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PETITIONS CONCERNING THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

Working paper prepared by the Secretariat

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I. Petition from the Somali Youth League, Branch of Candala (T/PET.11/497)
dated 3 December 1954

1. In two telegrams dated 3 December 1954 the petitioners charge that the District Commissioner is partial and unjust, and they express the fear that disturbances will break out in the district because the population is "being ruined". They request that an inspection be made of the district.
2. The Administering Authority states (T/OBS.11/56, section 1) that La Migiurtinia, a fish-packing company, operates at Candala and engages locally the female labour it needs. Until last year, groups consisting of all the available women who were suitable for the work were engaged in rotation. In course of time the women joined the various political parties, and by December of last year about two-thirds of them belonged to the Somali Youth League and the remainder to the Somali Democratic Union. Of their own accord, the secretaries of the two parties agreed to divide the requests for labour equally, discarding the previous rotation system. Accordingly if the Company had asked for fewer workers than the number enrolled in the two parties, not all of the women would have found employment.
3. On the morning of 1 December, the Company announced that it intended to engage eighty women. Under the agreements previously concluded between the secretaries of the political parties, 88 persons should have applied for employment: the first 44 on the League's list and the first 44 on that of the S.D.U. Instead 105 women presented themselves at the factory, 61 from the League and 44 from the S.D.U., all claiming employment. The Company engaged the 105 women in order to avoid any incident. However, the question of the procedure for assigning women workers to employment gave rise to a dispute between the secretaries of the two parties and local notables, and not even the District Commissioner's intervention was successful at first in restoring calm.
4. The Chief Regional Officer then went to the area and ascertained that there was in fact no justification for complaints against the local authority, as the telegrams sent to the central authorities and to the Trusteeship Council suggested. He succeeded in reconciling the District Commissioner, the people and the parties' spokesman. The situation is again completely normal; even the spokesmen of the SYL have acknowledged that they went too far with their telegrams of protest.

5. The Administering Authority notes, moreover, that there are signs of a substantial improvement in the economic circumstances of the peoples of the Midjertein region as a result of the recent establishment of cooperatives for the production and marketing of incense. This will contribute greatly to raising morale, as it will improve the economic situation in one of the areas least favoured by nature.

[It may be noted that the local branch of the SYL has submitted a further petition (T/PET.11/569) dated 2 March 1955 in which they appear to express dissatisfaction with some of the arrangements concerning incense.]

II. Petition from the Somali Youth League, Branch of Scusciuban (T/PET.11/506)
dated 12 October 1954

1. The petitioners complain that the District Commissioner of Scusciuban neglects the welfare of the people in his district by going on numerous hunting trips during which he kills wild animals. This, they say, is against the law and the car which he uses for this purpose is an official car intended for official business only. The petitioners have approached the District Commissioner concerning this matter and protested against these practices, but his assurances to them that he would not go hunting again were broken. Now, they state, the car is in disrepair as a result of its use on rough terrain. The petitioners are particularly disturbed over the District Commissioner's refusal to lend them the car to bring a seriously ill soldier from the desert.

2. The second complaint concerns the raising of the Somali flag in Scusciuban. The petitioners charge that during a flag raising ceremony the Secretary of the District Commissioner stepped forward and lowered the flag to the ground. Although no disorder had broken out and the flag had been raised again after a complaint had been lodged with the District Commissioner, the petitioners consider the Secretary's action to have been foolish and request that he be dealt with "in accordance with the law".

3. The Administering Authority states (T/OBS.11/54, section 1) that at the time the petitioners sent in their complaint, the District Officer of Scusciuban was

Giovanni Zeppa, who returned to Italy on leave in November 1954 and has been replaced. Scusciuban is a fairly isolated place, far from any centres of population, and it offers very few distractions. In fact, the only diversion is hunting. Mr. Zeppa did not go outside the prescribed areas, nor did he hunt animals which it is unlawful to kill. The petitioners' objections are clearly exaggerated and without foundation. As regards the complaint about the flag-raising incident, it appears that on the day of the raising of the flag (12 October), Mr. Bruno Parodi, the District Secretary, on his own initiative and for some incomprehensible reason, insisted on lowering the Somali flag some inches below the Italian flag. He has been reprimanded by the District Officer for his conduct.

III. Petition from Mr. Ali Issa Warly (T/PET.11/512) undated

1. The petitioner states that while he was working for the Gallotti Lighterage Firm he fell from a bridge and broke his leg. Following his release from the hospital, where he spent two and a half months, he was unemployed for four months. His son who attempted to take his place with the firm was refused a working card. The petitioner requests that his case be investigated.
2. The Administering Authority states (T/OBS.11/58, section 2) that the petitioner had an accident on 17 June 1954 while working at Chisimaio as a day labourer for the Luigi Gallotti firm. He suffered a third-degree fracture of the tibia of his left leg and was given treatment, first at the Chisimaio Hospital, where his leg was put in plaster, and subsequently at the dispensary of the Cassa, where he received a general vitamin treatment and physical therapy. On 14 December 1954 he underwent a medical examination and was pronounced cured.
3. He was awarded a 20 per cent compensation for the permanent disability observed in the course of the medical examination. For the period of total unemployment following the accident he was awarded So. 293.70. The Administering Authority notes that the petitioner is over sixty years of age and this is perhaps the reason why the Gallotti firm felt unable to re-employ him after the injury caused by the accident had been cured. With regard to the son's being taken on in his father's place, the firm is obviously at liberty to choose its own employees.

IV. Petition from Mr. Said Abd Mahmud (T/PET.11/518) undated

1. The writer of this petition complains that he has been attempting for five years to obtain a job from the labour exchange in Mogadiscio and that he has received no reply concerning five applications for work with the Guardia di Finanza. He requests that the United Nations intervene in obtaining work for him.
2. The Administering Authority states (T/OBS.11/58, section 3) that the petitioner came to Mogadiscio from Galcaio in 1953. His family consists only of his wife, who lives in the District of Galcaio, where he apparently possesses 60 head of cattle, 50 camels and 80 goats. Until a few months ago he was working as a waiter in his brother's macaia.
3. On 29 March 1954 a passport was issued to him since he wished to go to Egypt as a cattle-drover. The District of Mogadiscio has several times offered him work as a labourer which he has consistently refused. Moreover, as he has no particular qualifications or capabilities, he could not be employed in any other capacity.
4. The Administering Authority states further that the Guardia di Finanza recruit their members by means of regular competitive examinations which can be taken only if the applicant has given evidence of possessing the necessary qualifications. Since the petitioner possesses none of the qualifications required, all his applications have been rejected.

V. Petitions from Chief Simba Mcoma and others (T/PET.11/522 and 545)
both dated 28 September 1954

1. In their present petitions addressed respectively to the Advisory Council and to the 1954 Visiting Mission, the petitioners refer to their former petition (T/PET.11/288 and Add.1), and to a petition (T/PET.11/291) submitted by Mr. Nur Mohamed and others. These two petitions were jointly reported upon by the Committee in its thirty-first report (document T/L.346, section IV). Briefly, the petitioners then claimed that land belonging to them in the Margherita District was being alienated to an Italian firm. About 400 hectares was

involved. The Administering Authority said that this was not so: that the land had been conceded to Italians by the former Colonial Administration after it had been ascertained that it was unoccupied, and that during the military occupation of the Territory Somalis had encroached on to it. Notwithstanding the proprietors' legal rights, however, they had confirmed that any Somali wishing to cultivate in the area where he had encroached would be permitted to do so undisturbed - within the limits allowed by the states' work and development programmes. The Council in its resolution 698 (XII) on the two petitions noted the facts of the case, as well as the Administering Authority's policy in the matter of those and other similar causes of conflict between Somalis and Italians over the ownership of land but decided that no recommendation by it was called for.

2. The present two petitions are both dated 28 September 1954. In the first, T/PET.11/522, the writers state that the alienation of their lands by the Resident of Margherita is still going on; that the Administration had taken no steps to evict the Italians and to return the lands to the petitioners. In the second petition, T/PET.11/545, Mr. Simba Mcoma first refers to "the theft of our farms, which were alienated from us through the instrumentality of the District Officer in Margherita...". He goes on to say that, after the submission of T/PET.11/288, he and his associates were persecuted; in particular, the salary that he received previously was stopped. He claims that once again he and his associates are in great danger and are "enfeebled through robbery, imprisonment and the like", and that "another people from other tribes and races is threatening our land, under the guidance of the District Officer himself, who is encouraging them with rude threats".

3. In its observations (T/OBS.11/59, section 1) of the present petitions, the Administering Authority merely refers to the fact that the grievances of the petitions were examined at the twelfth session of the Council which decided that no recommendation by it was necessary.

VI. Petition from Mr. Guled Garad Abdi and Others (T/PET.11/528)

1. The petitioners, who are members of the Garre tribe, complain that members of the Abagibil tribe moved on to their lands while they were away working on farms at Genale. Despite many applications to the authorities - both British and Italian - these Garre tribesmen have been unable to regain possession of their lands. On the occasion of their last application the District Commissioner of Afgoi told them to apply to the Khadi of Audegle to settle the matter according to sharaitic law. The Khadi, however, refused to hear either their complaints or their advocate.

2. In its observations (T/OBS.11/59, section 4) the Administering Authority states that this matter was properly referred to the competent judge of the religious court (the Cadi of Audegle) who, in his judgment of 22 November 1954, held that the Agagibil were entitled to the disputed land. The parties concerned were informed of the judgment.

3. The court of the Cadi of Mogadiscio, to which the petitioners later appealed, upheld that judgment on 21 January 1955.

VII. Petition from Mr. Ahmed Osman and Others (T/PET.11/529) dated 29 December 1954

1. The petitioners are members of the Galjal tribe living in Benadir. On 9 December 1954 the District Commissioner of Balad seized 106 of their camels, giving as the reason that the tribesmen had crossed the boundary. The petitioners, however, say that they recognize no boundaries for, being nomads, they must move from place to place to find water and grazing, and that on the occasion in question they had moved to the river bank during a dry spell.

2. Subsequently the District Commissioner returned fifty-six of the camels, but kept the other fifty as security for a payment of 3,000 somalos. These camels are being badly looked after, however, and "are damaged by dangerous pests". The petitioners appealed to the Provincial Commissioner, whose final word in the matter was that, if the money were not made by 1 January 1955, the camels would be sold by public auction.

3. The Administering Authority confirms (T/OBS.11/60, section 1) that 106 camels belonging to the Galjal tribe were seized on 16 December 1954 by the District Officer of Balad. Immediately afterwards 56 of these camels were released on an undertaking to pay promptly the penalty described below. The 50 remaining camels were returned unharmed to their owners between 11 and 19 January 1955, the final instalment of the penalty having been paid on 18 January. The Administering Authority states further that the petitioners, who are not qualified to represent the interests of the Galjal tribe but only their own personal interests, profess to be unaware of the existence of clearly-defined grazing areas belonging solely to one ethnic group to the exclusion of all others and reserved for the collective use of the members of that group unless otherwise specified in an agreement, which is usually made publicly by the responsible heads of the respective groups in the presence of the competent authorities.
4. This is also the case with the Galjal tribe, settled mainly in the districts of Bulo Burti (Hiran region) and Villabruzzi (Benadir region), whose tendency to cross their boundaries and move south, even though their own grazing areas are still adequate and are familiar to them all, can be attributed to their desire not only to save their own pastures at the expense of those of others but also to be nearer with their animals to Mogadiscio, with its more favourable market and greater capacity for absorbing milk and other animal products.
5. An agreement concerning the migration of Galjal animals to south Benadir was made at Afgoi in December 1950. The parties to this agreement were, in addition to the recognized spokesmen of the tribes, the chiefs of the Dighil and Mirifle and of the Daud, Hillivi and Mobilen. Also present at the meeting were a representative of the Italian authorities; the then Regional Commissioners of Upper Juba, Benadir, Lower Webi Scebeli (later Benadir) and Mudugh; and the Residents of Afgoi, Merca, Bulo Burti, Bur Hacaba, Hoddur, Villabruzzi and Balad.
6. It was decided by common consent in order to prevent the constant offences of the Galjal, such as encroachment on grazing areas, damage to property, unauthorized migration of animals and worse, to impose a fine of So. 50,000 on groups of persons contravening the agreement, or that in any case the provisions of article 4 of the Proclamation of 1942 prescribing fines not exceeding So. 10,000 would be applied.

7. In June 1954 occurred, in violation of the agreement, an invasion of the Balad area by large numbers of Galjad with several thousand camels and goats. The District Commissioner of that area and the Ilalo under his jurisdiction had to take prompt action to prevent the justifiable indignation of the local inhabitants from leading to serious consequences. On 28 June the responsible leaders of the Galjad, who had been identified and summoned, signed in the presence of that political administrative officer an undertaking to pay by the following 31 July So. 2,100 in cash as the penalty under the agreement and costs, and also So. 400 as a present (semen) by way of apology to the leaders of the injured tribes (Daud, Hillivi, Mobilen, Scidle-Barre).
8. The acceptance of the undertaking soothed tempers and allowed the violators of the agreement to remain peacefully with their own animals in a well-defined area not assigned to any particular tribe. By making a continuous series of quite unfounded but sustained attacks on the District Commissioner of Bullo Burti, the persistent offenders managed to employ all sorts of delaying tactics to avoid honouring the undertaking signed in their own interest on 28 June 1954. Thus, after several months had elapsed without any result, the District Commissioner of Balad was forced to take the administrative action referred to above.
9. The Administering Authority concludes that since despite this action the recognized and responsible spokesmen of the Galjad did not protest, it is evidence that the statements in the petition are false and without foundation.

VIII. Petition from Shickh Ali Dahire Abdi Ghire (T/PET.11/530)
dated 13 January 1955

1. The petitioner describes himself as a leading merchant of Mudugh, aged and well-respected. He complains that on 22 May 1954, in the middle of the marketplace at Galcaio, he was struck on the head, face and arms with a stick wielded by a Mr. Dahire Sed, at that time a Territorial Councillor representing Mudugh. When he went and laid his complaint before the magistrate, the latter told him, in effect, that his assailant enjoyed immunity from legal process, as

a Territorial Councillor, Nevertheless the magistrate said that he would write to the Administrator of the Territory seeking an order empowering him to hear the case. Nothing further has happened, however, and the petitioner asks that justice be done.

2. In its observations (T/OBS.11/60, section 2), the Administering Authority states that in connexion with a long-standing dispute between the petitioner and Hagi Dahire Set Giama, a member of the Territorial Council, concerning the building of a house, a quarrel arose in the course of which Ali Dahire was struck by his adversary with a stick but, although he has no left hand, retaliated adequately. In this encounter, which took place near the Council's office at Galcaio on 23 May 1954 the petitioner sustained injuries to his face and right forearm and required treatment for twelve days, and councillor Hagi Dahire sustained injuries that required treatment for six days.

3. The petitioner brought charges against Hagi Dahire which should have led to penal proceedings. Since, however, the matter concerned a member of the Territorial Council and was very trivial, the Administrator did not feel that the prosecution should be allowed. The Administering Authority notes that in accordance with article 2 of Ordinance No. 144 of 30 December 1950 respecting the establishment of the Territorial Council, members of the Council may not, without previous authorization of the Administrator, be prosecuted or arrested except for serious cases. No action was, therefore, taken in the matter.

IX. Petition from Sheikh Mahmoud Ibrahim Hassan (T/PET.11/536)
dated 29 September 1954

1. The petitioner states that he was imprisoned for one year and fined 260 somalos because he had preached in mosques and given advice to the people. He states that he did not commit an offense and he requests assistance in this matter. He adds that his appeal to the Administrator of Somaliland of 9 April 1953 remains unanswered.

2. In its observations (T/OBS.11/60, section 5), the Administering Authority states that the petitioner was convicted by the judge of Lower Juba for subversive propaganda and incitement to unlawful acts and sentenced to twelve

months' imprisonment and a fine of So. 200 by a judgment of 22 July 1952. On appeal to the judge of Somaliland the sentence was upheld in default of appearance by the accused on 30 August 1952. The sentence was attacked by the accused on the ground that he had been absent when it was pronounced, and was again upheld by a judgment of 27 March 1954.

3. From the observations of the Administering Authority, it is established that the petitioner is the same person as Scek Mohamed Scek Ibrahim, whose arrest was complained of by the Somali Youth League, Branch of Chisimaio in T/PET.11/276 and Add.2. The Council by resolution 686 (XII) decided that no action was called for on the questions of arrest and imprisonment contained in that petition, since they were within the competence of the courts of the territory.

X. Petitions from the Chiefs, Notables and People of Galcaio (T/PET.11/537) and from the Traders of Galcaio (T/PET.11/543 and Add.1)

1. T/PET.11/537 and T/PET.11/543 are cables dated respectively 26 and 25 January 1955, and T/PET.11/543/Add.1 is a letter dated 29 January 1955. All three are concerned with the import licensing system, particularly as it affects imports into Galcaio District.

2. In T/PET.11/543 the writers charge that the estimates submitted to headquarters by the District Commissioner for imports for the year 1955/56 were drawn up without prior consultation with traders and are unrealistic: the quantities of imports estimated will meet the needs of the population for three months only. The estimates submitted by the traders, while much higher than the District Commissioner's, were no higher than was necessary to meet the needs of the local population for a year.

3. In particular, the restrictions on the import of cotton cloth are particularly objected to. In T/PET.11/543 and Add.1 the case of Mr. Mohamed Egal is cited. This merchant exported to Aden local butter and hides valued at 33,600 somalos. He applied to import unfinished cotton cloth of a value of more than half that sum, but was permitted only to import 2000 somalos worth of

raw cotton. The petitioners say that the demand for goods other than cotton cloth is so small that it is difficult to know on what imports this merchant could expend his balance of 31,600 somalos, and that, if he had been allowed to expend on cotton cloth eighty per cent of the price of his exports, it would all have been absorbed by the local demand. The nomads in the Mudugh will exchange their butter and hides only for white cotton cloth; therefore, if insufficient cloth is imported there will be less butter and hides for export. This remark by the authors of T/PET.11/Add.1 throws light on the complaint in T/PET.11/537, where the chiefs, notables and people of Galcaio request that there be a liberalization of trade at Galcaio - particularly with respect to white cotton cloth: "for their butter and skins they obtain only raw cotton cloth in the local market. They buy their other needs with their milk and other local products." The result of the shortage of cotton cloth is to halve the price of their butter and skins.

4. The authors of T/PET.11/543 conclude by requesting a liberalization of trade at Galcaio. They assert that they have no intention of importing anything that is not required by the local market, or of diverting any of their goods to Benadir.

5. (The Territory's external trade and its balance of payments are discussed by the Visiting Mission of 1954 in paragraphs 189-216 of its report (T/1143).)

6. The Administering Authority, in its observations (T/OBS.11/60, section 4) states that the facilities for private barter transactions were considerably broadened in July of 1954 in favour of Mudugh and the Migirtein. The two regions were permitted within the limit of their needs to supply themselves with almost every kind of merchandise.

7. The tradesmen of the Mudugh flooded the markets of Mogadiscio and other regions with various goods, in particular cotton goods, and thus provoked protests from the Chamber of Commerce and other merchants who, because of the exchange situation and the need to protect local industry, cannot be permitted to import such goods. The Administration has therefore been compelled to reduce the imports of such cotton goods through Galcaio to the quantities actually needed for Mudugh. Thus the quotas for cotton goods have been reduced to So. 2,000 for every authorized transaction.

8. There is no basis for the assertion that this limitation has caused a drop in the price of hides and melted butter on the Galcaio market. It has, on the other hand, been observed that the tradesmen of Galcaio are continuing to buy up these products on the Mogadiscio market as a means of illegitimately increasing the volume of their imports, and are thus driving up prices to the great disadvantage of the exporters of these products.

9. As the Administration has not yet fixed any quotas for Mudugh and Midjertein imports, the protests against their size are completely without foundation.

10. In view of the growing recklessness of the Mudugh tradesmen, the Administration may be compelled to introduce restrictions solely to protect the interests of tradesmen elsewhere. In the meantime, as large quantities of local sugar are available, sugar has been removed from the list of goods concerning which private barter arrangements can be made in Mudugh.

XI. Petition from Mr. Hussen Mahalim (T/PET.11/546)

1. The petitioner states that he was dismissed by the Commander of Police of Lugh Ferrandi from his post as policeman after eight years of service without being informed of any reasons for this action, and he requests that he be paid indemnities.

2. The Administering Authority states (T/OBS.11/56, section 2) that the petitioner served in the Somali Police Force from 15 February 1947 until 31 March 1950 and in the Corpo di Polizia della Somalia from 1 April 1950 until 15 January 1955. He was considered insubordinate and his record showed many serious penalties for breaches of discipline while on duty. He was dismissed following a fourth breach of discipline involving noncompliance with specific orders and insubordination to his immediate superiors.

3. The Administering Authority states further than no bonus can be paid to the petitioner for his four years of service under the Italian Administration, as no such bonus is provided under existing regulations.

XII. Petition from Chiefs of the Ahmed and Dasso Tribes (T/PET.11/548)

1. The three petitioners state that the Ahmed and Dasso tribes are among the biggest in the Upper Giuba region, and they complain that the Administration is endeavouring by force to place them under the dominion of the weaker, and less influential Elai tribe.
2. This complaint which was presented by the petitioners to the United Nations Visiting Mission to Trust Territories in East Africa, 1954, is similar to one which the Council examined in form of T/PET.11/45 and Add.1 at its eleventh session. The Administering Authority observed at that time (T/964) that the request of these tribes for a chief of their own was without legal foundation under customary law since the matter had been discussed and decided by a special assembly of the Mirifle chiefs convened for the purpose. By its resolution 499(XI) the Council considered that under the circumstances, no recommendation by it was necessary.
3. In its observations (T/OBS.11/60, section 5), the Administering Authority merely refers to the examination of the earlier petition as described in paragraph 2 above.

XIII. Petition from Mrs. Fatima Mohammed Mahmoud (T/PET.11/553)

1. The petitioner, a widow, states that her son, who had provided for her livelihood and that of her other four children, was killed in Margherita during the 1950 riots. Following his death, she applied to the authorities for aid, but she received no reply from them.
2. Now, she states, the pay of one and one-half somalos a day which she earns in a job makes it very difficult to provide adequately for her children and herself. She requests that her legal rights be "recognized against whomever the evidence shows to be the cause of our plight".
3. In its observations (T/OBS.11/58, section 4) the Administering Authority refers to its earlier observations (T/OBS.11/53, section 9) relating to T/PET.11/508 where it states that that petition raised the general question of

the incidents that occurred at Margherita in April 1950 and was identical with that explained to the Trusteeship Council in connexion with petition T/PET.11/174 relating to the incidents that occurred at the same time at Chisimaio. By its resolution 578 (XI), the Council then decided to inform the petitioners concerned that they could apply to the judicial authority for indemnification, by those liable, for the losses sustained.
