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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FIFTY-NINTH MEETING

Held at Headquarters, New York,
on Friday, 5 June 1953, at 3 p.m.

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Petitions concerning the Trust Territory of Somaliland under Italian
Administration (Conference room paper No. 22/VIII and 22/IX)

PRESENT:

<u>Chairman:</u>	Mr. YANG	China
<u>Members:</u>	Mr. CASSIERS	Belgium
	Mr. QUIROS	El Salvador
	Mr. SCOTT	New Zealand
	Mr. ZONOV	Union of Soviet Socialist Republics
	Mr. McKAY	United States of America

United Nations Advisory Council for Somaliland:

Mr. de HOLTE CASTELLO	Colombia
Mr. HAMMAD	Egypt
Mr. PASTRANA	Philippines

Also present:

Count ROBERTI	Italy
Mr. SPINELLI	Special Representative of the Administering Authority for the Trust Territory of Somaliland under Italian Administration

Secretariat:

Mr. RANKIN	Secretary of the Committee
Mr. BERENDSEN	Assistant Secretary of the Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION
(Conference room paper No. 22/VIII)

Count ROBERTI (Italy) said that Italy's report on the Trust Territory of Somaliland would be circulated during the afternoon.

The CHAIRMAN asked the Committee to examine Conference room paper No. 22/VIII (petitions concerning land disputes).

Mr. PASTRANA (Philippines) said that the Advisory Council took a special interest in the land question because it was essential for the future of Somaliland that the national heritage should be preserved. The Administration had, at the Council's request, allowed it to be represented on the Land Committee. It was just as eager as the Advisory Council itself that the provisions of article 14 of the Trusteeship Agreement should be observed. In October 1952 the Administration had published an official statement warning the indigenous inhabitants that those who sold their land would be liable to penalties.

In eight months no alienation of cultivable land had come to his knowledge.

The CHAIRMAN recalled that the United States representative had suggested that the Committee should adopt a resolution on each petition contained in part VIII.

Petitions concerning concessions of land to the Società Agricola Italo-Somala (SAIS) (T/PET.11/259, 260 and 274)

Mr. SPINELLI (Special Representative), referring to sub-paragraph (d) on page 6, announced that he had received further information. The Sagali had changed their mind and had informed the SAIS that they would rather receive individual assistance, to which the SAIS had agreed. During the past year five co-operatives had been formed in the Villabruzzi area with the help of the Administration and sometimes also of the SAIS.

Mr. McKAY (United States of America) considered that the measures taken by the Administration to help co-operatives should be noted and the hope voiced that it would continue its efforts, unless the Council had adopted a resolution to that effect at its past session, in which case it would be enough to draw the petitioners' attention to that resolution.

Mr. QUIROS (El Salvador) drew attention to resolutions 514(XI) and 610(XI), in which the Council had expressed the hope that a settlement agreeable to the local population could soon be reached in the Villabruzzi area. Since the chiefs of the tribes concerned had indicated that they had come to an agreement with the Society, the Council should express satisfaction that the matter had been settled.

Mr. SPINELLI (Special Representative) pointed out that the petitions were dated February and May 1952 and thus were prior to the resolutions of the Council. Since then absolute calm had prevailed in the region.

Concerning the authors of petitions T/PET.11/260 and 274, he pointed out that they had all submitted a petition concerning land disputes the preceding year; three of them now claimed that they had not signed the petition the preceding year, while three others maintained that the Khadi and the Resident had induced the first three to retract.

Mr. ZONOV (Union of Soviet Socialist Republics) wished to know how the co-operatives functioned, what part the local population played in them and what were their financial resources.

Mr. SPINELLI (Special Representative) explained that the Administration had started the experiment two years earlier with two groups of Somali farmers in a region some forty kilometres from Mogadiscio. It had placed an agricultural expert at their disposal and had provided them with agricultural machinery and money; the co-operatives were each to clear and irrigate 200 hectares of land. Upon those first two initiatives proving successful, other groups had asked the Administration to help them and it had done so as far as it was able. There were now sixteen co-operatives and the Administration was planning to establish a total of seventy.

In reply to a question by Mr. SCOTT (New Zealand), Mr. SPINELLI (Special Representative) confirmed that the agreement between the Walamoi and the SAIS had been approved, both by the Executive Board of the Society and by the Administration.

Mr. ZONOV (Union of Soviet Socialist Republics) wished to know whether the Administration took a hand in the distribution of products among the members of the co-operative and in the sale of these products.

Mr. SPINELLI (Special Representative) explained that the Administration assisted the undertaking only during the initial stage. The sixteen existing co-operatives all had more or less the same statute; the profits and crops were divided among their members. The money furnished by the Administration was a grant and not a loan.

The CHAIRMAN said that the Secretariat would draw up a draft resolution, bearing in mind the suggestions made by the representatives of El Salvador and the United States.

Petitions concerning a concession of land at Mobareck to Mr. Pellegrini (T/PET.11/263 and Add.1 and 2; T/PET.11/275 and Add.1)

Mr. SPINELLI (Special Representative) explained that a number of Italian farmers had received concessions shortly before the second world war. When the war had forced them to abandon their land, some Somalis had settled on the concessions. The avowed policy of the Administering Authority was to allow the Somalis who actually worked the concessions to remain in possession of the land; so far no Somali had been evicted from the land he occupied.

Mr. McKAY (United States of America) noted that the petitions before the Committee were dated prior to Trusteeship Council resolution 603(XI). He asked whether the petitioners were among those to whom the resolution had applied.

Mr. SPINELLI (Special Representative) said that an agreement had been reached with some of the petitioners the previous year. Under a new agreement, signed on 4 April 1953, Mr. Pellegrini had renounced all his rights to the land cultivated by the Somalis in the Mobareck region. Further petitions might, however, be presented concerning those lands, for some Somalis invoked hereditary property rights which were extremely difficult to verify. In such cases it was always possible to submit the matter to the courts.

Mr. SCOTT (New Zealand) asked what decision had been taken with regard to Sheikh Hassan (T/PET.11/275/Add.1).

Mr. SPINELLI (Special Representative) replied that as a result of the settlement reached on 4 April 1953, Sheikh Hassan had retained possession of the land he occupied.

Mr. SCOTT (New Zealand) proposed the adoption of a resolution stating that the Administering Authority had notified the owners of the disputed lands that it would confirm the right of possession of the Somalis who were at present working those lands; the resolution would request the petitioners desiring to submit a claim to apply direct to the Administration.

Mr. ZCNOV (Union of Soviet Socialist Republics) asked in what circumstances Mr. Pellegrini had received his concession and on what grounds he still held the right of ownership, even nominally, of those lands. He would like to know whether there was new land legislation in Somaliland or whether the laws of the colonial era were still in force.

Mr. SPINELLI (Special Representative) replied that the Italian authorities had granted the concession to Mr. Pellegrini in 1940 at a specified price and with the proviso that he should clear and irrigate the lands within six years. The laws in force in 1940 had not been abrogated. A commission had been set up to prepare new land legislation for Somaliland. The Commission had begun its work the previous month.

Mr. ZONOV (Union of Soviet Socialist Republics) was surprised that the Administering Authority had sanctioned the alienation of Somali lands to concessionnaires who had acquired their rights during the colonial era.

Mr. SPINELLI (Special Representative) said there was no question of alienation of land. In 1940 there had been some land that belonged to nobody. The authorities had granted concessions on the land only after having publicly declared it res nullius, in order to allow the claimants - whether individuals or tribes - to oppose the grants.

Mr. ZONOV (Union of Soviet Socialist Republics) said that there was a contradiction between the Special Representative's explanations and the petitioners' assertions that the land had been taken away from them and given to Mr. Pellegrini.

Mr. SPINELLI (Special Representative) said that in addition to the Somalis, who had occupied the lands after Mr. Pellegrini had left and whose right of ownership was guaranteed, many persons were now invoking hereditary property rights. The courts were the only bodies competent to decide those cases.

Mr. SCOTT (New Zealand) asked whether, in such cases, claimants had to appeal direct to the courts or whether there would be a preliminary investigation.

Mr. SPINELLI (Special Representative) replied that there was always a preliminary investigation.

Mr. ZONOV (Union of Soviet Socialist Republics) suggested the adoption of a resolution requesting the Administering Authority to return to the indigenous peoples the lands taken from them and expressing disapproval of the continued enforcement of the land legislation of the colonial era.

The CHAIRMAN asked the Secretary to prepare a separate draft resolution along the lines suggested by the USSR representative.

Petitions concerning the land concession of Mr. Angeleri (T/PET.11/278,
T/PET.11/292 and Add.1)

Mr. RANKIN (Secretary of the Committee) said that a new petition (T/PET.11/292/Add.2) had just been received. It was addressed direct to the Trusteeship Council and was identical in substance with petition T/PET.11/292/Add.1. The Committee might take note of the petitions which had been circulated and regard petition T/PET.11/292/Add.2 as a petition submitted for the second time.

Mr. McKAY (United States of America) and Mr. SCOTT (New Zealand) supported that suggestion.

It was so decided.

Petitions concerning concessions of land to Messrs. Gallotti, Rivalta and Giurati (T/PET.11/288 and Add.1, T/PET.11/291)

Mr. ZONOV (Union of Soviet Socialist Republics) considered it essential to request the Administering Authority to return the lands conceded to Messrs. Gallotti, Rivalta and Giurati to the Indigenous population.

Petition from Sherif Hassan Mohamed and others (T/PET.11/333)

Petition from Messrs. Sayed Ahmed Musse, Sheikh Ali Musse, Hassan Abdi and others (T/PET.11/350)

Petition from Mr. Hussen Salah Asciro (T/PET.11/341)

There were no comments on the above petitions.

Petition from Chief Haji Mohamed Aden (T/PET.11/268)

Mr. SCOTT (New Zealand) did not altogether understand the petition, which seemed different from the others.

Mr. SPINELLI (Special Representative) said that it was in fact different. In the Bardera district many indigenous inhabitants belonging to various tribes formed part of a religious organization which owned land. The land was shared

among the members for their use, but if one of them decided to leave the organization he lost the right to occupy the parcel of land allocated to him. The petitioner was in that situation.

Mr. McKAY (United States of America) asked whether it was true, as the petitioner claimed, that the Resident of Bardera had alienated part of the land.

Mr. SPINELLI (Special Representative) replied that the Resident had not had to deal with the matter. The petitioner had gone to him and asked him to recognize his rights. The Resident had merely pointed out that under the rules laid down by the religious organization concerned, he had lost his rights to the land.

Mr. McKAY (United States of America) suggested that the Secretariat should take note of the Special Representative's statement and declare that the petition required no action by the Council.

It was so decided.

Conference room paper No. 22/IX

Mr. SPINELLI (Special Representative) recalled that the matter of compensation to the victims of the Baidoa incidents had already been discussed at length at previous Council sessions. Nevertheless, for the Committee's information, he reviewed the question briefly. In 1950, at the beginning of the Italian administration, there had been an uprising in Baidoa; five to six hundred persons had fled the town. Many of their houses and shops had been pillaged and damaged. The Administering Authority had proposed that they should return to the town and had undertaken to pay travel costs, to grant 100 somalos to each person and to repair the houses and shops.

In 1951, some of the victims of the Baidoa incidents had asked for more. The Administering Authority had then decided to distribute the substantial sum of 60,000 somalos among the victims.

The Resident had set up a commission to distribute the money. In 1952, a few persons had come to complain of alleged cases of injustice in the distribution of the compensation. After investigation, the Administering Authority had deemed it inadvisable to reopen the whole question.

Mr. McKAY (United States of America) asked the Special Representative if he could say how much compensation Mr. Ahmed Haji Dahir, the author of petition T/PET.11/247, had received.

Mr. SPINELLI (Special Representative) said that it was the compensation mentioned earlier: payment of travel costs, grant of 100 somalos and repair of material damages.

The petitioner might be the same person whose claim had been considered and rejected by the commission, but the Administering Authority had not been able to determine that fact. If all those who had claimed compensation on account of the incident were to be believed, there would have been 5,000 victims, while in actual fact the number was about 500.

Mr. SCOTT (New Zealand) thought the Committee might recall resolution 562 (XI) of the Council and say that no further action appeared necessary with regard to that group of petitions.

Mr. QUIROS (El Salvador) did not agree with the New Zealand representative. Although they referred to an incident already brought before the Council, the present petitions were not necessarily petitions concerning matters it had already studied. The petitioners were different in each case.

Mr. SCOTT (New Zealand) recalled that at its eleventh session the Council had adopted resolution 562 (XI) with respect to the incident. Moreover, the last paragraph of Conference room paper No. 22/IX referred to that resolution of the Council.

Mr. QUIROS (El Salvador) maintained that a resolution should be adopted for each petition, since the cases were not all identical.

Mr. McKAY (United States of America) proposed that the Secretariat should prepare a draft resolution along the lines suggested by the New Zealand representative. When it was submitted to the Committee, representatives could raise whatever objections they felt necessary.

It was so decided.

The meeting rose at 5.35 p.m.