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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE THREE HUNDRED AND FIFTY-SEVENTH MEETING

Held at Headquarters, New York,
on Thursday, 24 May 1956, at 10.40 a.m.

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of Somaliland under Italian Administration (T/C.2/L.226)
(continued)

PRESENT:

<u>Chairman:</u>	Mr. de CAMARET	France
<u>Members:</u>	Mr. CASSIERS	Belgium
	U MYA SEIN	Burma
	Mr. YANG	China
	Mr. BENDRYSHEV	Union of Soviet Socialist Republics
	Mr. HANROTT	United Kingdom of Great Britain and Northern Ireland
<u>Also present:</u>	Mr. ZADOTTI	Special Representative of the Administering Authority for the Trust Territory of Somaliland under Italian Administration
	Mr. CARPIO	Philippines, member of the United Nations Advisory Council for Somaliland under Italian Administration
<u>Secretariat:</u>	Mr. COTTRELL	Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING THE TRUST TERRITORY OF SOMALILAND UNDER
ITALIAN ADMINISTRATION (T/C.2/L.226) (continued)

VI. Petition from Mr. Ilmi Farih Jam'ali (T/PET.11/554)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the camels stolen from the petitioner had been recovered.

Mr. ZADOTTI (Special Representative) said that the police had been investigating the matter, so far without result. It was very difficult to trace camels in an area in which the camel population ran into the thousands.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) inquired what could have made the petitioner think that he had been imprisoned. Could he have taken the infirmary for a prison? Had there, for instance, been bars at the infirmary windows and had the petitioner been guarded?

Mr. ZADOTTI (Special Representative) said that the infirmary in no way resembled a prison and that no such confusion was possible.

The CHAIRMAN observed that the petition had been sent in September 1954 whereas the incident described in it had taken place in 1952. Why had the petitioner waited for two years before mentioning the matter? He also asked whether it was the custom to brand camels in Somaliland.

Mr. ZADOTTI (Special Representative) said that the petition had been handed to the Visiting Mission which had visited Somaliland in September and October 1954. Camels were usually branded but it was still extremely difficult to locate a few camels among tens of thousands, especially as they were constantly on the move.

Mr. HANROTT (United Kingdom) said that the affair had been clearly explained and that the Administering Authority had given the fullest possible particulars.

The CHAIRMAN suggested that the Secretariat should be asked to draft a resolution drawing the petitioner's attention to the Administering Authority's observations.

It was so decided.

VII. Petition from Mr. Sha'ib Da'ala Mohammed Farih (T/PET.11/555)

The CHAIRMAN noted that the incident reported was alleged to have taken place on 24 February 1950. That meant that the petitioner had waited for three years before submitting his complaint to the Visiting Mission.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) noted that, according to the petitioner, the Mohammedan judge had declared that he could not order the guilty parties to pay damages because they were members of a political party, the Hisbia Dighil and Mirifle Party. He asked the Special Representative for particulars on that point.

Mr. ZADOTTI (Special Representative) said that the Hisbia Dighil and Mirifle Party was indeed a Somali political party but that the statement attributed to the Cadi was very improbable.

Mr. YANG (China) said it was pointless to examine the petition further as the Administering Authority's investigation had been fruitless and as it had not even been possible to identify the petitioner.

The CHAIRMAN, supported by Mr. CASSIERS (Belgium), suggested that the petition should be treated as a communication and that further consideration should be deferred until either the petitioner or the Administering Authority could give further details.

It was so decided.

VIII. Petition from the Somali Youth League, Branch of Candala (T/PET.11/569)

Mr. HANROTT (United Kingdom) asked whether the Trusteeship Council had yet adopted a position regarding the formation of the Consorzio Incenso.

Mr. ZADOTTI (Special Representative) said that at its sixteenth session the Council had adopted a recommendation relating to the incense trade.

Mr. COTTRELL (Secretary of the Committee) read out the relevant passage (A/2933, page 126): "The Council notes with satisfaction the steps taken by the Administering Authority to organize the incense trade by the establishment of co-operatives."

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the Secretariat had received any other protests from the Somali Yough League concerning the formation of the Consortio Incenso.

Mr. COTTRELL (Secretary of the Committee) said that several petitioners had referred to the Consortio, but that there had been no specific complaints.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) referred to the passage in the petition which stated that "the report that agreement was reached ... was false". He asked whether the Special Representative could say what agreement was meant and what was the complaint of the inhabitants of Candala.

Mr. ZADOTTI (Special Representative) said that the Consortio had been set up by the Administering Authority for the benefit of the people of Migiurtinia. It was intended to ensure incense producers a better return through the elimination of middlemen and foreign merchants.

Producers had formerly received advances from traders before the beginning of the season, and had then been at the mercy of the latter and operated under extremely adverse conditions. Now they received an advanced of 25 per cent before the beginning of the season, another 25 per cent at collecting time, 25 per cent upon delivery and the remainder at the time of sale. The system had from the beginning given very satisfactory results. In the current year the co-operatives had bought 5,000 cwt. of incense.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) still wondered what had prompted the petitioners to protest and what was the nature of the dispute between the petitioner and the Administration.

Mr. ZADOTTI (Special Representative) pointed out that the Consortio was run entirely by indigenous inhabitants. The Administration's role was confined to its financing.

Mr. HANROTT (United Kingdom) asked how long the co-operatives had been functioning. The petitioners' telegram had presumably been sent at a time when the measures referred to were still under study.

Mr. ZADOTTI (Special Representative) said that the system had come into force at the beginning of the previous year, in other words, towards the end of the incense season. Hence it had not been possible to judge its effectiveness until the current year but the results were absolutely convincing.

Mr. HANROTT (United Kingdom) observed that the formation of a co-operative inevitably gave rise to protests, for it was difficult not to harm the interests of a few individuals. Since the Trusteeship Council had approved of the setting up of the consortium, the Committee should merely draw the petitioners' attention to that decision.

Mr. YANG (China) considered that the Administering Authority's action was undoubtedly praiseworthy. Nevertheless, the petitioners, who presumably represented the workers' interests, deserved a hearing.

The CHAIRMAN, speaking as the representative of France, said that he had the impression that the petition expressed the views of certain traders.

U MYA SEIN (Burma) noted that the petitioners' first grievance seemed to relate to the organization of the consortium. They went on to deny "the report that agreement was reached between the Italian Mission and the Somali Youth League". It must be admitted that the meaning of the telegram was not very clear.

Mr. CASSIERS (Belgium) agreed. The petition was so obscure that the Chinese and French representatives had given it two diametrically opposite interpretations. The Committee should not try to examine such vague petitions. He supported the United Kingdom representative's proposal and suggested that the Council should add that it was difficult to understand what the petitioners were complaining about.

Mr. HANROTT (United Kingdom) thought that the resolution should note that there was now general approval of the co-operative organization, even in Candala.

The CHAIRMAN, speaking as the representative of France, felt that the petitioners should not be given the impression that the Council wanted further information; that would merely encourage them to send another petition.

Mr. CASSIERS (Belgium) withdrew his suggestion.

Mr. YANG (China) pointed out that the Committee still had no idea on what point the petitioners did not agree or what "agreement" had been reached.

Mr. ZADOTTI (Special Representative) thought that it would be a mistake to interpret the phrases in question too literally. The Administering Authority had naturally consulted the political parties about setting up an incense co-operative but it had not sought their formal consent. It had subsequently received various complaints, because some people had not understood the purpose of the proposed organization. Now that the co-operatives were functioning, everyone concerned was apparently satisfied.

The CHAIRMAN said that the Secretariat would prepare a draft resolution on the basis of the views expressed by members of the Committee.

IX. Petition from Mr. Farih Hussein Samtar Qidi (T/PET.11/570)

U MYA SEIN (Burma) asked why the District Commissioner of Alula had left the Territory in August 1952.

Mr. ZADOTTI (Special Representative) explained that Mr. Piras had been seconded to the post of District Commissioner of Alula and had himself asked to be reassigned to his original service, which he had now rejoined.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked in what form Mr. Qidi had petitioned the Commissioner of the Migiurtinia and what action had been taken on his complaint, apart from the threat of fifteen years' imprisonment.

Mr. ZADOTTI (Special Representative) thought that the petitioner had probably had an interview with the Commissioner during which he had lodged his complaint. The Commissioner could not do anything about it, for the question was not within his competence; he could only advise the petitioner to lodge a charge of adultery in the proper way. The Commissioner could not threaten the petitioner with fifteen years' imprisonment, since the matter was one for the courts.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) suggested that if the Commissioner was not competent to take action on the complaint which the petitioner had brought to his attention, he should have forwarded it to the competent authorities.

Mr. ZADOTTI (Special Representative) explained that the petitioner had probably made an oral complaint, of which there were hundreds every week, for no trace of his complaint could be found in the relevant files. The Commissioner could not forward the complaint to the competent authorities unless it was submitted in writing. Hence his only course was to recommend the petitioner to apply direct to the competent authorities. In any event, it was not within the Commissioner's power to threaten the petitioner with fifteen years' imprisonment.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the petitioner had been sent to Eil by an administrative order and whether he was forced to remain there. Furthermore, it would be interesting to know why he had been sent to a different place from the place where his wife was living. Was he not free to choose his place of residence?

Mr. ZADOTTI (Special Representative) explained that there were no restrictions on residence in the Territory. Anyone was free to go anywhere and live anywhere he wanted. Numbers of people went to Mogadiscio for some reason or other; if they were unable to find work they were inclined to lapse into vagrancy and consequently were sometimes the cause of disturbances. The police investigated each case and, when necessary, decided to send the individual concerned back to his place of birth and normal residence. That was why the petitioner had been sent back to Eil but he was not compelled to stay there.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) concluded from the Special Representative's answer that if an indigenous inhabitant was unemployed he was considered to be a vagrant and treated as such. That was a curious way of dealing with unemployment.

Mr. ZADOTTI (Special Representative) pointed out that if the Administration took no action there might be more than a million people in Mogadiscio most of whom would naturally be unemployed. The steps taken by the Administration were not

(Mr. Zadotti, Special Representative)

directed against the individuals concerned but on the contrary were meant for their good. When they had been sent back to their place of origin there was nothing to prevent their returning to their previous place of residence provided that they could live there in circumstances which were not liable to be a threat to law and order.

Mr. YANG (China) felt that the important point was the petitioner's request for the return of his wife (paragraph 2). Unfortunately, however, the Trusteeship Council could do little in that respect; only the competent authorities could take any steps that might be necessary to help the petitioner to get his wife back. He asked whether the petitioner's wife would be prevented from leaving Alula. With regard to the District Commissioner's threat of fifteen years' imprisonment, it seemed to him that it might perhaps have something to do with the petitioner's attitude (paragraph 5 of the summary).

Mr. ZADOTTI (Special Representative) explained that the petitioner's wife worked for the Administration and that it was not for the Administering Authority to tell her to return to her husband if she did not want to do so. He could assure the Committee that if the petitioner's wife asked to rejoin her husband, the authorities would immediately make the necessary arrangements to that end.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that, whatever the circumstances, the petitioner had suffered greatly and his nerves might have been upset by what had happened to him. There was no need to use insulting terms about him, as had the Administering Authority in stating, for instance, that the petitioner was shameless and did not hesitate to resort to the vilest slanders in order to satisfy his desire for revenge and resentment against the Administration (paragraph 5).

Mr. CASSIERS (Belgium) said that, since the petitioner's unscrupulous character had been mentioned, he would point out that the petitioner had been sentenced by the competent court to one year's imprisonment for aggravated theft, contempt of court while in session, and false testimony. There was a strange coincidence between that sentence and the sentence mentioned in the petition but attributed to other causes.

The CHAIRMAN assumed that the matter had now been sufficiently clarified. He asked the Secretariat to prepare a draft resolution in the light of the views expressed by the members of the Committee.

X. Petition from Mr. Mohammed Spir Nur (T/PET.11/577)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked if it was true that the petitioner had been employed in the Administration for twenty-five years.

Mr. ZADOTTI (Special Representative) said that it was not possible from the information given in the petition to determine the exact number of years the petitioner had served but in any case it was clear that he had not worked continuously in one administration and could therefore not have had twenty-five years of service.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that there had been a number of changes of regime in Somaliland in those twenty-five years. The petitioner had naturally given his total years of service, since it was not his fault that there had been changes in the administration of the Territory.

The petitioner was fifty-five years old, disabled and unemployed; the number of years he had worked for the Administration appeared to be enough to entitle him to a pension. The Administration had provided him with an artificial leg but that was not enough to ensure him a livelihood. He asked if there was any reason why the petitioner should not receive a pension.

Mr. ZADOTTI (Special Representative) observed that as the petitioner had worked from 1927 to 1947, he had twenty years of service, not the twenty-five he claimed. While the Administering Authority was quite prepared to help the petitioner, he was not entitled to a pension. A pension scheme was being worked out at the moment but in any case applicants would have to have more than twenty years of service in order to be eligible, which was not the case with the petitioner.

Moreover, at the time that he had lost his leg, the petitioner had not been employed by the Administration for three years.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that the petitioner maintained that he had lost his job after he had become very ill.

U MYA SEIN (Burma) said that the Administration's action in providing the petitioner with an artificial leg was commendable; nevertheless, the Trusteeship Council might recommend that the Administering Authority should also award him a grant.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked why the Administration had refused to employ the petitioner who had medical experience, since such specialists were needed in the Territory. He asked whether the petitioner's age or his disability prevented his being taken back.

Mr. ZADOTTI (Special Representative) replied that the petitioner could not be appointed to the civil service without taking a qualifying examination. That rule applied to all civil servants. Again, his health would have to be satisfactory and he was not suitable for employment owing to his disability.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) felt that the Committee should take into consideration the petitioner's years of service and the position he was in and should recommend that the Administering Authority should take steps to provide the petitioner with the necessary means of existence either by re-employing him or by granting him a pension.

Mr. YANG (China) shared the Soviet representative's opinion. In his view, the best solution would be not to reinstate the petitioner in his former position but to find him some other type of employment.

The CHAIRMAN suggested that the Secretariat should be instructed to prepare a draft resolution taking into account the various suggestions that had been made during the discussion.

It was so decided.

The meeting rose at 12.30 p.m.