Abscir Muhamud, a Somali major, had been appointed Vice-Commander-in-Chief on 2 February 1958. All the Territorial forces, including armoured and mobile units, were now under the command of Somali officers. Only the Commander-in-Chief was an Italian officer.

32. Mr. JAIPAL (India) noted that the Visiting Mission had expressed the view that the Hisbia Dighil Mirifle party's criticisms might perhaps be met if the regional organs of government were strengthened so as to allow a greater measure of regional autonomy. He asked whether the Administration planned to develop the regional bodies and what powers they would be given.

33. Mr. GASBARRI (Special Representative) noted that the Visiting Mission had discussed the problem with the Prime Minister of Somaliland, who had said that the transfer of political and economic functions to regional bodies was one aspect of the over-all

problem and that it was necessary to proceed with care. No draft resolutions were under consideration at present.

34. Mr. JAIPAL (India) asked for information concerning the structure of the regional administration.

35. Mr. GASBARRI (Special Representative) said that there were no elected regional bodies. The Territory was divided into regions, each of which was under the authority of a prefect appointed by the Administrator on the recommendation of the Council of Ministers. Within his region, the prefect represented the central power in all matters of administration. Each region was subdivided into districts in charge of a commissioner. There were thirty such districts. It should be noted that all the officials in charge of the regions, and districts were Somalis, the majority of whom had been trained at the School of Public Administration at Mogadiscio.

36. Mr. JAIPAL (India) noted that the Visiting Mission stated in paragraph 66 of its report (T/1344) that personnel costs chargeable to the budget of the Government of Somaliland represented one half the estimated total expenditure for 1957. In view of that situation the Mission had considered that the existing organization and salary structure required new and careful scrutiny by the competent authorities, and had suggested the assistance of outside experts in the field of public administration. He asked whether the Administration had studied those suggestions and whether, in particular, it considered it worth-while to engage experts with a view to reducing the over-all costs of the civil service.

37. Mr. GASBARRI (Special Representative) said that the Administering Authority had carefully considered the question of the cost and numbers of civil and military personnel in the light of the Visiting Mission's recommendations.

38. Personnel expenditure for 1958 accounted for 50 per cent of the total expenditure, as compared with 50.6 per cent in 1957. Between 1950 and 1958 the number of Somali civil servants had increased by 906, but military personnel had been reduced by 1,626. There had thus been a net decrease of 720 posts. In addition there had been a marked decrease in the number of Italian civil servants, whose replacement by Somalis had continued: 418 Italian civil servants had left the Territory between 1950 and May 1958, as had 3,829 military personnel. Between 1957 and 1958 the number of Somali civil servants had increased by 230, including 153 school-teachers who had replaced Italian teachers. The number of civil servants could not be reduced.

39. Mr. JAIPAL (India) mentioned a serious incident, involving 140 deaths, which had occurred outside the Trust Territory when a tribe from the Territory had clashed with a tribe from the Somaliland Protectorate. The Legislative Assembly had discussed the incident and had recommended, *inter alia*, that a commission should be sent to pacify the area. The Assembly had also asked the Italian Government to urge the authorities responsible for the area in question to take steps to prevent the recurrence of such incidents. He asked whether the Administering Authority had acted on those recommendations.

40. Mr. GASBARRI (Special Representative) said that no commission had been established. The Minister

of Economic Affairs of Somalia had himself been in touch with the Foreign Secretary of the United Kingdom in London in January 1958 and had asked him for an assurance that everything possible would be done to prevent such incidents.

41. Mr. JAIPAL (India) observed that another incident had taken place on the Ethiopian border. Following a complaint by the Ethiopian Government that Somali police had crossed the frontier, the Administering Authority had stated that Ethiopian elements had penetrated into Somali territory, and had proposed that a mixed commission should be appointed to mark out the provisional administrative line. He asked what progress had been made in the matter.

42. Mr. PLAJA (Italy) stated that no mixed commission had been set up. There had not been an incident, but conflicting interpretations about which no more had been heard.

43. Mr. JAIPAL (India) noted that, in view of the failure of attempts to take a census, the Legislative Assembly had quite properly decided to postpone the elections. He assumed that the Administering Authority intended to try again despite the opposition of the nomadic population, and asked whether new methods were contemplated to overcome the difficulties encountered in the past. He also asked what the Minister of Economic Affairs had meant by his statement that the Administration had to limit the census to the indispensable stages.

44. Mr. GASBARRI (Special Representative) said that the Administration had not yet had time to reconsider its programme, as the attempt to take a census had not been made until the end of May 1958. The original plan had called for more than a census taking. It had been aimed at permanent registration of the nomadic population, the recording of some vital statistics and the identification of persons entitled to vote in the 1958 elections. The Minister of Economic Affairs had meant to convey that the only feasible part of the plan would be the identification of voters.

45. Mr. PLAJA (Italy) added that the Administration was now studying the question of the census. The electoral law which had been prepared might not have been theoretically perfect, but it had been adapted to local conditions. A choice had to be made between theoretical perfection and the necessity of giving effect to a political development plan in the limited time available.

46. Mr. JAIPAL (India) observed that the same difficulties might have to be faced at the next census. The time-table laid down for the Territory's attainment of independence should, however, be adhered to.

In the circumstances he wondered whether the Administering Authority could not use the shir system as it had at the last elections.

47. Mr. GASBARRI (Special Representative) said that it would be difficult to apply the system of indirect elections as it was opposed by every political party in the Territory.

48. Mr. JAIPAL (India) recognized that the major political parties were in favour of direct elections. In that connexion, however, it would be desirable to ascertain the views of the nomads who made up 80 per cent of the Territory's population. At all events, the shir system was not so bad as to justify delaying the Territory's attainment of independence beyond 1960.

49. Mr. GASBARRI (Special Representative) said that the shir system was democratic in itself but had one great disadvantage: persons elected in a shir had sometimes a great many votes at their disposal, and that was undesirable.

50. Mr. JAIPAL (India) expressed the hope that the Administering Authority would do everything in its power to make the next census a success.

51. According to the draft electoral law the Assembly would have ninety members and each political party would put up a list of not more than ninety candidates. Presumably the voters would vote for a list and not for individuals. He asked whether provision had been made for candidates who were not affiliated to parties.

52. Mr. GASBARRI (Special Representative) said that the draft law made no provision for independent candidates.

53. Mr. JAIPAL (India) asked what would happen if a given party which had put up no more than, say, thirty candidates received a total number of votes which entitled it to more than thirty seats in the Assembly.

54. Mr. GASBARRI (Special Representative) said that that could not happen; the draft electoral law made it compulsory for every party to nominate ninety candidates.

55. Mr. JAIPAL (India) assumed that that provision of draft electoral law was designed to avoid a situation in which there were too many small parties.

56. Mr. GASBARRI (Special Representative) said that the Somali Youth League wanted to reduce the number of candidates nominated by each party to sixty or seventy; the question was in fact still undecided.

The meeting rose at 12.55 p.m.