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TRUSTEESHIP COUNCIL

Ninth Session

AD HOC COMMITTEE ON PETITIONS

14 JUN 1951

PROVISIONAL SUMMARY RECORD OF THE SECOND MEETING

Held at Flushing Meadow, New York
on Thursday, 7 June 1951, at 3 p.m.

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Chairman: Prince WAN WATTHAYARON Thailand

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Members:

Mr. LESCURE	Argentina
Mr. WENDELEN	Belgium
Mr. SCOTT	New Zealand
Mr. SOLDATOV	Union of Soviet Socialist Republics
Mr. STRONG	United States of America

Also present:

Mr. della CHIESA	Representative of Italy, Administering Authority for the Trust Territory of Somaliland
Mr. FORNARI	Special Representative of the Administering Authority for the Trust Territory of Somaliland under Italian Administration

Secretariat:

Mr. RAPOPORT	Secretary of the Committee
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PROGRAMME OF WORK

The CHAIRMAN announced that the Committee would examine petitions concerning the Trust Territory of Somaliland under Italian administration.

At the invitation of the Chairman, Mr. della Chiesa (Italy) and Mr. Fornari (Special Representative for Somaliland) took their places at the Council table.

The CHAIRMAN pointed out that there was a number of petitions on the Council's agenda, (T/901, T/901/Add.1) which were marked by an asterisk to show that they had not been received by the Administering Authority within the time-limit of two months specified in paragraph 1 of rule 36 of the rules of procedure. Paragraph 4 of that rule, however, provided that a written petition might be placed on the agenda of a regular session, notwithstanding the fact that it had been presented after the due date, if the Administering Authority was prepared to consider it at shorter notice. The examination of petitions should if possible be effected at the same session as the annual reports on the Territories to which they related, when the help of the special representatives for those Territories was available. He therefore proposed to ask each of the Administering Authorities whether they would agree to the examination of all or some of the petitions which had not been received within the time-limit.

/Mr. della CHIESA

Mr. della CHIESA (Italy) said that the Italian administration was prepared to agree to the examination of the nine petitions received after the time-limit, the last of which was contained in document T/PET.11/32, in addition to the twenty-one petitions received within the time-limit (T/PET.11/3 to T/PET.11/23 inclusive).

It was so decided.

The CHAIRMAN recalled that at the previous session petitions had been examined in connexion with the annual reports on the Territories concerned. That had been a logical procedure, because petitions frequently raised general questions, which were discussed by the Council at the same time as the report. It might have been desirable to postpone discussing those petitions which raised general questions until the Drafting Committee on annual reports had completed its work, but the Committee on Petitions would not have time to do that. It would therefore examine all the petitions without delay, whether or not they raised general questions, ^{and would} adopt provisional resolutions which, if time allowed, could subsequently be reconsidered when the results of the Drafting Committee's work were known. If time did not allow, the resolutions of the Committee on Petitions and those of the Drafting Committee could be concurred when their reports were discussed at a plenary meeting of the Trusteeship Council.

Mr. WENDELEN (Belgium) agreed with the Chairman that, in the case of petitions which raised general problems, the Committee should be in position to adopt resolutions which could be amended, if necessary, in the light of the Council's discussions.

It was so decided.

EXAMINATION OF PETITIONS CONCERNING SOMALILAND UNDER ITALIAN ADMINISTRATION

(T/908; T/L.139)

Petition from Mr. Ahmed Mohamed Ismail Husseini (T/PET.11/4)

Mr. FORNARI (Special Representative) said that he was ready to give the Committee any explanations it required regarding the petition. He had, however, nothing to add to the written comments submitted by the Administering Authority.

/Mr. STRONG

Mr. STRONG (United States of America) pointed out that in his letter of 23 July 1950 the petitioner had expressed dissatisfaction with the comments submitted by the Italian administration, which had been mentioned by the United Nations Advisory Council in its letter of 17 July 1950. He inquired whether the comments in question were the written comments submitted by the Administering Authority which were reproduced in document T/908.

Mr. FORNARI (Special Representative) said that, while he had not before him the text of the comments addressed to the petitioner he had every reason to believe that they were those contained in document T/908.

Mr. WENDELEN (Belgium) asked the Special Representative whether it was possible to appeal to the courts against a decision involving the dismissal of an official.

Mr. FORNARI (Special Representative) said that there was a court of appeals. He did not, however, know whether the petitioner had had recourse to it.

Mr. SOLDATOV (Union of Soviet Socialist Republics) inquired how long the petitioner had been in the service from which he had been dismissed; also whether he had been employed by the Occupying Power during the Second World War and previously by the colonial administration. He also requested further information regarding the disciplinary action taken against the petitioner in the course of his career and regarding the reasons for his dismissal.

Mr. FORNARI (Special Representative) said that the petitioner, who had served with the British police, had remained for one week in the service of the Administering Authority. He had been dismissed for insulting a police officer and for insubordination. An attempt would be made to obtain further information regarding his career and the circumstances of his dismissal.

/The CHAIRMAN

The CHAIRMAN took note of the statement of the Special Representative.

It was decided to defer consideration of the petition contained in document T/PET.11/4 to a later meeting.

Petition from Mr. Ghedi Guled, Mr. Mohamed Warsama, Mr. Elhi Amin and Mr. Abbi Salad (T/PET.11/5)

Mr. LESCURE (Argentina) asked the Special Representative whether the six hundred ex-servicemen mentioned in the petition had not yet received satisfaction.

Mr. FORNARI (Special Representative) thought that was probably so, though he could not positively affirm the fact.

Mr. STRONG (United States of America) asked whether there was any procedure which would enable the question to be settled in the best interests of the petitioners. If there was, the Committee should confine itself to taking note of the fact, and the Council would not have to take any action.

Mr. WENDELEN (Belgium) agreed with the United States representative. He thought that a distinction should be made. If the sums due to the ex-servicemen were to be paid by the Italian Treasury, the Committee should merely note the fact. If, on the other hand, the sums were to be taken from the budget of the Somaliland Administration, the Trusteeship Council might make a recommendation, which should be drafted by the Committee.

Mr. FORNARI (Special Representative) said it was the Italian Treasury and not the Administration of the Territory which was to provide the back pay for the ex-servicemen.

The Committee therefore decided to ask the Secretariat to draw up a draft resolution taking note of the statement by the Special Representative for Somaliland and stating that it called for no action on the part of the Council.

Petition from Mr. Omar Hassan (T/PET.11/6)

Mr. SCOTT (New Zealand) asked the Special Representative how the fact of membership of the Somali Youth League was established.

Mr. FORNARI (Special Representative) replied that the fact of membership of the Somali Youth League could be ascertained by means of a simple declaration by the person concerned.

Mr. WENDELEN (Belgium) asked the Special Representative whether, in general, custom forbade a police officer's belonging to the Somali Youth League or whether he was merely forbidden militant action.

Mr. FORNARI (Special Representative) said that only militant action was forbidden.

Mr. LESCURE (Argentina) noted that the Administering Authority had discharged the petitioner because of his disciplinary record and his inefficiency. He thought the Committee should be informed of the petitioner's previous history.

Mr. FORNARI (Special Representative) asked the Committee to give him a few days to collect the necessary information.

Mr. SOLDATOV (Union of Soviet Socialist Republics) noted that the Special Representative would submit to the Committee additional information on the petitioner's previous history. He asked that the additional information should include Mr. Hassan's length of service and the disciplinary measures to which he had been subjected, and should be sufficiently detailed to enable the Committee to form an opinion.

He was surprised that the Administering Authority should forbid police officers from taking an active part in political activities. He asked when that prohibition had come into force. He agreed that a police officer, in the exercise of his duties, should confine himself to strict observance of the

/regulations,

regulations, but thought that any officer who was not on duty had a perfect right to be an active member of a political party. Moreover, in view of the special situation in Trust Territories, where people capable of carrying on political activities were relatively rare, he thought it dangerous to reduce their number still farther by prohibiting any political activities by police and army officers. Such a measure was not likely to promote Somaliland's development towards self-government and independence.

Mr. FORNARI (Special Representative) said the prohibition of active membership of a political party had been issued one month after the transfer of powers to the Administering Authority. The absolute neutrality of the representatives of authority was the rule in many ^{advanced} countries, and the Administering Authority for Somaliland had wished the armed forces and the police to be above party strife. The rule was more necessary in Somaliland than elsewhere because of the backwardness of the population, which would be unable to distinguish between measures of law enforcement and acts of political vengeance if it knew that police officers were carrying on political activities. The result would be to undermine respect for authority.

Mr. SOLDATOV (Union of Soviet Socialist Republics) expressed the hope that in future the Administering Authority would undertake truly democratic reforms by authorizing police and army officers to carry on political activities. He reserved his position until the Special Representative had received the information for which he had been asked.

Mr. WENDELEN (Belgium) said he was satisfied by the explanations given by the Special Representative as to why police officers were forbidden to carry on political activities.

Petition from Mr. Abdi Ali Omar (T/PET.11/8)

The CHAIRMAN recalled that, according to the comments of the Administering Authority, the matter was a private one which had already been settled between the parties.

/Mr. WENDELEN

Mr. WENDELEN (Belgium) asked how the matter had been settled.

Mr. FORNARI (Special Representative) was under the impression that the parties had come to an agreement.

Mr. WENDELEN (Belgium) thought that if an agreement had been reached it was sufficient to take note of it and to state that if the petitioner was not satisfied by the settlement, he could appeal before the courts.

Mr. SOLDATOV (Union of Soviet Socialist Republics) supported that proposal.

Mr. STRONG (United States of America) also supported the Belgian representative's proposal.

The Committee decided that the Secretariat should be asked to draw up a draft resolution to that effect.

Petition from the Somali Youth League, Galcaio District (T/PET.11/11)

At the request of Mr. WENDELEN (Belgium), Mr. FORNARI (Special Representative) described the incidents that had taken place in Baldoa during the first months of the Italian administration. Following a number of clashes between members of two political parties, which meant two tribes, since in Somaliland a whole tribe usually belonged to the same party, the Darots, belonging to the minority party, had believed themselves to be in danger and had left Baldoa. The Administering Authority had intervened and, after negotiations with the two parties, had re-established order and the Darots had returned to Baldoa. Several days before his departure for New York, he had received a telegram, signed by all the parties, which thanked the Administration and the Advisory Council for their good offices.

Mr. STRONG (United States of America) remarked that the Administering Authority's observations regarding the petition did not appear to relate to the same matter, but to a dispute between individuals which it would be enough to refer to the competent authorities.

/Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) would have liked the petition and the observations on it to go into more detail. He would like to have specific information regarding the town of Galcaio, the Qadi of Galcaio, his role in the Somali Youth League, the character of Mr. Omar Mohamud Rer Mahad and his relations with the local authorities, and the grounds for the League's inference that the branch headquarters had suffered an organized attack.

Mr. FORMARI (Special Representative) said that the town of Galcaio was some distance from Baidoa. On receipt of the telegram, the Administering Authority had instituted an inquiry in Baidoa which had shown that, contrary to rumour, nothing had happened. As for the incident at Galcaio, it had been a purely private matter. He realized how surprising it was that a telegram should have been despatched on account of a personal quarrel, but he felt that the fact that the Qadi had not lodged a complaint showed that he regarded the incident as of little importance.

He was unable to say whether the Qadi belonged to the Somali Youth League, but the fact that the League had not followed up and amplified its telegram was further proof that it had realized that the matter was not serious and was willing to let it drop.

Mr. STRONG (United States of America) wondered whether there was any possibility that the Qadi's judgment which had provoked the attack, might be part of a campaign against the League.

Mr. FORMARI (Special Representative) replied that he was unable to reply to that question.

Mr. WENDELEN (Belgium) recalled that in its report to the General Assembly the Advisory Council had referred to the extreme sensitiveness of the Somali Youth League. The League's grievances should be considered in the light of that factor and should be disregarded unless they appeared to relate to facts of some gravity. He agreed with the Special Representative, that, since Baidoa was 600 kilometres from Galcaio, the story had been greatly exaggerated and that the Somali Youth League had not followed up the other allegations in its telegram because it had realized their frivolity.

Mr. SOLDATOV (Union of Soviet Socialist Republics) felt that the Committee was not justified in setting the matter aside without eliciting the facts. Probably hundreds of similar incidents to that of Galcaio had occurred and neither the Advisory Council nor the Trusteeship Council had done anything to give satisfaction to the victims. He felt that the Committee might invite the petitioners themselves to throw some light on the events.

The CHAIRMAN considered that it would be of some use to know whether the Qadi had belonged to the League as well as the identity of his assailant.

It was decided that the Special Representative for Somaliland should be requested to furnish the Committee with the information requested by its members concerning petition T/PET.11/11.

Petition from the Somali Youth League, Branch of Bender Kassim (T/PET.11/12)

In reply to Mr. STRONG (United States of America), Mr. FORNARI (Special Representative) explained that the holding of open air-meetings was regulated by an ordinance dating back to the British Administration; it provided that meetings on the public thoroughfare had to receive the prior authorization of the police. He understood that there had been no request for authorization in the present case.

Replying to Mr. SOLDATOV (Union of Soviet Socialist Republics), who asked in what circumstances the police would authorize the holding of a public meeting, Mr. FORNARI (Special Representative) stated that freedom of assembly was guaranteed but that the question of meetings on the public thoroughfare was left to the discretion of the local authorities, who always gave the authorization when they considered that a meeting would not disturb public order.

Mr. SOLDATOV (Union of Soviet Socialist Republics) pointed out that there was a contradiction between the telegram which mentioned the headquarters of a branch of the League and the Administering Authority's observations which referred to an open-air meeting. He was afraid the local authorities had taken arbitrary action with regard to freedom of meeting and particularly with regard to meetings of the League.

/Mr. FORNARI

Mr. FORNARI (Special Representative) thought that the telegram did not correspond to the facts and that the meeting had taken place on a public road. He added that the Advisory Council could bear witness to the fact that the Somali Youth League held meetings every day with complete freedom and that a meeting in a building would not have been forbidden.

Mr. SOLDATOV (Union of Soviet Socialist Republics) said that, as a visiting mission would soon go to Somaliland, the USSR delegation would propose that the mission should study the circumstances which had given rise to a whole series of petitions, including petition T/PET.11/12, on the spot.

It was decided to invite the Special Representative for Somaliland to give the Committee fuller details on the incidents mentioned in petition T/PET.11/12.

Petition from Mr. Hussein Mohamed Egal, Mr. Elmi Fara Ali, Mr. Hussein Fara Ahmed and Mr. Saleh Mohamed (T/PET.11/15)

Mr. STRONG (United States of America) regretted that in that case, as in the case of petition T/PET.11/4, the Committee did not have all the relevant documents.

Mr. WENDELEN (Belgium) thought the text of the petition ambiguous. He hoped the Special Representative would be able to give some explanations. There was no point in asking the Advisory Council for them because the Council had interpreted its terms of reference to mean that it should transmit petitions, but not make an inquiry.

Mr. SCOTT (New Zealand) emphasized that the petitioners indicated that they had already made a complaint.

The CHAIRMAN said he would like to see the correspondence between the Advisory Council and the petitioners.

Mr. RAPOPCRT (Secretary of the Committee) said that the only letter the Advisory Council had sent the petitioners was one informing them that the petition had been received and transmitted to the Secretary-General of the United Nations.

Mr. FORIARI (Special Representative) explained that Bur-Acaba was near Baidoa and that the two affairs were connected. The Darots had also withdrawn from Bur-Acaba for fear of incidents. As soon as the Administering Authority received the petition, it had made an inquiry which proved that there had been no looting. Moreover, if the petitioners had been robbed in any way, they could always have recourse to the courts.

Mr. WENDELEN (Belgium) thought the draft resolution on the petition should mention the fact that there had been no looting and that in the case of robbery the petitioners could have recourse to the courts and the Administering Authority.

It was decided to request the Secretariat to draw up a draft resolution to that effect.

Petition from Ogaden Itaraiem, Chief Bajiuni (T/PET.11/19).

The CHAIRMAN pointed out that, according to the Administering Authority's observations (T/908), the petitioners had been given satisfaction.

It was decided to request the Secretariat to draw up a draft resolution taking note of that fact.

Petition from Mr. John C. Geo (T/PET.11/21)

Mr. SOLDATOV (Union of Soviet Socialist Republics) said he had gained the impression from the petition that the Administering Authority was pursuing an anti-democratic policy unfavourable to the indigenous populations. The USSR delegation intended to submit a draft resolution for the Trusteeship Council recommending that the Administering Authority should abandon that line of conduct.

/Mr. WENDELEN

Mr. WENDELEN (Belgium) said that the petition listed six specific cases to which the Administering Authority replied in detail. The USSR delegation should say what it meant by measures indicative of a policy hostile to the indigenous populations, so that the members of the Committee could reach a decision on the text that delegation was submitting.

Mr. SOLDATOV (Union of Soviet Socialist Republics) said that he would give the required information at a later meeting.

The CHAIRMAN proposed that the Committee should hold its next meeting on the following Tuesday.

Mr. LESCURE (Argentina) proposed that the Committee should meet next day for a rapid review of all the petitions relating to Somaliland under Italian administration so that the Special Representative could obtain any further information that might be necessary by the following Tuesday.

It was so decided.

Petition from Mr. Sciaffet Hussen (T/PET.11/24)

Mr. FORNARI (Special Representative) said that the chiefs were elected by tribal assemblies and that the Administering Authority had no alternative but to recognize the title thus conferred. As officials, they received a salary fixed by the Administration according to the scale it had adopted for its own employees and varying according to degree of training, seniority and other factors.

As regards the specific point raised in the petition, the Italian administration had naturally wished to confirm that the chiefs had been duly elected and as a result there had been a delay of one or two months in the payment of salaries. The matter had now been settled and had even been the subject of a decree published in the Administration's Official Bulletin.

Mr. WENDELEN (Belgium) thought that the only action the Committee need take was to adopt a draft resolution taking note of that statement.

/Mr. STRONG

Mr. STRONG (United States of America) and Mr. SCOTT (New Zealand) agreed with the Belgian representative and considered that the Special Representative's explanations should be mentioned in the draft report.

It was so decided.

Petition from Mr. Mohammed Sheikh Nur (T/PET.11/32)

Mr. WENDELEN (Belgium) asked whether the fact that the petitioner had appealed to the Administration should be taken to mean that claims to the property in question had been rejected by the courts.

Mr. FORNARI (Special Representative) did not believe that to be the case. However, as the Administration had stated in its letter of 16 February 1951, it was not competent in the matter.

Mr. WENDELEN (Belgium), supported by Mr. STRONG (United States of America), thought that, as the petition dealt with landholding, and hence with a dispute in which the courts were competent, the Committee need only adopt a draft resolution referring to rule 81 of the rules of procedure.

Mr. SOLDATOV (Union of Soviet Socialist Republics) pointed out that the dispute had never been the subject of a court decision. In his opinion, the petition was not out of order and he reserved the right to prove that it was within the competence both of the Council and of the Committee, which should therefore consider it and take a decision on it.

Mr. WENDELEN (Belgium) said he was prepared not to invoke rule 81 of the rules of procedure, if the USSR representative could prove that the case was within the Council's competence and if he submitted a constructive proposal. Otherwise, he would submit a proposal designed to apply that rule.

The meeting rose at 6 p.m.