

UNITED NATIONS TRUSTEESHIP COUNCIL



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EXAMINATION OF PETITIONS

SOMALILAND UNDER ITALIAN ADMINISTRATION

Observations of the Administering Authority

Note by the Secretariat: The following observations were communicated to the Secretariat on 4 January 1952 by the Italian Observer to the United Nations. They relate to the following petitions:

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241.

1. Petition from some ex-Italian soldiers (T/PET.11/37)

The petition under consideration refers to payment of arrears of pay due as a result of relations between the former Government of Italian Somaliland and its ex-dependents, relations which existed prior to the undertaking of the Trusteeship Agreement by Italy, and ceased to exist on 15 September 1947, date of coming into force of the Peace Treaty, which caused the cessation of Italian sovereignty over Somaliland.

Having stated the foregoing, it is hereby explained that requests made by some Somalis and Arabs, ex-dependents of the "Azienda Autonoma Strade Somale", who ask for payment of arrears of pay, as provided for by Ordinance No. 20 of the Italian Trusteeship Administration of Somaliland, was first examined and then discussed, in a plenary meeting of the Commission for payment of arrears of pay to Somali service men, in a spirit of comprehension and goodwill, but the conclusions that the Commission has of necessity to arrive at have been quite in the negative, as the above-mentioned personnel belonged to the category of "casual personnel" which are not included in the categories clearly listed in Art. 1 of Ordinance No. 20, attached hereto. ^{1/}

On the other hand there are no substantial reasons to consider the possible extension of such provisions.

The Regulation for Somali personnel, itself, then in force, did not in fact envisage any liquidation at the time of discharge of casual personnel, since the Government had undertaken, in respect of such category, no bound or obligation through a formal deed establishing for them continuity of service for a fixed period, however short.

^{1/} Note by the Secretariat: a copy of this ordinance is on file at Headquarters and is available upon request to the members of the Trusteeship Council.

As to the consideration that the above-mentioned workers had passed, as from 1 February 1941, under military authorities, this does not alter at all the substance of the question, as far as the right to be paid is concerned, because the transfer under military authorities does not place the said personnel among the categories listed in Art. 1 of Ordinance No. 20 (encl. 1), as, even so, they remained in employment in the capacity of casual personnel not called to join the Army.

2. Petition from Mr. Kulmie Aden Ahmed (T/PET.11/38)

As also appears from letter No. 1004 attached to the petition, from verifications made on the spot in February 1951, the claim submitted by the petitioner concerning a plot of land included in Bassi's concession, now belonging to the Bellini Brothers, leased to Mr. Bruno, appears to be unfounded.

Although Kulmie Aden Ahmed with his petition dated 5 April 1951 added no new factor to applications and protests previously made, new surveys and more scrupulous measurements were made; and these showed (see attached copy of the Report - enclosure 1) that the present boundaries of the concession formerly belonging to Mr. Bassi are exactly those indicated in the original Regulation for the Concession and plan, attached to the Gubernatorial decree of concession No. 14229, dated 18 August 1938: copies of these documents are also enclosed (enclosures 2 and 3).

Therefore, the present lessee, Mr. Bruno, did not go beyond his boundaries toward the land cultivated by the Somali Kulmie Aden Ahmed.

Enclosure 1

Report of verification of boundaries

Today the 23rd of the month of May, one thousand nine hundred and fifty-one, at 9.30 a.m. the undersigned, geometer of the Agricultural Office, in the presence of Messrs.:

Haji Maio Nur - Notable;

Mohamed Nur - Sergeant of the Afgoi Residency,
under guidance of the survey made on 28 February 1938 by the geometer Fuzzi, of the Agricultural Office, and of the Regulation for concession, commenced operations to verify and make checking measurements of the boundary lines, disputed by the Somali Kulmie Aden Ahmed, between his own land and that of the concession ex-Bassi, now belong to the Bellini Brothers, leased to Mr. Bruno, situated in locality Afgoi.

According to remarks made by the above-mentioned Somali, the boundary line on the southern side of Bellini's concession, indicated on the attached plan with letters A - B, is alleged to have been shifted into the said Somali's land. In fact he states that the portion of land recently placed under cultivation by Mr. Bruno (Bellini's lessee) is not Bellini's property, but his own property.

In order to verify the statement made, the undersigned, moving along the boundary C - B, starting from the Afgoi-Audegle road, which is at a 90° angle with the said boundary, measured this boundary line, which turned out to be 500 m. long, thus ascertaining that the land under cultivation was quite within the boundaries, and therefore that no encroachment had taken place on the Somali's land.

This was duly verified when, placing the instrument at point B, and tracing an alignment perpendicular to the line C-B (and therefore parallel to the Afgoi-Audegle road) it was seen that no point of the land cultivated by Mr. Bruno was beyond the boundaries towards Kulmie Aden Ahmed's land by crossing such alignment.

So much was due to carry out the task with which the undersigned had been charged.

The Geometer
(signed) Mengaroni

The Head of Agricultural Services
(signed) Dr. L. Bozzi

/Enclosure 2

Enclosure 2

Decree No. 14229

SUBJECT: Luigi Bassi - Concession of land for
agricultural purposes at Afgoi

THE GOVERNOR OF ITALIAN SOMALILAND

By virtue of Royal Decree-Law No. 1019 of 1 June 1936, concerning the Arrangement and Administration of Italian East Africa, converted into law No. 285 of 11 January 1937;

By virtue of Royal Decree No. 226 of 24 January 1929, concerning agricultural concessions in Italian Somaliland and the relative Regulation;

Having considered the application dated 6 December 1937 by which Mr. Bassi, Luigi applies for an agricultural concession of an area of 100 hectares at Afgoi;

In view of the notice ad opponendum dated 14 March 1938, published in the Official Bulletin of Somaliland No. 7 of the following 1 April;

By virtue of certificate dated 1 August 1938 of the Director of Colonisation and Labour, certifying that no opposition has been made within the term prescribed by law;

In accordance with the opinion expressed by the Government Council of Somaliland in the meeting of 12 July 1938;

DECREES

To Mr. Luigi Bassi, s/o Ugo, is granted an agricultural concession, with transfer of ownership, of an area of 100 hectares, in Afgoi, on the conditions and inside the boundaries fixed by the Regulation dated 5 August 1938 and attached map, annexed to the present decree.

Mogadiscio, 10 August 1938

(signed) Caroselli

Registered at the "Corte dei Conti",
Mogadiscio Delegation,
9 September 1938 - No. 298 - Reg. 2nd.

/Enclosure 3

Enclosure 3

Regulation of concession of land for
agricultural purposes, with transfer of ownership
(Approved with Gubern. Decree No. 8755 of
3 September 1937)

Article 1. In terms of Art. 5 of Royal Decree No. 226 of 24 January 1937 to Mr. Luigi Bassi, s/o Ugo and of Grilli Dorotea, is granted in ownership, under the resolute clause of the development of the land, a parcel of land for agricultural purposes in the ... colonization zone of ... territory of the Royal Residency of Afgoi (Lower Webi Shebeli Commissariat) measuring one hundred hectares, at the fixed price of Italian lira ten per hectare.

The area is delimited as follows: on its northern side, by the Webi Shebeli river; on its eastern side by Ottaviani's concession for a length of nine hundred and twenty-eight metres, as far as the Afgoi-Audegle road, with which the boundary line forms a right angle; the boundary continues, in a straight line, for five hundred metres; on its western side, for a length of nine hundred and sixty-five metres, by Mantoan's farm, as far as the Afgoi-Audegle road for a length of five hundred and forty-five metres beyond that road; on its southern side by the line joining the extremities already fixed, one thousand and forty metres long, as shown on the attached plan.

... Omissis ...

Mogadiscio, 5 August 1938

The Director of Economical Affairs
and Colonization
(signed) Marroni

The Concessionaire
(signed) Bassi Luigi

3. Petition from the Somali Youth League, Central Committee (T/PET.11/40)

The Italian Trusteeship Administration has already had the opportunity to make its remarks on criticisms passed by the Somali Youth League in former petitions.

In respect of what has been stated in the letter dated 14 April 1951, the following is pointed out:

Education.

The greatest part of the money assigned to public education in Somaliland is paid in salaries to the teaching staff; another expense of considerable importance is school buildings; there are, after these, expenses for the purchase of school materials.

As the expenditure for salaries to teachers employed in the Territory of Somaliland, it will be sufficient to observe that in elementary schools (which represent 80 per cent of schools operating in the Territory), schools of Italian type have 19 teachers as against 194 (77 Italians, 6 Libyans and 111 Somalis) of those of Somali type. It is therefore clear that the greatest portion of the expenditure for teachers is incurred for schools attended by Somalis.

All Italian teachers assigned to day schools have a university degree and a normal school diploma and almost all evening school teachers have a normal school diploma.

The greatest part of expenses incurred for school buildings was for schools attended by Somalis, as will be shown in detail in the next Annual Report.

As for the purchase of materials, it will be sufficient to remember that all school benches manufactured and being manufactured in Somaliland and in Italy since the beginning of the Administration (approx. 1,500 already manufactured and 1,000 in course of manufacture) have been assigned entirely to schools attended by Somalis.

With regard to the teaching of the Arabic language, it should be remembered that the Advisory Council, in a resolution adopted at the meeting of 30 August 1950, suggested that Arabic should be used in the schools of Somaliland as a teaching language together with Italian.

/From a

From a referendum conducted for that purpose in the Territory it appeared that the majority of those who could be consulted (who, belonging to the population's highest and most cultivated class were, more than the other Somalis, in favour of Arabic culture) expressed the wish that in elementary schools Arabic should be used as teaching language together with Italian.

The Territorial Council, at its meeting of 7 February last, expressed unanimously the opinion that teaching should be carried out in the two above-mentioned languages at the same time. There were, however, many requests of one accord made at the above-mentioned meeting of the Territorial Council, to increase the use of Somali, and to speeding up studies, already undertaken, to establish a script for the language.

Below is given the number of weekly lessons given in elementary schools of Somali type:

	Prep.	I	II	III	IV	V
1. Religion and moral education	8	8	6	6	6	6
2. Italian language	8	8	10	10	10	10
3. Arabic language	12	12	12	12	10	10
4. Arithmetic and geometry	5	5	5	5	5	5
5. Sciences and hygiene	4	4	4	4	4	4
6. History and geography	2	2	2	4	5	5
7. Practical training (drawing, manual work and handicraft)	6	6	6	7	7	7
8. Physical culture and singing	6	6	6	5	4	4
	51	51	51	51	51	51

The above table shows clearly that the teaching hours of the Arabic language are more than those of any other subject, the study of the Italian language included.

Programmes of schools for Somalis have been drawn up anew and revised by Special Commissions of which besides Italian and autochthonous teachers, Somali political and religious members of the Territorial Council were also members. Each programme was then submitted for approval to the Central School Council, in which there are five Somali members.

The said programmes, in their definitive text, approved by the Central School Council will be made public by a ruling of the Administrator, and will be published in Italian and Arabic in a Supplement to the Administration's Official Bulletin.

As to the programme of the Preparatory Political and Administrative School, it is perfectly logical that, in the first year of its existence, and having to do with pupils of different age, general culture and knowledge of languages, frequent and essential alterations had to be made to the programme established at the beginning.

The definitive regulation of this school was recently established by the school's Board of Teachers, and will be published in an order of the Administrator as soon as a few alterations, still to be made, are completed. It is anticipated that the order, including one teaching programme, will be published before the end of 1951.

In the whole organization of schools for Somalis, the Administration always took good care to maintain teaching, as far as possible, on a line fit to give Somalis a training and an education suited and close to their environment and their requirements.

Economy.

Industry and Commerce.

No Somali commercial company ceased its activity since 1 April 1950.

Indeed, the Administration encouraged the constitution and development of new commercial organizations (societies and co-operatives) formed by Somalis, or by Somalis and Europeans, both with direct support, and with preferential treatment in issuing trading licences and in granting import and export permits, as well as in granting permits for purchase of goods to be distributed according to a quota. Below is given a list up to date of the new companies, and wholly or partially belonging to autochthonous persons: legally constituted since 1 April 1950.

Societa Anonima Commerciale Agricola Somala del Benadir (Somali Commercial Agricultural Company Ltd. of Benadir) formed solely of Somalis - Capital So. 50,000.

/Cooperativa

Cooperativa Agricola "Il-Ba", s.r.l.

("Il-Ba" Agricultural Cooperative - limited liability company)

Partners: 3 Arabs and 22 Somalis - Capital variable and unlimited.

Impresa di costruzioni edili e stradali Italo-Somala

(Italo-Somali buildings and roads construction enterprise)

Constituted by 2 Somalis and other non-autochthonous partners.

The autochthonous hold in total 15 shares of 100 So. each.

Registered capital So. 12,000.

Societa Anonima Cooperativa "La Patriottica" - Societa Agraria Commerciale del Commissariato di Merca

("The Patriotic" Co-operative Ltd. Company - Agricultural and Commercial Company of the Merca Commissariat) - Constituted by 11 Somalis, 11 Arabs, 1 Pakistani and 1 Indian - unlimited capital.

Italo-Somala - s.n.c., Soled Mohamud Giama - Fabbri & Co.

(Italo-Somali private company Soled Mohamud Giama, Fabbri & Co.) -

Constituted by 1 Italian and 5 Somalis. The Somalis hold

20,000 So. of shares. Registered capital So. 24,000.

Societa Anonima Cooperativa Autotrasportatori

(Motor-transporters co-operative joint stock company constituted by 1 Somali, 1 Arab, 1 Eritrean and 25 Italians. Unlimited capital.

Societa Anonima Cooperativa Autotrasportatori Italo-Somali

(Italo-Somali Motor-transporters) Co-operative joint stock company. Constituted by 3 Italians and 7 Somalis - unlimited capital.

Societa Anonima Unione Cooperativa Agricola Commerciale della Somalia

(Somaliland Co-operative Agricultural Commercial Union - Joint Stock Company) constituted by 6 Italians and 11 Somalis - unlimited capital.

S.A.C.A.M.B.S. - Società Anonima Cooperativa Mille Braccia Somalia.
(Somaliland One Thousand Arms Co-operative Ltd. Company)

Partners 19 Somalis - unlimited capital.

Società Anonima Cooperativa "V. Bottego" fra dipendenti enti pubblici
("V. Bottego" Co-operative Ltd. Company among dependents of public
bodies) Partners: 5 Italians, 1 Arab, 4 Somalis. Unlimited capital.

Manifatture Cotoniere d'Africa (Africa cotton manufactures)
constituted by Italian partners and 2 Somalis. The latter
hold each So.29,000. Registered capital So.580,000.

Società Anonima Cooperativa per azioni "La Ranieri Agricola
Commerciale"

("The Agricultural-commercial Ranieri" - Co-operative joint
stock company) - Constituted solely by 12 Somali partners -
unlimited capital.

S.I.S.I.A. Società Italo Somala Incremento Agricoltura
(Italo-Somali Company for the increment of agriculture).

Registered capital So.200,000 (The Somalis hold each So.5,000).

Unione Commercianti Somali, s.p.a. (Somali Traders Union -
joint stock company) Partners: 5 Somalis and 1 Italian.
Capital variable and unlimited.

Cooperativa di Lavoro e Trasporti, s.r.l.

(Labour and Transport Co-operative - limited liability company)
Partners: 5 Somalis and 1 Italian. Capital variable and
unlimited.

Cooperative Agricola "CA-ME", s.r.l.

("CA-ME" Agricultural Co-operative - limited liability company)
Partners: 1 Arab and 26 Somalis. Capital variable and
unlimited.

Aero-Somala, s.p.a. (Aero-Somala - joint stock company)

Partners: 52 Somalis and 8 Italians. Registered Capital
So.70,000 (Somalis hold 309 shares of 100 So. each).

/Cooperativa

Cooperativa edilizia fra dipendenti autoctoni stabili di Enti pubblici della Somalia

(Building Co-operative among autochthonous stable dependents of public bodies of Somaliland, constituted by 23 partners, all Somalis - unlimited capital.

As shown in the list, some of the new companies operate in fields which had never been attempted before, such as, buildings, roads and manufactures.

It may be stated positively that new companies, as for example the Somali Commercial Agricultural Company of Benadir have already asserted themselves on the market.

Also as regards individual firms, we may point to the great increase in the number of licences (trading licences) issued to Somalis in various fields. The increase, in Mogadiscio only, has been from 1 April 1950 to date, of no fewer than 731 new licences, among which 35 for import and export, and 10 for wholesale trade.

In other localities of the Territory too the same phenomenon took place. For example: in the last few months, in Brava only, 13 new import and export licences were issued, and in Gardo 4.

There are workshops managed by Somalis, all of them, however, of modest dimensions. Among the autochthonous, in Mogadiscio, there are 3 tyre repairing and vulcanizing shops, 5 mechanics with their own workshop, 20 cycle repair shops, fitters, pipe fitters, etc. and 22 iron-smiths.

About ten of the above-mentioned firms were started after 1 April 1950.

It does not appear that any Somali had to surrender his workshop to an Italian. Despite the most diligent inquiries, it has not been possible to ascertain any case of transfer of licence or of declaration of cessation of activity.

We have been informed that a certain Sala Jama, who came from Ogaden, and managed a small business, is alleged to have returned to his own country after having wound up his affairs. Perhaps this is the case that was pointed out.

/The Administration,

The Administration, although unable to grant directly credit and financial facilities to Somali firms (or to any other firm) never failed to recommend strongly local banks to grant liberal credits, particularly to autochthonous firms, and at every opportunity notified the banks of the cases most worthy of being taken into consideration.

Agriculture.

No alienation of land took place under the Italian Administration. Instances cited, concerning Messrs. Buffo, Adaglio, Valenzano, Angeleri, Del Bufalo, do not concern alienation of land, and are, anyhow, about to be settled; they concern rather disputes about boundaries or other matters on leases or concessions of lands which have been for a long time in the possession of the parties concerned. Since almost all the instances cited are the subject of separate petitions, further explanations will be supplied when the aforesaid petitions are being dealt with.

In any case it must be stated that as regards the Adaglio case, in order to avoid disputes, due essentially to lack of understanding on the part of a few instigators, it has been decided that the land in dispute is to be vacated by the Italian farmer as soon as crops under cultivation are harvested.

The Buffo case is about to be settled, and a decision will be reached as soon as the survey which is being made is completed.

The Valenzano case is being settled by the Commissioner to the satisfaction of both parties.

The Angeleri case will be settled, according to the rights proceeding from concession decrees issued prior to 1940.

The assertion that fertile lands are entirely in the hands of Italians is absurd and untrue; indeed, it can be proved that a large portion of lands of S.A.I.S. at Villaggio Duca degli Abruzzi, and of the Genale agricultural district may be counted among lands of medium quality, with little reserve of fertility and a considerable percentage of salinity.

An indication of the foregoing is given by the hydrogenion concentration, expressed in general, by the title of PH 7.7.7.8, -7.9-8.

/Anyhow,

Anyhow, lands in possession of European farmers are only a minimum and negligible part of lands available and capable of intensive cultivation. They may be estimated to represent less than 2 per cent of cultivable and cultivated land available to autochthonous farmers.

No order has been given to Somali farmers to grow cotton instead of typical food crops, such as maize and millet. On the contrary, it has been recommended to grow cotton associated with maize and millet, in order to attain a double purpose:

1. not to reduce food crops;
2. to bring in an industrial cultivation capable of yielding a considerable profit to the budget of the autochthonous farmer's agricultural enterprise.

Contracts of participation for cotton cultivation between autochthonous and Europeans, besides establishing a minimum purchase price, which is entirely at the contractor's risk, provide also for fixing the price at the time of the picking, taking into account the price of cotton on the international market.

Experiments to assist autochthonous farmers in advanced agriculture are being carried out by means of the institution of agricultural co-operative enterprises, to enable farmers to purchase and use machinery which they could not buy separately.

Unfortunately, however, this throws a considerable burden on the Administration's budget and is difficult to realize, owing to the Somali's inborn sense of distrust and the unwillingness to work of some groups of Somalis.

As regards cattle raising, there is under consideration the establishment of an experimental zootechnical farm to study all problems connected with cattle husbandry in the bush. Pending the gradual development of this farm, the Administration is carrying out several measures, such as the drilling of wells to water cattle and courses in the skinning and preparation of skins for herdsmen who live in the bush and for persons assigned to Residencies' and Commissariats' slaughter-houses.

Social Assistance.

The greatest freedom of speech is ensured to all inhabitants of the Territory, as the Visiting Mission had the opportunity to realize during their recent journey in Somalia.

With regard to medical organization, it will be sufficient to point out that during the first year of Trusteeship Administration (1950-1951) the expenditure totalled over 8 million somalos (three of which for medicinal drugs) as against 2,229,000 of the preceding financial year (1949-1950).

Nearly all existing infirmaries and hospitals were put in working order, and the number of beds (1,500) is continually increasing.

The number of doctors was increased last year from 21 to about 40 and will be approximately 59 in 1952.

The school for medical assistants, intended to improve the Somali dressers' and nurses' training, has already commenced its courses.

The International Convention on narcotic drugs is in force in the Territory. No drug or its by-product can be introduced into the Territory without a special detailed request, which must be approved by the Administration after having heard the health inspector's opinion. Only pharmacies may request such introduction, they must, however, keep always up to date a special drug register, showing incomings and outgoings, as provided by the aforesaid International Convention. Such a register must be produced on request.

Pharmacies are subject to ordinary and extraordinary inspections by the health inspector.

Almost no Somali is addicted to drugs or to alcoholic drink. Therefore we do not understand the claimants' concern.

As said in the first Report to the United Nations, all salaries to the Administration's employees have been considerably increased, and therefore any possible increase in the cost of living has been compensated for by such increase in salaries.

Italian employees engaged by the British Administration were maintained in service with a two years temporary contract, and therefore, owing to the temporary nature of their employment are being paid a bigger salary than Somalis, who are engaged for an indefinite period.

Out of women maintained in service with a temporary contract, only 6 receive a salary of about one thousand somalos per month, as they possess a Superior medium school certificate. Since no Somali holds such a certificate, we do not understand the complaints referring to an alleged disparity of treatment.

In the new regulation for the enrolment of locally engaged personnel, the Administration will tend to eliminate any disparity of treatment between foreigners and Somalis, who, their capability and school certificates being equal, will receive the same basic salary.

Somalization is being carried out in all sectors of the Administration. Postal and Customs offices, police stations, etc. are continually being entrusted to autochthonous officials, who replace Italian officials in these directive posts.

The protest against mass immigration of Italians to occupy offices which might be entrusted to Somalis is definitely groundless, since, during the whole period of Trusteeship Administration, Italian elements who came to Somaliland (excluding military personnel, whose number has been very considerably reduced) may be classified in the following two categories: (a) Administration technicians, whose functions cannot, for the time being, be discharged by Somalis, and (b) a few hundred specialized civilians, who are indispensable for the proper running of agricultural, industrial and commercial enterprises. Indeed, when the Italian Administration took over in Somaliland, the Italian civil population present in the Territory numbered 2,759 persons, at present it numbers 4,272 persons, including Italian officials and their families. There has been, therefore, an increase of only 1,513 persons.

Discriminations.

The charge made against the police authorities that they arrested arbitrarily and maltreated members and sympathisers of the Somali Youth League is perfectly groundless. No one was ever arrested except when charged with criminal actions, in terms of laws in force in the Territory.

Refusal to state the tribe of origin is not considered an offence. In order to avoid easy mistakes of homonymy, political and police authorities require also the father's and grandfather's name, birthplace and domicile.

Proceedings are taken according to law only when the parties concerned refuse to state their own name or supply false data. (Refusal to supply information, in respect of one's own personal identity: Penal Code 651 -- false statement on one's own identity: Penal Code 495).

When the declaration of tribe or rer of origin is provided for by "sciaria" rules (for example in the case of payment of "diah" -- blood money -- etc.) refusal to abide by it is settled in accordance with the rules themselves.

No purging has been made of chiefs and notables. Chiefs are normally elected by methods, which, although not modern, may be considered to be democratic. The tribe's or cabila's assembly, formed of all elders, religious leaders and young men of age, designate the chiefs, who will then be vested with his functions by the Administration. Therefore, chiefs are the direct and immediate expression of the tribe's will.

Judicial Organization.

In penal matters ample competence is conferred upon khadis by the Judicial Regulations in force.

Khadis may, in fact, judge offences committed by autochthonous persons against other autochthonous, which, according to the Italian Penal Code, entail imprisonment not exceeding 12 years.

Khadis are fully independent in their judgments, and are considered, from all points of view, as "judges" who are empowered to pass sentences enforceable without any confirmation or interference by the Administrative Authority being required.

About 70 Khadis are at present in service.

Recourse against judgments passed by Khadis may be had to the Court of Appeal, which, for penal matters, is presided over by the Provincial Commissioner and two Khadis or notables.

An appeal for revision may be made to the Administrator against sentences of the Court of Appeal.

With regard to the application of the Italian Penal Code, it should be noted that, for judgments by Khadis, the rules of Moslem and customary laws are observed, unless these are openly in contrast with the fundamental principles of Italian law and of law in general.

It is true that the judgment of certain offences is taken away from Khadis' competence and entrusted to the Provincial Commissioner, to the District Court, to the Judge of Somaliland and to the Court of Assizes. Such derogation is provided for by the Judicial Regulation:

- for offences committed by Italians or foreigners or against Italians or foreigners;
- for certain offences, of a collective nature, which are to be judged by the District Court;
- for particularly serious offences, which fall within the competence of the Court of Assizes.

It should be noted, however, that in judgments passed by collegiate bodies (District Court of Assizes) autochthonous persons take part as assessors.

Therefore it may be affirmed that there is a judicial system which is patterned after the principle sanctioned by Art. 7 of the Declaration annexed to the Agreement.

Furthermore, the studies of a Special Commission for the publication of a new and complete judicial regulation are in an advanced stage. This regulation will represent a considerable improvement over the present one, also in regard to the independence of magistrates of all ranks.

With regard to the specific case mentioned in the petition, i.e. the trial of the Khadi of Galkayu, it should be specified that the Khadi was charged with continued embezzlement (art. 317 of the Penal Code).

Questions addressed by the Judge to the accused in a public hearing were in no way insulting; it was obviously the purpose of the judge, who is entitled to full freedom of action while exercising his functions, to investigate the motives that had led to the offence, and to verify the evidence given by those who were, politically, in a field opposed to that of the accused.

The Khadi was in any case acquitted because of insufficient evidence, and was re-engaged.

/Residency

Residency Councils and Territorial Council.

In view of the very low educational level of the Somali population, which excluded, and excludes the possibility of recourse to an electoral method of a modern type, the Trusteeship Administration was compelled to seek out, for the creation of / Residency Councils and of the Territorial Council, methods of composition and selection which, without impairing that method's value, could mirror as truthfully as possible the present structure of the Somali community, which is more than three quarters traditionalist and tribal and less than one quarter progressive.

A step forward has been made, in the new Territorial Council's arrangement for 1952, with the considerable increase in seats allotted to political parties (from 7 to 11) and with the abolition of tribal representation, which is replaced by the territorial representation.

In Residency Councils too, new rules allot a larger number of seats to representatives of political parties.

Mogadiscio, October 1951.

4. Petition from the Hamar Youth Club (T/PET.11/41)

The "Hamar Youth Club", also in reference to the opinion expressed by the United Nations Advisory Council and that of the Territorial Council, has been recognized as a political party, whereas, at first, it had been considered as an association of cultural and helpful character. As a political party, the "Hamar Youth Club" will have the right to be represented in the Territorial Council, when it has at least five recognized branches in the interior of the Territory, as required by the new Regulation of the Territorial Council, approved with Ordinance No. 18 of 20 October 1951, attached hereto.^{1/}

/5. Petition

1/ Note by the Secretariat: A copy of this ordinance is on file at Headquarters and is available upon request to members of the Trusteeship Council.

5. Petition from the Hamar Youth Club (T/PET.11/42) and
6. Petition from the Moslem League (T/PET.11/43)

The petitions in question are similar, for the portion concerning the teaching of Arabic language and schools organization, to that of 14 April 1951, sent by the Somali Youth League, and therefore, for the said portion, the remarks made on the said portion are valid: i.e. the Arabic language is used in schools as a teaching language together with Italian. This was done in order to follow the suggestion made by the United Nations Advisory Council and because a referendum promoted by the Administration on the subject showed that such was the desire, which was, besides, unanimously approved by the Territorial Council at its meeting of 7 February 1951. There were, however, many requests, expressed of one accord at the above-mentioned meeting of the Territorial Council to increase the use of Somali language, and to speed up studies, already undertaken, to establish a script for it.

Below is listed the number of weekly lessons imparted in elementary schools of Somali type:

	Prep.	I	II	III	IV	V
1. Religion and moral education	8	8	6	6	6	6
2. Italian language	8	8	10	10	10	10
3. Arabic language	12	12	12	12	10	10
4. Arithmetic and geometry	5	5	5	5	5	5
5. Sciences and hygiene	4	4	4	4	4	4
6. History and geography	2	2	2	4	5	5
7. Practical training (drawing, manual work, handicraft)	6	6	6	7	7	7
8. Physical culture and singing	6	6	6	5	4	4
	51	51	51	51	51	51

The above table shows clearly that the teaching hours of the Arabic language are more than those of any other subject, the Italian language included.

Moreover it should be noted:

- (a) that lessons of religion and moral education must be held in Arabic;
- (b) that in the first two years only Arabic script is being taught.

Furthermore, a sufficient number of qualified teachers was obtained from Libya to teach Arabic and great care was given in examinations for autocthonous teachers, to ascertain whether these had a good knowledge of the Arabic language, indeed, many of them have been declared unsuitable for teaching because they had only a scanty knowledge of the language.

The Administration also arranged for the purchase of a linotype machine for Arabic characters, which, as soon as it is in operation, will make it possible to print a larger portion of the newspaper in that language.

As to the request that all official inscriptions be made in Arabic, it should be noted that all official deeds are drawn-up in both Italian and Arabic, and that all verbal statements, of an official character, are also translated into Arabic.

7. Petition from the "Unione Difesa della Somalia" (T/PET.11/44)

The Residency Council of Brava, in November 1950, regularly designated five members for the Lower Webi Shebeli Regional Assembly, among whom was Adde Megne Abdalla, Chief of Bidda.

The Regional Assembly, in the course of the meeting of 10 December 1950, designated, as representatives of Brava population to the Territorial Council Adde Megne Abdalla and Megne Haji Abdulkadir.

H.E. the Administrator, having to choose one of the two candidates, according to the system indicated at page 41 et seq of the "Annual Report", appointed Adde Megne who was a more educated and advanced person.

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