

UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
LIMITED

T/L.583
7 July 1955

ORIGINAL: ENGLISH

Sixteenth session
Agenda item 5

PETITIONS CONCERNING THE TRUST TERRITORY OF
SOMALILAND UNDER ITALIAN ADMINISTRATION

128th Report of the Standing Committee on Petitions

Chairman: Mr. Michel de Camaret (France)

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1. At its 260th, 268th and 272nd meetings on 17 and 19 June and 6 July 1955, the Standing Committee on Petitions, composed of the representatives of Australia, France, India, Syria, the Union of Soviet Socialist Republics, and the United States of America, examined the petitions concerning the Trust Territory of Somaliland under Italian administration which are listed in the preceding table of contents.
2. Mr. V. Zadotti participated in the examination as the special representative of the Administering Authority concerned. Members of the United Nations Advisory Council for Somaliland also participated in the examination.
3. The Standing Committee submits herewith to the Council its report on these petitions and recommends, in accordance with rule 90, paragraph 6 of the Council's rules of procedure, that the Council decide that no special information is required concerning the action taken on the resolutions covered by this report.

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

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/OES.11/56, section 1) that La Miglurtinia, 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, eighty-eight persons should have applied for employment: the first forty-four on the League's list and the first forty-four on that of the S.D.U. Instead 105 women presented themselves at the factory, sixty-one from the League and forty-four 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 co-operatives 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.
6. The petition was examined and discussed at the 260th, 268th and 272nd meetings of the Standing Committee (documents T/C.2/SR.260, 268 and 272).
7. The special representative denied the charge made by the petitioners that the SYL headquarters were closed by order of the District Commissioner and that the local secretary and several members had been arrested.
8. Members of the United Nations Advisory Council for Somaliland expressed certain views during the examination of this petition.
9. At its 272nd meeting, the Committee adopted by 4 votes to one, with one abstention draft resolution I, annexed to the present report, which it recommends that the Council adopt.

II. Petition from Mr. Nur Amru Miril (T/PET.11/515)

1. This petition is a request for consideration of the writer's grievances set forth in T/COM.11/L.42 - which was a communication signed by him and fifty-six other persons, addressed to the Administrator on 25 July 1952.
2. In it he charged the Resident of Bur Acaba with having empowered the chief of the Ilalos to maltreat Somalis in that area. The petitioner further charged that the same chief is turning his home into a meeting place for antagonists of the petitioner and his friends. He said that the Resident maltreated the people of the district and that they could not obtain justice. He added that he had taken from Somalis a parcel of land which he gave "to others who according to him belong to a tribe."
3. The Communication contained a complaint that the present petitioner, after thirty years' service under the former Colonial Administration and under the British Military Administration, was dismissed from his post of Ilalo because he "maintained that he was a Somali and was anti-tribal". The petitioner was not even given the bonus to which he had a right. The petitioner said, too, that the same thing had happened to the tribal chief Mohamed Alio Uene and for the same reasons.
4. In its observations (T/OBS.11/61, section 1) the Administering Authority states that the petitioner's complaints are unfounded and that the facts have been distorted.
5. The Administering Authority states that the Ilalo sergeant in question, who is quite well-to-do and is popular with everybody except the members of the League, had a strong sense of hospitality and liked to entertain his friends frequently. His opponents claimed to see political motives in this. The petitioner was dismissed in December 1950 on the responsibility of the District Officer. The resident had nothing whatever to do with it. Mohamed Ali Uein, the salaried Chief of the Elai Nasie Cunsie, had been removed from office by the people of his tribe themselves allowing a shir held in the Mode Mode area in August 1950, at which Mahallim Eden, a Territorial Councillor, was elected to his place.

6. With regard to the land referred to in the communication it was found that from the time of his appointment, the District Officer of Bur Acaba had not granted a concession to anyone.

7. With regard to the administration of justice, it was found that this has been carried on in accordance with the provisions in force and with full respect for the law. On one occasion only, a member of the League, Abdulkadir Barre Ghedi, was arrested because he used insulting language to an Ilalo who was responsible for keeping order in the dispensary. On that occasion the Executive Committee of the League apologized for the incident to the District Officer, who, at their request, released Abdulkadir Barre Ghedi and did not prosecute him.

8. The petition was examined and discussed at the 268th and 272nd meetings of the Standing Committee (documents T/C.2/SR.268 and 272).

9. At its 272nd meeting, the Committee adopted by 4 votes to none, with 2 abstentions draft resolution II, annexed to the present report, which it recommends that the Council adopt.

III. Petition from Mr. Haji Abo Imanchio (T/PET.11/523)

1. This is a further exposition of the grievances voiced by the petitioner in T/PET.11/135 and 11/319 and Add.1-3 upon which the Council, having examined them at the eleventh and twelfth sessions, adopted resolutions 554 (XI) and 712 (XII) respectively. Briefly, the petitioner was involved in a law suit with an Italian lady over the ownership of some real estate in Mogadiscio of which she is at present in possession. The suit dragged on from December 1948 to the end of March 1951 when the High Court of the Territory gave a judgment in the petitioners' favour. Thereupon the lady appealed to Rome where the judgment in favour of the petitioner was set aside by the Court of Cassation.

2. In his present petition the petitioner states that he was unjustly treated and that the Italian woman was unduly favoured. He also makes reference to the fact that the special representative had on previous occasions assured the

Trusteeship Council that all judgments including those of the second and third degree should and would be reached in the Territory and not at Rome. The petitioner states that notwithstanding that declaration the contradictory happened. He says that he spent more than 40,000 somalos to pay for those proceedings: the fees of his Italian attorney in Somaliland and that of the Italian attorney in Rome whom he was forced to engage, and as well as legal costs and taxes on the property involved. He was further forced to go deeply into debt and says he is now in a present state of poverty. He requests that the litigations of his case should go into all steps of appeal through the courts in Somaliland and that the judgment pronounced in Rome be rescinded and superseded.

3. In its observations (T/OBS.11/59, section 2) the Administering Authority refers to its previous observations relating to T/PET.11/135 and T/PET.11/319 and Add.1-3 and adds that the case was recently decided against the petitioner by the Italian court of Cassation.

4. The petition was examined and discussed at the 268th and 272nd meetings of the Standing Committee (documents T/C.2/SR.268 and 272).

5. The special representative stated that a Court of Appeals would be established in the Territory as soon as the Territorial Council approves the legislation concerning the judicial organization which was recently placed before it. He stated further that the Administering Authority was prepared to advise the petitioner of the legal implications of the Court of Cassation in Rome.

6. At its 272nd meeting, the Committee adopted by 2 votes to none, with 4 abstentions draft resolution III, annexed to the present report, which it recommends that the Council adopt.

IV. Petitions from Sheik Abubakar, Sheik Mohamed Haji (T/PET.11/524) and from Sheik Hassan Haji Omar (T/PET.11/525)

1. These petitions, which were presented to the United Nations Visiting Mission to Trust Territories in East Africa, 1954, resuscitate a claim concerning which the petitioners have addressed the Council previously. Both these petitions concern a land question in the vicinity of Mobareck in the Afgoi district the ownership of which is in dispute with an Italian settler, Mr. Pellegrini. The petitioners state in their present petition that until now they have obtained neither restitution of their land nor any indemnity for its expropriation and they ask the members of the Visiting Mission to intercede "fairly and favourably with the Administering Authority or the United Nations to secure for us justice and the rights denied us by the A.F.I.S."

2. The history of the case in question is as follows. Sheik Abubakar stated in his earlier petitions (T/PET.11/263 and Add.1 and 2) that in one with his two brothers he was the owner of about 170 darabs of land inherited from his father. In February 1952 he complained to the Resident that Mr. Pelligrini who had been assigned a large lot of cultivable land on the left bank of the Webi Scebeli wished to annex 130 darabs of his land. A few days later the Resident visited Mobarek and according to the petitioner verified that he was the owner of 170 darabs in question. The Resident thereupon summoned the petitioner and told him that if Mr. Pellegrini did annex the land either the Administration would see that the petitioner received an equivalent area or Mr. Pellegrini would acquire the land "through the regular sell-purchase right." A month or more elapsed and the petitioner then wrote to the Resident asking for a settlement concerning the ownership of two shambas which appeared to be part of the new agricultural concession of Mr. Pellegrini. The Resident told him that the question has already been settled between the chiefs and the Administration and that nothing could be done as the land had been the private property of Mr. Pellegrini since 1940. The petitioner denied this and also denied the right of any chief to dispose of his and his brothers' property. In addition to his earlier petition Sheik Abubakar reported that Mr. Pellegrini

had already started irrigation on the land in dispute. In a second addendum he indicated his restlessness in the delay in dealing with his petition. Sheik Hassan Haji Ali Omar's complaint (T/PET.11/275 and Add.1 and T/COM.11/L.14) concerned a similar matter. He stated that he was the owner of 4 hectares of agricultural land near Mobarek. The land had been in his family for several generations, had been regularly cultivated and was his family's only source of sustenance. In addition he had at the time of writing a heavy engagement with an Italian firm for the cultivation of cotton on the co-participation system. He complained that "Now Pellegrini comes forward demanding to occupy a very large area of agricultural land near our village, including my land". He also recorded his understanding that "13 elements figuring as exponents of the village of Mobarek ... have arbitrarily divided part of the village's land to Mr. Pellegrini, while the rest of the cultivation land will ... remain to the population of the village." He repudiated the 13 persons and the settlement which they had reached stating that they had neither moral nor legal rights to dispose of any such lands.

3. The Administering Authority submitted (T/OBS.11/8, sections 1 and 2) the same observations on both these petitions. It stated that the parcels of land in question were part of the same land concession as that which formed the subject of the complaint set forth in T/PET.11/235 which was a petition concerning the alienation to Mr. Pellegrini of some 500 hectares of land said to have belonged to the people of Mobarek from time immemorial. In its observations on that petition (T/982) the Administering Authority stated that Somalis had encroached into parts of an area of 350 (not 500) hectares of a concession granted to Mr. Pellegrini by the Colonial Administration in 1940. Although this encroachment was illegal Mr. Pellegrini did not insist on his right of eviction but endeavoured to negotiate in exchange for an equivalent compact periferal block of land, of the scattered lots onto which the people had encroached.

4. In the light of the observations of the Administering Authority on T/PET.11/235, and of a subsequent statement by its special representative to the effect that the dispute had been settled to the satisfaction of the parties concerned, the Council took no further action on T/PET.11/235 - resolution 603(XI).
5. In T/PET.11/275 a complaint was made that on 6 September 1952 some Ilalos were sent by the resident of Afgoi to tell Sheik Hassan that he must vacate his land which was at the time planted with sesame.
6. Subsequently the special representative of the Administering Authority stated that the Ilalos referred to by the petitioner had not been sent by the Resident of Afgoi. The Council at its 474th meeting adopted resolution 678 (XII) whereby it recalled its recommendation adopted at its eleventh session in which it noted assurances given by the Administering Authority that it was not its policy to grant concessions of land under the present laws until new land legislation giving expression to the principles of the Trusteeship Agreement was adopted. It noted further that the land in question was conceded not by the Trusteeship Administration but by the former Colonial Administration, after it had been established that the land was unoccupied by indigenous inhabitants and after full opportunities had been given to the objectors of the grant of the concession to come forward. It noted in particular the statement by the special representative that it was the policy of the Administration that persons who had moved into conceded lands during the second world war and who had begun to cultivate them, should not be expelled from such lands so long as they continued to cultivate them notwithstanding the fact that such persons had no legal rights on such lands. The Council decided that in the circumstances no recommendation by it was called for.
7. In its observations (T/OBS.11/59, section 3) on the present petitions the Administering Authority merely notes that the complaints had been examined by the Council on previous occasions, and cites the relevant resolutions adopted by it.
8. The petitions were examined and discussed at the 268th and 272nd meetings of the Standing Committee (documents T/C.2/SR.268 and 272).

9. The representative of the U.S.S.R. proposed that the Council should express the hope that the rights of the petitioners to the land will be fully satisfied. This proposal failed to be adopted because, after following the procedure laid down in rule 38 of the rules of procedure, the votes for and against were equal.

10. At its 272nd meeting, the Committee adopted by 4 votes to one with one abstention draft resolution IV, annexed to the present report, which it recommends that the Council adopt.

V. Petition from Chiefs and Notables of the Saad Tribe (T/PET.11/538)

1. In a telegram dated 6 February 1955, the petitioners protest against a declaration which is said to have been made by the SYL Committee of Galcaio wherein it is stated that "they are great men in Somaliland and have authority to administer Somali people".

2. The petitioners say that the SYL is sowing discord among the population and they request that steps be taken to ensure that they do not interfere in matters not within their competence and that their requests not be granted because they do not represent the Saad tribes.

3. In its observations (T/OBS.11/63, section 2), the Administering Authority states that the attitude of the petitioners is similar to that which is sometimes adopted by some members of the Somali Youth League who behave as though they were leaders of the party. This attitude is distasteful to those who hold different political opinions. The present petition is, however, a peaceful protest denoting no more than the normal, peaceful activities inherent in any political rivalry, as the situation at Galcaio is perfectly calm.

4. The petition was examined and discussed at the 268th and 272nd meetings of the Standing Committee (documents T/C.2/SR.268 and 272).

5. At its 272nd meeting, the Committee adopted by 4 votes to none with 2 abstentions draft resolution V, annexed to the present report, which it recommends that the Council adopt.

VI. Petition from the Somali Youth League, Branch of Hafun (T/PET.11/542)

1. The petitioners request that Hafun be declared a municipality, in order that its inhabitants may be enabled to vote during the forthcoming elections.
2. Complaints that a number of centres, Hafun among them, were not yet municipalities were put forward by the Vice-President of the Somali Youth League in T/PET.11/409, and by the League's Branch at Scusciuban in T/PET.11/428. On both these complaints the Administering Authority observed that it was its policy to create new municipalities or to enlarge existing ones, but that it would have to start with those centres that are more populated and able to maintain a budget. (See documents T/L.469, section III, paragraph 14, and T/L.550, section IX, paragraph 7.) When T/PET.11/428 was under examination in March 1955, the special representative of the Administering Authority informed the Committee that, in furtherance of its policy, the Administration had subsequently created two new municipalities, had enlarged two others and was proposing to create seven new ones before the elections due to be held in August 1955 (T/L.550, section IX, paragraph 9.) (Hafun is not mentioned in the records.)
3. In its resolutions 1031 (XIV) and 1124 (XV) on the two previous petitions the Council made no specific recommendations concerning the establishment of new municipalities.
4. In its observations (T/OBS.11/64, section 1) on the present petition, the Administering Authority states that municipalities will gradually be established in the Territory, starting with those places which are sufficiently developed to receive the new institutions. Hafun is one of the localities covered by a programme to be undertaken shortly which provides for the establishment of ten new municipalities and the extension of seven others. At the moment, however, the

Administering Authority is unable to say whether the municipality of Hafun will be established this year, as this depends on the decisions reached until after the completion of the study now being made.

5. The petition was examined and discussed at the 268th and 272nd meetings of the Standing Committee (documents T/C.2/SR.268 and 272).

6. The special representative stated that Hafun would soon be granted full status as a municipality.

7. At its 272nd meeting, the Committee adopted by 3 votes to none with 3 abstentions draft resolution VI, annexed to the present report, which it recommends that the Council adopt.

Annex: Draft resolutions proposed by the
Committee

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

The Trusteeship Council,

Having examined the petition from the Somali Youth League, Branch of Candala concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/497, T/OBS.11/56, T/L.583),

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative, in particular that

1. the charges concerning the closing of the Somali Youth League headquarters at Candala and the arrest of several of the League's members were denied by the special representative of the Administering Authority;
2. the situation at Candala is now completely normal; and that
3. strenuous efforts have been made by the Administering Authority to improve the economic conditions in the area

II. Petition from Mr. Nur Amru Miril (T/PET.11/515)

The Trusteeship Council,

Having examined the petition from Mr. Nur Amru Miril concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/515, T/OBS.11/61, T/L.583),

1. Draws the attention of the petitioner to the observations of the Administering Authority;
2. Requests the Administering Authority to re-examine the petitioner's claim for a pension.

III. Petition from Mr. Haji Abo Imanchio (T/PET.11/523)

The Trusteeship Council,

Having examined the petition from Mr. Haji Abo Imanchio concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/523, T/OBS.11/59, T/L.583),

1. Draws the attention of the petitioner to the observations of the Administering Authority, and to the statement of its special representative, in particular that a Court of Appeals would be established in the Territory as soon as the Territorial Council approves the legislation concerning the judicial organization now before it;
2. Further draws the attention of the petitioner to the fact that his previous appeals could not be considered in the Territory since a court of appeals did not exist at that time;
3. Expresses the hope that the Administering Authority will make every effort to simplify the legal ~~procedures~~ in the Territory;
4. Notes that the Administering Authority is prepared to advise the petitioner regarding the legal implications arising from the recent decision of the Court of Cassation in Rome.

IV. Petitions from Sheik Abubakar, Sheik Mohamed Haji (T/PET.11/524) and Sheik Hassan Haji Ali Omar (T/PET.11/525)

The Trusteeship Council,

Having examined the petitions from Sheik Abubakar, Sheik Mohamed Haji and Sheik Hassan Haji Ali Omar concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/524 and 11/525, T/OBS.11/59, T/L.583).

1. Draws the attention of the petitioners to the observations of the Administering Authority;
2. Calls to the attention of the petitioners the statement of the special representative that the Administering Authority would compensate them with land in the neighbouring area equivalent to that which they had lost.

V. Petition from Chiefs and Notables of the Saad Tribe (T/PET.11/538)

The Trusteeship Council,

Having examined the petition from Chiefs and Notables of the Saad Tribe concerning Somaliland under Italian administration in consultation with Italy, as the Administering Authority concerned (T/PET.11/538, T/OBS.11/63, T/L.583),

1. Draws the attention of the petitioner to the observations of the Administering Authority;
2. Decides that under the circumstances no action by the Council is called for.

VI. Petition from the Somali Youth League, Branch of Hafun (T/PET.11/542)

The Trusteeship Council,

Having examined the petition from the Somali Youth League, Branch of Hafun concerning Somaliland under Italian administration in consultation with Italy as the Administering Authority concerned (T/PET.11/542, T/OBS.11/64, T/L.583).

Draws the attention of the petitioner to the observations of the Administering Authority and to the statement of its special representative.
