

*Prefatory fascicule*



UNITED NATIONS

# TRUSTEESHIP COUNCIL

## OFFICIAL RECORDS

TWELFTH SESSION

(Held at Headquarters, New York)

16 JUNE — 21 JULY 1953

## ANNEXES

NEW YORK

## NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates reference to a United Nations document.

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 Agenda item 1: Adoption of the agenda
 

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<i>Document No.</i>	<i>Title</i>	<i>Observations</i>
T/1048	Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian administration covering the period 1 April 1952 to 31 March 1953	See <i>Annexes</i> , agenda item 4 (a).
T/1050	Provisional agenda for the twelfth session	Mimeographed document only.
T/1060	Agenda for the twelfth session	See prefatory fascicule.
T/Pet.1/4	Petition from Mr. H. Schaafhausen	Mimeographed document only.
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**Agenda item 2 : Report of the Secretary-General on credentials**

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**CHECK LIST OF DOCUMENTS**

<i>Document No.</i>	<i>Title</i>	<i>Observations</i>
T/1071	Report of the Secretary-General on credentials	Mimeographed document only.



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# Agenda item 4: Examination of annual reports of Administering Authorities on the administration of Trust Territories

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## DOCUMENT T/1062 and Add.1

## Observations of the United Nations Educational, Scientific and Cultural Organization on the Annual reports on the Trust Territories of Western Samoa (1951-1952), New Guinea, Nauru and the Pacific Islands (1951-1952) and Somaliland under Italian administration (1952)

[Original text : English and French]  
[17 June 1953]

LETTER DATED 15 JUNE 1953 FROM THE ACTING DIRECTOR-GENERAL OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION TO THE SECRETARY-GENERAL

I have the honour to enclose herewith, in accordance with resolution 47 (IV) adopted by the Trusteeship Council during its fourth session, the observations of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the four annual reports for 1951-1952 on the Trust Territories of the Pacific.

It is much regretted that the report on the adminis-

tration of Western Samoa for 1952 was received too late to prepare considered written comments.

As regards the Trust Territory of Somaliland, the Italian administration invited a UNESCO expert to the Territory early in 1953; he was able to study the situation on the spot and also examined the draft report for 1952. The enclosed observations have been prepared with his help.

These five reports were submitted to the Executive Board of UNESCO which, during its 34th session, approved them in their present form after careful study.

(Signed) John W. TAYLOR

## I. WESTERN SAMOA

*The school system**Administration*

The report<sup>1</sup> for 1951 reflects no important changes in the administration of education. The policy statement on page 58 describes the Administering Authority's intention to improve the quality of schooling in preference to any rapid expansion which might prove too heavy a burden for the Territory's economy. This may be taken as indicating a phase of consolidation after earlier advances. Some attempt is made in these comments to abstract from the report the points most relevant to this question.

*Financing education*

The amount of the territorial budget devoted to education has risen steadily, whether this be regarded as a total sum or as a percentage of Government expenditure.

	<i>Expenditure on education £</i>	<i>Percentage territorial budget devoted to education</i>	<i>Percentage rise on previous year's expenditure on education</i>
Year ending 31 March :			
1948 . . . . .	31,002	9	—
1949 . . . . .	46,855	10	51
1950 . . . . .	70,188	15	50
March-December 1950 . .	74,197	17	—
Year 1951 . . . . .	113,345	18	—

This outlay is supplemented by grants and subsidies from the Administering Authority, particularly in respect of the building of Samoa College and of overseas scholarships—amounting in 1951 to a total of £40,358. There has been a steady rise in the amount of capital expenditure, and in 1951 the sum of £22,000 was devoted to the building programme. On the receipt side, it may be remarked that revenue from education is extremely low: Government schools charge no fees.

On the other hand, the total territorial surplus continues to grow annually and comparison with other departments shows education in the third place, after public works and health.

The Samoan school system is based on a 4-4-5 plan, that is three cycles respectively of four, four and five years' duration and termed primary, middle, secondary. The report for 1951 gives information on enrolments at each level (appendix X (b) and (d), pages 72 and 73) and UNESCO warmly welcomes these new data, which are essential to an understanding of the school system.

*(a) Primary education*

Both primary and middle cycles may be regarded as "primary education", with the first four-year course (the village primary school) serving as the base for Samoan schooling.

Examining quantitative aspects in the first place, the question may be put: to what extent is the child population accommodated in schools? At a rough estimate, allowing 12 ½ per cent of total population in each of the 6 to 9 and 10 to 13 year age-groups, one can assume 10,000 children at each level. Government school enrolment in 1951 amounted to 8,525 in primary classes, 4,650 in middle. Government effort is supplemented by the Denominational mission schools, of which there were 44 at primary level. It would thus seem that Western Samoa has enough school places for all children of the 6 to 9 year age-group, and places for more than half of the 10 to 13 year group.

The role of denominational mission schools appears important from two points of view. The primary and secondary schools of formal character increase the school resources of the territory. The large number of pastor or catechist schools (324 in 1951, with an enrolment of over 20,000) established to provide religious instruction for the whole community, including pupils at Government schools, also give the rudiments of formal education to children and adolescents who do not attend primary schools. Thanks to this latter activity, there is virtually no illiteracy in the Territory.

Trends in the expansion of the school system may be shown by the accompanying table. The figures apply to institutions at all levels.

<i>Year</i>	<i>Institutions</i>	<i>Teachers</i>	<i>Pupils</i>	<i>Percentage female enrolment</i>	<i>Pupil/ teacher ratio</i>
Government schools :					
1947 . . . . .	105	286	12,115	50.1	42.4
1948 . . . . .	108	301	13,328	52.3	44.3
1949 . . . . .	112	358	14,046	48.9	39.2
1950 . . . . .	114	399	13,899	50.1	34.8
1951 . . . . .	115	395	13,693	—	34.5
Denominational mission schools :					
1947 . . . . .	348	517	21,417 <sup>2</sup>	—	—
1948 . . . . .	391	532	24,592 <sup>2</sup>	—	—
1949 . . . . .	393	976	23,050 <sup>3</sup>	—	—
1950 . . . . .	394	1,000	23,331 <sup>4</sup>	—	—
1951 . . . . .	395	1,024	25,745 <sup>2</sup>	—	—

<sup>1</sup> See Report by the New Zealand Government to the General Assembly of the United Nations on the administration of Western Samoa for the calendar year 1951, Department of Island Territories, Wellington, 1952.

<sup>2</sup> A large proportion of the children also attend government schools.

<sup>3</sup> Of which 14,548 pupils not attending Government schools.

<sup>4</sup> Of which 14,937 pupils not attending Government schools.

The Government system shows a steady rise in enrolment in earlier years, with a recession in 1950 and 1951. This is accounted for entirely at the village primary school level, where the school entry age was raised to 6 years, thus reducing enrolment in the lowest class. UNESCO notes with interest this first step towards securing a better grouping of pupils by age, even though it was adopted partly as a measure of economy, because of the shortage of teachers. A parallel attempt to deal with the over-age pupil may be suggested as the next step. While the report gives no information about the age composition of classes, it is likely that children over a wide range are classed together, a situation which has a bearing on the Administering Authority's efforts to improve the quality of schooling.

A further trend shown by the table above is the steady improvement of the number of pupils per teacher. The ratio in 1951 in Government schools appears very satisfactory to UNESCO.

The report for 1951 (page 51) describes the steps taken to co-ordinate curricula. A committee of Government and mission representatives has prepared syllabuses which will ensure uniform standards of instruction in the first six classes of all schools. Action by the Department of Education in preparing and issuing new primary textbooks is also described; this is an important contribution to the improvement of classroom work.

UNESCO notes with satisfaction that it has been possible to adopt Samoan as the medium of teaching throughout the primary stage. In this regard, attention should be drawn to the vernacular school journal *Tusitala mo A'oga*, published in New Zealand. Where little general or supplementary reading matter is available in a language, a periodical school journal with contents graded according to degrees of difficulty may go far towards meeting the need. Copies of the Samoan journal have been sent to UNESCO by the Administering Authority, and the Secretariat has drawn them to the attention of other Member States with language problems of a similar character.

The curriculum for classes 5 to 8 has a practical bias. This would seem indispensable if a rounded and complete course of eight years' education is being planned for all young Samoans. As the Territory's economy is largely agricultural, it would be interesting to know whether the middle school prepares for country life by teaching pupils to make better use of natural resources.

To conclude this survey of primary education, UNESCO believes that the time may be ripe for legislation introducing compulsory schooling in Western Samoa. The number of school places in the village primary schools appears adequate; and probably the first six years (6 to 12 age-group) could be made obligatory if over-age pupils did not occupy too much space. While official policy is directed towards improving quality, it can be urged that statutory provisions for school-going contribute to the same end. With a fixed entry age, and a grouping of pupils in homogeneous classes, the task of the teacher becomes much easier.

There are, however, two sides to this argument. One of UNESCO's publications issued in 1952, *Compulsory Education in New Zealand* (a study initiated by the

New Zealand National Commission for UNESCO) contains an analysis of this very problem in Western Samoa (pages 104-108) where the conclusion is drawn that social and economic obstacles are still too great for compulsory schooling to be introduced. It is suggested that a careful study of the question based on data regarding the age composition of classes would be useful.

### (b) Secondary and vocational education

Secondary education in the Territory comprises a five-year course based on eight years of primary schooling. The total enrolment in Government institutions (including teacher-training) was 420 in 1951; to this must be added an unknown enrolment in four missionary secondary schools, and sixty-three students studying abroad. Progress in secondary education appears to be satisfactory, and with the completion in 1952 of Samoa College (page 50 of the report) the Territory should for the present have fairly adequate facilities. Vocational training is given in the upper classes of middle schools, and provision is made for practical streams in the secondary schools.

### (c) Study abroad

The Administering Authority has consistently followed a policy of granting about ten scholarships a year for specialized secondary and higher education abroad. In the year under review, the total number of students in New Zealand has risen to 63, of whom 46 were attending schools and 17 undertaking professional or higher studies (page 52 of the report). For the most part these studies are practical, and relate directly to the Territory's need for leadership. The number of scholarships makes an important addition to provisions for secondary education within the Territory; and it may be remarked that the cost of the scheme to the Administering Authority has progressively risen.

### Teachers

Expansion of teacher-training in the Territory is one of the most significant aspects of its educational progress. The growth of the teacher training college has been as follows:

Year	Staff	Pupils	Percentage female enrolment	Pupil/teacher ratio
1947 . . . . .	3	43	39.5	14.3
1948 . . . . .	3	92	52.2	30.7
1949 . . . . .	6	119	51.3	19.8
1950 . . . . .	6	119	52.1	19.8
1951 . . . . .	5	147	—	29.4

In 1951 there were 35 graduates (about 9 per cent of the number of teachers in Government service). To maintain an educational system requires a supply of new teachers each year amounting to roughly 10 per cent of the existing staff: the Western Samoan college has almost reached this level, but still does not provide the additional teachers needed for new classes (page 53 of the report). In 1952 the College was expected to reach its maximum enrolment of 170, so that the trend shown by the previous table is not likely to continue and a serious shortage of teachers may result.

## II. NAURU

*Educational administration*

The Department of Education consists of a European director, four European teachers and twenty-six Nauruan teachers (page 34),<sup>5</sup> that is, approximately the same staff as in the preceding year.

It is noted with satisfaction that schooling is compulsory for Nauruan children between the ages of 6 and 16 and that teaching and medical assistance to the pupils are free.

In the only private school of the territory, the level of studies is the same as in the Administration's schools; the programmes are identical and the school is subject to inspection by the Department of Education. The teaching staff consists of four qualified European mistresses. The establishment of secondary schools is subject to the conditions laid down in the Compulsory Education Ordinance of 1921-51, supplemented in 1951 (Ordinance No. 7 of 12 November, *Gazette* No. 49).

*Finance*

The education of Nauruans and the provision of fellowships for study abroad continue to be financed by the Nauru Royalty Trust Fund. In 1951-52, expenditure amounted to £11,179 against £5,936 in 1950-51, an increase of £5,243, or 88 per cent. This increase concerns in particular the salaries of the teaching staff and the budget for studies abroad.

The expenses for education of Europeans are borne by the Administration, as are the salary of the Director of Education and other general expenses. In 1951-52 these expenses amounted to £5,673, compared with £4,119 for the preceding year, that is, an increase of 37 per cent. The report does not indicate the distribution of this total between administrative services and the school for European children.

No grant is made to private schools.

The following table, which gives the total expenditure in pounds from 1947-48 to 1951-52, bears witness to the progressive increase in the budget for education:

	<i>Education of Nauruans (Nauru Royalty Trust Fund)</i>	<i>Department of Education (Administration)</i>
1947-48 . . . . .	3,445	462
1948-49 . . . . .	4,441	841
1949-50 . . . . .	4,471	2,578
1950-51 . . . . .	5,936	4,119
1951-52 . . . . .	11,179	5,673

*Organization of education*1. *Administration**(a) Schools for natives*

<i>Total number*</i>	<i>Schools</i>	<i>Teachers</i>	<i>Pupils</i>
1948 . . . . .	7	20	389
1949 . . . . .	7	26	289

\* There are also evening classes for adults and classes for apprentices.

On the qualitative side both the lengthening of the training course to three years and the curriculum now in force seem to UNESCO most satisfactory. As further aids to improved teaching the report describes a teachers' journal (*Tomatau*) and the programme of school broadcasts.

It would be interesting to know whether the Department of Education plans any in-service training of teachers, with week-end or vacation courses, as another adjunct to the work of the teacher-training college.

*Adult and fundamental education*

The pastor-catechist schools play an important part in the education of the community.

In addition, the adult high school provides the opportunity for young people to take examinations at secondary and professional levels.

While the report refers to the considerable provision of broadcasts, mobile film units and reading matter (pages 54 to 55), it is not clear how far the several Government departments concerned with improved community living (Agriculture, Health, Education) have a co-ordinated programme of adult education which these media might serve.

In the light of the experience gained in this field, UNESCO recommends the adoption of co-ordinated fundamental education programmes. In this way, two useful objectives are reached, adult groups, in detecting and overcoming difficulties which stand in the way of better living conditions, acquire an education more valuable than schooling; and, correspondingly, the place of the school as a community institution is greatly strengthened.

*Statistical reporting*

For a thorough understanding of the educational system a comprehensive statistical statement is necessary. The report provides valuable statistics and the new class distribution table noted previously is welcomed. It is not practicable to expect a complete statistical report at this stage of development but UNESCO would welcome the following additional information.

(a) More detailed information on items of financial expenditure particularly concerning costs of salaries, teaching materials and capital expenditure and, if possible, subdivision of expenditure by level and type of instruction (primary, secondary and special).

(b) Information on the distribution of children in mission schools, comparable with the figures for administration schools, in particular showing the division between the pastor and catechist schools and the more formal schools, at both primary and secondary level.

(c) As much information as possible on the distribution by age, class and sex of pupils in both administration and mission schools. (A knowledge of these statistics, considered in conjunction with demographic data, is essential for the study of the effects and demands of compulsory attendance and other administrative problems.)

<sup>5</sup> See *Report to the General Assembly of the United Nations on the administration of the Territory of Nauru from 1 July 1951 to 30 June 1952*, Commonwealth of Australia, 1952.

Total number <sup>a</sup>	Schools	Teachers	Pupils
1950 . .	7	24	267
1951 . .	8	28	287
	including one secondary school		(including 30 at the secondary school)
1952 . .	8	27	341
		(including 3 full-time teachers for secondary schools)	(including 42 at the secondary school)

### (b) Schools for Europeans

Total number <sup>a</sup>	Schools	Teachers	Pupils
1952 . .	1	2	34
			(including 3 Chinese)

### 2. Missions for natives

Total number <sup>a</sup>	Schools	Teachers	Pupils
1948 . .	—	—	—
1949 . .	1	3	92
1950 . .	1	3	88
1951 . .	1	3	93
1952 . .	1	4	112
			(including 14 girls in a secondary class)

### 3. Total numbers

	Schools (Administration plus missions for natives)	Nauruan pupils
1948 . . . . .	7	389
1949 . . . . .	8	381
1950 . . . . .	8	385
1951 . . . . .	9	380
	including 1 secondary school	
1952 . . . . .	9	453
		(including 56 at secondary school)

In 1952, the school attendance increased by 73 pupils, that is by 19 per cent over 1951.

The only private school is attended by 112 Nauruans of whom 100 receive primary schooling; they represent 25 per cent of the children (397) attending schools at this level. Fifty-six pupils, or 12 per cent of the total number (453) receive secondary schooling.

### Primary education

The primary education course lasts six years; the curriculum is based on that of Australian schools, thus ensuring adequate preparation for Australian secondary education. It would, however, be interesting to know to what extent this programme is fitted to the needs of Nauruans.

The language of instruction is English, in the absence of a written local language.

### Secondary and vocational education

The curricula are based on those in use in Australian schools (forms I and II). The secondary school opened by the Administration in 1951 had 42 pupils (an increase of 10) in June 1952.

<sup>a</sup> There are also evening classes for adults and classes for apprentices.

The catholic mission opened in March a secondary class attended by 14 girls.

There are therefore 24 more pupils receiving secondary education than in the preceding year. Up to the present this education is incomplete. Moreover, professional education is very limited. It would therefore be desirable to draw up a plan for providing complete instruction in these two fields and in particular to extend each year the secondary cycle already established.

### Distribution by age-groups of children attending school

Age-groups	Nauruans and Gilbert Islanders	Europeans	Chinese	Total
Under 6 years . .	111	1	1	113
From 6 to 12 years . . . . .	192	30	2	224
From 12 to 16 years . . . . .	111	—	—	111
Over 16 years . .	39	—	—	39
TOTAL . . .	453	31	3	487
				(including 225 girls (46 per cent))

From the above table it appears that 111 Nauruan and Gilbert Island children out of 453 (i.e., 24 per cent) are aged under 6 years and attend preparatory classes, which are also attended by 29 older children (table C (a), page 71). This high proportion of children under 6 is doubtless due to the provisions of the new Compulsory Education Ordinance which allows children to attend school in the morning from the first day of the first school term of the year in which they reach the age of five.

Compulsory schooling and the school attendance raise two questions.

First, the report indicates that school attendance is compulsory between 6 and 16 years, that is, during a period of 10 years. However, under the present school system, the primary schools keep the children for six years only and the secondary cycle consists of two years only, that is, a total period of schooling of eight years. What do the pupils do during the other two years and how many of them are exempted from compulsory schooling? To what extent and in what conditions is this exemption dependent on the Merit Certificate?

Secondly, the island of Nauru had, in 1951-52, 831 children under the age of 16 (see appendix I, C, (i) and (ii), page 44). Even if 40 per cent of these children are under the age of 6, there remain some 500 between 6 and 16. But for the same year 303 children were attending school. What was the situation of the other 200 children? Had some of them been exempted on account of having the Merit Certificate? What is the exact or approximate number of children of school age attending no school and not at present receiving any schooling?

### Retarded schooling

Further, according to table C (a), page 71, it would appear that a considerable number of children are in forms which would normally be occupied by younger children.

For example :

In form	I	22 pupils (61 per cent)	out of 36 are older than	7
"	II	8 " (80 per cent)	"	10
"	III	39 " (88 per cent)	"	44
"	IV	35 " (85 per cent)	"	41
"	V	61 " (91 per cent)	"	67
"	VI	1 pupil only out of 59 is of the normal age (11 to 12 years).		

Is this high percentage of educationally retarded children due to the quality of the teaching system, provided for the greater part by unqualified teachers, or to some other cause? It would be useful in this connexion to have precise information on the number of children not promoted from each form.

#### *Teachers' training*

The European teachers are qualified staff, but there are only eight, of whom four are in the mission schools. Courses given by European teachers are attended by 11 Nauruan teachers (of whom four are women).

The training of indigenous teachers is one of the weak points of the school system. The Nauruan staff should be given an adequate pedagogic and cultural training. In this connexion, the Trusteeship Council was informed that the Director of Education has organized a training course for Nauruan teachers as part of the programme for the introduction of secondary education in the island.<sup>7</sup> Further, of the 18 Nauruan students in Australia, nine are attending teacher training courses.<sup>8</sup> These measures should be emphasized, while expressing the hope that the Administration will continue to send abroad to continue their studies pupils preparing to be teachers at the primary or secondary levels, until such time as suitable courses have been opened in the island.

The increase in salaries of teaching staff should also be noted; this will tend to improve recruitment.

#### *Education overseas*

Twenty-three Nauruan students (including four girls) are studying abroad. With the exception of two medical students and two theological students, their studies are at the secondary level. Seventeen of them have received financial help from the Nauru Royalty Trust Fund, two from the missions and four from their own families. It is noted with interest that 10 students—two more than in 1951—are training to become teachers.

#### *Adult education*

It would be interesting to know the proportion of illiterates. Given the small population of the island, it should be possible to eliminate illiteracy fairly rapidly, by continuing the steps already taken in this direction.

Courses for adults are given every Saturday by the Director of Education. They include the showing of film-slides aimed at arousing the interest of Nauruans in education. In addition, the Administration organizes regional libraries. It is recommended that these

various methods of educating adults should be more widely used.

### III. NEW GUINEA

#### *Educational administration*

The Department of Education consists of the five main divisions existing previously. A reduction in the staff of the Department from 97 to 84 is noted, as also in the number of education officers, from 82 to 70 (page 129).<sup>9</sup>

Schooling is free but not compulsory. The Administration provides transport for certain pupils attending the administration boarding schools and the higher training institutions; it also provides textbooks and meals. These measures encourage the gradual extension of education to children of all communities. Given the present social conditions of a great part of the Territory, compulsory education for all children would seem to be rather a far-off ideal. But since the declared aim of the Administering Authority is "universal literacy" and as high a standard of general education as possible, for both males and females... (page 103) it would seem advisable to establish not only the aims of an educational policy, but also graduated plans for the extension of school facilities. These plans should be co-ordinated with plans for economic development and with the gradual opening up of, and establishment of public security and order in the remoter parts of the Territory. The plans would lead ultimately to the application of compulsory education first in the more accessible and developed areas and finally in remoter areas.

In this connexion benefit may be derived from experience in this field in the countries and territories of the region which have been made available by UNESCO (see published studies on compulsory education in Australia, New Zealand, the Philippines and Thailand and the recommendations of the Regional Conference on Free and Compulsory Education in South Asia and the Pacific held at Bombay in December 1952 (document UNESCO/ED/125, 3 April 1953).

Besides the schools organized by the Administration and the missions, the report mentions for the first time schools set up by village councils, in accordance with the ordinance of 1949 on village councils. This is an encouraging development especially for its future possibilities, where the village councils could play an increasingly important part in the extension of education. It is to be hoped, therefore, that these councils will be developed further and encouraged to assume greater responsibilities for education.

The existence of an inspection service covering both administration schools and mission schools is noted with satisfaction. Nevertheless, it is doubted whether the two inspectors mentioned in the report (page 132) are able to check effectively more than 3,500 schools, the teaching staff of which has increased.

The Administration and the missions also provide school medical services.

<sup>7</sup> See *Official Records of the General Assembly, Seventh Session, Supplement No. 4*, page 266.

<sup>8</sup> *Idem*, page 267.

<sup>9</sup> See *Report of the General Assembly of the United Nations on the administration of the Territory of New Guinea from 1 July 1951 to 30 June 1952*, Commonwealth of Australia, 1952.



*Finance*

The following table shows the total expenditure for education from 1948-49 to 1951-52.

	Administration (including grants to missions)	Native Reconstruction Training Scheme	Missions	Total
1947-48 . . .	53,847	—	—	—
1948-49 . . .	86,197	48,900	48,275	183,372
1949-50 . . .	132,717	149,952	65,923	348,592
1950-51 . . .	210,195	60,300	63,605	334,100
1951-52 . . .	286,030	59,784	91,039	436,853
			(page 205)	(page 202)

The total expenses of the Administration for 1951-52 amounted to £4,612,434 (including a subvention of £3,126,059 from the Commonwealth Government) (page 118). The expenditure on education (page 202), not including that borne by the missions, amount for the same year to £345,814 (£286,030 plus £59,784), that is, no more than 7.5 per cent.

Taking into account the contribution of the missions, the expenditure for 1951-52 (£436,852) shows an increase of £102,752 or 30 per cent over that of the preceding year.

The grants made to the missions have decreased steadily since 1949: £82,310 for 1949-50; £63,650 for 1950-51; and £48,879 (page 202) for 1951-52. On the other hand, as the above table shows, the missions have increased their financial contribution and in 1951-52 spent £27,434 (or 43 per cent) more than in 1950-51.

Detailed study shows that for 1951-52 the increase in the Administration's expenditure concerns mainly transport of pupils (page 148), salaries of non-European teachers, school equipment and material for education of natives and audio-visual teaching, as well as maintenance of native pupils attending the Administration schools.

*Organization of education*

Emphasis should be placed on the efforts which the Administering Authority has made towards attaining three principles adopted in the drawing-up and execution of its school programmes: making use of auxiliaries such as radio and films, developing manual work as part of a complementary programme for use in native schools, and promoting economic independence by linking school teaching closely to the implementation of agricultural and industrial development projects.

*Schools*

1. *Administration*

	Number of schools	Total number of pupils	Girls
1948 . . . . .	36	2,439 <sup>10</sup>	453
1949 . . . . .	44	2,869	—

<sup>10</sup> In addition 47 students attended the Teacher Training Centre at Sogeri in Papua.

<sup>11</sup> The decrease in enrolment, despite the increase in number of schools, is attributed to the fact that "numbers of indigenous inhabitants of specific religious persuasion who formerly received instruction in Administration schools..., now that more denominational schools have been established are attending the latter".

	Number of schools	Total number of pupils	Girls
1950 . . . . .	50	2,827 <sup>11</sup>	375
1951 . . . . .	65	3,675	656
1952 . . . . .	69	3,757	793

2. *Missions*

	Number of schools	Total number of pupils	Girls
1948 . . . . .	1,463 <sup>12</sup>	50,920	—
1949 . . . . .	1,746 <sup>12</sup>	64,516	—
1950 . . . . .	2,310 <sup>13</sup>	85,899	—
1951 . . . . .	2,407 <sup>14</sup>	87,134	—
1952 . . . . .	2,560	91,389	35,634

3. *Total number of schools.*

	Number of schools Administration and mission	Pupils
1948 . . . . .	1,499	53,359
1949 . . . . .	1,790	67,385
1950 . . . . .	2,360	88,726
1951 . . . . .	2,472	90,809
1952 . . . . .	2,629	95,146

Examination of the above tables shows a regular increase in the numbers both of schools and of pupils. In 1951-52 there was an increase of 4,337 pupils (or 5 per cent) and of 157 schools (or 6 per cent) over the preceding period. In comparison with 1948 there has been an increase of 1,130 schools (or 76 per cent) and 41,787 pupils (or 78 per cent). Such progress is indeed remarkable.

If the number of children of school age is estimated to be 30 per cent of the population, or 325,000 children, the school population in the regions under the control or influence of the Administration (eight-tenths of that figure), represents 260,000 children.

It also appears that the Administration's schools represent only 2.6 per cent (69 out of 2,629) of the total number of schools and account for only 3.9 per cent (3,757 out of 95,146) of the pupils. This proportion is very low and measures should perhaps be considered for increasing it.

It may also be remarked that in 1952 in the administration schools the proportion of boys (2,964) to girls (793) is 3.7 to 1, while in the mission schools, with 55,755 boys and 35,634 girls, the proportion is 1.5 to 1. It would seem consequently that the Administration should endeavour to encourage the access of girls to education.

*Elementary education*

More than one type of school seems to exist for the elementary education of native children. All village schools are maintained by the missions except for five "station" schools maintained by the Administration. These are four-year schools where teaching is in the vernacular and where "oral" English is introduced in

<sup>12</sup> Incomplete data.

<sup>13</sup> Information is not available on schools maintained by the Baptist New Guinea Mission (no schools at 30 June 1951).

<sup>14</sup> Information is not available on schools maintained by the North-west New Guinea Mission of Seventh Day Adventists (there were 2,030 pupils in these schools at 30 June 1950).

the fourth year. Then there are village higher and "area" schools giving a four-year course and teaching in English. There follow a limited number of "central" or higher elementary schools giving a course of two years. As regards mission schools the report speaks of "intermediate" schools which seem to be higher than the village schools but whose period of study is unspecified.

There is then a number of schools catering for the child of elementary school age. Their relationship to each other is not quite clear from the report, and there seems to be some overlapping between them. The higher village and area schools, for example, start from standard II. Presumably the children before admission would have received instruction equivalent to standard I (and perhaps pre-school education) elsewhere. Presumably also a considerable number of village school children who receive their education in the vernacular pass to the higher village schools. How this transition is done and at what stage and whether any test is administered is not clear. Another point needing clarification is the relation between "intermediate" mission schools and village schools on the one hand, and higher village and central schools on the other.

From the limited information at hand it would seem possible to have a more simplified educational ladder, with a correspondingly simplified school nomenclature.

There are also primary schools for Europeans, elementary "A" schools for Asians and elementary "B" schools for part-natives. A more extended description of these schools is needed giving the relationships, if any, between them, as well as with the native schools.

No statistics are given for the distribution of pupils by classes. Average total attendance or enrolment figures in each of the four classes of the village vernacular schools would give an idea of the capacity of these schools, of the amount of "wastage" involved, and in general of their effectiveness. Similar figures for the other types of schools will fulfil the same function and bring to light some of the problems faced by the Administering Authority in this level of education.

Finally it is desirable that six-class primary schools should also be provided for native children, so as to give them preparation which would allow them to enter into secondary teaching under the same conditions as non-native pupils.

### *Secondary education*

In 1951 there were no secondary schools. In 1952 one secondary class was added to the administration school for Asiatics and to the Catholic mission school for Chinese children, both at Rabaul.

In order to fill this gap, financial help was given to the parents of 136 European children (page 105) to enable them to carry on their studies in Australia. Twenty-two Asiatic children are also studying in Australia.<sup>15</sup> UNESCO believes that these measures, which

are inadequate, should be extended to include the people of New Guinea.

### *Vocational training*

Although there are no secondary schools, there are higher training centres, the courses of which last three years. In each of these centres, a group of pupils follow a one-year preparation course in professional training for teaching, medicine, etc. The Administration plans to add a manual workshop to each central school.

In addition, there are technical sections (page 198), responsible to the Technical Division and in which manual work is performed, at Boram (24 pupils, 12 to 16 years), Dregerhafen (five pupils, 17 to 30 years), Malaguna (100 pupils, 16 to 24 years), Buin (Bougainville Island) 106 pupils, 13 to 17 years).

In 1952 there were 28 vocational training centres with a total of 2,142 pupils, including 148 girls. It is to be hoped that the number of these centres will increase and that more and more young people (including girls) will receive in them vocational training suited to local needs.

### *Higher education*

There is no higher education and the report does not mention any New Guinean pupil carrying on higher studies abroad.

### *Study abroad*

Apart from the facilities mentioned above given to parents of non-indigenous children carrying on their studies in Australia, there are no fellowships for native pupils. Since the present educational situation does not give native pupils the chance to have a complete secondary education, still less, to pursue higher studies or to become really specialized in any profession or trade, it is to be desired that fellowships should also be provided for them.

In 1951, 193 European pupils (see foot of table 3, page 159 of report<sup>16</sup> for 1951) received grants which enabled them to continue their secondary studies in Australia and 136 followed correspondence courses. In 1952 it is reported (see table 3, page 197, report for 1952) that a group of 153 European children are carrying on their studies in Australia and that 113 are following correspondence courses. There is consequently a reduction of 40 pupils in the first case and 13 in the second. It would be interesting to know if the grants which are made cover completely or only partially the costs of the stay abroad.

### *Teaching staff*

The European teachers are trained in Australia. There are 49 (the same number as in 1951) for the administration schools and 205 (an increase of eight) for the mission schools.

<sup>15</sup> A note (see foot of table 3, page 197) indicates that grants are given to 153 children attending secondary schools in Australia. There is apparently some discrepancy between the figures quoted in this note and the reference to this matter on page 105.

<sup>16</sup> See *Report to the General Assembly of the United Nations on the administration of the Territory of New Guinea from 1 July 1950 to 30 June 1951*, Commonwealth of Australia, 1951.

It is noted with interest that the Dregerhafen and Keravat centres for the training of native teachers for the Administration have been reorganized in 1952 and the duration of the course increased from two to three years (page 107). These two centres have 61 pupils, of whom 24 completed their studies in 1951 while 14 others should normally have completed theirs in 1952. The report mentions that 24 new teachers began work (page 107) but the statistical table of teaching staff does not show any corresponding increase.

One of the missions maintains a similar centre to that of Keravat with the financial help of the Administration, which also provides it with a plan of studies so as to ensure uniformity of the teaching.

Various steps have been taken to improve the training of native teachers. Among these special mention may be made of promotion examinations and correspondence courses.

Nevertheless teacher-training facilities seem to be extremely inadequate, especially for mission schools. As seen from the following table the latter have added 313 new teachers in 1952. Since 1948 mission schools have more than doubled their teaching staff, the teachers have increased from 1,493 to 3,261 or by 1,768 teachers. Given that only one mission teacher-training centre exists and only two administration training centres, it would seem that most of the teachers are unqualified and their standard of education is low. There is therefore an urgent need for new teacher-training centres whether maintained by the Administration or partially subsidized by it. There is also need for laying down a clear-cut policy with regard to types and standards of teacher training.

#### Number of teachers

##### Teachers at work in administration and mission schools

	1948	1949	1950	1951	1952
<i>Administration schools :</i>					
Total number of teachers . . . . .	86	119	126	191	200
European . . . . .	15	24	35	49	49
Asiatic . . . . .	11	8	6	7	11
Native . . . . .	60	85	80	130	138
Part-native . . . . .	—	2	5	5	2
<i>Mission schools :</i>					
Number of teachers . . . . .	1,493	2,421	3,175	2,948 <sup>17</sup>	3,261
European . . . . .	53	71	143	197	205
Asiatic . . . . .	—	2	6	—	13 <sup>18</sup>
Native . . . . .	1,440	2,348	3,020	2,751 <sup>17</sup>	3,043
Part-native . . . . .	—	—	6	—	—

This table shows :

1. That the number of teachers is continually increasing although the increase may not be great in any one year.

2. That the mission schools employed in 1952 sixteen times more teachers than those of the Administration.

<sup>17</sup> Not including 300 natives engaged in teaching, but reported as "not fulfilling full requirements of teachers".

<sup>18</sup> Including part-native teachers.

3. That native teachers (usually inadequately trained) are employed in a proportion of seven out of 10 in the Administration schools and nine out of 10 in the mission schools.

4. That in 1952 the total number of teachers was 3,461, an increase of 322 on the preceding year.

The total number of schools being 2,629 and the total number of pupils 95,146, there is an average of 1.3 teachers per school and 27 pupils per teacher.

In 1952, there were 31 women teachers in the administration schools out of a total of 200 and 155 in the mission schools out of 3,261. It would be useful to expand the facilities for training of women teachers in order to reduce this disproportion.

#### Vernacular languages

The Administration recognizes that it is preferable that the children should be taught to read and write in the vernacular language and that the unification of the different dialects should be encouraged. It believes nevertheless that the use of English is the ultimate solution to the problems raised by the diversity of languages (page 104).

Except for the village schools where the vernacular is used for teaching, English is the sole language of instruction in schools; it is the Administration's policy to make English the universal language of the territory (page 104).

It is noted with interest that the publication of a linguistic map has been undertaken (page 109).

#### Adult education

There are daily broadcasts for the indigenous population in English, pidgin-English and various dialects. One hundred and sixty-two receiving sets have been distributed. A regional library service covers about 40 villages. The number of 16 mm. film-slide projectors has been increased and there are 20 projectors for 35 mm. film. Newspapers are published in English and pidgin-English. In addition the Lutheran mission published two newspapers in vernacular, with a circulation of 1,000 copies.

It is to be hoped that such measures will be extended; their effectiveness would be increased if the different methods were put at the service of true fundamental education undertakings or of the community schools which the Administration proposes to establish on an experimental basis. They would thus contribute to advancing education within groups and so raising their standard of living.

### IV. TRUST TERRITORY OF THE PACIFIC ISLANDS

#### Administration

At the beginning of the year 1951-52 the administration of the Trust Territory was transferred from the Department of the Navy to the Department of the Interior. The change took place smoothly. This first

year of civil administration has been marked, in education, by a special effort to improve the quality of schooling.

The Education Department has a small headquarters staff under a director. Each of the six districts has an educational administrator assisted by a Micronesian superintendent of schools who "takes over as many of the educational tasks of his district as he is prepared to assume". The policy of decentralizing responsibility for education has led to the creation of local school boards (page 60 of the report for 1952)<sup>19</sup> which now function throughout the Territory, and to the setting-up of some 47 parent-teacher associations. These administrative steps have been matched on the more technical front by conferences between the director, supervisors and teachers to ensure "such close interaction between the school and community that many

learning experiences can develop out of community activities" (page 54).

UNESCO notes with interest this all-round approach to educational development, and feels confident that it will contribute in a large measure to the advancement of the peoples of the Territory.

### *Financing education*

The cost of public education is difficult to assess in terms of the Territory's economy: so large a proportion of the territorial budget is represented by appropriations by the United States Congress that it is necessary to isolate for study both the local and the Administering Authority's contribution to the total. Data for the past five years, and estimates for 1953 are as follows, in thousands of dollars:

	Year ending 30 June					
	1948	1949	1950	1951	1952	1953 estimate
Revenue from local funds . . . . .	—	275	605	467	846	302
Total expenditure . . . . .	950	1,384	1,242	7,557	5,062	5,796
Expenditure on public education . . . . .	168	338	377	407	431	468
Education as percentage of total expenditure .	(18)	(24)	(30)	5	8	8
Education expenditure as percentage of local revenue . . . . .	—	123	62	87	51	156

*Note:* In 1951 over \$6 million of expenditure was derived from "other appropriations" not previously recorded. The 1952 local revenue included \$244,239 transferred from the Navy.

This table permits of little more analysis than that the expenditure on education shows a steady, though slow, increase; and that, for the wealth of the Territory, a remarkably large sum is spent on education.

However, no information is available on the full extent of public support for education. Each municipality taxes itself to pay the salaries of its elementary school teachers; the Government in 1952 subsidized municipalities to the extent of £3,300, but the total sum devoted to this item must be much higher. Real expenditure on education is therefore higher than the above table reflects, and the proportion of the cost borne by the indigenous population is correspondingly greater.

Further analysis of the cost of education, in relation to the ability of the local people to pay for the service, would be most interesting; and such a study might assist the Administration's policy referred to above.

### *The school system*

The Territory has a 6-3-2 school plan, that is six years of elementary, three years of intermediate, and two years of advanced and professional education. The report for 1952 provides full information about the system at each level.

### *(a) Elementary education*

The public elementary schools, supported by municipalities and staffed by indigenous teachers form the basis of Micronesian education. There has been a progressive increase in the number of schools providing the full course of six years, but many incomplete schools remain. The number of teachers as shown in the table below is significant, since it gives some measure of the expansion of the classes.

It is estimated (page 55) that enrolment amounts to 90 per cent of the children of school-age. The subtraction of under- and over-age pupils (amounting to 1,600 in 1952) would reduce the percentage. On the other hand a smaller but useful part is played by missionary endeavour, and in general it might be concluded that school places exist in the Territory for virtually all children between 8 and 14 years of age.

The following composite table shows a slow rise in the number of schools, a pronounced rise in teachers, and a steady fall in school enrolment. The number of pupils per teacher is, in UNESCO's view, an extremely satisfactory one. The fall in enrolment is not explained by the Administering Authority: a possible interpretation is that over-age pupils are gradually being eliminated and that the schools are acquiring a better age-class distribution. However, no informa-

<sup>19</sup> See *Report on the administration of the Trust Territory, of the Pacific Islands for the period 1 July 1951 to 30 June 1952*,

United States Department of the Interior, Washington, D.C., 1953.

tion on this topic is available. Finally, it may be remarked that the total number of children attending elementary school (6,171 plus 1,248) represents 13 per cent of the total population.

#### Elementary schools

Year	Number of schools	Teachers		Pupils	Percentage female enrolled	Pupil/ teacher ratio
		Total	Percentage female			
Public elementary :						
1948 . .	123	—	—	—	—	—
1949 . .	127	223	19	7,136	45	32
1950 . .	130	221	18	6,715	45	30
1951 . .	138	246	17	6,609	42	28
1952 . .	139	266	14	6,171	43	23
Private elementary :						
1948 . .	14	—	—	—	—	—
1949 . .	15	56	57	1,123	49	20
1950 . .	14	63	56	1,439	50	23
1951 . .	20	83	53	1,760	44	21
1952 <sup>20</sup> .	20	62	40	1,248	46	20

As regards the quality of education, the report for 1952 provides information of much interest. The results of research into the medium of instruction have been embodied in official policy; and the statement on page 54 of the report appears significant to UNESCO. Education begins "where the pupils start", that is, in the mother tongue. The second language, English, is to be introduced orally, and subject to four clear conditions, namely, that pupils are literate in the mother tongue, that certified teachers are available, that a problem in communication is recognized by the people, and that a command of English is found to be a solution to that problem.

The reorganization of the elementary school curriculum has been far-reaching. The objectives of schooling are stated in practical, human terms (page 54) and lead to the adoption of classroom projects which are related to village interests and needs. A necessary complement to this effort to raise teaching standards is the preparation of literature and teaching aids. The report (page 62) describes work done in the year under review. Specially graded readers in English and the Island vernaculars are now available to all schools. The English primer *Three Children* and the more advanced two volumes entitled *Legends of Micronesia* have kindly been sent to UNESCO by the Administering Authority; they are good examples of modern textbook construction applied to a region hitherto lacking such aids, and the Secretariat of UNESCO has found the books most useful in replying to requests from Member States for sample materials which might serve as guides.

#### (b) Intermediate education

The three-year intermediate schools are situated in each of the six districts and provide a more advanced course for selected elementary school pupils. A liberal scholarship policy ensures that this type of education is accessible to all on the basis of merit.

The steady growth of enrolment is reflected in the table below :

#### Intermediate schools <sup>21</sup>

Year	Number of schools	Teachers		Pupils	Percentage female enrolled
		Total	Percentage female		
Public intermediate :					
1948. . . . .	6	—	—	—	—
1949. . . . .	6	29	62	553	—
1950. . . . .	6	46	35	626	15
1951. . . . .	6	49	33	707	18
1952. . . . .	6	57	30	789	19
Private intermediate :					
1952. . . . .	—	22	59	447	57

The effect of intermediate education may best be understood by relating it to the elementary school situation. From 1949 to 1952, for each 100 pupils in elementary schools, there were in intermediate schools respectively seven, eight, nine, 17 pupils. The upward trend of post-primary education is most important if the Micronesians are to produce the leadership required in their political, social and economic life.

The quality of intermediate education may be assessed from information on page 55 of the report. The curriculum is realistic and gives a large place to social studies which are well suited to students in the 14 to 17 age group. Vocational subjects appear to be closely related to the needs of island economy.

#### (c) Advanced and vocational education

A two-year course at upper secondary level is available at the Pacific Islands Central School on Truk. This third rung of the educational level is again well provided with scholarships, so that capable intermediate school graduates from the entire Territory may reach it. The curriculum has four branches: general education and training for teaching, radio communications and agriculture.

Considerable use is also made of facilities for upper secondary and higher professional education outside the Territory. In 1952 there were 154 students abroad, the majority holders of scholarships; added to the enrolment of 101 at the Pacific Island Central School, this makes a total of 255 post-intermediate enrolment in the same year. These figures seem to UNESCO to indicate a satisfactory development of education at the upper level.

#### Teachers

The report for 1952 (page 59) mentions the education of teachers as the biggest educational problem facing the Territory. While the present situation may seem good from a quantitative point of view (see the pupil/teacher ratio above), the difficulty is to secure qualified teachers who will realize the ambitious goals set for elementary and intermediate schooling. The Pacific Island Central School is the principal agency for training teachers; its graduates now represent almost one-quarter of the ele-

<sup>20</sup> Data for mission intermediate schools or classes becoming available this year, the figures here show a recession.

<sup>21</sup> Mission intermediate classes, presumably attached to elementary schools, reported for the first time in 1952.

mentary teachers in service. As an interim measure intermediate schools also conduct teacher-training classes.

One development of interest is the appointment of a teacher-trainer in each district (page 59). In-service training is thus intensified. One example, communicated to UNESCO by the Administering Authority, is the summer school programme held at Majuro (Marshall Islands), 23 June-1 August 1952. The programme was an intensive course in both theoretical and practical aspects of teaching, and use was made of visiting specialists from Truk and Hawaii. Similar courses are organized throughout the Territory; this effort to raise teaching standards also brings teachers together, breaking through the isolation of work in a village school, and appears to UNESCO one of the most significant aspects of educational advancement in the Territory.

#### *Adult and fundamental education*

UNESCO notes with interest that the approach of education in the Territory to fundamental education is substantially the same as that recommended by the Organization (page 58). In addition to adult classes arranged by the Education Department (enrolling 430 in 1952), most other Government departments provide opportunities for formal and informal education of the adult community. The range of such work is wide. It is not clear, however, to what extent these several programmes are integrated, or how far the Education Department received the support of other departments in its community-school programme and in the preparation of reading material in the vernaculars. The establishment of an advisory committee on fundamental education, such as has been sponsored by several national commissions for UNESCO, might well provide the Territory with a co-ordinating agency.

#### V. SOMALILAND UNDER ITALIAN ADMINISTRATION

The Italian Administration's report<sup>22</sup> on the Trust Territory of Somaliland gives an accurate idea both of the difficulties encountered by the Public Education Office and of the interesting reforms which the Administration has nevertheless managed to introduce.

In the space of three years, after tentative efforts and experiments which have not always been crowned with success, valuable work has been accomplished in the field of public education. There is no doubt that the present educational system is not perfect and could be improved in many ways; but it would be unfair to consider only the unfavourable side of the picture—or to approach the problem with a preconceived idea of what a complete and ideal educational system should be—and to emphasize the weakness of this or that part of the system in Somaliland.

#### *Primary education*

Primary education is given in so-called primary schools, which provide day courses for children and night courses for adults.

<sup>22</sup> See *Rapport du Gouvernement italien à l'Assemblée Générale des Nations Unies sur l'administration de tutelle de la Somalie, 1952.*

The number of primary classes has increased considerably and progressively, as shown in the reports for the years 1950, 1951 and 1952. On 1 April 1950, there were 29 primary schools with 69 primary teachers and some 2,850 pupils. In 1951-52 there were 70 primary schools and in 1952-53 there were 86, with a number of pupils which had risen to 5,666 for the day courses and 9,047 for the adult courses, i.e., a total of 14,713 pupils or, counting the nursery schools, 15,166 pupils.

Every town and village of any size has its school or schools. Even in some agricultural settlements a class has been opened. In their reports, commissioners and residents ask for the construction of new schools.

Whenever any specialized or even vocational education is organized, lessons forming part of the primary school curriculum are given in addition to practical work or technical instruction; the object of this is to fill the gaps in pupils' knowledge arising from the fact that primary education has been introduced into Somaliland so recently. In the normal course of events, pupils should all be in the first three classes of primary schools, since the latter were established only three years ago; but there are already some pupils in the three higher classes, which proves that an effort has been made to reduce backwardness.

Special classes have been started to give a concentrated course of primary education to boys who are too old to be placed with 5 and 6 year-old children. All this helps to diminish the number of illiterates, of whom there is still a high percentage.

It should be emphasized, however, that the number of pupils enrolled does not correspond to the number actually attending school; in most places there is a discrepancy, whether great or small, and this is not peculiar to schools in Somaliland. Some children or adults leave school after a few months. There are probably many different reasons for this. Sometimes it is a question of money: children have to earn their living and their parents seize upon the slightest excuse to take them away from school. In other cases, the school itself may be responsible: that is to say, pupils may leave because of the curriculum or because of the language used in teaching.

#### *Curricula*

Curricula have had to be improvised; they are based on those obtaining in the corresponding schools in Italy, with a few adaptations introduced for the benefit of the local population (Arabic and religious instruction, hygiene, etc.).

The Administration now realizes that these adaptations are inadequate, and—following the advice of M. Grandjean, the technical adviser whom UNESCO sent upon request—it has recently decided to revise the curricula, which will henceforth be of several different types:

(1) Urban primary schools are to have a curriculum simplified as regards mathematics (particularly geometry), history (quite a few changes will be made in the choice of subjects), geography, etc. These schools will none the less aim at preparing pupils for entry into the junior intermediate schools.

(2) Rural primary schools—which will henceforth consist of two classes, each divided into three grades—

will to some extent be made less over-intellectual and abstract.

Teaching of grammar, parsing and geometry will be much reduced; on the other hand, there will be considerably more practical work, particularly in the sphere of agriculture and cattle-breeding.

(3) Primary courses for adults will have new curricula, better adapted to the needs and interests of people who have passed the adolescent stage. In future, such courses will no longer duplicate day courses in urban primary schools.

The prime aim will be to eliminate illiteracy. This literacy campaign is, in fact, already well launched, since attendance at adult courses is compulsory for Somali servicemen, the police force, members of para-military organizations, etc.

#### *Textbooks and teaching materials*

As far as textbooks and teaching materials are concerned, the Administration has been obliged to use what it could procure in Italy and in Arabic-speaking countries. Italian textbooks are used for teaching Italian, arithmetic, geography and science. Textbooks in Arabic are Egyptian (eight) or Lebanese (four); they are spelling-books, grammar-books and religious textbooks. There is one textbook (in Italian) that has been specially adapted for Somaliland. A second is being prepared; it will contain reading exercises in prose and verse, children's stories from history, elementary data on geography or astronomy, etc. Large consignments of geographical wall maps, and of books for school or classroom libraries, have been received; there was no such material at the outset. It is possible that the failure of certain pupils to attend school regularly is partly due to the lack of textbooks specially adapted to the intellectual level and interests of the Somalis.

#### *Languages used in teaching*

The Somali language is not written, though it is spoken by two million inhabitants, if one counts the population of Somaliland under Italian administration (1,250,000 inhabitants), British Somaliland (600,000 inhabitants) and the French Somali Coast. A special alphabet called "Osmaniye" was invented about twenty years ago, but it is little used.

The Arabic alphabet could be adapted to written Somali; Arabic is short of certain vowels, but they could be represented by diacritical signs.

Somali can also be written in Roman script, as is proved by a small booklet published in Djibouti in 1951 and entitled "Wan Baraneya Akriska Somalida" (I learn to read Somali).

In any case, no agreement has so far been reached as to which alphabet should be used.

Lessons are therefore conducted in Italian and Arabic. It may be that the difficulty experienced by Somalis in following teaching in two languages, neither of which is their mother-tongue, is responsible for the withdrawal of some pupils from school.

Whether that is so or not, the situation could not have been avoided. Lessons in Somali could be given only by Somali teachers, and of these, for the time being,

there are very few; the training of teachers is one of the greatest problems which the Administration has to face.

UNESCO has not been approached by the Administering Authority on the particular question of reducing the Somali language to written form, but would gladly consider the problem, if requested.

#### *School buildings*

School buildings are, on the whole, quite satisfactory. Within a very short time, a considerable number of schools have been built or repaired. Plans for new buildings are being studied. The main weakness is the lighting, which is sometimes inadequate for night classes. School furniture, simple but on occasion including even individual desks, is suitable. Blackboards in some schools are neither sufficiently large nor of good enough quality.

By resorting to propaganda, the Administration has made a great effort to encourage the population, including girls, to acquire knowledge. The large number of pupils attending day or night courses raises certain difficulties, particularly because of the shortage of teachers. However, in view of the few years remaining before 1960, the Administration is obliged to proceed as quickly as possible.

It should be mentioned that the Italian primary schools, which are open to all autochthonous children without discrimination, are few in number and do not have many pupils (336, of whom 144 are girls).

#### *Secondary education*

In Somaliland, there are Italian secondary schools, open to autochthonous pupils and a nucleus of Somali secondary schools has been formed.

At present, Somali secondary schools consist of the following:

The Junior Intermediate School, providing a three-year course of study. This school gives day and night courses. Owing, however, to the fact that so few pupils have completed their primary education, it has at present only 162 pupils, including eight girls. The tendency is to make the Somali intermediate school the place of general education for an élite and, in any case, not to issue too many secondary school certificates which would very soon lose all value.

In order to enrol pupils for the Junior Intermediate School, entrance examinations have been introduced. For the first time, the school year 1952-53 closed with an examination for the Junior Intermediate School-Leaving Certificate.

The Senior Intermediate School will open at the beginning of the next school year in July 1953. During the next few years, it will have four school grades.

The School for Moslem Studies, where students train to become "cadis" and preachers, opened in the course of the past school year. Instruction is provided by teachers from the El Azhar University, kindly sent by the Egyptian Government.

#### *Vocational training*

There are already a few schools for vocational education; some of these are of quite recent date, having been established only during the school year 1952/53.



Existing facilities for vocational training are as follows :

Preparatory courses in industrial handicrafts (carpenters and fitters), which are well-equipped and are to be expanded under the five-year plan.

The School for Aviation Specialists, which at present trains radio fitters and radio telegraphists; in the case of the latter, very satisfactory results appear to have been obtained.

The Vocational Fishing and Navigation School—which is to train " padroni marittimi ", i.e., men of junior officer rank in the Italian Merchant Navy—opened this year and its work so far appears very promising. Such training, which is to be developed under the five-year plan, can be extremely important in a country with a coastline of nearly 2,500 kilometres and where navigation, for the time being, is entirely conditioned by the monsoons.

The " El Mugne " Agricultural College near Merca has also recently been opened in very well-arranged buildings. The only disadvantage is that the plantation area is at Genale, too far away from the boarding-house; but as Genale is a malarial zone, trainees could not be lodged there. Agricultural training also can do much to promote the economic development of Somaliland.

There are courses for typists, designed to train persons for junior posts in offices. Young Somalis can also follow courses at the Italian Commercial School at Mogadiscio.

Several schools, some of which have opened this year, already exist for vocational training in the field of health. These schools comprise : five annual training courses for male and female nurses, serving as a preparation for the Junior Medical School, which provides a two-year course of training; the School for Public Health Assistants and the School for Laboratory Assistants.

Prior to admission to each of these schools, or those which follow from them, pupils must undergo periods of practical training.

A School for Midwives, providing a two-year course, also exists at Mogadiscio.

There are at present 213 pupils following medical training courses; this figure is much higher than was originally anticipated, and augurs well for the future development of this training, as provided for in the five-year plan.

#### *Higher education*

The School of Political Administration can be considered as part of higher education, although its pupils, who must pass an entrance examination but are not required to hold any previous certificates, still have to be given primary or secondary instruction.

Certificates have been issued for the first time to pupils in this school, upon completion of their three years of study. The examinations have proved beyond all doubt that this training is extremely effective. It may be further expanded when it becomes possible to replace the so-called supplementary courses—providing pupils with a general education they have hitherto lacked—by more advanced legal studies. Cyclostyled courses, deposited at UNESCO, show the high standard of the instruction given by jurists.

#### *Scholarships*

Scholarships are at present granted by the Italian Administration to secondary school pupils. A special school has been established for them in Rome.

The Egyptian Government has also offered a series of scholarships to Somali pupils.

The number of scholarships may be increased when more pupils have completed their secondary education and are thus able to take advantage of them.

One type of institution merits attention—the " College ". In Italian educational terminology, a college is a boarding-house, open to students from other schools. There is a " Collegio " at Mogadiscio which houses students attending the Teachers' Training School and the Fishing and Navigation School. There is also a college for the sons of Somali servicemen, as well as the Agricultural College near Merca mentioned earlier.

It is planned to open a similar institution in the near future at Ischia Baidoa, an inland locality.

These colleges are in new stone buildings, with well-equipped dormitories, dining-rooms and studies. The pupils who are housed and fed in these institutions derive great benefit from them, from every point of view. They learn to live in the " Western " style and can do their work in the studies, whereas their fellow-pupils living at home have no suitable place to work.

These institutions of course cost the Administration much money, but they are a very great help in raising the standard of living and culture of the autochthonous population.

#### *Teachers' training*

In organizing teachers' training, a very great difficulty is the candidates' lack of general culture. Hitherto, candidates have had to be recruited by competitive examinations which have often produced disappointing results, and the Administration has been unable to enrol as many student-teachers as it would have wished. Concentrated courses are organized, so that the essential professional knowledge can be assimilated within the shortest possible time. Unfortunately, it is impossible, in one year, to give future primary teachers all the secondary education and vocational training that they should receive if they are to become good teachers.

It is only by establishing a teachers' training school, with a three-year course of study, that Somali primary teachers can be properly trained. Such a school is to be opened in July 1953, and it will follow on from the Junior Intermediate School.

It may be hoped that the teachers' training school will provide Somali schools with efficient teachers; nevertheless, it is to be feared that, at least during the first years, the number of student-teachers entering the school will be inadequate to meet the country's needs.

The Administration will therefore have to continue to recruit, as it has done hitherto, Italian primary teachers coming from Italy or trained in Somaliland, as well as primary teachers from the Arabic-speaking countries (Libyans, Syrians, Lebanese, etc.).

Such recruitment of foreign primary teachers, not sufficiently familiar with the mentality of the autochthonous population, has certain disadvantages; on the other hand, it would be inadvisable to try to form, with undue



haste, a body of autochthonous teachers who would not be equal to their task. The future of Somali schools depends upon the training of a body of capable teachers, and such training cannot be improvised.

With regard to secondary education, there can be no question, for the time being, of employing Somali teachers; the country is dependent, and will remain so for some time to come, on the recruitment of secondary teachers from other countries.

### *Organization of the educational system*

The organization of the educational system in Somaliland has been completely transformed during the past year. The Public Education Office has been separated from the Department of Health; the former is responsible for all education (primary, secondary and vocational) with the exception of medical vocational training, which comes under the authority of the Health Department.

### GENERAL REMARKS

The reports upon which the preceding comments have been made come from Trust Territories in different stages of economic and social development. In appraising their educational progress general standards may properly be borne in mind, but it would be unreasonable to expect that they could be applied in all circumstances with the same degree of facility.

Nevertheless, it is of interest to note that the most urgent and difficult problems in these different Territories are for the most part similar. More broadly still, these problems are among those that are the most pressing and complex in many other parts of the world and have been singled out for international action by UNESCO. A concluding comment as to the educational problems that are common to these Territories and at the same time the subject of wider action by UNESCO may therefore be useful.

UNESCO believes in particular that it is indispensable for the organization and development of education in the Trust Territories to find a means of solving five problems of capital importance. On each of these problems a few remarks may be made.

#### *1. The problem of teacher-training*

In every one of the five Territories under consideration there is a deficiency of teachers either in number or in quality or in both. UNESCO would emphasize that the recognition of such a state of affairs does not necessarily imply criticism of an educational authority; indeed the problem is greatest where an educational authority is most active in expanding its school system and most anxious to modernize curricula and methods of teaching. In this connexion UNESCO notes with satisfaction the efforts that have been made to increase the number of indigenous teachers.

The training of teachers is the capital problem in educational expansion, even more important in favourable climates than the provision of school buildings. The problem was discussed at the International Conference on Public Education held in 1951 under the joint auspices of UNESCO and the International Bureau of

Education, and a more detailed discussion of the training of primary school and of secondary school teachers will be the main subjects on the agenda of the corresponding conferences in 1953 and 1954 respectively. In addition the Regional Conference on Free and Compulsory Education in South Asia and the Pacific, held in Bombay in December 1952, paid special attention to the problems of teacher training in this region. The studies and reports of these conferences have been or will be published.

#### *2. The problem of languages in education*

The difficulty of providing trained teachers who have been born and bred in a Territory is of course greatly increased if the languages most widely spoken in the Territory are employed either little or not at all in its schools. This link between the two problems comes out in a study of the situation in Nauru, for instance, among the Pacific Territories, and in Italian Somaliland. It must, however, be noted that the Nauru language has not been reduced to writing, and that Somali also is not a written language although it could be adapted to either the Arabic or the Latin script. In Somaliland the linguistic problem in education is especially complex because it is neither a linguistic nor an educational problem alone. Dogmatic generalization as to the way in which these problems should be solved would therefore be unreasonable. Nevertheless experience suggests that if the problem is considered in a purely educational light there is everything to be said for teaching both children and adults at first in the language that they normally speak. The Regional Conference on Free and Compulsory Education in South Asia and the Pacific to which reference has been made above recommended that this should be the norm, and that only overriding considerations of marked weight (such as the existence of many vernaculars in a small area) should be allowed to modify this norm.

To enable vernacular languages to be used extensively and effectively in education some or all of the following steps will need to be taken:

(a) The decision as to whether a vernacular shall be used in schools will depend in part on the number of people who speak it, its importance in local economic and social life, and the number of potential users of the language in a written form.

(b) If a choice has to be made between vernaculars, the above considerations will largely determine the choice. Where differences between vernaculars are minor the decision may merely be as to the exact form to be used. Where they are serious it must be considered whether different vernaculars could be used in different schools.

(c) The vernacular may need to be codified: that is to say to be reduced in writing (with possibly a difficult choice between alternative scripts) and to be studied systematically with a view to the establishment of a grammar.

(d) The vocabulary, and the possibility of increasing it in accordance with the nature of the language, will need to be studied so that it may be made increasingly suitable for the higher forms of education.

(e) There must be provision of graded reading material suitable for children and adults at different mental ages and different stages of education.

(f) Encouragement must be given to the production of reading material of wider interest, ranging from newspapers to books, so that teaching in the language corresponds to a reality felt outside the school or adult class.

It might be added that the first of a series of regional conferences on this question was called by UNESCO in December 1952, in Jos in Nigeria, to study the use of vernaculars in education in those parts of Africa where English was the accepted language of wider use. It is expected that this will be followed by similar conferences in other language areas. UNESCO would be glad to make available to Administering Authorities not only the report of the conference in Nigeria (which is now in the press) but also the report of an expert committee which studied the general problem in 1951.

### 3. *The problem of adult education*

The reports under consideration recognize the need for the provision of some measure of adult education, not only as desirable in itself but as the necessary complement to a steady expansion of the school system. If either the education of adults or the education of their children is to obtain its full effect, each must be extended with the other, and the school itself should be most closely associated with activities in the education of adults.

At the same time, the methods likely to be most effective in the education of adults, especially in technically under-developed areas, are not always those which would be most employed in school. UNESCO has long emphasized the importance of fundamental education, that is to say, the provision for those who have not enjoyed normal schooling of the first requirements of education in accordance with the needs they feel in relation to their environment. This inevitably implies close co-operation between the Education Department and the departments concerned with other community needs, such as health, food and agriculture. The present reports show no clear concept of fundamental education and little achievement of the necessary co-ordination between the various departments concerned.

### 4. *Problems related to the speed of expansion*

There is no doubt that the extension of education may often be speeded up. This is especially true where the

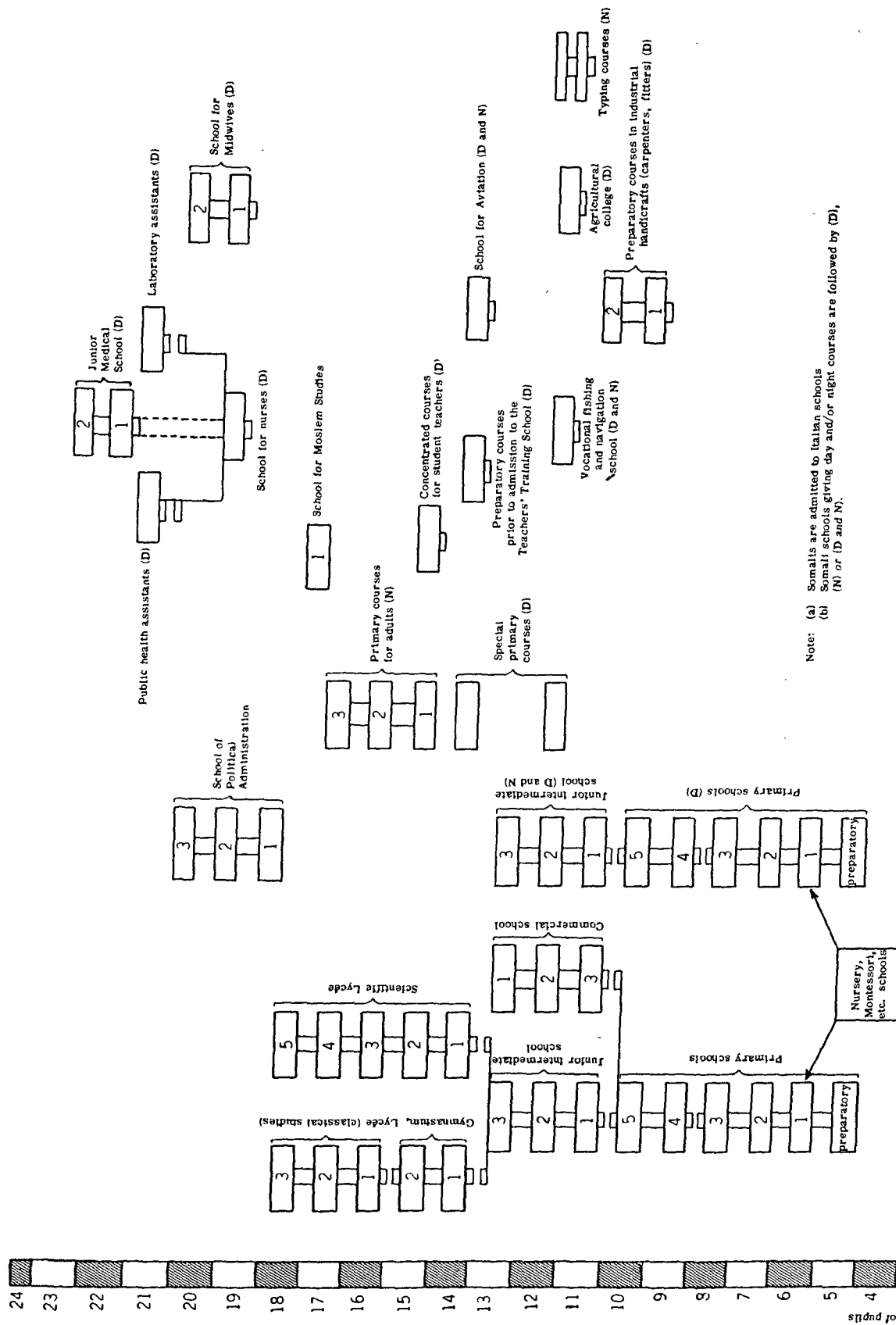
drive of community feeling is enlisted in support of fundamental education. Experiments are being made in many countries and territories in such matters as methods of reaching teading and writing and in the use of visual aids in education. On the first of these problems UNESCO will be publishing a report later in this year; on the second it is convening an international seminar, to take place in September in Sicily.

But there is a second class of problems related to the speed of expansion where a choice has to be made between what is ideally desirable and what is possible in terms of reasonably rapid results. The classic problem is that of the emergency training of new teachers where there is need for a considerable increase in the teaching body at very short notice—a need which is certainly present in most of the territories under consideration. Again, a balance has to be kept between the expansion of primary and of secondary education; and if, as in one of the territories, there is no secondary school at all very real difficulties are bound to arise. No ready-made general solution can be applied to deal with problems such as these, but once again a certain amount of experience has been gained (a considerable one in the matter of emergency schemes of teacher-training) which might be of assistance to Administering Authorities.

### 5. *The importance of planned development*

All the problems discussed above, and especially those under the last head, point to the importance of a timed plan of educational development. It is only by a detailed plan made in advance, and with careful timing of the various steps in different parts of the field, that such problems can be kept down to proportions which will enable them to be dealt with as they become serious.

It is of course true that some Trust Territories have such considered plans for educational development made in relation to the general development of resources and the expansion of other governmental services. But it is worth pointing out that Italian Somaliland is the only Trust Territory so far in which a plan has been developed by the Administering Authority in close consultation with UNESCO. It is hoped that such consultation has been of value to the Administering Authority in developing its five-year plan. Within the limits of its capacity UNESCO would be very ready to place its services at the disposal of any other Administering Authority that wished to call upon it in planning educational advance in its Trust Territories.



*(a) Somaliland under Italian administration, for the year 1952*

## DOCUMENT T/1048

## Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian administration, covering the period from 1 April 1952 to 31 March 1953

[Original text: English and French]  
[28 April 1953]

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## CHAPTER I

## OPERATION OF THE ADVISORY COUNCIL

## GENERAL

ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE  
ADVISORY COUNCIL

1. The United Nations Advisory Council was established by the General Assembly in its resolution 289 (IV) and is composed of representatives of Colombia, Egypt and the Philippines. Its functions are to aid and advise Italy as the Administering Authority for the Territory of Somaliland.

2. During the period under review, the Advisory Council has held 26 meetings, all of which, with the exception of one held in New York, were held at the Advisory Council's headquarters in Mogadiscio. Since its establishment, the Council has held a total of 81 meetings.

3. The number of the meetings held does not, however, give an exact picture of the activities of the Advisory Council, for in order to expedite the work of the Council the representatives have held many informal conferences among themselves or with members of the Secretariat

and interviews with officials of the Administering Authority on important matters. Conferences with individuals, groups and organizations representing the local population were also held.

4. To assist the Council in carrying out its functions of helping and advising the Administering Authority, the representatives have taken turns in making field trips, sometimes extensive, to inform themselves on the conditions obtaining in different parts of the Territory.

5. During the period under review, the Member States have been represented on the Council by the following :

(1) *Colombia* : Mr. E. De Holte Castello, from 31 March 1950 to date;

(2) *Egypt* : Salah El Din Fadel Bey, from 2 February 1951 to 20 September 1952; Mr. Mahmoud Moharram Hammad, from 27 October 1952 to date;

(3) *Philippines* : Mr. Vittorio D. Carpio, from 23 March 1951 to June 1952; Mr. Vicente L. Pastrana, from June 1952 to date.

6. During the same period the representatives on the Advisory Council were in Mogadiscio during the following periods :

*Colombia* : Mr. E. De Holte Castello, from 1 April 1952 to 29 April 1952;<sup>1</sup> from 24 August to 5 November 1952; from 19 January 1953 to date;

*Egypt* : Salah El Din Fadel Bey, from 27 April 1952 to 20 May 1952;<sup>1</sup> from 13 August 1952 to 9 September 1952; Mr. M. M. Hammad, from 6 November 1952 to date;

*Philippines* : Mr. Vittorio D. Carpio, from 4 April 1952 to 13 May 1952;<sup>1</sup> Mr. Vicente L. Pastrana, from 14 September 1952 to date.

#### SECRETARIAT OF THE ADVISORY COUNCIL

7. In accordance with the General Assembly's resolution 289 (IV), section D, paragraph 2 (c), the Secretary-General provided the necessary staff and facilities to assist the Advisory Council in carrying out its functions. During the period under consideration, Mr. T. C. Shore served as Principal Secretary until 11 November 1952, when he was succeeded by Mr. J. de la Roche, the present incumbent. From 6 May 1952 to 10 August 1952, Mr. G. A. Deeb was officer in charge at Mogadiscio.

#### CHAPTER II

#### RELATIONS WITH THE ADMINISTERING AUTHORITY

##### GENERAL REMARKS

8. The Advisory Council's relations with the Administering Authority derive from the relevant provisions

of the General Assembly resolution and of the Trusteeship Agreement which established the Advisory Council to aid and advise the Administering Authority.

9. When, at the fifth session of the General Assembly, article 8 of the Trusteeship Agreement was discussed, Mr. De Holte Castello, then Chairman of the Advisory Council, made the following declaration at the 175th meeting of the Fourth Committee :

" It is to be hoped, however, that the Administering Authority will not fail to consult the Council on all questions specified in the Trusteeship Agreement, in accordance with the terms of that agreement. During the initial period the Council has not been adequately informed, but the situation has rapidly improved and is now entirely satisfactory. "

10. At the 176th meeting of the Fourth Committee Mr. Farrag, the representative of Egypt, declared that he had obtained an assurance that the Administering Authority would request the advice of the Advisory Council on all questions covered by article 8 of the Trusteeship Agreement, that is to say on all questions concerning the political, economic and social progress of the population. At the same meeting Mr. Macapagal, a member of the Philippine delegation, noted that the Advisory Council had declared that it did not consider it had been sufficiently consulted by the Administering Authority; the Philippine delegation also noted, however, the special circumstances to which this declaration referred. The position taken by the Chairman of the Advisory Council was supported by the representative of India and the representative of Iraq at the 177th meeting of the Fourth Committee.

11. No delegation contested the statement of the Chairman of the Advisory Council, and at the 178th meeting of the Fourth Committee Mr. Fornari, Administrator of Somaliland, replied that the Administering Authority would continue to consult the Advisory Council on all important questions and to keep it informed of its activities, in particular in connexion with all matters mentioned in article 3, paragraph 3, of the Trusteeship Agreement.

12. Thus the Advisory Council interprets article 8 of the Trusteeship Agreement as meaning that there is a general obligation on the part of the Administering Authority to keep it informed and to request its advice. The Administering Authority's general obligation to keep the Advisory Council informed is contained in the first paragraph of article 8, which reads in part :

" The Advisory Council shall be fully informed by the Administering Authority on all matters relating to the political, economic, social and educational advancement of the inhabitants of the Territory, including legislation appertaining thereto... "

13. The obligation on the part of the Administering Authority to request the Advisory Council's advice is seen in the second paragraph of article 8 of the Trusteeship Agreement, which reads :

" The Administering Authority shall seek the advice of the Advisory Council on all measures envisaged for the inauguration, development and subsequent

<sup>1</sup> Departed for New York to attend the eleventh session of the Trusteeship Council.

data on (a) the number of families, ethnic groups etc., (b) the sex, date of birth, age, birth-place, occupation, language, etc., of all residents;

(3) For localities for which it was possible there would be special surveys to ascertain the birth-rate, death-rate and fertility of the population, the distribution of polygamous groups, the type of dwelling places, etc.

(4) The census of industry would include data on a long list of items (see article 3 of the draft ordinance, document A/AC.33/R.44, page 2 of annex);

(5) The information would be "collected by means of special cards and questionnaires" (article 4);

(6) A central committee would supervise census operations, which would be "directed by a special central office formed by the Bureau of Statistics of Somalia, properly integrated". A supervisory committee would be appointed in each sub-division of the Territory;

(7) Penalties were provided for refusal to supply the information requested and for disclosure of census information to unauthorized persons.

*Summary of the Advisory Council's reply (A/AC.33/RA.46)*

35. The Advisory Council, whilst agreeing that a census would be an important step in furthering the development of the Somali people, did not regard the taking of a census as a prerequisite for the establishment of an electoral system. The Advisory Council suggested that the plan of the census should take into account the actual needs and resources of the Territory and that a pilot study should precede the taking of the census proper. In addition the Advisory Council attached to its reply, for the information of the Administering Authority, detailed comments of the United Nations Statistical Office on the draft ordinance, together with an annotated bibliography on census methods prepared by the same office. The principal comments of the United Nations Statistical Office were:

(1) That the minimum list of topics recommended by the Population and Statistical Commissions of the United Nations should be taken into account by the Administering Authority;

(2) That the survey procedure mentioned in article 2 (d) of the draft ordinance should not be maintained as a long-range programme and that in its place a system of continuous sample surveys should be developed until a continuous registration system becomes a reality;

(3) That the list of items for the census of industry and commerce (article 3 of the draft ordinance) appeared too long for a first census and in this connexion attention was called to the recommendations adopted by the Statistical Commission of the United Nations at its sixth session;

(4) That the methods of collection of statistical data envisaged in article 4 of the draft ordinance were not clear and that the organization outlined in articles 5 and 6 of the draft ordinance could be better integrated.

*Summary of the Administering Authority's comments on the Advisory Council's advice (A/AC.33/RC.46)*

36. The Administrator, whilst assuring the Advisory Council that the latter's communication had been care-

fully studied, considered that it was advisable that elections within municipalities should be preceded by a census of their permanent inhabitants. Preliminary surveys in some municipalities, however, would be carried out in the first months of 1953, in order both to enable a real census to be taken subsequently and to render possible the first experiments of elections in the year 1953. A document containing the observations of the Statistical Office of the Administration on the comments of the United Nations Statistical Office was attached to the Administrator's letter, for the information of the Advisory Council. The main observations of the Statistical Office of the Administration were as follows:

(1) The experimental introduction in some centres of a card index of the permanent population would be planned in such a way as to serve also as a pilot survey for census purposes;

(2) The Administering Authority would take into consideration as far as possible the minimum list of topics recommended by the Population and Statistical Commissions of the United Nations;

(3) In the opinion of the Statistical Office of the Administering Authority, continuous sample surveys, as recommended by the United Nations Statistical Office, were impractical; every effort would be made, however, to obtain by other means the information likely to be obtained through such surveys;

(4) The list of items for the census of industry and commerce mentioned in article 3 of the draft ordinance was a maximum list and referred mainly to major industries organized or managed by Europeans;

(5) Since the ordinance was general in character, articles 5 and 6 appeared adequate; for the same reason article 4 mentioned only the general methods of collection of statistical material. Actually two different types of census cards were planned by the Administration.

*Additional comments of the Advisory Council (A/AC.33/RA.46/Add.1)*

37. The Advisory Council reiterated that it did not regard the taking of a census as a prerequisite to the establishment of an electoral system in the Territory.

*Implementation of the Advisory Council's recommendations by the Administering Authority*

38. The Administration accepted in part the advice of the Advisory Council by introducing in the final ordinance a new article (article 2) which provides for the carrying out of pilot studies; in addition, another article was slightly amended.

*(b) Institution of registry office and card index of settled population in all municipalities*

39. In letter No. 35039 dated 9 January 1953 (A/AC.33/RC.46/Add.2), the Administering Authority requested the Advisory Council's advice on a draft ordinance concerning the establishment of a registry office and a card index of the settled population in all municipalities. The Advisory Council considered the draft ordinance at its 77th meeting and replied on 20 February 1953 (A/AC.33/RA.46/Add.2). The ordinance, No. 5 dated

24 February 1953, was published in Supplement No. 1 to *Bollettino Ufficiale* No. 3 dated 1 March 1953.

*Summary of the request for advice (A/AC.33/RC.46/Add.2)*

40. Since the Administration was shortly to initiate the statistical surveys mentioned in ordinance No. 17 of 30 October 1952 regarding the census, it had become necessary to ensure that the information obtained through these surveys should be kept up to date. The Administration had therefore drafted an ordinance providing for the establishment of a card index of the settled population in all municipalities. The information required would be gathered through "family sheets" (compiled on the occasion of statistical surveys), through registers (of births, deaths, marriages, divorces, etc.) to be kept in each municipality, and through information supplied by individuals (in the case of persons settling in or leaving a municipal district.) There would be compulsory declaration of all births and deaths, whilst khadis would be required to communicate from time to time to the head of the municipal administration information on marriages and divorces.

*Summary of the Advisory Council's reply (A/AC.33/RA/46/Add.2)*

41. The Advisory Council endorsed the proposed ordinance, believing that the latter would facilitate the collection of reliable data on the settled Somali population and that it would be a prelude to the establishment of an electoral system in the Territory.

*(c) Changes in the functioning of the Territorial Council*

42. In letter No. 43148 dated 9 July 1952 (A/AC.33/R.47), the Administering Authority requested the Advisory Council's advice on certain proposed changes in the rules of procedure of the Territorial Council. The Advisory Council examined the matter at its 65th meeting and, in its letter dated 2 October 1952 (A/AC.33/RA.47), it endorsed the draft ordinance and requested further information on the Administration's plans regarding the election of two vice-presidents by the Territorial Council. In letter No. 44763 dated 21 October 1952, the Administering Authority transmitted to the Advisory Council the information it had requested (A/AC.33/RC.47).

43. Changes in the rules of procedure of the Territorial Council were the subject of ordinance No. 22 of 21 July 1952 published in the *Bollettino Ufficiale* of 1 March 1953.

*Summary of the request for advice (A/AC.33/R.47)*

44. The changes the Administration proposed to introduce in the regulations of the Territorial Council were based on the recommendations of the Visiting Mission and on the general principles outlined by the special representative of the Trusteeship Administration in his preliminary statement at the eleventh session of the Trusteeship Council. The Administering Authority proposed: (a) to increase the number of councillors present necessary for a quorum from 18 to 23, owing to the increase in the number of councillors (ordinance

No. 18 published in the *Bollettino Ufficiale* of 25 October 1951); (b) to enlarge the powers of the Reduced Committee, which would now permanently attend to the preliminary study and drafting of measures submitted to the Territorial Council for advice and would appoint from among its members its own rapporteurs, formerly selected by the Administration; (c) to increase the number of Somali councillors in the Reduced Committee from eight to 10; (d) to study the desirability of dividing the Reduced Committee into two sections, one to deal with political matters and the other with economic and social matters; (e) to invite the councillors, as an experiment, to take turns in assisting the chairman of the Territorial Council pending the election of two vice-chairmen by the Council at the latter's first session in 1953.

*Summary of the Advisory Council's reply (A/AC.33/RA.47)*

45. The Advisory Council endorsed the proposed changes in the Territorial Council regulations, since they were designed to increase the legislative knowledge and experience of the indigenous councillors and to prepare them for progressively greater responsibilities in the legislative field.

*(d) Election of two vice-chairmen of the Territorial Council by the councillors*

46. In letter No. 44929 dated 30 October 1952 (A/AC.33/RC.47/Add.1), the Administering Authority referred to the information transmitted previously to the Advisory Council (see document A/AC.33/RC.47) and requested the latter's advice on some proposed amendments to the rules of procedure of the Territorial Council to provide for the election of two vice-chairmen by the councillors. Having considered the matter at its 72nd meeting, the Advisory Council replied on 28 November 1952 (A/AC.33/RA.47/Add.1) endorsing the measure.

*Summary of the request for advice (A/AC.33/RC.47/Add.1)*

47. It was proposed that the chairman of the Territorial Council should in future be assisted by two vice-chairmen elected by the councillors at the beginning of each session by secret ballot and by majority vote. The chairman would be empowered to delegate the conduct of the debates to the two vice-chairmen in turn.

*Summary of the Advisory Council's reply (A/AC.33/RA.47/Add.1)*

48. The Advisory Council endorsed "with great satisfaction this measure which is calculated to impart greater legislative knowledge and experience to indigenous councillors".

*(e) Ordinance enlarging the powers of municipal councils*

49. In letter No. 45747 dated 19 December 1952 (A/AC.33/R.50), the Administering Authority requested the Council's advice on a draft ordinance increasing the number of cases in which the municipal administration was required to obtain the preliminary opinion of municipal councils before action could be taken by the former.

*Summary of the Advisory Council's reply (A/AC.33/RA.45)*

64. After recalling that during its deliberations during the months of March and April 1952 the Territorial Council had made some suggestions for the improvement of the proposed draft regulations, the Advisory Council made the following observations and recommendations:

(1) The Council considered that the regulations covered too broad a range of subjects, with the result that unduly wide powers had been entrusted to the police. Many matters could, if necessary, be made the subject of separate ordinances or included in a future penal code;

(2) The Council noted that the terms used in the regulations lacked definition and it recommended that, considering the importance of the ordinance, a declaration of objectives and principles should be embodied in the draft;

(3) The Council observed that the functions and powers of the different police authorities and organs had not been clearly defined. The Council further expressed the hope that although the Administrator was empowered under the draft regulations to exercise his control and supervision over the police through the chief of the Internal Affairs Office, he would at all times remain personally responsible for the maintenance of law and order;

(4) The Council recommended that the power entrusted to the police under article 1 of the draft regulations to settle private disputes should be withdrawn or limited to cases where both parties request it;

(5) In the Council's opinion, it should be possible to appeal against police measures not only "in a hierarchical way" but also before judicial tribunals or an administrative court. Moreover, the Council considered that the police should be required to obtain a court order before proceeding to carry out the measures they considered necessary or expedient;

(6) Finally, the Council suggested that the power given to the police to issue licences or permits in addition to those granted by the Administration should be either withdrawn or confined to matters connected with the enforcement of the law and the maintenance of public order. It was the Council's opinion that in any case the police should not prescribe conditions for licences other than those required by law, since it believed "it to be a sound policy to go slow, deliberately slow, in granting to the police powers other than those necessary or incidental to its powers as peace officers".

*(c) Abolition of capital punishment*

65. In its letter No. 43166 dated 11 July 1952 (A/AC.33/R.48) the Administering Authority requested the Advisory Council's advice on a draft ordinance abolishing capital punishment in the Territory. The Advisory Council studied the draft ordinance at its 65th, 73rd and 74th meetings, and, having obtained information on the offences punishable by death under the penal code in force in the Territory (A/AC.33/RC.48 and Add.1), it replied on 8 December 1952 (A/AC.33/RA.48). The ordinance abolishing capital punishment has not been published.

*Summary of the request for advice (A/AC.33/R.48)*

66. Capital punishment was abolished in Italy in 1944, whilst in Somaliland the 1931 Italian penal code which is still in force in the Territory permits the infliction of the death penalty in certain cases. The death sentence has not once been pronounced, however, since the beginning of the Trusteeship administration. The Administering Authority now proposed to substitute life imprisonment for capital punishment, since the latter, besides having irreparable consequences, has never been known to eliminate crime.

*Summary of the Advisory Council's reply (A/AC.33/RA.48)*

67. After noting that the question of capital punishment was the subject of acute and continuing controversy, the Advisory Council expressed the opinion that the death penalty should be retained in the judicial system of the Territory, in view not only of the position the Territorial Council had adopted on the subject and of the fact that in Somaliland capital punishment is deeply rooted in the traditions of the people, but also of its deterrent effect, which is recognized even in countries where there is a highly developed judicial system. The Advisory Council finally suggested that the Italian penal code of 1931 applicable in Somaliland should be modified to meet the conditions prevailing in the Territory.

*(d) Ordinance authorizing Regional Commissioners to delegate their judicial powers to Residents*

68. In letter No. 44895 dated 30 October 1952 (A/AC.33/R.49), the Administering Authority asked the Advisory Council's advice on a draft ordinance authorizing Regional Commissioners to delegate some of their judicial powers to Residents. The Council considered the matter at its 73rd meeting and gave its answer on 8 December 1952 (A/AC.33/RA.49). The ordinance, No. 19 of 15 November 1952, was published in the *Bollettino Ufficiale* No. 11, dated 20 November 1952, before the Advisory Council had given its advice.

*Summary of the request for advice (A/AC.33/R.49)*

69. According to article 9 of the judicial regulations in force, the Regional Commissioners of the Mijertein and Nogal are empowered to delegate from time to time their powers of jurisdiction in the matter of minor offences and contraventions to Residents. The Administering Authority considered it advisable to extend to all Regional Commissioners the right to delegate these powers to Residents from time to time, in order to expedite the settlement of penal cases in localities situated at a distance from main centres and to shorten the period of detention for prisoners awaiting trial.

*Summary of the Advisory Council's reply (A/AC.33/RA.49)*

70. Although fully concurring with the purpose of the ordinance and fully aware of the necessity of shortening the period of detention of prisoners awaiting trial, the Council was of the opinion that it could endorse the ordinance as a temporary measure only, pending the establishment throughout the Territory of a judicial



system as envisaged in article 7 of the Declaration of Constitutional Principles.

(e) *Establishment of Commissariat Judges*

71. In letter No: 35041 dated 9 January 1953 (A/AC.33/R.43/Add.2), the Administering Authority requested the Advisory Council's advice on a draft ordinance establishing commissariat judges. The Council considered the draft ordinance at its 77th and 81st meetings and replied on 4 April 1953 (A/AC.33/R.43/Add.5).

*Summary of the request for advice (A/AC.33/R.43/Add.2)*

72. The purpose of the ordinance prepared by the Administering Authority was to ensure the absolute independence of the judiciary by removing any possibility of the political and administrative authorities of the Territory passing judgment on cases already dealt with by them in their political or administrative capacity. Since, however, the peace of the Territory was sometimes disturbed by tribal feuds rooted in the customs of the people, the Administering Authority considered it inadvisable to deprive provincial Commissioners of their duties as chairmen of the regional courts: according to the Administration, the impartiality of trials before the regional courts was in any case ensured by the right of the interested parties to lodge an appeal with the Administrator for a revision of the verdict. With this exception, the Commissariat Judges, established in the main centre of each commissariat, would exercise the functions previously carried out by Residents and Commissioners in penal matters, and civil and penal matters, respectively. Appeals against decrees of Commissariat Judges would be decided by the Judge of Somaliland, whose decision would be final.

*Summary of the Advisory Council's reply (A/AC.33/R.43/Add.5)*

73. The Advisory Council, whilst approving the ordinance in principle, made the following recommendations, by a majority of two votes to one:

(1) That no person not in possession of a degree in law or not having practised law for at least two years should be appointed commissariat judge. Preference should be given, whenever possible, to persons with knowledge of Islamic law. "In the opinion of the Council a degree in law or its equivalent was an essential requirement for a commissariat judge";

(2) That article 6 of the draft ordinance should be deleted, since it was contrary to the principle of the absolute independence of the judiciary for the provincial Commissioner to exercise judicial powers;

(3) That appeals to the Court of Appeal of the Territory against sentences by the Judge of Somaliland should be permitted.

ECONOMIC

74. Several important ordinances on economic matters have been issued during the past year, among them the ordinance imposing a tax on *shambas* cultivated by the local population; this ordinance doubtless represents the initiation by the Administration of a new tax policy directed towards raising a greater proportion of territorial revenue through direct taxation. The Administering Authority's plans concerning the development of water resources in the Territory are worthy of commendation and should to some extent alleviate the disastrous effects of the regular periods of drought that occur in most of the Territory. The contracts signed between the Administration and certain petroleum companies are of very great importance for the future economic development of the Territory; the thorough prospecting work which the petroleum companies have undertaken to carry out may reveal, besides petroleum, useful deposits of minerals in some of the more arid areas of the country.

75. Two ordinances, one on the operation of cotton ginneries and the other on the control of cotton cultivation, were designed to increase the production and quality of the Territory's cotton. The Advisory Council was not satisfied with the ordinance on the control of cotton cultivation which had, however, already been published in the *Bollettino Ufficiale* before the Advisory Council had time to make any observations.

76. It should be noted that the Administering Authority is gradually relaxing price control (A/AC.33/R.52) and has temporarily exempted raw cotton from export duties.<sup>3</sup>

77. The Council trusts that the Administration will limit the number of concessions granting individuals or groups exclusive rights to practice certain industrial activities or to cultivate certain crops in given regions. These exclusive concessions, on which the Advisory Council has never yet been consulted, might not be fully in accordance with a strict interpretation of article 15 (c) of the Trusteeship Agreement.

INFORMATION RECEIVED FROM THE ADMINISTERING AUTHORITY<sup>4</sup>

(a) *Control of cotton cultivation*

78. Not having been consulted on a draft ordinance to control the cultivation of cotton, the representative of Colombia wrote to the Administering Authority on 16 March 1952 requesting to be informed of the reasons why the Advisory Council had not been consulted on such an important matter (A/AC.33/MISC.29). At the same time, a copy of the draft ordinance was transmitted to the Advisory Council for information (A/AC.33/AA.72/

rings, thus ensuring a freer and more competitive market in the Territory".

<sup>4</sup> In addition to the matters mentioned below, the Administering Authority also communicated to the Advisory Council the agenda of the first session of the Economic Council of Somaliland (A/AC.33/AA.95/EC and Add.1).

<sup>3</sup> The representative of Egypt has requested that the following note be inserted here: "It is hoped that the Administration, taking into due account local conditions, will continue on this road by gradually abolishing export duties as revenue from direct taxation increases and by taking steps to limit the power of private monopolies and price

After considering the draft ordinance at its 77th meeting, the Advisory Council replied on 18 February 1953 (A/AC.33/R.50/Add.1). The ordinance, No. 4 of 12 February 1953, was published in Supplement No. 1 to *Bollettino Ufficiale* No. 3 dated 1 March 1953.

*Summary of the request for advice (A/AC.33/R.50)*

50. The experience of the first 20 months of activity of the 23 municipal administrations established in the Territory by Ordinance No. 10 of 6 June 1951 had shown that municipal expenditure seldom reached the figure over and above which it was compulsory to consult the municipal councils. It seemed necessary, therefore, to take immediate measures to enlarge the powers of the councils by reducing the minimum amount for which their preliminary opinion was required. Thus, for instance, it was proposed that the advice of municipal councils must be obtained for public works exceeding the sum of So. 3,000, whereas the law then in force required the consultation of the councils only when public works exceeded the sum of So. 30,000. The objective of the draft ordinance was to enable municipal councils to express their opinion on nearly every action taken by municipalities (budget estimates, budget expenditure extending over more than one year, alienation and concession of real estate and alienation of public funds, investment of funds for an amount exceeding So. 1,000, raising of loans, levying of duties and taxes, contracts for work exceeding So. 2,000, town planning, etc.

*Summary of the Advisory Council's reply (A/AC.33/R.50/Add.1)*

51. The advisory Council endorsed the draft ordinance, for it considered that it was important that Somalis should become more familiar with municipal administration as part of their political training and education in preparation for independence.

*(f) Transformation of the Reduced Committee into two commissions*

52. In letter No. 35052 dated 10 January 1953 (A/AC.33/R.51), the Administering Authority requested the advice of the Advisory Council on proposed amendments to the rules of procedure of the Territorial Council which would transform the Reduced Committee of that Council into two commissions; the amendments had already been adumbrated in an earlier request for advice (see paragraph 42 above).

53. After considering the matter at its 77th meeting, the Advisory Council replied on 17 February 1953 (A/AC.33/R.51/Add.1). During its first session in 1953, the Territorial Council approved the measure but recommended that the number of Somali councillors in each commission should be increased from five to 10.

*Summary of the requests for advice (A/AC.33/R.51)*

54. The Administration proposed to amend rule 3 of the rules of procedure of the Territorial Council in order to transform the Reduced Committee into two separate commissions, one to deal with political and social matters and the other with economic and financial matters, the latter dealing also with budget estimates, the examination of which came within the functions of the Territorial

Council in accordance with decree No. 2358 of the President of the Italian Republic, dated 9 December 1952.

*Summary of the Advisory Council's reply (A/AC.33/R.51/Add.1)*

55. The Advisory Council endorsed the proposed measure, since the creation of the two commissions constituted another step towards giving the indigenous population necessary legislative training.

LEGAL AND JUDICIAL

56. The period under review has been characterized by important developments in the legal field. Most of the measures proposed by the Administering Authority were approved in principle by the Advisory Council; more than once, however, the latter was obliged to suggest far-reaching judicial reforms, particularly with respect to the establishment of a Supreme Court in the Territory as the court of last resort: on every suitable occasion the Advisory Council has stressed the paramount need to establish on a firm footing the independence of the judiciary. The Advisory Council found itself unable to agree with the Administering Authority on the abolition of capital punishment and on the basic principles of the draft police regulations. The Advisory Council also studied the draft judicial regulations transmitted to it last year; they were withdrawn, however, by the Administering Authority before the Advisory Council could express its opinion.

INFORMATION RECEIVED FROM THE ADMINISTERING AUTHORITY

*(i) Abolition of imprisonment by penal decree*

57. The ordinance transmitted to the Advisory Council on 11 July 1952 abolished imprisonment by penal decree by amending the first part of article 99 of royal decree No. 1630 of 20 June 1935. The Regional Commissioners and Residents, however, retained the power to impose fines not exceeding So. 400 by decree without trial (A/AC.33/AA.78/LEG). The Advisory Council replied on 2 October 1952, endorsing the abolition of imprisonment by penal decree and recommending that the imposition of fines without trial should also be abolished (A/AC.33/AAC.78/LEG). On 25 October 1952 the Administrator informed the Advisory Council that "for reasons of judicial organization" it was not possible to abolish fines by penal decree; the matter would be reviewed, however, when the new judicial regulations came into force. The Administrator finally pointed out that a person sentenced to a fine by penal decree could always choose to appear before a court, simply by opposing the decree (A/AC.33/AA.78/LEG/Add.1).

58. The ordinance, No. 10 of 4 July 1952, was published in *Bollettino Ufficiale* No. 7 dated 28 July 1952.

*(ii) Establishment of an Appeal Section at the Court of Assizes*

59. Since the only remedy against sentences of the Court of Assizes was to appeal to the Court of Cassation

in Italy, the Administering Authority had prepared an ordinance establishing an Appeal Section (composed of the Judge of Somaliland and six assessors) at the Court of Assizes in Mogadiscio. An appeal could be lodged with the Court of Cassation in Italy against sentences of the Appeal Section of the Court of Assizes (A/AC.33/AA.79/LEG, 26 July 1952). The Advisory Council took the position that the court of last resort should be in the Territory and, having ascertained that it was the intention of the Administration to establish a Supreme Court in the Territory, it endorsed the ordinance in its letter dated 31 October 1952 (A/AC.33/AAC.79/LEG). The ordinance, No. 11 of 7 July 1952 was published in the *Bollettino Ufficiale* No. 7 dated 28 July 1952.

(iii) *Draft ordinance permitting settlement of minor offences by immediate payment of a fine*

60. The immediate payment of a fine (*oblazione*) in the case of minor offences (mainly traffic violations) that has the effect of wiping out the offence was permitted only within the municipal limits of Mogadiscio; the Administering Authority now proposed to extend this facility to the rest of the Territory, in order both to avoid unequal treatment of the inhabitants and to settle small infractions of the law more speedily (A/AC.33/AA.81/LEG, 26 July 1952). In its letter of 2 October 1952, the Advisory Council endorsed the ordinance "with the modification that the offender, if he so desires, may demand a court hearing of the case" (A/AC.33/AAC.81/LEG). In a letter dated 9 October 1952, the Administering Authority assured the Advisory Council that the ordinance merely granted the offender the option of stopping all penal action by making an immediate settlement or of standing trial with the consequent risk of a heavier sentence and higher costs (A/AC.33/AA.81/LEG/Add.1). The ordinance, No. 12 of 15 July 1952, appeared in the *Bollettino Ufficiale* No. 8 dated 10 August 1952.

REQUESTS FOR ADVICE RECEIVED FROM THE ADMINISTERING AUTHORITY

(a) *Judicial system*

61. In letter No. 10640 dated 31 December 1951 (A/AC.33/R.43 and A/AC.33/R.43/Corr.1) the Administering Authority requested the Advisory Council's advice on a proposed new judicial system. The Council considered these regulations at its 58th meeting and at its 59th meeting it heard Mr. F. Cannavina, representative of the Administration. In reply to letter No. 35009 of 3 January 1953 (A/AC.33/R.43/Add.1), in which the Administering Authority drew the Advisory Council's attention to the urgency of the matter, the Council observed that, from the statements made by Mr. Cannavina, it had gained the impression that the draft submitted to it was being revised, but that, since this was not the case, it would submit its views on the subject at the earliest possible date (A/AC.33/RC.43). At its 75th meeting the Advisory Council again discussed the proposed judicial system and decided to request the Secretariat to prepare a working paper to assist it in its deliberations. The Secretariat working paper

appeared on 6 February 1953 as document A/AC.33/W.52, but before the Advisory Council had time to consider it the new Administrator, Ambassador Enrico Martino, in his letter No. 15706 dated 19 February 1953 (A/AC.33/R.43/Add.3), requested the Council to withhold its comments on the proposed new judicial system, which was to be re-examined in detail by the Administering Authority. In a letter dated 25 February 1953 (A/AC.33/R.43/Add.4) the Advisory Council acceded to the request, expressing its conviction that such a re-examination would undoubtedly result in a greatly improved draft.

(b) *Police regulations*

62. In letter No. 40748 dated 18 February 1952 (A/AC.33/R.45) the Administering Authority requested the Advisory Council's advice on the proposed new police regulations for the Territory. The Advisory Council considered the matter at its 59th meeting and Mr. F. Cannavina, Head of the Judicial and Legislative Affairs Office, attended the 60th meeting in order to supply any explanations that might be required. At its 68th meeting, the Advisory Council again discussed the matter and requested the delegation of Colombia to prepare a working paper on the subject; this working paper appeared as document A/AC.33/W.50 and was formally presented to the Council, at its 70th meeting, by the Colombian representative. On 3 January 1953, the Administering Authority reminded the Advisory Council that its advice had not yet been received and that the draft police regulations had been considered by the Territorial Council during its first session in 1952 (A/AC.33/R.45/Add.1). On 21 January 1953 the Advisory Council again heard Mr. Cannavina and two representatives of the Administering Authority and, having again carefully considered the draft police regulations at its 76th meeting, it gave its advice upon them in its letter dated 9 February 1953 (A/AC.33/RA.45). The final text of the regulations has not yet been published in the *Bollettino Ufficiale*.

*Summary of the request for advice (A/AC.33/R.45)*

63. Owing to the coexistence in the Territory of two different sets of rules—proclamations issued by the British authorities and the 1939 regulations for Italian East Africa—neither of which were consistent with the spirit of the Trusteeship Agreement as regards, *inter alia*, the right of assembly and association and the general guarantees of the individual rights of citizens, the Administering Authority considered it necessary to prepare new police regulations in conformity with the present juridical status of the Territory. In drafting the regulations, the Administering Authority had in mind the following objectives: (a) the delimitation of the duties and powers of the different organs of the police; (b) the preparation of a summary of the rules and regulations covering the various phases of public life in which police activities are manifest; (c) the issue of new provisions designed to regulate certain aspects of social life by protecting the interests of the population; (d) the possibility for any private individual to appeal "in a hierarchical way" against police measures.

*Summary of the Advisory Council's reply (A/AC.33/RA.45)*

64. After recalling that during its deliberations during the months of March and April 1952 the Territorial Council had made some suggestions for the improvement of the proposed draft regulations, the Advisory Council made the following observations and recommendations :

(1) The Council considered that the regulations covered too broad a range of subjects, with the result that unduly wide powers had been entrusted to the police. Many matters could, if necessary, be made the subject of separate ordinances or included in a future penal code;

(2) The Council noted that the terms used in the regulations lacked definition and it recommended that, considering the importance of the ordinance, a declaration of objectives and principles should be embodied in the draft;

(3) The Council observed that the functions and powers of the different police authorities and organs had not been clearly defined. The Council further expressed the hope that although the Administrator was empowered under the draft regulations to exercise his control and supervision over the police through the chief of the Internal Affairs Office, he would at all times remain personally responsible for the maintenance of law and order;

(4) The Council recommended that the power entrusted to the police under article 1 of the draft regulations to settle private disputes should be withdrawn or limited to cases where both parties request it;

(5) In the Council's opinion, it should be possible to appeal against police measures not only " in a hierarchical way " but also before judicial tribunals or an administrative court. Moreover, the Council considered that the police should be required to obtain a court order before proceeding to carry out the measures they considered necessary or expedient;

(6) Finally, the Council suggested that the power given to the police to issue licences or permits in addition to those granted by the Administration should be either withdrawn or confined to matters connected with the enforcement of the law and the maintenance of public order. It was the Council's opinion that in any case the police should not prescribe conditions for licences other than those required by law, since it believed " it to be a sound policy to go slow, deliberately slow, in granting to the police powers other than those necessary or incidental to its powers as peace officers ".

*(c) Abolition of capital punishment*

65. In its letter No. 43166 dated 11 July 1952 (A/AC.33/R.48) the Administering Authority requested the Advisory Council's advice on a draft ordinance abolishing capital punishment in the Territory. The Advisory Council studied the draft ordinance at its 65th, 73rd and 74th meetings, and, having obtained information on the offences punishable by death under the penal code in force in the Territory (A/AC.33/RC.48 and Add.1), it replied on 8 December 1952 (A/AC.33/RA.48). The ordinance abolishing capital punishment has not been published.

*Summary of the request for advice (A/AC.33/R.48)*

66. Capital punishment was abolished in Italy in 1944, whilst in Somaliland the 1931 Italian penal code which is still in force in the Territory permits the infliction of the death penalty in certain cases. The death sentence has not once been pronounced, however, since the beginning of the Trusteeship administration. The Administering Authority now proposed to substitute life imprisonment for capital punishment, since the latter, besides having irreparable consequences, has never been known to eliminate crime.

*Summary of the Advisory Council's reply (A/AC.33/RA.48)*

67. After noting that the question of capital punishment was the subject of acute and continuing controversy, the Advisory Council expressed the opinion that the death penalty should be retained in the judicial system of the Territory, in view not only of the position the Territorial Council had adopted on the subject and of the fact that in Somaliland capital punishment is deeply rooted in the traditions of the people, but also of its deterrent effect, which is recognized even in countries where there is a highly developed judicial system. The Advisory Council finally suggested that the Italian penal code of 1931 applicable in Somaliland should be modified to meet the conditions prevailing in the Territory.

*(d) Ordinance authorizing Regional Commissioners to delegate their judicial powers to Residents*

68. In letter No. 44895 dated 30 October 1952 (A/AC.33/R.49), the Administering Authority asked the Advisory Council's advice on a draft ordinance authorizing Regional Commissioners to delegate some of their judicial powers to Residents. The Council considered the matter at its 73rd meeting and gave its answer on 8 December 1952 (A/AC.33/RA.49). The ordinance, No. 19 of 15 November 1952, was published in the *Bollettino Ufficiale* No. 11, dated 20 November 1952, before the Advisory Council had given its advice.

*Summary of the request for advice (A/AC.33/R.49)*

69. According to article 9 of the judicial regulations in force, the Regional Commissioners of the Mijertein and Nogal are empowered to delegate from time to time their powers of jurisdiction in the matter of minor offences and contraventions to Residents. The Administering Authority considered it advisable to extend to all Regional Commissioners the right to delegate these powers to Residents from time to time, in order to expedite the settlement of penal cases in localities situated at a distance from main centres and to shorten the period of detention for prisoners awaiting trial.

*Summary of the Advisory Council's reply (A/AC.33/RA.49)*

70. Although fully concurring with the purpose of the ordinance and fully aware of the necessity of shortening the period of detention of prisoners awaiting trial, the Council was of the opinion that it could endorse the ordinance as a temporary measure only, pending the establishment throughout the Territory of a judicial

system as envisaged in article 7 of the Declaration of Constitutional Principles.

## ECONOMIC

(e) *Establishment of Commissariat Judges*

71. In letter No. 35041 dated 9 January 1953 (A/AC.33/R.43/Add.2), the Administering Authority requested the Advisory Council's advice on a draft ordinance establishing commissariat judges. The Council considered the draft ordinance at its 77th and 81st meetings and replied on 4 April 1953 (A/AC.33/R.43/Add.5).

*Summary of the request for advice (A/AC.33/R.43/Add.2)*

72. The purpose of the ordinance prepared by the Administering Authority was to ensure the absolute independence of the judiciary by removing any possibility of the political and administrative authorities of the Territory passing judgment on cases already dealt with by them in their political or administrative capacity. Since, however, the peace of the Territory was sometimes disturbed by tribal feuds rooted in the customs of the people, the Administering Authority considered it inadvisable to deprive provincial Commissioners of their duties as chairmen of the regional courts: according to the Administration, the impartiality of trials before the regional courts was in any case ensured by the right of the interested parties to lodge an appeal with the Administrator for a revision of the verdict. With this exception, the Commissariat Judges, established in the main centre of each commissariat, would exercise the functions previously carried out by Residents and Commissioners in penal matters, and civil and penal matters, respectively. Appeals against decrees of Commissariat Judges would be decided by the Judge of Somaliland, whose decision would be final.

*Summary of the Advisory Council's reply (A/AC.33/R.43/Add.5)*

73. The Advisory Council, whilst approving the ordinance in principle, made the following recommendations, by a majority of two votes to one:

(1) That no person not in possession of a degree in law or not having practised law for at least two years should be appointed commissariat judge. Preference should be given, whenever possible, to persons with knowledge of Islamic law. "In the opinion of the Council a degree in law or its equivalent was an essential requirement for a commissariat judge";

(2) That article 6 of the draft ordinance should be deleted, since it was contrary to the principle of the absolute independence of the judiciary for the provincial Commissioner to exercise judicial powers;

(3) That appeals to the Court of Appeal of the Territory against sentences by the Judge of Somaliland should be permitted.

74. Several important ordinances on economic matters have been issued during the past year, among them the ordinance imposing a tax on *shambas* cultivated by the local population; this ordinance doubtless represents the initiation by the Administration of a new tax policy directed towards raising a greater proportion of territorial revenue through direct taxation. The Administering Authority's plans concerning the development of water resources in the Territory are worthy of commendation and should to some extent alleviate the disastrous effects of the regular periods of drought that occur in most of the Territory. The contracts signed between the Administration and certain petroleum companies are of very great importance for the future economic development of the Territory; the thorough prospecting work which the petroleum companies have undertaken to carry out may reveal, besides petroleum, useful deposits of minerals in some of the more arid areas of the country.

75. Two ordinances, one on the operation of cotton ginneries and the other on the control of cotton cultivation, were designed to increase the production and quality of the Territory's cotton. The Advisory Council was not satisfied with the ordinance on the control of cotton cultivation which had, however, already been published in the *Bollettino Ufficiale* before the Advisory Council had time to make any observations.

76. It should be noted that the Administering Authority is gradually relaxing price control (A/AC.33/R.52) and has temporarily exempted raw cotton from export duties.<sup>3</sup>

77. The Council trusts that the Administration will limit the number of concessions granting individuals or groups exclusive rights to practice certain industrial activities or to cultivate certain crops in given regions. These exclusive concessions, on which the Advisory Council has never yet been consulted, might not be fully in accordance with a strict interpretation of article 15 (c) of the Trusteeship Agreement.

INFORMATION RECEIVED FROM THE ADMINISTERING AUTHORITY<sup>4</sup>(a) *Control of cotton cultivation*

78. Not having been consulted on a draft ordinance to control the cultivation of cotton, the representative of Colombia wrote to the Administering Authority on 16 March 1952 requesting to be informed of the reasons why the Advisory Council had not been consulted on such an important matter (A/AC.33/MISC.29). At the same time, a copy of the draft ordinance was transmitted to the Advisory Council for information (A/AC.33/AA.72/

rings, thus ensuring a freer and more competitive market in the Territory".

<sup>4</sup> In addition to the matters mentioned below, the Administering Authority also communicated to the Advisory Council the agenda of the first session of the Economic Council of Somaliland (A/AC.33/AA.95/EC and Add.1).

<sup>3</sup> The representative of Egypt has requested that the following note be inserted here: "It is hoped that the Administration, taking into due account local conditions, will continue on this road by gradually abolishing export duties as revenue from direct taxation increases and by taking steps to limit the power of private monopolies and price

EC). In letter No. 41440 dated 18 March 1952 the Administering Authority replied to the representative of Colombia that, although the draft ordinance did not come within the terms of article 8 of the Trusteeship Agreement, it had nevertheless been forwarded to the Advisory Council for information, thus leaving "full liberty to the Council to act as it judges best, since even in the absence of a quorum the member of the Council present in Mogadiscio can always... submit to the Administration such observations and advice as his experience and his competence may suggest..." (A/AC.33/MISC.31).

79. The Advisory Council, having received a Secretariat working paper embodying the comments of the United Nations Department of Economic Affairs (A/AC.33/W.47), examined the ordinance on the cultivation of cotton at its 59th, 60th, 68th and 69th meetings. The Council conveyed its observations to the Administering Authority in a letter dated 5 November 1952 (A/AC.33/AAC.72/EC). The final ordinance, slightly amended by the Territorial Council, appeared as ordinance No. 3 of 21 March 1952 in Supplement No. 1 to *Bollettino Ufficiale* No. 3 dated 21 March 1952.

#### *Summary of the draft ordinance*

80. Since it was considered necessary to encourage cotton production, to facilitate investment in equipment, to ensure a close collaboration between indigenous farmers and contractors through co-participation agreements and to control prices while taking into consideration both the principles and aims of the Trusteeship Agreement and the actual situation in the Territory, the Administering Authority decided to issue an ordinance, the main provisions of which are as follows:

(a) Strict control by the Agricultural Office both of the area planted to cotton and of cotton seed (germination tests, disinfection, destruction of non-disinfected seed, control of seed imports, organization of distribution, choice of varieties, etc.);

(b) Cotton sowing in non-irrigable lands must be carried out in the *Gu* season only;

(c) Independent cultivators must obtain their seed from authorized firms in quantities not exceeding their own requirements and must not sell unginned cotton except at the time and place fixed by the Resident;

(d) Cultivators are allowed to enter into only one type of co-participation contract (a model of this contract was attached to the ordinance and provides, *inter alia*, that "the whole crop will be the exclusive property of the contractor as from the time of sowing"); detailed provisions relating both to the obligations of contractor and cultivator and to the price of cotton are also included in this part of the ordinance;

(e) Detailed provisions concerning the granting and renewal of licences to contractors and the obligations of the latter towards the Administration;

(f) Penalties for non-compliance.

#### *Advisory Council's recommendations*

81. After stating that it considered the ordinance of great importance to the economic and social life of the people, the Advisory Council endorsed the considerations

that had appeared to guide the Administering Authority, i.e., (a) necessity, for the time being, of government control; (b) necessity to co-ordinate cotton cultivation closely with the economic advancement and self-sufficiency of the indigenous population. The Council added that its comments were based on the two following economic principles: (1) that "a wise economic policy should... encourage the settlement of the population"; (2) that "a wise economic policy is to establish a sound system of agriculture and that such a system calls for a careful balancing of subsistence (food) crops and cash (industrial) crops". On this basis the Advisory Council made the following observations on the ordinance:

(a) The Agricultural Office should have wider and more direct supervisory and administrative powers (exclusive sale and distribution of approved seed to all cotton growers, co-ordination of techniques and publicity to increase production, destruction of stubble, etc.);

(b) The co-participation system should be modified to encourage the growth of a class of indigenous farmers with greater economic independence; in this connexion several clauses in the co-participation contract should be altered to render the arrangement more equitable to both parties; in particular the contractor should have a first lien on, rather than the exclusive ownership of, the cultivator's cotton crop;

(c) If it was found impossible to modify sufficiently the co-participation system, the Advisory Council recommended (i) the establishment of an Agricultural Bank to extend credit facilities to indigenous farmers, or, if such a bank was not established, (ii) the creation of a "cotton fund" managed by the Agricultural Office to make the necessary cash advances to farmers; these advances, at a reasonable rate of interest, could be secured by a first lien on the cotton crop.

#### *Implementation of the Advisory Council's recommendations*

82. The ordinance on the cultivation of cotton was published in the *Bollettino Ufficiale* before the Advisory Council had expressed its opinion thereon and the Administering Authority has not yet acted on the Council's recommendations.

#### *(b) Budget estimates for the financial year 1952-1953*

83. On 21 February 1952, the budget estimates for the financial year 1952-1953 were transmitted to the Advisory Council for information, in accordance with the assurances given in the Fourth Committee in November 1950 by the representative of the Administering Authority to the Chairman of the Advisory Council and to the Indian representative (A/AC.33/AA.73/EC). The Advisory Council discussed the question at its 59th meeting and decided to await the results of an analysis of the budget which it had already asked the Secretariat in New York to prepare. This analysis has not yet been received by the Advisory Council.

84. At the request of the Advisory Council (80th meeting) the Principal Secretary addressed a communication to the Chief of Cabinet of the Administrator, asking when the budget of the Territory for the next financial year

would be transmitted to the Advisory Council. The Chief of the Administrator's Cabinet replied by letter No. 60,012 dated 14 March 1953, stating that the Administering Authority could not yet transmit to the Advisory Council the budget for the year 1953-1954, since the budget estimates were being revised as a result of the reduction in the Italian Government's subsidy to the Territory. Furthermore, it would appear that, in accordance with decree No. 2,358 of the President of the Italian Republic, the financial year would be changed to correspond to the solar year. The Chief of the Cabinet concluded his letter with the assurance that the budget would be transmitted to the Council as soon as it had been approved in its final form.

(c) *Ordinance introducing a tax on "shambas"*

85. In a letter dated 9 July 1952 (A/AC.33/AA.80/EC), the Administering Authority transmitted to the Advisory Council for information the text of an ordinance introducing a tax on *shambas* cultivated by the indigenous population. The tax, which varied according to the area under cultivation, was to be levied as from 1 January 1953 and would apply only to *shambas* not already subject to income tax. The tax would be collected by the Residents and the Administrator would be empowered to remit payment in part or in full in the case of natural disasters or bad climatic conditions causing a considerable reduction in crops. In a letter dated 2 October 1952 the Advisory Council endorsed the ordinance, since "the people should be told of the vital need for taxes to help carry on the expenses of administration and that they are in duty bound to pay them in return for the protection and other essential services they received from government" (A/AC.33/AAC.80/EC). The ordinance, No. 9 of 4 July 1952, was published in the *Bollettino Ufficiale* No. 7 dated 29 July 1952.

(d) *Contracts between the Administering Authority and petroleum companies*

86. In its letters dated 11 October 1952 and 7 November 1952 (A/AC.33/AA.91/EC and A/AC.33/AA.116/EC respectively) the Administering Authority informed the Advisory Council that it had signed contracts with the Sinclair Somal Corporation and the Societa Mineraria Somala, a branch of the Azienda Generale Italiana Petroli, for prospecting for petroleum and natural gases in the Territory; a copy of the contract concluded with the latter company on 24 July 1952 was also forwarded to the Advisory Council. The Advisory Council thinks that the contracts should have been transmitted to it for advice and it reserves the right to comment on them.

(e) *Alienation or lease of land for agricultural purposes*

87. In a letter dated 9 October 1952 (A/AC.33/AA.92) the Administering Authority informed the Advisory Council that it had issued an official statement calling the public's attention to article 14 of the Trusteeship Agreement and to the rules and regulations in force concerning the alienation or lease of land for agricultural purposes. The Advisory Council, in a letter dated 8 December 1952 (A/AC.33/AAC.92), commended the

statement of the Administering Authority, since it was designed to enforce compliance with the rules and regulations restricting alienation or lease of lands for agricultural purposes to non-indigenous persons.

(f) *Concession of government land in Chisimaio for building purposes*

88. In letters dated 30 October 1952 (A/AC.33/AA.100/SOC, A/AC.33/AA.106/SOC and A/AC.33/AA.107/SOC) the Administering Authority informed the Advisory Council that Italian nationals and firms had requested the concession for building purposes of three plots of governmental land in Chisimaio and that the requests would be submitted to the Territorial Council at its next session, in accordance with article 14 of the Trusteeship Agreement. The Advisory Council, in a letter dated 9 December 1952 (A/AC.33/AAC.100/SOC, A/AC.33/AAC.106/SOC and A/AC.33/AAC.107/SOC), asked the Administering Authority for additional information and in particular the precise meaning of the terms "concession" and "plot of governmental land". Having received the desired information (A/AC.33/AAC.100/SOC, A/AC.33/AAC.106/SOC and A/AC.33/AAC.107/SOC/Add.1), the Advisory Council informed the Administration in its letter dated 28 February 1953 (A/AC.33/AAC.100/SOC, A/AC.33/AAC.106/SOC and A/AC.33/AAC.107/SOC/Add.2) that it did not raise any objections to the granting of the requests, since "its advice thereon is not required under article 14 of the Trusteeship Agreement, inasmuch as the matter does not involve the alienation to non-indigenous persons or to companies or associations of any rights over agricultural lands in excess of 1,000 acres".

(g) *Extension of rent control and of limitations on lessors' right of eviction*

89. In a letter dated 30 October 1952 (A/AC.33/AA.101/SOC) the Administering Authority informed the Advisory Council that it intended to extend to 30 June 1953 ordinance No. 31 of 9 June 1950 controlling rents and limiting the lessors' right to evict lessees. The Advisory Council, in its letter dated 9 December 1952 (A/AC.33/AAC.101/SOC), endorsed the measure; it noted, however, that measures which were restrictive of the contractual freedom of lessors, as was the present one, should be withdrawn as soon as the need for them disappeared. The Council also suggested that, in addition to the reasons for eviction of the lessee enumerated in the Administering Authority's letter, the lessor should be given the right to evict the lessee if the latter used his premises for immoral purposes. The ordinance extending the term of application of ordinance No. 31 of 9 June 1950 was published unchanged in the *Bollettino Ufficiale* No. 12 dated 8 December 1952, as ordinance No. 20 of 25 November 1952, and the Administering Authority has not yet taken any action on the Advisory Council's recommendation.

(h) *Reduction of import duties on coconut oil and of export duties on shells*

90. In a letter dated 30 October 1952 (A/AC.33/AA.102/EC) the Administering Authority informed the Council that it proposed to reduce the import duty



on coconut oil in order to encourage the local soap industry, and to reduce export duties on shells in order to promote the export of that commodity. In a letter dated 8 December 1952 (A/AC.33/AAC.102/EC) the Advisory Council endorsed these tariff reductions but suggested that the whole question of import and export duties should be reviewed when a plan for the economic development of Somaliland is drafted. The ordinance, No. 1 of 26 January 1953, appeared in the *Bollettino Ufficiale* No. 3 dated 1 March 1953.

(i) *Development of water resources in the Territory*

91. In its letter dated 7 November 1952 (A/AC.33/AA.105/EC) the Administering Authority, after mentioning the importance of developing underground water resources in the Territory, informed the Advisory Council that under the M.S.A. programme of assistance the Trusteeship Administration had obtained an allotment of 135 million Italian lire to drill 100 wells in the Territory and that a contract had already been signed for the first two groups of 20 wells to be drilled in the regions of the Doi and Mudugh. In its letter dated 8 December 1952 (A/AC.33/AAC.105/EC) the Advisory Council commended the Administering Authority and suggested that it should "couple its programme of development of the Territory's underground water resources with some measure of control over the number of livestock owned by the nomadic section of the population of the Territory, in order to avoid that the number of livestock increase in proportion to the increase in the amount of water available". The Administering Authority would thereby ensure that the increased supply of water would be sufficient to meet the needs of existing livestock.

(j) *Draft ordinance regulating cotton ginneries*

92. In a letter dated 11 December 1952 (A/AC.33/AA.117/EC) the Administering Authority transmitted to the Council for information a draft ordinance regulating the operations of cotton ginneries in the Territory. The measure appeared necessary in order to prevent a further decline in the price of Somali cotton as a result of inadequate processing of the product and bad storage conditions. In its letter dated 3 March 1953 (A/AC.33/AA.117/EC/Add.1) the Advisory Council endorsed the proposed ordinance; it noted, however, that no penalty was provided for the violation of some of the most important articles of the ordinance and it recommended that such penalties should be provided. The ordinance has not yet appeared in the *Bollettino Ufficiale*.

(k) *Information on agricultural co-operatives*

93. In reply to the Advisory Council's letter dated 9 May 1952 (A/AC.33/9/016) the Administering Authority, in its letter of 13 May 1952 (A/AC.33/AA.121/EC), communicated to the Council some information concerning agricultural co-operatives in the Territory. The information requested covered the number and composition of co-operatives, the area and ownership of the land at their disposal, the degree of assistance they receive from the Administering Authority, the method of repaying the Administration for such assistance, as

well as the relationship between the tribal system and the agricultural co-operatives. In its letter dated 15 January 1953 (A/AC.33/AA.121/EC) the Advisory Council expressed its gratitude for the valuable information transmitted to it by the Administration.

(l) *Distribution of 80 "uri" to needy fishermen in the Mijertein*

94. In its letter dated 14 January 1953 (A/AC.33/AA.122/EC) the Administering Authority informed the Advisory Council that it would distribute 80 "uri" (native boats used for coastal fishing) to the most needy and the most skilled Somali fishermen of the Mijertein, an area which had lost a considerable number of boats during the war. The beneficiaries would be required to repay the Administration over a period of five years. In its letter dated 14 February 1953 (A/AC.33/AA.122/EC/Add.1) the Advisory Council commended the Administration for this measure.

(m) *Establishment of a commission for the study of land legislation*

95. The Advisory Council, having previously expressed the wish to be represented by an observer at the meetings of a commission that the Administering Authority proposed to establish for the study of land legislation, gave formal expression to this request in its letter No. 7/03 dated 8 December 1952. The Administering Authority, in letters dated 12 December 1952 and 17 January 1953 respectively (A/AC.33/AA.123/EC), confirmed that the Administration highly appreciated the wish of the Advisory Council and sent it a copy of decree No. 4 dated 31 December 1952, establishing the commission, which was to include the Head of the Judicial and Legislative Affairs Office, the Head of the Internal Affairs Office, the Head of the Agricultural Office, two Italian Territorial Councillors and six Somali members to be designated by Regional Assemblies. The Administering Authority stated that it would inform the Council of the programme of work of the commission and of the date of its first meeting, so that the Council might be able to send an observer to participate in its work.

REQUESTS FOR ADVICE RECEIVED FROM THE ADMINISTERING AUTHORITY

(a) *Price control*

96. In its letter No. 35,255 dated 3 February 1953 (A/AC.33/R.52), the Administering Authority asked the Council to send it "with the greatest possible promptness" its advice on a draft ordinance concerning price control in the Territory. In his letter No. 15,820 dated 27 February 1953, H.E. Enrico Martino, the new Administrator, withdrew the draft ordinance previously sent to the Advisory Council and submitted for the latter's advice an amended draft ordinance attached to this letter (A/AC.33/R.52/Rev.1). The Advisory Council considered the question at its 79th meeting and replied on 3 March 1953 (A/AC.33/R.52/Add.1). The final ordinance has not yet appeared in the *Bollettino Ufficiale*.



*Summary of the request for advice (A/AC.33/R.42 and Rev.1).*

97. The Administering Authority considered that the system of indiscriminate control of the prices of local and imported goods had attained the objectives for which it had originally been introduced by the former British Administration and that the Territory had now adapted itself to the new monetary system introduced by the Trusteeship Administration. It was therefore felt that the time had come to establish a free market. At the same time the Administration was aware that precautions must be taken against any unjustified rise in the cost of living; for this reason price control of essential public services and of a few commodities of prime necessity would be maintained. The essential features of the draft ordinance were: (a) abolition of the existing system of price control; (b) establishment of a Price Committee, with advisory powers, composed of seven representatives of the Administration, four representatives of the consumers and four representatives of commercial interests; (c) power of the Administrator to determine the prices of essential goods and services after hearing the opinion of the Price Committee or of any special committee he may establish to study the prices of specific goods and services; (d) maintenance until further notice of the present prices of essential goods and services, as determined by the Administration, as also the price of water, electricity and public transport; (e) provision of penalties for the violation of the price regulations made under the ordinance or for the withdrawal from normal consumption of commodities subject to price control.

*Summary of the Advisory Council's reply (A/AC.33/R.52/Add.1)*

98. The Advisory Council was in full agreement with the ordinance and in its reply expressed the view that, since the conditions brought about by the war had ceased to exist, it was desirable to end indiscriminate control of prices in the Territory, confining price control to essential public services and to goods and services of prime necessity. The Advisory Council further stated that the measure proposed by the Administration would accelerate the development of trade in the Territory and at the same time protect the public from paying unreasonable prices for essential services, goods and commodities.

*(b) Exemption of raw cotton from export duties*

99. In its letter No. 35.304 dated 9 February 1953 (A/AC.33/R.53) the Administering Authority requested the Advisory Council's advice on a draft ordinance exempting from duties raw cotton produced in the Territory and exported before 30 June 1953. The Advisory Council considered the draft ordinance at its 77th meeting and replied on 18 February 1953 (A/AC.33/R.53/Add.1). The final ordinance, No. 3 of 25 February 1953, was published in the *Bollettino Ufficiale* No. 3 dated 1 March 1953.

*Summary of the request for advice (A/AC.33/R.53)*

100. In view of the serious decline in the price of raw cotton on the international market, some countries

have found it advisable to abolish export duties. The decline in prices and the increased foreign competition have seriously affected the Territory's economy, since raw cotton is one of Somaliland's principal exports. In order to facilitate the sale of the considerable quantities of unsold cotton stored in the Territory and to encourage producers and exporters, the Administering Authority considered it advisable to exempt raw cotton temporarily from export duties.

*Summary of the Advisory Council's reply (A/AC.33/R.53/Add.1)*

101. The Advisory Council endorsed the proposed ordinance, since "cotton being a major item in the economic development of the Territory, it should be obvious that its cotton industry should be given every possible protection to enable it to survive".

## EDUCATION

102. During the year 1952-53 the Administering Authority continued to implement many of the measures mentioned in the Five-Year Plan for the development of education in Somaliland, on which the Advisory Council has not yet been able to give its advice for the reasons outlined in paragraph 111. In addition, the Administering Authority has issued an ordinance regulating private schools in the Territory. Special mention should be made of the departure for Italy of a group of Somali teachers and a group of Somali students, the former to attend a training course, and the latter to continue their studies at a secondary school, at Rome. In addition scores of Somali students have obtained scholarships from the Egyptian Government and are now attending either the El Azhar University or secondary schools in Upper Egypt. Five Egyptian professors are now teaching at the Mogadiscio Institute of Islamic Sciences, the entire cost being borne by the Egyptian Government.

103. Although all the educational measures taken by the Administering Authority last year were submitted to the Advisory Council for information only, the Council expressed its views on nearly all of them.

## INFORMATION RECEIVED FROM THE ADMINISTERING AUTHORITY

104. In the great majority of cases<sup>5</sup> the Advisory Council was happy to be able to commend the Admini-

<sup>5</sup> The Advisory Council commended the Administering Authority or noted with satisfaction the measure communicated to it in the following cases: establishment of a maritime and fishing school at Mogadiscio (A/AC.33/AAC.82/ED); establishment of a typing school at Mogadiscio (A/AC.33/AAC.84/ED); establishment of a commercial school (A/AC.33/AAC.87/ED); establishment of school funds for primary and secondary schools (A/AC.33/AAC.90/ED); curriculum of aerology course (A/AC.33/AAC.93/ED); training of Somali warrant officers to the rank of officer (A/AC.33/AAC.96/ED); curriculum of course for Somali police inspectors (A/AC.33/AAC.97/ED)—in this case the Administration gave the assurance that when the new police

nistering Authority or to note with satisfaction the adoption of the measures communicated to it. With regard to the new scholastic system in the Territory, the Advisory Council expressed the hope that this step would be in harmony with the final educational plan for the country and that it would accelerate the establishment of an increasing number of schools in the Territory (A/AC.33/AAC.109/ED).

105. The draft ordinance regulating private schools (A/AC.33/AA.76/ED) led to an exchange of views between the Advisory Council and the Administering Authority regarding the place of private schools in the Territory. The draft ordinance provided :

(a) That any person intending to open a school must request the authorization of the Trusteeship Administration in advance, in writing;

(b) That the request must contain the following information :

- (i) The name of the person or body responsible for the school;
- (ii) Person in charge of the technical direction;
- (iii) Type of courses;
- (iv) The names of the teachers and their qualifications;
- (v) The subjects taught;
- (vi) Information on the school buildings;
- (vii) The date upon which the courses start and their duration;
- (viii) Any other information requested by the Administration;

(c) That the authorization may be refused for reasons of health or hygiene or if, in the opinion of the Administration, operation of the school might be prejudicial to the education of the pupils;

(d) That authorized private schools are required to keep the Administration informed of any changes in the data supplied and must submit to any inspections ordered by the Administration;

(e) That private schools already in existence must comply with the ordinance within two months;

(f) That any authorization which has been granted may be revoked in the event of non-compliance with the requirements of the ordinance;

(g) That authorized private schools may be recognized when the education they provide reaches certain standards;

(h) That Koranic schools are exempted from the provisions of the ordinance.

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regulations came into force, they would be included in the curriculum; wireless operator course and accounting course (A/AC.33/AAC.99/ED); establishment of a domestic science school (A/AC.33/AAC.108/ED); gift of a boat to the maritime and fishing school (A/AC.33/AAC.110/ED); curriculum of the Institute of Islamic Sciences (A/AC.33/AAC.112/ED); purchase of a cinema sound-projector for the schools (A/AC.33/AAC.113/ED); departure of Somali teachers and students for Italy (A/AC.33/AAC.114/ED); reorganization and improvement in the training of auxiliary medical staff (A/AC.33/AA.115/ED/Add.1).

106. The Advisory Council considered the matter at its 65th meeting. In its letter dated 20 October 1952, it suggested to the Administering Authority that, since government schools were as yet insufficient in number to provide education for all the people, private schools, which may not attain the educational standards set by the Administration or which may not be interested in obtaining the recognition of the Administration, should be allowed to operate provided that such schools meet minimum hygienic requirements and do not preach subversive ideas (A/AC.33/AAC.76/ED).

107. In its letter dated 20 November 1952 the Administering Authority stated that government control of private schools did not place any limitation on private initiative in the educational field but aimed rather at co-ordinating and directing it. Once a school had complied with the requirements of the ordinance, permission to open it would be granted. Although there might be private schools that had no interest in obtaining Administration recognition, this fact should not prevent the Administration from passing a preliminary judgment on their practical usefulness and their compliance with the other provisions of the ordinance. In the opinion of the Administration it was more a question of "the lines of future development of the private school, in respect of which the Administration reserves the right to issue regulations" (A/AC.33/AA.76/ED/Add.1).

108. The draft ordinance on the control of private schools was published unchanged as ordinance No. 16 of 30 October 1952 in the *Bollettino Ufficiale* No. 11 dated 20 November 1952. The Administering Authority has not yet taken any action on the Advisory Council's recommendations.

#### REQUESTS FOR ADVICE RECEIVED FROM THE ADMINISTERING AUTHORITY

##### *Five-year Plan for the development of education in Somaliland.*

109. This is the only request for advice received from the Administering Authority upon which the Advisory Council has not yet given its views.

110. The Advisory Council received the request for advice on 15 November 1951 (A/AC.33/R.41) and considered it as its 47th and 48th meetings (7 and 8 January 1952) with the aid of a Secretariat working paper (A/AC.33/W.44/ED). At its 48th meeting the Advisory Council decided :

(a) Not to send a preliminary reply but to await the conclusions of the experts of the Technical Assistance Mission and UNESCO, who had also been consulted by the Administering Authority;

(b) To invite the Head of the Education Office to discuss the Five-Year Plan informally with the Advisory Council;

(c) To transmit to the Administering Authority the working paper prepared by the Secretariat, without in any way committing itself to the conclusions contained therein.

111. At its 49th meeting the Advisory Council discussed the Five-Year Plan with the Head of the Education Office and then decided to postpone further consideration of the subject until a report had been received from UNESCO. UNESCO, however, has been unable as yet to forward its official comments to the Advisory Council, and the latter has therefore been unable to give its advice.<sup>6</sup> A UNESCO expert is now in the Territory, and the Advisory Council hopes that when he reports back to Headquarters UNESCO will be able to send its official observations on the Five-Year Plan for the development of education in Somaliland.

#### SOCIAL

112. During the past year the Administering Authority has adopted a number of measures designed to accelerate the social development of the inhabitants of Somaliland. As far as labour is concerned, the ordinance formally abolishing forced labour and the draft ordinance regulating the employment of minors should receive special mention.

113. Although the Advisory Council approved in principle all the measures communicated to it, either for information purposes or for advice, it suggested on one or two occasions more comprehensive measures in this field.

#### INFORMATION RECEIVED FROM THE ADMINISTERING AUTHORITY

##### (a) Abolition of forced labour

114. In a letter dated 15 July 1952, the Administering Authority informed the Advisory Council that it intended to issue an ordinance formally abolishing forced or compulsory labour, which it had, in fact, never tolerated. Any person submitting another to forced labour would be subject to a penalty (A/AC.33/AA.77/SOC). In its letter dated 2 October 1952 the Advisory Council was "happy to endorse the ordinance, as it puts here into effect article 1 of Convention No. 29 adopted at the International Labour Conference in 1930" (A/AC.33/AAC.77/SOC). The ordinance, No. 13 of 18 July 1952, appeared in the *Bollettino Ufficiale* No. 8 dated 10 August 1952.

##### (b) Control of the sale of substances used for the inoculation of cattle against trypanosomiasis

115. In a letter dated 1 September 1952 the Administering Authority informed the Advisory Council that in some parts of the country cattle were being secretly inoculated against trypanosomiasis with insufficient doses which were creating resistant strains of microbes. Since

those responsible for this were working in the bush and it was therefore difficult to catch them in the act, the Administration had decided to place a strict control over the wholesale and retail trade in products generally used against cattle trypanosomiasis (A/AC.33/AA.86/LEG). In its letter dated 9 December 1952 the Advisory Council endorsed the draft ordinance, recommending some elasticity in its enforcement (A/AC.33/AAC.86/LEG). The ordinance, No. 2 of 10 February 1953, was published in the *Bollettino Ufficiale* No. 3 dated 1 March 1953.

##### (c) Report on a pilot anti-malaria campaign

116. In a letter dated 30 August 1952 the Administering Authority transmitted to the Advisory Council a report on a pilot anti-malaria campaign conducted in the Afgoi district. Besides much technical data, the report contained practical suggestions for the conduct of future anti-malaria campaigns in the Territory (A/AC.33/AA.89/SOC).

##### (d) Extension of compulsory insurance to motor vehicles in public service offered for hire or used for purposes of instruction

117. In a letter dated 30 October 1952 the Administering Authority informed the Advisory Council that compulsory insurance was to be extended to all motor vehicles in public service offered for hire or used for purposes of instruction (A/AC.33/AA.103/SOC). The Advisory Council, whilst approving the measure, suggested in its reply, dated 9 December 1952, that "all private motor vehicles in the Territory be included in this compulsory insurance plan" (A/AC.33/AAC.103/SOC). The Administering Authority replied to the Advisory Council's letter, on 26 January 1953, with a note stating that "extension of compulsory insurance to owners of motor vehicles in private service is inadvisable, on account of respect due to citizens' freedom of entering into a contract. According to current practice they may be subject to limitations of that sort only when they are carrying out continuously a public or similar service" (A/AC.33/AA.103/SOC and A/AC.33/AA.104/SOC/Add.2). In its letter dated 6 March 1953 the Advisory Council informed the Administering Authority that it was "of the opinion that compulsory insurance for motor vehicles does not constitute a breach of the freedom of contract" (A/AC.33/AA.103/SOC and A/AC.33/AA.104/SOC/Add.3).

118. In the meantime ordinance No. 21 of 9 December 1952 had been published unchanged in Supplement No. 2 to *Bollettino Ufficiale* No. 1 dated 15 January 1953.

##### (e) Extension of compulsory insurance to lorries

119. In a letter dated 30 October 1952, to which was attached an extract of the minutes of a meeting of the Reduced Committee of the Territorial Council, the Administering Authority informed the Advisory Council that a Territorial Councillor had suggested that owners of lorries should be required to carry civil liability insurance against damage to persons or property. To meet the objection that lorry owners making only a few journeys a year might find insurance too costly the Territorial Councillor had suggested that a fund should be

<sup>6</sup> The Advisory Council discussed this question further at its 59th, 64th and 73rd meetings. Letters A/AC.33/11/012, undated, A/AC.33/11/012, dated 22 September 1952, and A/AC.33/11/012, dated 13 November 1952, were sent to UNESCO by the Principal Secretary; letters XR/NSGT/245,248, dated 27 May 1952, XR/332,519, dated 15 October 1952, and XR/NSGT/312,365, dated 29 December 1952, were received from UNESCO by the Secretariat of the Advisory Council.

established on the basis of monthly contributions by all drivers. This suggestion would be brought to the attention of the Territorial Council (A/AC.33/AA.104/SOC). The Advisory Council, in its letter dated 9 December 1952, endorsed the proposal in principle and asked to be informed of the results of the study of the problem of compulsory insurance of part-time lorry drivers (A/AC.33/AAC.104/SOC). The Advisory Council was informed in a letter dated 29 December 1952 that the Administration had come to the conclusion that compulsory third party civil liability insurance of all lorry drivers would impose too heavy a burden on a group that had already had to face serious difficulties (A/AC.33/AA.103/SOC and A/AC.33/AA.104/SOC/Add.1).

120. The question was discussed by the Territorial Council, which decided that no immediate action on the matter was necessary.

*(f) Establishment of a labour office in three localities*

121. In a letter dated 25 November 1952 the Administering Authority informed the Advisory Council that it proposed to establish a labour office in the residencies of Bender Kassim, Kandala and Alula in order to protect the workers employed in the fishing industry (A/AC.33/AA.111/SOC).

122. In its letter dated 15 January 1953 the Advisory Council endorsed this measure "as a forward step to help ensure that the interests of the labourers in the said residencies will be protected, which of course becomes more important if we consider the necessity of preserving peace between the labourers and the employers for the economic development of the Territory" (A/AC.33/AAC.111/SOC). The labour offices were established by decree No. 186 of 29 November 1952, which appeared in Supplement No. 1 of *Bollettino Ufficiale* No. 12 dated 20 December 1952.

REQUESTS FOR ADVICE RECEIVED FROM THE ADMINISTERING AUTHORITY

*(a) Ordinance concerning the employment of minors*

123. In letter No. 35,398 dated 25 February 1953 (A/AC.33/R.54) the Administering Authority requested the Advisory Council's advice on a draft ordinance regulating the employment of minors. The Advisory Council considered the matter at its 81st meeting and replied on 30 March 1953 (A/AC.33/R.54/Add.1).

*Summary of the request for advice (A/AC.33/R.54)*

124. After consulting the International Labour Office concerning the labour laws to be issued in the Territory in accordance with article 3 of the Trusteeship Agreement and with international conventions in force, the Administering Authority had found it impractical at the present time to attempt the drafting of a comprehensive labour code. The Administration was, however, preparing in collaboration with the International Labour Office a number of measures, of which the present draft ordinance was the first, regulating labour conditions in the Territory. All international conventions in force on the subject had been taken into consideration in

preparing the draft ordinance transmitted to the Advisory Council. The principal provisions of the draft ordinance were:

(a) Children under 14 years of age must not be employed in any commercial, industrial or agricultural work; children over 12 years of age may, however, be employed in light work with the consent of their parents and of the Regional Labour Inspector;

(b) Children under 14 years of age must not be employed on ships, except training ships or vessels upon which are employed members of their family;

(c) No person under 18 years of age must be employed as a stoker on a ship or in dangerous or unhealthy work in mines and quarries;

(d) The maximum weight to be carried by persons between 12 and 18 years of age is established;

(e) Young persons under 16 years of age must not be employed on building construction, maintenance or repair work necessitating the use of scaffolds;

(f) The working hours of minors must not exceed eight hours a day;

(g) Persons under 18 years of age must be given a weekly rest period of at least 24 consecutive hours and must not be employed between the hours of 6 p.m. and 5 a.m.; persons over 16 years of age may, however, be employed at night in sugar factories, metal foundries, electric power stations and any other industries which the Administrator may specify by decree; in addition, the prohibition of night work for young persons over 14 years of age may be suspended in cases of absolute necessity or of serious emergency;

(h) Wages of children under 14 years of age and of young persons between 14 and 18 years of age must not be less than 50 per cent and 70 per cent respectively of the wages of adult workers;

(i) Finally, the draft ordinance contains provisions for inspection and control by labour offices and penalties for violations.

*Summary of the Advisory Council's reply (A/AC.33/R/54/Add.1)*

125. The Advisory Council was in full agreement with the draft ordinance, which was a first step towards defining the rights of children. The Council suggested that in the regulations implementing the ordinance the Administering Authority should endeavour to ensure school attendance in all areas where schools are already in operation.

MISCELLANEOUS

126. The two questions dealt with in this section were both communicated to the Advisory Council for information only and the latter has not yet commented on either of them.

*(a) Admission of the Somali Association for International Organization to the World Federation of United Nations Associations*

127. In a letter dated 29 August 1952 the Administrator informed the Advisory Council that the Somali

Association for International Organization had been admitted to the World Federation of United Nations Associations and that it would participate in the work of the latter's seventh plenary assembly, to be held at Geneva in September 1952 (A/AC.33/AA.85/MISC.).

(b) *Preliminary draft of the Administering Authority's plan for the political, economic, social and educational development of Somaliland*

128. On 10 October 1952, at an informal meeting held at his residence, the Administrator handed the representatives on the Advisory Council copies of a preliminary draft outlining the main features of the Administering Authority's plan for the political, economic, social and educational development of Somaliland during the remaining years of the Trusteeship Administration (A/AC.33/AA.98/MISC.). This document, which the Advisory Council considers of the utmost importance, has been attached to this report as Annex V.

### CHAPTER III

#### RELATIONS WITH VARIOUS UNITED NATIONS BODIES

##### THE GENERAL ASSEMBLY

129. At its 62nd meeting the Advisory Council officially authorized its Chairman to request the Secretary-General of the United Nations to make appropriate arrangements to enable members of the Advisory Council to attend the seventh session of the General Assembly. This request was based on the fact that :

(1) " The Advisory Council is a creation of the General Assembly, charged with the task of aiding and advising the Administering Authority in Somaliland " ; <sup>7</sup>

(2) " The silence of the Trusteeship Agreement in respect of the Council's right to communicate and report to the Assembly in matters affecting Somaliland and of the component right to be present at the Assembly's session whenever such matters are taken up should not and cannot be taken as a denial of these rights, which, because of their inherent nature, need not be expressly conferred or recognized. Nor can such rights be deemed to have been withdrawn by such silence; the rights subsist notwithstanding such silence, and, being inherent rights, they may only be withdrawn or taken away by an overt act of the Assembly, that is, by its express withdrawal. " <sup>8</sup>

130. The Advisory Council, having taken into account resolution 656 (VII) adopted by the General Assembly on 21 December 1952, according to which " the General Assembly established an Advisory Council which is entitled to speak in the Trusteeship Council and the authoritative opinion of which should be heard for a better understanding of the Territory's problems ", maintains its opinion that it has the right to establish direct contact with the General Assembly whenever the

latter discusses problems relating to the Territory of Somaliland. It is therefore highly desirable that the Secretary-General should give effect to the wish expressed by the Advisory Council to attend the session of the General Assembly.

##### THE TRUSTEESHIP COUNCIL

131. Generally speaking, the relations between the Trusteeship Council and the Advisory Council are defined by the provisions of article 11 of the Trusteeship Agreement.

132. Under its terms of reference the Advisory Council's essential functions are to aid and advise the Administering Authority. There seems, however, no reason why the Trusteeship Council or the General Assembly should not expect the Advisory Council to report to them regarding matters of particular importance, since, in the view of the General Assembly itself, it is desirable that the authoritative opinion of the Advisory Council should be heard for a better understanding of the Territory's problems.

133. The Advisory Council, as a permanent body which has had daily contact with the Administration and the population for more than three years, is qualified to furnish first-hand information to the Trusteeship Council. The Advisory Council is in fact able not only to aid and advise the Administering Authority, but also to present to the Trusteeship Council detailed studies concerning matters which the latter considers to be of special importance.

##### THE SPECIALIZED AGENCIES

134. During the past year Somaliland has been visited, at the request of the Administering Authority, by experts of the International Labour Organisation and the World Health Organization; in addition, a UNESCO expert is at present in the Territory studying the Five-Year Plan for the development of education and three FAO experts are at Bender-Kassim studying the possibilities of developing the fishing and canning industries on the north-east coast of Somaliland. The Advisory Council attaches much importance to receiving copies of the reports drafted by all experts of the United Nations specialized agencies, since they would doubtless be an important source of information on the economic, social and educational advancement of the Territory.

### CHAPTER IV

#### RELATIONS WITH THE LOCAL POPULATION

135. The Advisory Council and the Secretariat continue to enjoy the cordial relations which they have established with the inhabitants of the Territory in the course of their three years of existence in Somaliland. Direct contacts with individuals and group representatives constitute one of the major sources of information referred

<sup>7</sup> Document A/AC.33/MISC.41, p. 3.

<sup>8</sup> *Ibid.*, p. 4.

to in article 9 of the Trusteeship Agreement for Somaliland. Such contacts, whether in Mogadiscio or in the field, act also as constant reminders to the people of Somaliland that the United Nations is a living reality. Those contacts are undoubtedly valuable channels of disseminating information about the activities and aims of the United Nations. For these reasons representatives on the Advisory Council and substantive officers of its Secretariat have endeavoured to keep themselves accessible to as many visitors as possible.

#### POLITICAL PARTIES

136. Although the Council received no request from the Administering Authority for advice on matters directly concerned with the political parties in the Territory during the period under review, the Council continued to recognize the importance of parties in the political life and advancement of the Territory.

137. In 1952 the Council had recommended to the Administering Authority that the number of seats accorded to regional representation should be gradually reduced in favour of political representation.<sup>9</sup> During the period under review political party representation on the Territorial Council has been slightly increased, but it is noted that the majority of regional representatives are members of one or another recognized political party in the Territory.

138. The so-called double list required of the political parties for their representation on the Territorial Council, the abolition of which had been recommended by the Council,<sup>9</sup> was the subject of further exchanges of views with the Administering Authority. The Council decided, however, at its 75th meeting, held on 13 January 1953, that, in view of the elections which, according to the assurances given by the Administering Authority, were shortly to be held in urban centres, the question of the double list no longer presented a serious problem.

139. In its advice on the Administering Authority's proposed police regulations (A/AC.33/RA.45), the Council observed that "the proposed regulations covered a broad range of subjects with the result that unusually wide powers appear to have been entrusted to the police". Among other things, the police authorities were given the power to regulate associations, organizations, political parties and institutions (A/AC.33/R.45, articles 135-138).

140. Reminding the Administering Authority of the Trusteeship Council's recommendation (eleventh session) that the new law regulating the activities of political parties "be put into effect as soon as possible" the Council recommended that regulations of associations, organizations, political parties and institutions should be the subject of a separate ordinance.

141. There are still no accurate figures available showing the relative membership of the political parties operating in the Territory. It is expected, however, that when

elections are held in urban centres later in 1953 the political parties will have the opportunity of showing their actual strength.

#### COMMUNICATIONS

142. "Communications" in a general sense, including a number of "petitions", continue to be received. They refer to conditions and problems in the Territory and are addressed either to the Advisory Council or to one of its members or to the United Nations.

143. During the period under review, the Advisory Council received 215 "communications".

#### OFFICIAL FUNCTIONS

144. The representatives on the Advisory Council and the Secretariat members have taken full advantage of opportunities to establish contacts facilitating a liberal exchange of information and opinion. On occasions of semi-official political meetings, religious ceremonies, conferences of cultural interest, inaugurations, special visits to educational establishments and the opening of the sessions of the Territorial Council, the members of the Advisory Council and the officers of the Secretariat have taken special care to see that the United Nations was always duly represented.

#### UNITED NATIONS CEREMONIES

##### (a) *United Nations Day*

145. Early distribution of United Nations Day material to schools, organizations and political parties throughout the Territory paved the way for a better understanding of the significance of celebrations associated with the seventh anniversary of the entrance into force of the Charter of the United Nations. This was supplemented by documentary material distributed by members of the Secretariat, who visited outlying districts on 24 October or took part in the special functions held in Mogadiscio. A total of 4,805 posters and assorted literature, chiefly in Arabic, were distributed. Press and radio gave prominence to the Secretary-General's "United Nations Day message", which was broadcast in Arabic, Italian and Somali. An essay competition based on the theme "The United Nations Organization constitutes the greatest co-operative force ever known in history for the maintenance of peace and for the social and economic progress of people" was highly successful. It was the first of its kind ever held in Somaliland and was sponsored by the Istituto Culturale Sociale. The distribution of prizes was made on the afternoon of 24 October by the Chairman of the Advisory Council, the representative of the Philippines, who explained to a large meeting what the United Nations stood for. The representative of Colombia and the Administrator of Somaliland both strongly commended the initiative taken by the Istituto in sponsoring the essay competition.

146. During the course of the day, members of the Secretariat visited Merca, Brava, Bullo Burti, Belet Uen.

<sup>9</sup> See document A/AC.33/R.34. See also *Official Records of the Trusteeship Council, Eleventh Session, Annexes*, agenda item 4, document T/979, para. 59.

Bur Acaba, Baidoa and Afgoi, addressing meetings in each of these centres. On the evening of 24 October, representatives of the local population and officials of the Administration attended a reception held in Mogadiscio under the auspices of the United Nations. Various phases of United Nations activities were reviewed by the Administrator, the Chairman of the Advisory Council and the Chief Cadi of Somaliland. Active co-operation on the part of the Administration contributed materially to the successful celebration of the seventh anniversary of the world organization. A public holiday was declared throughout the Territory and United Nations activities were the subject of special studies in all schools. Numerous telegrams and letters of congratulation were addressed to the Advisory Council by organizations and political groups in many parts of Somaliland.

(b) *Human Rights Day*

147. The fourth anniversary of the adoption of the Universal Declaration of Human Rights was the subject of special consideration in the schools throughout the Territory. Feature articles in Arabic and Italian appeared in the local Press of 10 December 1952 and were broadcast in Somali during the course of the evening. Literature relating to human rights was distributed through cultural and political organizations.

(c) *Somaliland Fair*

148. The first International Fair of Somaliland, organized by the Chamber of Commerce, Industry and Agriculture, was held from 14 to 28 September 1952. The United Nations was invited to take part in this historic event and a United Nations pavilion was erected with the co-operation of the local administration. Individual displays supplied by FAO, UNESCO, ILO and WHO and posters and literature furnished by the Department of Public Information were used to decorate the United Nations pavilion. During the course of the Fair, United Nations documentary films were shown on 15 separate evenings. The Somaliland Fair for 1953 will be held from 28 September to 12 October and arrangements are already under way for a more intensive measure of participation than last year on the part of the United Nations and the specialized agencies.

FIELD TRIPS

149. Close contact with the Somali population is maintained by representatives on the Advisory Council and by members of the Secretariat through field trips, the purpose of which is to assure the inhabitants that the United Nations is keenly interested in all matters relating to their welfare and progress. These contacts are of special importance in the outlying parts of the Territory, inhabited chiefly by nomadic and semi-nomadic tribes, and are a constant reminder that the United Nations is working in close co-operation with the Administration in the task of preparing Somaliland for independence. The field trips also enable representatives on the Advisory Council and members of the Secretariat to see conditions as they actually exist and thus to acquire authentic background information.

150. The representatives on the Council and officers of the Secretariat made a number of such trips, two of which were of special length and importance. The representative of Egypt, accompanied by Mr. Pardo of the Secretariat, made a fifteen-day trip into the northern provinces of Mudugh and Mijertein. The representative of the Philippines, accompanied by Mr. Deeb of the Secretariat, made a fourteen-day trip into the Lower and Upper Juba provinces. Mr. Canavesio, Vice-Chief of the Administrator's Cabinet, represented the Administering Authority on both trips.

DISSEMINATION OF INFORMATION ABOUT THE UNITED NATIONS

151. One of the functions of the United Nations Advisory Council in fulfilling its responsibility of aiding and advising the Administering Authority is that of helping all levels of Somali society to understand and appreciate the importance of the decision taken in December 1949, which provides for the independence of Somaliland in 1960. In Mogadiscio, the capital of Somaliland, the presence of the representatives on the Advisory Council is a constant reminder of the interest of the United Nations in the welfare of the community, and their active support of progressive measures of economic and social importance is common knowledge. The daily activities of the Secretariat, the discreet but constant use of the United Nations flag, the facilities of the Secretariat library are all factors which tend to make the inhabitants more and more aware of the existence of the United Nations. These contacts are also extended to other urban centres, although to a lesser degree, but all communities benefit from the teaching given in the local schools and discussions in the political and cultural groups, and they are visited as frequently as possible by representatives on the Advisory Council and members of the Secretariat. It is in the remote sections of the Territory that the greatest difficulties are encountered. There the greater part of the population consists of nomads and semi-nomads and there is far more illiteracy. A Secretariat official has been appointed Public Relations Officer and instructed to prepare, in liaison with the Administering Authority, a comprehensive programme of information to be disseminated throughout the Territory.

152. The work carried out during the period under review may be classified as follows:

(a) Dissemination of information through educational institutions;

(b) Dissemination of information through cultural and political groups;

(c) Dissemination of information through the local Press and radio;

(d) Dissemination of information by the Public Relations Officer.

(a) *Dissemination of information through educational institutions*

153. The Director of the Research and Study services of the local administration has greatly facilitated the dis-



tribution of United Nations literature to schools throughout the entire Territory. Material prepared by the Department of Public Information has been used to good advantage, but it would be far more effective if supplied in Arabic and Italian. It is useless to distribute literature in English or French. Teachers and pupils are encouraged by finding that members of the United Nations Advisory Council and Secretariat staff take an interest in their studies and in their surroundings. Visits of this nature are customary during the field trips. Special consideration continues to be given to the Preparatory Political and Administrative School, where particular attention is paid to the general activities of the United Nations and the specialized agencies.

(b) *Dissemination of information through cultural and political groups*

154. The interest shown in the activities of the United Nations will grow to the extent to which they are brought within the reach of the population. Political groups, for instance, are keen to have literature and show great eagerness in facilitating its distribution. These groups contributed to a large extent to the success of United Nations Day, sending posters as well as copies of the United Nations Day Message, in Arabic and Italian, to all their branches.

155. The participation of the United Nations in the Somaliland Fair in September 1952 afforded an opportunity for the dissemination of literature relating to the United Nations and the specialized agencies. A bigger programme is being planned for the 1953 Fair and it is hoped that on this occasion there will be ample United Nations material in both Arabic and Italian.

156. The Istituto Culturale Sociale of Mogadiscio continues to be a very important factor in the dissemination of information on the work of the United Nations. It has attractive quarters, which are well supplied with United Nations material. It is an ideal centre for conferences, the showing of films and general discussions. The Istituto was responsible for the very successful competition held in connexion with United Nations Day. Representatives of the Advisory Council and members of the Secretariat are sometimes invited to the conferences and occasionally give talks on subjects of international interest. Branches have been opened in other parts of the Territory and are operating under the direction of the Mogadiscio centre.

(c) *Dissemination of information through the local Press and radio*

157. The *Corriere della Somalia*, the only daily newspaper in the Territory, is published by the Administration and regularly reports the activities of the Advisory Council and the Secretariat, as also the proceedings of the Trusteeship Council with respect to the administration of Somaliland. Weekly or monthly periodicals appear from time to time, but with no regularity and often for a very limited period. The local broadcasting station is utilized on special occasions such as United Nations Day, Human Rights Day, etc. Its possibilities are limited, although experiments are now being made

for the use of loudspeakers installed in the larger urban centres.

(d) *Dissemination of information by the Public Relations Officer*

158. Field trips made by the Public Relations Officer have afforded excellent opportunities for disseminating information in a number of remote centres. It has, however, proved impossible to use the 16 mm. projector now available to the Secretariat, since very few places have electricity. It is used to good advantage in a few of the large centres. Documentary films (16 mm. and 35 mm.) are shown wherever there are cinemas.

159. Preliminary work has been carried out in connexion with the making of a documentary film on Somaliland under the supervision of the Films and Visual Information Division of the United Nations Secretariat. A survey is also being made of the possibility of using a cinema-radio van which is expected in the near future. The use of this van will enable the Public Relations Officer to visit parts of the Territory which have had little contact with the work of the United Nations. A long-term programme for the dissemination of information, the showing of films, recordings, photography, etc., is under consideration.

160. Reference to this phase of work in Somaliland would not be complete without mention of the continued and effective co-operation which the Administering Authority has invariably shown in its relations with the United Nations and without which the dissemination of information relating to the United Nations could not have been undertaken.

## ADOPTION OF THE REPORT

161. The present report, the original of which was drafted in French, was approved and signed by the representatives of Colombia, Egypt and the Philippines at the United Nations Advisory Council's Headquarters at Mogadiscio on 21 April 1953.

162. The representatives of Colombia, Egypt and the Philippines reserve their right under the second paragraph of article 11 of the Trusteeship Agreement to make to the Trusteeship Council such oral statements or submit such written reports or memoranda as they may deem necessary for the Council's consideration of any question specifically relating to the Trust Territory of Somaliland under Italian Administration.

(Signed) E. DE HOLTE CASTELLO  
(Colombia)

(Signed) Mahmoud Moharram HAMMAD  
(Egypt)

(Signed) V. L. PASTRANA  
(Philippines)



## ANNEXES

## ANNEX I

## LIST OF REQUESTS FOR ADVICE AND ADVISORY COUNCIL'S REPLIES

<i>Document No.</i>	<i>Subject</i>	<i>Date of Advisory Council document</i>
A/AC.33/R.43	Proposed new judicial regulations	12 January 1952
A/AC.33/R.43/Corr.1	Corrections to the translation of proposed new judicial regulations	19 January 1953
A/AC.33/R.43/Add.1	Administering Authority's reminder to Advisory Council for an early reply to request for advice on draft judicial regulations	7 January 1953
A/AC.33/RC.43	Advisory Council's assurance of a prompt reply to request for advice on draft judicial regulations	14 January 1953
A/AC.33/R.43/Add.3	Administering Authority's letter withdrawing request for advice on draft judicial regulations pending their re-examination	21 February 1953
A/AC.33/R.43/Add.4	Advisory Council's approval of the withdrawal of request for advice on draft judicial regulations	25 February 1953
A/AC.33/R.43/Add.2	Establishment of commissariat judges	21 January 1953
A/AC.33/R.43/Add.5	Advisory Council's reply to request for advice on draft ordinance establishing commissariat judges	9 April 1953
A/AC.33/R.44	Draft ordinance on census	27 February 1952
A/AC.33/RC.44	Further information on census and reorganization of Statistical Office	7 March 1952
A/AC.33/RA.46	Advisory Council's reply to request for advice on draft ordinance on census	12 May 1952
A/AC.33/RC.46	Administering Authority's comments to Advisory Council's reply to request for advice on draft ordinance on census	21 October 1952
A/AC.33/RC.46/Add.1	Further information on proposed census methods communicated by Administering Authority to the Advisory Council	7 November 1952
A/AC.33/RA.46/Add.1	Advisory Council's comments on the information on proposed census methods communicated to it by the Administering Authority	17 January 1953
A/AC.33/RC.46/Add.2	Draft ordinance instituting a registry office and card index of settled population in all municipalities	20 January 1953
A/AC.33/RA.46/Add.2	Advisory Council's reply to request for advice on the institution of a registry office and card index of settled population in all municipalities	23 February 1953
A/AC.33/R.45	Draft police regulations	21 March 1952
A/AC.33/R.45/Add.1	Administering Authority's reminder to Advisory Council for an early reply to request for advice on draft police regulations	7 January 1953
A/AC.33/RC.45	Advisory Council's assurance of a prompt reply to request for advice on draft police regulations	14 January 1953
A/AC.33/RA.45	Advisory Council's reply to request for advice on draft police regulations	9 February 1953
A/AC.33/R.47	Proposed changes in the functioning of the Territorial Council	12 July 1952
A/AC.33/RA.47	Advisory Council's reply to the request for advice on the proposed changes in the functioning of the Territorial Council and request for further information	3 October 1952
A/AC.33/RC.47	Further information transmitted by the Administering Authority on proposed changes in the functioning of the Territorial Council	30 October 1952
A/AC.33/RC.47/Add.1	Proposed election of two vice-chairmen of the Territorial Council by councillors	15 November 1952
A/AC.33/RC.47/Add.1	Advisory Council's reply to the request for advice on the proposed election of two vice-chairmen of the Territorial Council by the councillors	3 December 1952
A/AC.33/R.48	Abolition of capital punishment	15 July 1952
A/AC.33/RC.48	Advisory Council's request for further information	2 October 1952
A/AC.33/R.48/Add.1	Transmittal by Administering Authority of the information requested by the Advisory Council	3 November 1952
A/AC.33/RA.48	Advisory Council's reply to the request for advice on capital punishment	13 December 1952
A/AC.33/R.49	Draft ordinance granting Regional Commissioners power to delegate to Residents authority to deal with minor offences	17 November 1952

<i>Document No.</i>	<i>Subject</i>	<i>Date of Advisory Council document</i>
A/AC.33/RA.49	Advisory Council's reply to request for advice on draft ordinance granting Regional Commissioners power to delegate to Residents authority to deal with minor offences	13 December 1952
A/AC.33/R.50	Draft ordinance enlarging the powers of municipal councils	2 January 1953
A/AC.33/R.50/Add.1	Advisory Council's reply to the request for advice on the draft ordinance enlarging the powers of municipal councils	21 February 1953
A/AC.33/R.51	Proposed establishment of two committees to take the place of the Reduced Committee of the Territorial Council	20 January 1953
A/AC.33/R.51/Add.1	Advisory Council's reply to request for advice on the proposed establishment of two committees to take the place of the Reduced Committee of the Territorial Council	21 February 1953
A/AC.33/R.52	Draft ordinance on price control	7 February 1952
A/AC.33/R.52/Rev.1	Administering Authority's withdrawal of draft ordinance on price control and its substitution by another draft ordinance on the same subject	28 February 1953
A/AC.33/R.52/Add.1	Advisory Council's reply to request for advice on draft ordinance on price control	5 March 1953
A/AC.33/R.53	Draft ordinance exempting raw cotton from export duties	11 February 1953
A/AC.33/R.53/Add.1	Advisory Council's reply to request for advice on draft ordinance exempting raw cotton from export duties	21 February 1953
A/AC.33/R.54	Draft ordinance concerning employment of minors	6 March 1953
A/AC.33/R.54/Add.1	Advisory Council's reply to request for advice on draft ordinance concerning employment of minors	3 April 1953

## ANNEX II

## LIST OF SPECIAL COMMUNICATIONS BY THE ADMINISTERING AUTHORITY TRANSMITTING INFORMATION TO THE ADVISORY COUNCIL AND OF THE ADVISORY COUNCIL'S COMMENTS THEREON

## A. POLITICAL

<i>Document No.</i>	<i>Subject</i>	<i>Date of Advisory Council document</i>
A/AC.33/AA.74/POL	Agenda of the Reduced Committee of the Territorial Council	23 May 1952
A/AC.33/AA.75/POL	Agenda for the second session of the Territorial Council in 1952	23 June 1952
A/AC.33/AA.75/POL/ Add.1	Supplementary agenda for the second session of the Territorial Council in 1952	10 July 1952
A/AC.33/AA.75/POL/ Add.2	Deletion of Press Ordinance from agenda for the second session of the Territorial Council	21 July 1952
A/AC.33/AA.88/POL	Agenda of the Reduced Committee of the Territorial Council	3 October 1952
A/AC.33/AA.94/POL	Date of meeting of third session of Territorial Council	21 October 1952
A/AC.33/AA.94/POL/ Add.1	Agenda of third session of Territorial Council	15 November 1952
A/AC.33/AA.118/POL	Agenda of the Reduced Committee of the Territorial Council	2 January 1953
A/AC.33/AA.119/POL	List of Territorial Councillors for the year 1953 and agenda of the first session of the Territorial Council	14 January 1953
A/AC.33/AA.120	Decree of the President of the Italian Republic defining the powers of the Administrator and of the basic organs of the Italian Trusteeship Administration	19 January 1953
A/AC.33/AA.120/ Add.1	Establishment of the administrative committee provided for in the decree of the President of the Italian Republic	13 February 1953
A/AC.33/AA.120/ Add.2	Observations of the Advisory Council on the decree of the President of the Italian Republic defining the powers of the Administrator and of the basic organs of the Trusteeship Administration	26 February 1953
A/AC.33/AA.120/ Add.3	Advisory Council's observations on the establishment of an administrative committee	27 February 1953

## B. LEGAL

<i>Document No.</i>	<i>Subject</i>	<i>Date of Advisory Council document</i>
A/AC.33/AA.78/LEG <sup>10</sup>	Abolition of imprisonment by penal decree	26 July 1952
A/AC.33/AAC.78/LEG	Advisory Council's observations on the abolition of imprisonment by penal decree	2 October 1952
A/AC.33/AA.78/LEG/ Add.1	Administering Authority's reply to Advisory Council's observations regarding the abolition of imprisonment by penal decree	3 November 1952
A/AC.33/AA.79/LEG	Establishment of an Appeal Section at the Court of Assizes in the Territory	26 July 1952
A/AC.33/AAC.79/LEG	Advisory Council's observations on the establishment of an Appeal Section at the Court of Assizes	31 October 1952
A/AC.33/AA.81/LEG	Draft ordinance permitting the settlement of minor offences by an immediate payment	26 July 1952
A/AC.33/AAC.81/LEG	Advisory Council's observations on the settlement of minor offences by immediate payment	3 October 1952
A/AC.33/AA.81/LEG/ Add.1	Administering Authority's reply to the Advisory Council's observations regarding settlement of minor offences by immediate payment	18 October 1952

## C. ECONOMIC

A/AC.33/AA.72/EC	Draft ordinance on the control of cotton cultivation in the Territory	25 March 1952
A/AC.33/AAC.72/EC	Advisory Council's observations on the draft ordinance for the control of cotton cultivation	10 November 1952
A/AC.33/AA.73/EC	Budget estimates for Somaliland for the financial year 1952/53	28 March 1952
A/AC.33/AA.80/EC	Draft ordinance introducing a tax on "shambas"	26 July 1952
A/AC.33/AAC.80/EC	Advisory Council's observations on draft ordinance taxing "shambas"	2 October 1952
A/AC.33/AA.91/EC	Information on contracts between Administering Authority and certain petroleum companies	16 October 1952
A/AC.33/AA.92	Statement regarding alienation or lease of land for agricultural purposes	18 October 1952
A/AC.33/AAC.92	Advisory Council's observations regarding statement on alienation or lease of land for agricultural purposes	13 December 1952
A/AC.33/AA.101/SOC	Extension of rent control and of limitations on landlords' right of eviction	17 November 1952
A/AC.33/AAC.101/SOC	Advisory Council's comments on extension of rent control and of limitations on landlords' right of eviction	12 December 1952
A/AC.33/AA.95/EC	Agenda of first session of the Economic Council for Somaliland	21 October 1952
A/AC.33/AA.95/EC/ Add.1	Supplementary agenda of the Economic Council for Somaliland	17 November 1952
A/AC.33/AA.100/SOC	Request for concession for building purposes of a plot of government land in Chisimaio by an Italian	17 November 1952
A/AC.33/AA.102/EC	Reduction of import duties on coconut oil and of export duties on shells	17 November 1952
A/AC.33/AAC.102/EC	Advisory Council's observations on the reduction of import duties on coconut oil and of export duties on shells	15 December 1952
A/AC.33/AA.105/EC	Administering Authority's plans concerning the development of water resources in the Territory	17 November 1952
A/AC.33/AAC.105/EC	Advisory Council's observations on the Administering Authority's plans for the development of water resources in the Territory	13 December 1952
A/AC.33/AA.106/SOC	Request for concession for building purposes of a plot of government land in Chisimaio by an Italian	18 November 1952
A/AC.33/AA.107/SOC	Request for concession for building purposes of a plot of government land in Chisimaio by an Italian	18 November 1952
A/AC.33/AAC.100/ SOC, A/AC.33/AAC. 106/SOC and A/ A.C33/AAC.107/ SOC	Advisory Council's request for further information regarding the requests for concession of government land for building purposes by Italians	12 December 1952

<sup>10</sup> A corrigendum to this document concerning the entry into force of the draft ordinance abolishing imprisonment by penal decree was issued as document A/AC.33/AA.78/LEG/Corr.1 dated 3 September 1952.

<i>Document No.</i>	<i>Subject</i>	<i>Date of Advisory Council document</i>
A/AC.33/AAC.100/ SOC, A/AC.33/ AAC.106/SOC and A/AC.33/AAC.107/ SOC/Add.1	Administering Authority's reply to Advisory Council's request for further information regarding request for the concession of government building land	24 January 1953
A/AC.33/AAC.100/ SOC, A/AC.33/ AAC.106/SOC and A/AC.33/AAC.107/ SOC/Add.2	Advisory Council's observations on requests for concession of government land for building purposes	3 March 1953
A/AC.33/AA.116/EC	Agreement between the Administering Authority and the Societa Mineraria Somala	20 December 1952
A/AC.33/AA.117/EC	Draft ordinance regulating cotton ginneries	2 January 1953
A/AC.33/AA.117/EC/ Add.1	Advisory Council's observations on draft ordinance regulating cotton ginneries	4 March 1953
A/AC.33/AA.121/EC	Advisory Council's request for information on agricultural co-operatives and Administering Authority's reply	19 January 1953
A/AC.33/AAC.121/EC	Advisory Council's observations on the information concerning agricultural co-operatives	19 January 1953
A/AC.33/AA.122/EC	Distribution of 80 uri (native boats) to needy fishermen in the Mijertein	20 January 1953
A/AC.33/AA.122/EC/ Add.1	Advisory Council's observations on the distribution of 80 uri to needy Mijertein fishermen	16 February 1953
A/AC.33/AA.123/EC	Information on the establishment of a commission for the study of land legislation	22 January 1953

## D. EDUCATION

A/AC.33/AA.76/ED	Draft ordinance concerning private schools in the Territory	26 July 1952
A/AC.33/AAC.76/ED	Advisory Council's observations on draft ordinance concerning private schools	2 October 1952
A/AC.33/AA.76/ED/ Add.1	Administering Authority's reply to Advisory Council's comments concerning draft ordinance on private schools	6 December 1952
A/AC.33/AA.82/ED	Establishment of a maritime and fishing school	1 August 1952
A/AC.33/AAC.82/ED	Advisory Council's observations on the establishment of a maritime and fishing school	3 October 1952
A/AC.33/AA.83/ED	Establishment of an evening primary school for adults, of a college for Somalis at Mogadiscio and of an agricultural college at Merca : opening of a training course for indigenous teachers at Mogadiscio	3 September 1952
A/AC.33/AA.84/ED	Establishment of a typing school at Mogadiscio	5 September 1952
A/AC.33/AAC.84/ED	Advisory Council's observations on the establishment of a typing school	3 December 1952
A/AC.33/AA.87/ED	Establishment of a commercial school in Mogadiscio	17 September 1952
A/AC.33/AAC.87/ED	Advisory Council's observations on the establishment of a commercial school	3 December 1952
A/AC.33/AA.90/ED	Establishment of school funds for primary and secondary school	3 October 1952
A/AC.33/AAC.90/ED	Advisory Council's observations on establishment of school funds	3 December 1952
A/AC.33/AA.93/ED	Curriculum of aerology course for Somali soldiers	21 October 1952
A/AC.33/AAC.93/ED	Advisory Council's observations on aerology course	3 December 1952
A/AC.33/AA.96/ED	Special training for promotion to rank of officer of group of Somali warrant officers	21 October 1952
A/AC.33/AAC.96/ED	Advisory Council's observations on the training of Somali warrant officers for promotion to the rank of officer	3 December 1952
A/AC.33/AA.97/ED	Curriculum of course for Somali police inspectors	18 October 1952
A/AC.33/AAC.97/ED	Advisory Council's observations on curriculum of course for Somali police inspectors	3 December 1952
A/AC.33/AA.99/ED	Wireless operator course for Somali soldiers and accounting course for Somali non-commissioned officers	15 November 1952
A/AC.33/AAC.99/ED	Advisory Council's observations on wireless operator course and on accounting course	2 December 1952

<i>Document No.</i>	<i>Subject</i>	<i>Date of Advisory Council document</i>
A/AC.33/AA.108/ED	Establishment of a domestic science school	1 December 1952
A/AC.33/AAC.108/ED	Advisory Council's observations on the establishment of a domestic science school	17 January 1953
A/AC.33/AA.109/ED	Information on school organization in the Territory	1 December 1952
A/AC.33/AAC.109/ED	Advisory Council's observations on the school organization of the Territory	17 January 1953
A/AC.33/AA.110/ED	Gift of a boat to Maritime and Fishing school	1 December 1952
A/AC.33/AAC.110/ED	Advisory Council's observations on gift of a boat to Maritime and Fishing school	17 January 1953
A/AC.33/AA.112/ED	Establishment of school of Islamic sciences	1 December 1952
A/AC.33/AAC.112/ED	Advisory Council's request for curriculum of school of Islamic sciences	17 January 1953
A/AC.33/AA.112/ED/ Add.1	Curriculum of school of Islamic sciences	22 January 1953
A/AC.33/AAC.112/ ED/Add.1	Advisory Council's observations on curriculum of school of Islamic sciences	16 February 1953
A/AC.33/AA.113/ED	Purchase by the Administering Authority of a cinema sound projector for schools	3 December 1952
A/AC.33/AAC.113/ED	Advisory Council's observations on purchase of cinema sound projector for schools	3 December 1952
A/AC.33/AA.114/ED	Information on Somali teachers attending a course in Rome and on departure of a group of Somali students for Italy	3 December 1952
A/AC.33/AAC.114/ED	Advisory Council's observations on information provided on Somali teachers and students in Italy	17 January 1953
A/AC.33/AA.115/ED	Plan for the reorganization and improvement of the training of auxiliary medical staff	13 December 1952
A/AC.33/AA.115/ED/ Add.1	Advisory Council's observations on the reorganization and improvement of the training of auxiliary medical staff	16 February 1953

## E. SOCIAL

A/AC.33/AA.77/SOC	Abolition of forced or compulsory labour	26 July 1952
A/AC.33/AAC.77/SOC	Advisory Council's observations on abolition of forced or compulsory labour	3 October 1952
A/AC.33/AA.86/LEG	Draft ordinance on the control of the sale of substances used for the inoculation of cattle against trypanosomiasis	12 September 1952
A/AC.33/AAC.86/LEG	Advisory Council's observations on the control of the sale of substances used for the inoculation of cattle against trypanosomiasis	12 December 1952
A/AC.33/AA.89/SOC	Report on first anti-malaria campaign	3 October 1952
A/AC.33/AA.103/SOC	Extension of compulsory insurance to motor vehicles in public service offered for hire or used for purposes of instruction	17 November 1952
A/AC.33/AAC.103/SOC	Advisory Council's observations on extension of compulsory insurance to motor vehicles in public service offered for hire	12 December 1952
A/AC.33/AA.104/SOC	Extension of compulsory insurance to lorries (trucks)	17 November 1952
A/AC.33/AAC.104/SOC	Advisory Council's observations on extension of compulsory insurance to lorries (trucks)	12 December 1952
A/AC.33/AA.103/SOC, A/AC.33/AA.104/ SOC/Add.1	Administering Authority's comments on Advisory Council's observations regarding extension of compulsory insurance to motor vehicles in public service and to lorries (trucks)	2 January 1953
A/AC.33/AA.103/SOC, A/AC.33/AA.104/ SOC/Add.2	Further comments by Administering Authority on Advisory Council's observations regarding extension of compulsory insurance to motor vehicles in public service and to lorries (trucks)	27 January 1953
A/AC.33/AA.103/SOC, A/AC.33/AA.104/ SOC/Add.3	Advisory Council's comments on Administering Authority's observations on the former's suggestions regarding compulsory insurance of motor vehicles	26 March 1953
A/AC.33/AA.11/SOC	Establishment of labour offices at Bender Kassim, Kandala and Alula	1 December 1952
A/AC.33/AAC.111/SOC	Advisory Council's observations on the establishment of labour offices in three localities	17 January 1953

## F. MISCELLANEOUS

<i>Document No.</i>	<i>Subject</i>	<i>Date of Advisory Council document</i>
A/AC.33/AA.85/MISC	Admission of Somali Association for International Organization to World Federation of United Nations Associations	5 September 1952
A/AC.33/AA.98/MISC	Preliminary draft of Administering Authority's general plan for the political, economic, social and educational development of Somaliland	3 November 1952

## ANNEX III

## AGENDAS OF THE TERRITORIAL COUNCIL

*Agenda for the second session of the Territorial Council in 1952  
(A/AC.33/AA.75/POL, 23 June 1952):*

Opening of the session and speech by the Secretary-General in charge of the Administration.  
Salaries of locally recruited teaching personnel.  
Establishment and operation of private schools.  
Abolition of the procedure of imposing detentive penalties by penal decree.  
Establishment of an Appeal Section for sentences of the Court of Assizes.  
Tax on "shambas".  
Abolition of the death penalty.  
Abolition of forced and compulsory labour.

*Supplementary agenda for the second session of the Territorial Council in 1952 (A/AC.33/AA.75/POL/Add.1, 10 July 1952):*

Changes in the regulations of the Territorial Council, Press Ordinance.<sup>11</sup>  
Cash payment in lieu of court proceeding in case of violation of Traffic Regulations.  
Establishment of a Technical School for Navigation and Fisheries in Mogadiscio.

*Agenda for the third session of the Territorial Council in 1952  
(A/AC.33/AA.94/POL/Add.1, 27 October 1952):*

Draft ordinance concerning amendments to custom duty for import of coconut oil and export of shells (Rapporteur, Islao Omar Ali).  
Draft ordinance concerning compulsory insurance provided for by Ordinance No. 24 of 25 May 1950 (Rapporteur, Gailani Malak).

Proposed establishment of a fund, with contributions supplied by all car drivers, for the payment of compensation to persons injured in road accidents (Rapporteur, Islao Omar Ali).  
Request of a concession of government land for building purposes (Statement by Chairman).  
Appointment of a Commission to study land legislation (Rapporteur, Dr. Bozzi).  
Draft ordinance regulating the sale of anti-trypanosomiasis products (Rapporteur, Avv. Bona).  
Measures concerning the renewal of restriction on leases, evictions and rentals (Majority Rapporteur, Avv. Bona; Minority Rapporteur, Islao Omar Ali).  
Amendment to article 9 of the Judicial Regulations granting Provincial Commissioners power to delegate to Residents, authority to deal with certain offences.  
Amendment to the Territorial Council Regulations. Proposals to appoint two Deputy Chairmen.

*Agenda for the first session of the Territorial Council for 1953  
(A/AC.33/AA.119/POL, 9 January 1953):*

Administration of the oath to the Councillors.  
Election of the Deputy Chairmen.  
Amendments to the regulations for the operation of the Territorial Council.  
Establishment of census and registry services for sedentary Somali population residing in centres where a municipality has been instituted.  
Amendment to article 7 of ordinance No. 10 of 6 June 1951 enlarging the powers of municipal councils.  
Regulations for cotton ginning and baling.  
Appointment of Commissariat Judges.  
Suggestions and proposals of the Councillors.

## ANNEX IV

## DECREE OF THE PRESIDENT OF THE REPUBLIC No. 2357 OF 9 DECEMBER 1952

## THE PRESIDENT OF THE REPUBLIC

(omissis)

## DECREES

*Article 1*

The Government of the Italian Republic, in its capacity as Authority entrusted with the Administration of the Territory of Somaliland, under the Trusteeship Agreement

<sup>11</sup> Discussion on this item was postponed, see document A/AC.33/AA.75/POL/Add.2, 21 July 1952.

approved in Geneva on 27 January 1950 and enforced by law No. 1301 of 4 November 1951, is represented in the Territory by the Administrator, appointed in accordance with article 4 of the said law.

*Article 2*

The Italian Government is responsible for all international relations concerning Somaliland.

Italian diplomatic and consular representatives abroad see to the protection of the Territory's citizens.

The "exequatur" to foreign consuls in Somaliland is granted by decree of the President of the Republic.

*Article 3*

The Administrator exercises the powers provided for in the Trusteeship Agreement and the laws which enforce it. He is responsible for the relations with the Advisory Council of the United Nations for Somaliland.

*Article 4*

The legislative power in the Territory is exercised by the Administrator, in accordance with articles 4 and 5 of the Declaration of Constitutional Principles annexed to the Trusteeship Agreement.

Legislative measures are decided upon and issued by the Administrator by way of ordinances.

Likewise, the Administrator, in accordance with article 7 of the Trusteeship Agreement, sees to the application of Italian laws in Somaliland.

Subject to the provisions contained in the following articles, ordinances which may have some connexion with international obligations are not issued unless they have been previously approved by the Ministry for Foreign Affairs. All ordinances are therefore communicated to the Ministry for Foreign Affairs. It within thirty days from the date of communication the latter does not notify that the ordinance is subject to his approval, the Administrator may issue it. Ordinances labelled "urgent" by the Administrator may, however, be issued prior to the expiry of the term aforesaid.

*Article 5*

In exceptional circumstances the Administrator may decide upon and issue ordinances mentioned in article 5 of the Declaration of Constitutional Principles annexed to the Trusteeship Agreement, in the conditions laid down therein. He shall, however, inform immediately the Minister for Foreign Affairs.

*Article 6*

Through his own decrees the Administrator issues regulations, including those for implementation of Italian laws to be applied in Somaliland.

*Article 7*

Unless otherwise ordained, the ordinances and decrees mentioned in preceding articles come into force on the fifteenth day after their publication in the Official Bulletin of the Italian Administration of Somaliland.

*Article 8*

Laws and regulations issued in Italy for the Territory of Somaliland, or containing rulings that are to be in force in Somaliland, are published in the Official Bulletin of the Italian Administration of Somaliland. They come into force on the day of their publication.

*Article 9*

The Administrator is the Head of the Administration. He is assisted by a Secretary-General appointed by decrees of the President of the Republic on the recommendation of the Minister for Foreign Affairs.

The Secretary-General remains under the direct authority of the Administration and replaces him in case of absence or prevention.

*Article 10*

The Administrator is in command of the armed forces of the Territory, for whose organization he provides by decree previously approved by the Minister for Foreign Affairs, in agreement with the Minister for the Defence.

He has immediately under him a military commanding officer, appointed by decree of the Minister for Foreign Affairs, in agreement with the Minister for the Defence.

*Article 11*

The Administrator may grant a free pardon or commute penalties.

*Article 12*

The Administrator will establish, by decree, an administrative committee, presided over by himself and composed of the Secretary-General and six to eight members chosen by himself from among the Heads of Offices and central services of Somaliland's Administration.

*Article 13*

The Administrative Committee is an advisory organ of the Administrator.

It expresses its opinion on :

Organic plans for the political, economic and social development of Somaliland;

Regulations;

Estimated budget and final accounts;

Any other matter for which its view is compulsory by law.

In the case of absence or prevention of the Administrator and of the Secretary-General, the Administrative Committee deals with matters of ordinary administration and adopts urgency measures.

*Article 14*

The Judicial Regulations of Somaliland, provided for by article 7 of the Declaration annexed to the Trusteeship Agreement, will be established by ordinance of the Administrator in accordance with principles laid down in the said article.

The Regulations must provide for :

(1) The institution of a Court of Justice with a view to ensure exact observance and uniform interpretation of the law and respect for the limits of the various jurisdictions, and to settle conflicts of competence and all questions of jurisdiction;

(2) The assignment to the said Court of cases of appeals for incompetence, exceeding powers and violation of the law with respect to final measures taken by the Administration concerning lawful interests of individuals or bodies;

(3) The assignment to the same Court, in a special session, of all cases of dispute in matters of accountancy, responsibility, pension, and similar matters;

(4) The establishment of the necessary organs to ensure the Judges' independence and to supervise the functioning of justice.

*Article 15*

The President of the Court of Justice is appointed from among Italian magistrates of the Supreme Courts or of the Court of Appeal, by decree of the President of the Republic, on the recommendation of the Minister for Foreign Affairs after agreement with the Minister for Justice.

The present decree, provided with the State seal, will be inserted in the official collection of laws and decrees of the Italian Republic.

It is the duty of all persons concerned to respect it and see that it is respected.

Rome, 9 December 1952.

EINAUDI  
De Gasperi-Zoli  
Pacciardi

## ANNEX V

## ITALIAN TRUSTEESHIP ADMINISTRATION OF SOMALILAND

MAIN LINES OF THE PLAN FOR THE POLITICAL, ECONOMIC,  
SOCIAL AND EDUCATIONAL DEVELOPMENT OF SOMALILAND  
(PRELIMINARY DRAFT)I. *Political development*A. *Territorial Council*

(1) The Territorial Council, which is to become the principal representative organ of the Somali people, will gradually have to turn into a Legislative Assembly and perhaps, at the expiry of the Italian mandate, into a Constituent Assembly.

(2) The constant aim of the Administration is, therefore, to obtain, through it, an ever more genuine representation of the population's will and interests. Consequently the Council must be gradually reformed so as to attain the desired aim, although even now, when it is appointed by the Administrator, it represents fairly exactly the different sectors of the population.

(3) In order to attain this aim, which in democratic States is ensured by the polling system with universal suffrage, a distinction must be made, in view of the Territory's special conditions and the particular structure of its population, between the representation of rural and nomadic people, on the one hand, and the representation of urban centres, on the other.

(4) A second degree polling system should be realized, that is: the traditional institution of "shirs" (tribal assemblies) would be modernized by ruling that they are to meet regularly every fourth year in order to elect the chiefs of the respective tribes. In their turn, the chiefs would meet in regional assemblies to elect their representatives in the Territorial Council.

(5) The representatives of the urban population would be elected directly in centres big enough to allow the appointment of at least one representative, while in other centres they would be elected by municipal councils united in an electoral body. Municipal councils should always be appointed through direct election, held in accordance with systems employed by modern States, with the necessary adaptations to local conditions. As early as 1953 the first electoral experiments of this type should be made in some municipalities. The suffrage should be universal, and voters' lists ought to be made out in those municipalities through a registry office to be established at the same time as local census experiments, for which instructions have already been issued.

(6) Therefore, as early as 1954, it would be possible to see a Territorial Council elected with the second degree system. The duration of such a council might be, at the most, two years, which is a sufficiently long time to improve the polling system.

(7) In its main lines, the Territorial Council should maintain, during this period, its present organization. Greater efficiency should be given to the two committees (political and economic-financial), which committees, for the time being, are considered to be sufficient for the Council's functioning.

The Council's Vice-Chairmanship could be elective even now.

(8) As from next year (1953) the Territorial Council's opinion might be final in tributary and other matters, such as, for instance, for certain parts of the budget, both of income and expenditure, for certain public works, etc.

(9) The Administrator, in respect of the final opinion of the Territorial Council, should be empowered, in case he dissents from such opinion, to refer the matter back to the Council; in the event of the Council's persistence, he would be obliged to refer the matter to the central Government.

(10) Minorities' representation ought to be maintained also in the new system of electing the Council.

(11) In the Council there ought to be also some members by right, such as the President of the Chamber of Commerce and the President of the Economic Council, or their deputies, the President of the Social Cultural Institute or his deputy and the Chief Khadi of Somaliland.

B. *Municipal councils*

(12) The same observations made in connexion with the Territorial Council may be made for municipal councils. The polling system may be introduced earlier, and, as said above, the first experiment may be made as early as 1953. These organs may take on deliberative functions more quickly to arrive at an organization similar to the Italian municipal organization.

C. *Administration*

(13) With political reform is closely connected administrative reform, which is to be based on the fundamental principle of the "Somalization" of central and up-country offices.

As the definitive organization of the Territory we may envisage division of the Territory into regions, whose chief will be the Central Administration's representative, called the Regional Administrator.

(14) Regions may or may not be divided into smaller districts, corresponding to the present Residencies. But even at this stage, when Residencies exist, arrangements may be made to place Somali Residents by the side of some Italian Residents or, later on, to replace Italian Residents altogether by Somali Residents.

Naturally Somali Residents will have first to gain experience in Residencies where political and economic problems are of less importance.

The suppression of the Residencies may be envisaged at a later stage, by altering the Residency Councils; these should form from among themselves a sort of executive committee charged with the local administration of rural and nomadic people, which function would be undertaken by municipalities in urban centres.

(15) To obtain this it will be advisable, on the one hand, to strengthen the organization of urban centres and, on the other hand, to endeavour to change the Residency Councils into a special organization that should be for nomadic people what the municipal organization is for inhabited centres.

(16) Moreover, it would seem to be advisable to envisage, before 1958 and in a region of the Territory to be selected, at least a first experiment in direct administration entrusted entirely to autochthonous persons, aided by an Italian adviser for political and administrative matters, and by Italian technicians.



(17) The Somalization of central and up-country offices must, however, proceed very rapidly. As soon as possible, according to the degree of preparation attained by candidates, a couple of secretaries or assistant heads of office will have to be placed in every office with responsible duties.

#### D. *Judicial organization*

(18) It is a known fact that considerable amendments have been made to the Territory's Judicial Regulations. The draft of new Judicial Regulations has been drawn up and submitted, for consideration and opinion, to the Advisory Council and to the Territorial Council, as well as to the Foreign Office.

This draft will have to be somewhat amended, as it will be necessary to alter it in accordance with the new law on the powers of the Administrator, shortly to be published in Italy to regulate relations between the Italian and Somali Judicial Regulations.

(19) Therefore a new judicial plan will have to be taken into consideration forthwith, a plan that, in addition to being drawn up in conformity with the said Italian law, should present all the rules and regulations in a consolidated form, so as to make them easily understandable without referring to previous texts.

(20) In particular, the plan should, first of all, envisage a more rapid procedure, which might be simplified by unifying the civil and criminal courts. It should also take into account the observations and desires expressed on various occasions.

There is no need to add that the principle of a clear separation of the judicial from the administrative authorities must be reaffirmed.

#### E. *Police Regulations*

(21) The police regulations are in progress. It would seem advisable to delete the part concerning political parties and associations in general, which should be dealt with in a separate regulation.

There is no doubt that a law governing the right of association must lay down also controls and prohibitions, such as, e.g., to forbid political parties to carry out a commercial activity; a control of their budget will be an essential element of the new Regulations.

## II. *Economic development*

#### F. *General*

(22) The Administration has already suggested to the Foreign Office that it send to Somaliland an economist, specialized in the preparation of organic plans, in order to arrive at the formulation of an economic development programme which should take into account all studies already made, and particularly the conclusive report of the Technical Assistance Mission of the United Nations. As is known, the publication of this report, whose data are indispensable to us, both to conform our plan to its guidance and to complete our points of view, was delayed owing to the death of Mr. Dean, the Head of the Mission.

(23) When all is said and done, the economic programme, which will have to merge with the financial one, must provide for :

A survey of the present economy of Somaliland;

An analysis of economic development possibilities from the two points of view :

- (a) Of strengthening and improving the existing economy;
- (b) Of inserting new elements into Somaliland's economy;

A financial plan, which will have to be drawn up from various points, according to the various possibilities that may become available to the Territory, namely :

Financial means of the Territory;

Italian public and private financial means;

International public and private financial means, including all other forms of international technical assistance.

#### G. *Taxation*

(24) Some fundamental principles, to be followed in this matter, must be established : first of all the taxation system must be discussed and approved by Somalis, and one of the first legislative activities that may be opportunely given over to Somalis could be, in fact, the one concerning taxation. It will be useful to confront the Territorial Council with one of the most delicate and important realities of political life.

(25) In addition it will be necessary to draw up a single text of tax legislation, either by simplifying its present structure or by rendering it accessible also to Somalis. For this purpose, the constitution of a special joint Italian and Somali Committee should be envisaged. This committee, besides seeing to the elaboration of the single text, would also be responsible for considering suggestions for simplification, for innovation and for the introduction of new taxes.

(26) In any case, the tax legislation will maintain the principles of non-discrimination and progressiveness.

#### H. *Budget*

(27) Our financial policy aims to arrive at balancing the budget, which shows at present a large deficit, since the Territory's income covers only one-third of the total expenditure.

(28) It is only fair, however, to recognize that a portion of these major expenses are peculiar to the Italian Administration, and should cease to exist in an independent State. Therefore the budget will have to be established in a different manner, experimentally as from 1 January 1953, and definitively as from 1 January 1954. Somaliland's budget, strictly speaking, ought to include only expenses that may reasonably be considered peculiar to the Somali State, forming a minimum for such State's administrative and economic life. Major expenses proceeding from an Italian administrative superstructure would be entered in a special section of the budget, and would, obviously, be charged entirely to the Italian budget.

Expenses of the real and proper Somali budget ought to tend to balance with the income, at least during the last years of Italian administration. For the time being there will, no doubt, be a deficit that will be covered by a contribution from the Italian State.

Expenses will have to be grouped in rubrics, according to the nature of the services, including the cost of the staff attached to the different services.

(29) One of the fundamental points on which it is not possible to change our attitude is that the Italian State's contribution to Somaliland's budget and the direct expenditure of the Italian State for its own Administration must not exceed a total of 6,000 million lire, which amount is to be considered reducible, during the current financial year, but which may in no case be exceeded.

(30) To this concept it should be added that part of the necessary credits may be advanced as a loan; others may appear in special financial operations, in the form of direct investments or in other forms.

This matter will be an integral part of the general economic plan, especially the part concerning the system of medium and long-term loans.

#### I. *Land*

(31) The land problem is particularly ticklish, and it is

advisable to have it tackled by a joint Italian and Somali Commission, in which the Somalis should prevail, and that the Commission's work be supplemented by inquiries and investigations made with Somali leaders. It might be advisable to draw up and distribute a questionnaire to be submitted to the various leaders about which it will be advisable to hear also the opinion of the best Italian experts in matters of Somali land legislation.

(32) One principle must naturally be laid down, namely : that of the guarantee of rights acquired by third parties, both Somali and European.

#### L. *Agriculture, livestock husbandry, water research*

(33) Fairly large programmes are under way, partly connected with the educational plan (agricultural school), with the industrial organization (hides and skins tannery) and with the technical assistance for water research (deep and shallow drillings). The early stages of the programmes seem to be good everywhere, and we must persist in the course set. In this field, too, the "plan" mentioned in section 22 may give useful suggestions.

### III. *Educational and social development*

#### M. *Labour*

(34) Many international agreement provisions have already been extended to the Territory. In addition it has been arranged for an AFIS official to contact ILO experts in Geneva to study and prepare a plan for the elaboration of a Labour Code, which may be commenced soon and completed by 1954 or 1955.

#### N. *Prison regulations*

(35) New prison regulations are to be taken into consideration at once.

The organization of a penal colony and a juvenile delinquents' penal colony is already under way, as well as improvement and enlargement of prison buildings in Mogadiscio and other centres.

#### O. *Public health*

(36) An organic public health plan is being considered by the Public Health Inspectorate of Somaliland, which will have to speed up its work to submit it as soon as possible to the opinion of the proper organs.

The medical organization of Somaliland should comprise a central and a peripheral organization.

(37) The central organization might be composed of the Public Health Inspectorate with its various sections, a health and prophylaxis laboratory, a medical store, a public health office, a port medical office, an anti-tuberculosis dispensary, a field sanatorium and a complete and well-equipped central hospital.

(38) The peripheral organization should not have a rigid nature, but a variable one according to the territory's importance. Each region will be provided with a regional chief medical officer, who will have a better-developed hospital organization, comprising itinerant physicians.

Medical assistants or residency public health assistants, fixed or itinerant, with one or more dispensaries, will be placed under the regional chief medical officers.

(39) The number of physicians may reach a total of about fifty doctors of medicine.

(40) The public health organization must be supplemented by courses for medical assistants, Somali dressers and Somali midwives. Some of these courses have already begun.

The public health plan must include provisions for antimalaria prophylaxis (in respect of which, as is known, arrangements have already been made with WHO, one of whose officials, Dr. Morin, came recently to Somaliland to prepare, together with our medical experts, a plan to be carried out as from 1 January 1954), and provisions for the campaign against tuberculosis, bilharziasis, ankylostomiasis and syphilis.

It will have to be supplemented by careful investigations in the field of nutrition, assistance to young children and health propaganda.

#### P. *Schools*

(41) In the educational field a five-year plan has already been drawn up, which serves as a basis of discussion for the present, and which, as you are aware, is to be further considered, with a view to its improvement, in co-operation with UNESCO. A UNESCO expert is expected to arrive shortly. The plan, among other things, will have to be supplemented by provisions, some of which are already in operation, consisting of :

Scholarships in Italy for student-teachers;  
Scholarships in Italy for medium schools;  
Training courses for police and army officers.

## DOCUMENT T/1061 and Add.1

### Comments of the United Nations Educational, Scientific and Cultural Organization on the draft five-year plan for education in the Territory of Somaliland, 1953-1957

[Original text : English and French]  
[16 June 1953]

LETTER DATED 15 JUNE 1953 FROM THE ACTING DIRECTOR-GENERAL, UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, TO THE ASSISTANT SECRETARY-GENERAL, DEPARTMENT OF TRUSTEESHIP AND INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

In accordance with the desire expressed by the Trusteeship Council at its 409th meeting, on 13 June 1952, which was communicated to me in your letter TRI/130/02

dated 18 June 1952, I have the honour to enclose herewith UNESCO's comments on the draft five-year plan for educational development in Somaliland, 1953-1957.<sup>1</sup>

The plan was drafted by the Italian Administration early in 1953 with the help of a UNESCO expert, whose mission was to collaborate with the Italian authorities on the question.

<sup>1</sup> See document T/1064.

Following requests from the Principal Secretary of the Advisory Council for the Trust Territory of Somaliland under Italian administration dated 22 September and 13 November 1952, the comments will also be communicated to him.

These comments have been submitted to the Executive Board of UNESCO, which has approved them in their present form.

(Signed) John W. TAYLOR

#### COMMENTS ON THE FIVE-YEAR PLAN FOR EDUCATION IN THE TERRITORY OF SOMALILAND, 1953-1957

1. In 1951, the Italian Trusteeship Administration prepared the preliminary draft of a five-year plan for educational development in Somaliland, to cover the school years 1951-52 to 1955-56. This five-year plan was ready just as Mr. A. Fielding Clarke, a technical adviser of British nationality sent by UNESCO, was about to complete his two months' mission in Somaliland; he was thus unable to take account of this draft in his recommendations. The Administration then worked out a second draft and requested UNESCO to send another technical adviser to study the five-year plan. UNESCO sent Mr. Henri Grandjean, Secretary-General of the Education Department, Primary and Secondary School Director of the Republic and Canton of Geneva (Switzerland), who stayed in Somaliland from 9 February to 22 April 1953.

2. A third draft, prepared by the Administration with the second technical adviser's assistance, was completed in April 1953. As this third draft begins with the school year 1952-53, the new five-year period will end with the school year 1956-57. The advantage of having chosen this termination date will be that, during the years 1957-60, the authorities will be able, if necessary, to improve and enlarge upon the organization of the five-year plan in the light of experience gained during the preceding five years.

3. The Italian Administration has conducted several experiments during the past three years. It has organized various schools and courses to meet the most urgent needs, i.e., to combat adult illiteracy, provide part of the child population with primary education, and establish a nucleus of secondary and vocational schools. Previously, schools were not all organized on the same lines; as a general rule, pupils were enrolled by means of a simple entrance examination which was supposed, more or less, to be a test of their general culture. During the last three years, however, some notion has been gained of how schools should be organized, if education is to follow on smoothly from one to the other. In the third draft of the five-year plan, the final organization of this whole group of schools, providing education which will follow on from one school to another, has been worked out. In this manner, a sound educational system will be established.

#### *Primary education*

4. In accordance with the plan, primary education will be provided, as at present, in primary schools with six

grades, i.e., a preparatory grade and five primary grades, numbered one to five. These schools provide day courses for children of 5 to 11 years. There will be a fairly substantial increase in the number of these schools during the five-year period, i.e., from 86 to 140, and the number of classes will be increased from 308 to 736. There are two reasons for this: first, new schools and classes are to be established and, secondly, the number of higher classes will have to be increased to allow for pupils in the lower classes to move up. It should not be forgotten that, as primary schools have existed for only three years, most of the pupils are in the preparatory or first and second grade classes, and there are very few of them in the third, fourth and fifth grade classes.

5. Unfortunately, as the people have not yet acquired the habit of sending their children regularly to school, it is impossible to count on stable numbers of pupils and to assume that all the pupils at present in the preparatory classes will be in the fifth primary grade in five years' time. On the contrary, it is to be feared that some of them will leave school before the end of the primary course. This is due to the fact that many pupils were considerably over average age when they entered a primary school; it is particularly true of girls, most of whom are at present in the preparatory or first grade classes, although they are not of an age corresponding to that school level. As they marry very early, many of them will leave school before moving up through the various grades.

6. Primary schools also organize special day courses, hitherto attended by boys of 12 to 15 years, who cannot be grouped with much younger children and who work through the curriculum of several classes within a single year. These special courses meet a real need and have produced very interesting results. The possibility of starting such courses for girls also is under consideration.

7. The five-year plan further provides for the establishment of a rural primary school, as distinct from urban primary schools. The school's first aim will be to provide practical training in agriculture and cattle-breeding. This different type of primary school will be opened, on an experimental basis, in July 1953, with a few primary teachers who feel capable of providing this new form of education. In accordance with the five-year plan, future teachers are to be trained to teach such special subjects, which are of very great importance in a country like Somaliland.

8. It is anticipated in the plan that 22,080 pupils will be attending day courses at the end of the five-year period: although this does not imply compulsory schooling for all children, the number does represent a considerable proportion of the children with fixed domiciles, i.e., approximately 10 per cent of the non-nomad population (250,000 inhabitants), taking account of the fact that elementary schools have only five grades, since the preparatory class is optional.

9. The male orphanage at Mogadiscio and the centre for re-education of juvenile delinquents can also be counted as primary schools.

10. The number of places available in the orphanage has again increased (there are already over 200). All the orphans attend day courses in primary schools and, in addition, receive a vocational training, which it is now planned to extend. An agricultural section is to be opened in a plantation area along the Uebi Scebeli river, and the Administration hopes to establish a children's village where the inmates will be able to acquire experience in "self-government".

11. A similar effort has been made on behalf of juvenile delinquents. A re-education centre, to be organized on the same lines as an agricultural colony, will be opened at some distance from the prison. During 1953, an institution will also be established for the girls, who have hitherto been given no education during their detention.

12. The campaign against juvenile delinquency and particularly against prostitution among minors, which appears at present to be a menace, will be continued. All the competent authorities will take preventive measures and efforts will be made, as far as possible, to awaken the interest of indigenous groups in this question, which is of such vital importance to the future of young people in Somaliland.

13. To complete the picture of primary education, it should be recalled that a school medical service already exists, there being an individual health card for every child.

#### *Secondary education*

14. Secondary education also will be expanded. The junior intermediate school follows on from the primary school. A second school of this type will probably be opened in July 1954 at the centre of one of the commissariats, at Ischia Baidoa. By that time, Somaliland will have three junior intermediate schools, for there is already an Italian school which is open to all native children without discrimination. Junior intermediate school curricula will be revised, in the light of experience gained. The main purpose of such schools is to help to form an elite.

15. In July 1953, a senior intermediate school, following on from the junior intermediate school, will be established with four educational grades. This school will be organized on the same lines as the local Italian *gymnasium* and *lycée* (higher secondary schools), which are exactly the same as the equivalent schools in Italy. The Administration intends to draw up the curricula of senior intermediate schools in such a way that pupils passing their school-leaving certificate will have access to foreign universities. In order, however, to give pupils at senior intermediate schools some other opening, the school-leaving certificate will enable them to enter certain professions.

16. Another type of secondary school is the school for Moslem studies, which has recently been opened. Within the next few years, second, third and fourth classes will be established in succession, and the two latter classes will be divided into sections, one for pupils wishing to enter the career of *cadî*, and the other for those intending to become preachers.

#### *Training of primary teachers*

17. The Teachers' Training School will open at Mogadiscio in July 1953. It will take students from junior intermediate schools and will provide them with a three years' course of teachers' training.

18. In order to encourage people to take this course, student-teachers will enjoy very considerable advantages; they will be fed and housed in the Mogadiscio *collegio*, i.e., in a very well-organized boarding-house, which may do much to raise the population's standard of living. Owing to the fact that only a small number of pupils will obtain their junior intermediate school certificate during the next few years, enrolment at the school will be very limited in the early stages.

19. In the meantime, therefore, the Administration will have to continue to recruit Italian primary teachers trained in the country or in Italy, and Arabic-speaking primary teachers from Libya, Lebanon and Syria. During the holidays, all these teachers must follow refresher courses, where they will learn the language of the country and receive instruction about its living conditions. No education can be really effective unless teachers understand their pupils' mentality perfectly.

20. As has been the practice hitherto, Somali teachers will be recruited by competitive examination, in order to provide for a body of assistant teachers until such time as the Teachers' Training School turns out trained people in sufficient numbers. Somali teachers thus recruited will also follow refresher courses during the holidays. If they fulfil certain conditions, they may hope later to become fully-fledged teachers—and that is very important if this exceptional method of recruitment is to prove satisfactory. All primary teachers who have to teach in rural schools will be required to take an agricultural training course at the Agricultural College near Merca.

21. Lastly, scholarships will be granted to young Somali primary teachers, to enable them to follow advanced courses in Italy and improve their education by travel in that country.

22. All the above-mentioned measures—except for the opening of the Teachers' Training School—are but palliatives. The educational situation in Somaliland will not be really satisfactory until there are enough properly qualified native-born teachers.

#### *Vocational training*

23. Just as primary education should be available to as many pupils as possible, so vocational training should lead to the formation of a class of capable industrial and handicraft workers, at present lacking in Somaliland. It is planned to have several types of courses and schools for this purpose; some already exist and are well organized, some have just started and experience will dictate the normal length of the course, and others will be established during the five-year period.

24. Elementary vocational courses for apprentices may, to a certain extent, come under the heading of adult education, of which more will be said later. Their purpose

is to teach elementary techniques and the use of implements and tools unknown to the population; these courses will be for mechanics, carpenters, masons, leather-workers (tanners and cobblers), weavers and embroiderers. There will be a series of courses designed to give the majority of the population a knowledge of agricultural and cattle-breeding techniques; trainees will learn how to yoke oxen, milk cows and preserve the milk. Other courses will be for the training of agricultural overseers and tractor-drivers, or for demonstrating results obtained by scientific agricultural methods.

25. Apprentices will be trained at a number of regular vocational training schools; some of these will provide industrial courses and courses in handicrafts, while others will train students for navigation, trade, agriculture, or the health services.

(a) A vocational school for training in carpentry and mechanics will open in July 1953 and will accept students who have already followed two annual preparatory courses. The school will provide a three years' course of study, and it is planned to introduce refresher courses for specialists in various fields.

(b) A handicrafts school will be opened during the five-year period; it will cover a whole series of professions, and will endeavour to improve existing handicraft industries which can be developed to advantage, such as : hand-weaving of materials (*foutas*), gold- and silver-smithery, jewellery, braiding (baskets, mats, etc., in the various textile fibres which are so plentiful in the country), inlay and ivory work (which is a very common form of handicraft in Somaliland, but has not yet been developed adequately) and, lastly, pottery, which for the time being is only a small " family " industry.

(c) In 1954, a vocational school for tanning and leather-work will be opened at Brava, where the quality of the water facilitates tanning. At the present time, Somaliland is rich in skins and furs, but a proportion of them is wasted owing to the inability of the indigenous inhabitants to process them properly. This training school will thus have an extremely important part to play in promoting the country's economic development.

(d) The Vocational Fishing and Navigation School, which has just been opened, trains students to become *padroni marittimi*, i.e., junior officer rank in the Italian Merchant Navy. Other branches of the school will be opened, probably also in other localities, in order to develop fishing and shipbuilding. Somaliland has a very long coastline on an ocean abounding in fish and, hitherto, maritime resources have not been properly exploited. Through the training given in this school, it is hoped to supply a very large proportion of the population with fish.

(e) The School for Aviation Specialists will also be developed.

(f) An Italian commercial school has recently been opened. It will probably be transformed into a Somali school, taking over various courses already existing (particularly typing courses).

(g) The Technical Agricultural College which has recently been established will be greatly expanded, for

it too provides a kind of training likely to lead to an improvement in the living conditions of a large proportion of the population. It is even planned to start refresher courses and to send the best students, when they have been graduated, to agricultural colleges abroad.

(h) A domestic science school for girls and women, providing day and night courses, will be opened in 1953; students will receive instruction in elementary hygiene, child welfare, domestic economy, cooking, etc.

(i) Vocational training in the field of health, coming under the authority of the Department of Health, is already fairly well advanced. It will be completed by the establishment of a senior medical school providing a two years' course for the training of first-grade medical assistants, capable of replacing doctors in hospitals and dispensaries throughout the Territory. From 1956 onwards, this Senior Medical School will admit nurses who have already passed their examination as second-grade medical assistants at the Junior Medical School and who have at least two years' service to their credit. In addition, refresher courses for social workers will be organized; and there will also be courses for public health assistants, destined to collaborate with the municipal authorities in all matters affecting public health. Although it will be impossible to train native doctors during the five-year period or even in the following years, it should be possible, by means of all these medical courses, to obtain a well-trained body of medical assistants.

#### *Higher education*

26. The School of Political Administration, which aims at training senior officials and civil servants for the future State of Somaliland, will be maintained and, if necessary, expanded.

27. Several fellowship-holders are already studying in Italy in a centre specially established for them, which the Italian Government is planning to develop. Other Somalis have been awarded fellowships by the Egyptian Government.

28. The Administration intends to continue this policy of training an elite and sending Somalis to foreign educational institutions which cannot, probably, be established in Somaliland.

#### *Fundamental education*

29. The five-year plan provides for a considerable extension of night classes for adults (three-year course), which will be completely separate from existing primary schools. Such classes for adults are no longer to be allowed, in some cases, to replace day classes, and to provide a convenient way of avoiding school attendance for five or six years. It should not be forgotten that classes for adults also include all the courses for Somali servicemen, the police force and para-military organizations. There are even night secondary classes at the junior intermediate school.

30. For the general run of the population, the Administration intends to create a large number of reading centres and to establish a sort of school village, modelled on a bush village, and providing all possible facilities within

the country's means. The Administration has asked UNESCO for a fundamental education expert and also for one on nomad education. In the meantime, the Administration plans to experiment in 1953 with a mobile school, which will follow one of the larger groups of nomads. As there is no single way of writing the Somali language that is accepted by the whole population, the education given will be mainly oral, visual aids will also be used and especially film-strips, which are easier than moving films for uninitiated audiences to understand.

#### *Organization of the educational system*

31. The five-year plan provides for the reorganization and expansion of the Central Public Education Office, the various central educational divisions and the regional divisions. It is essential that the Director of the Public Education Office be relieved of some of the routine administrative work; he should have a senior official to assist him, as administrative secretary. Inspectors-general will also be needed to travel about the country, giving advice to regional directors and teachers and thus helping to improve the quality of education in Somaliland.

32. Further, efforts will be made to enable the people themselves, or at least the elite, to play a part in educational affairs through the Central School Council, the regional school councils, etc. The population must be made aware of the seriousness of educational problems and induced to collaborate as closely as possible with the Administration in this field.

#### *Conclusion*

33. The most important point at present is that the Italian Administration should be able to execute the five-year plan as set forth in the third draft. Successes achieved by the Administration since 1950 are a sure guarantee that it intends to make every effort to execute the plan in its entirety. Thus Somaliland will have a whole network of primary, secondary and vocational schools capable of raising the general standard of education and of improving economic and social conditions, and sufficiently numerous to meet the limited needs of a country with very meagre resources, where the main source of livelihood is cattle-rearing. This plan has the further advantage of not requiring the expenditure of large sums of money which the future Somali State would be incapable of finding.

### DOCUMENT T/L.351

**Letter dated 16 June 1953 from Mr. Abdullahi Issa, representative of the Somali Youth League, to the President of the Trusteeship Council**

*[Original text: English]  
[16 July 1953]*

*Note by the Secretary-General.* In accordance with the decision of the Trusteeship Council taken at its 462nd meeting on 17 June 1953, the text of the following letter is circulated for the information of the members of the Council.

1. I wish to express my thanks for the invitation you kindly extended to me to appear before the Trusteeship Council on behalf of the Somali Youth League in connexion with petitions submitted by the League.

2. It is my understanding that both the General Assembly of the United Nations and the Trusteeship Council favour the participation of the indigenous inhabitants of Territories under the International Trusteeship System in the work of the Trusteeship Council. Accordingly, I respectfully request from you the permission to participate, without the right of vote, in the Council's debates on Somaliland during the current session.

*(Signed) Abdullahi Issa*

### DOCUMENT T/L.361

#### **Report of the Drafting Committee**

*[Original text: English]  
[1 July 1953]*

1. At its 466th meeting on 23 June 1953, the Trusteeship Council appointed a Drafting Committee composed of representatives of China, El Salvador, New Zealand and the United States of America to propose, on the basis of the discussions which had taken place in the Council, conclusions and recommendations on conditions in Somaliland under Italian administration and to make recommendations concerning the chapter on that

Territory for inclusion in the next report of the Council to the General Assembly.

2. The Drafting Committee held five meetings, at the first of which it elected Mr. William I. Cargo (United States of America) as its Chairman.

3. The Drafting Committee decided to recommend that the basic text for the chapter on conditions in the

Trust Territory of Somaliland under Italian administration, should be the Secretariat working paper (T/L.338), as revised to take into account the additional information submitted to the Council by the special representative from the Territory and the representative of Italy and certain other factual material contained in the annual report of the Administering Authority and in the Administering Authority's five-year plan for education (T/L.338/Corr.1).

4. In the light of the general discussion by the Council on conditions in the Territory, the Committee drafted a number of conclusions and recommendations which it considered as reflecting the opinions of the Council as a whole and has annexed them to the present report.

5. The Committee accordingly recommends to the Trusteeship Council that it adopt the working paper on conditions in Somaliland under Italian administration (T/L.338 and Corr.1) as the basic text for the chapter on that Territory for inclusion in the next report of the Council to the General Assembly, that it adopt the following conclusions and recommendations relating to conditions in Somaliland under Italian administration, and that it include those conclusions and recommendations at the end of the appropriate section or sub-section of the chapter on Somaliland under Italian administration for inclusion in the next report of the Council to the General Assembly.

## I. GENERAL

### *United Nations Advisory Council*

6. The Council notes with satisfaction the spirit of co-operation which exists between the Advisory Council and the Administering Authority, and the atmosphere of harmony which now exists within the Advisory Council, and welcomes the measures taken and those which are contemplated to strengthen co-operation between the Advisory Council and the Administering Authority.

### *Question of the frontier with Ethiopia*

7. The Council, recalling the conclusion reached at its eleventh session on this subject, considers that the settlement of the boundary question remains an urgent matter in view of the objective of independence for Somaliland by 1960, notes that direct negotiations between the Governments of Italy and Ethiopia are continuing, and expresses the hope that a satisfactory settlement will be reached as expeditiously as possible.

### *General development of the Territory*

8. The Council notes the steps already taken by the Administering Authority in planning for the future independence of the Territory, particularly in the political and educational fields, notes further that as the time for the attainment of independence approaches, the need for detailed plans in all fields in terms of a definite time schedule becomes urgent, and recommends that continued efforts be made by the Administering Authority to draw up and implement such plans.

9. The Council further suggests that henceforth the annual reports of the Administering Authority comment specifically on whether the rate of progress in training the Somalis for self-government is increasing rapidly enough in view of the objective of independence for Somaliland in 1960, and whether the Territory can maintain an adequate level of government services without continued outside aid.

## II. POLITICAL ADVANCEMENT

### *Political organizations*

10. The Council considers that the effectiveness of the government of the independent State will depend largely on the constructive activities of the political parties from which will come the nucleus of the civil service and the government, notes that there has been a reduction of political tensions in the Territory and that relations among the political parties and between the parties and the Administering Authority have notably improved, urges the constructive co-operation of all political parties in achieving the objectives of the Trusteeship Agreement and expresses the hope that the political parties and the Administering Authority will henceforth surmount together the many difficult obstacles that remain to be overcome before the Territory can hope to stand by itself.

11. The Council notes the repeated assurances given by the Administering Authority concerning its determination to maintain the free activity of political groups in the Territory and welcomes the increased representation given to political parties in the Territorial Council which should have the effect of increasing the concern of political parties with the many pressing problems which must be faced.

### *Territorial Council*

12. The Council, recalling its recommendation on this matter at the eleventh session, notes with satisfaction that two functional committees have been established in the Territorial Council and that two Somali vice-chairmen elected by the members of the Territorial Council preside over the meetings of the Council and of its committees, expresses the hope that the committee system will be further developed as rapidly as practicable and urges the Administering Authority to take steps to grant progressively broader legislative powers to the Territorial Council.

### *Administrative services*

13. The Council notes that Somalis have been designated as vice-chairmen and as secretaries of the Territorial Council, as residents and vice-residents, and as officers in the Security Corps; that over one half of the police posts of the Territory are entrusted to Somalis; and that the number of Somalis in the administrative services increased by 352 during 1952; and expresses the hope that this process of Somalization of the government will be intensified.



*Judicial system*

14. The Council notes the steps taken by the Administering Authority to separate further the judicial and administrative functions and expresses the hope that steps will be taken to complete this separation as rapidly as possible.

15. The Council recalls the recommendation adopted at its eleventh session, notes the steps thus far taken to reduce the period of detention before trial, that a Court of Appeals has been set up, that a Supreme Court has been provided for by law and that judicial regulations are being drafted, and expresses the hope that the Supreme Council will soon begin to function and that the judicial regulations will be completed as soon as possible.

16. The Council notes that collective sanctions are still applied in inter-tribal disputes and expresses the hope that they will be replaced as rapidly as practicable by other penalties based on the concept of individual responsibility.

## III. ECONOMIC ADVANCEMENT

*General*

17. The Council is of the opinion that the economic deficiencies of the Territory and the problems arising in connexion with economic development present serious obstacles to the achievement of economic viability for the future independent State and considers that it is essential that all economic resources and possibilities be carefully reviewed in the light of the conclusions and findings of the United Nations Technical Assistance Mission.

18. The Council notes the steps taken thus far by the Administering Authority to draw up an economic plan for the Territory based on the report of the United Nations Technical Assistance Mission and urges the Administering Authority to complete the elaboration of a comprehensive economic plan as a matter of highest priority taking into account the recommendations of the United Nations Technical Assistance Mission, particularly with reference to the future needs of the Territory as an independent State, and requests the Administering Authority to report specifically on the plan and its implementation.

*Public finance, taxation*

19. The Council, while noting that the revenues from the Territory during the year under review increased substantially over the previous years, observes nevertheless that these constituted less than 40 per cent of the total budgetary requirements of the Territory and reiterates the views expressed at its eleventh session to the effect that the only sound basis on which the independent State could be set up was one of self-support.

20. The Council recalls the suggestion of the 1951 Visiting Mission that an initial study of the level of government services which the Territory could support from its own resources should be made no later than the date of the next visiting mission of the Council to the

Territory and requests the Administering Authority to make a preliminary investigation of this matter in preparation for the mission which is expected to visit the Territory.

*Land tenure*

21. The Council notes that no new concessions of land were considered during 1952 and notes with satisfaction the initiative taken by the Administering Authority in drafting land legislation and that the committee entrusted with this task includes members of the Territorial Council and other Somalis.

*Agriculture and stockraising*

22. The Council expresses the hope that in further developing crops for export the Administering Authority will exercise caution in order that the production of food crops will be sufficient to meet the needs of the people of the Territory.

23. The Council notes with interest the attention devoted by the United Nations Technical Assistance Mission to the development of agriculture and stockraising and awaits with interest the recommendations that will be made in this field in the comprehensive plan for the economic development of the Territory.

24. The Council notes the achievements of the Administering Authority in fostering the growth of farmers' co-operatives and notes with satisfaction the plans to expand this programme so that it will affect 100,000 Somalis.

*Fisheries*

25. The Council notes with satisfaction that a study of fisheries has been made by the Administering Authority with the co-operation of the Food and Agriculture Organization (FAO), that a branch of the Maritime and Fishing School at Mogadiscio is being established at Bender Cassim, that the collaboration of FAO in the development of this school is being sought and anticipates with interest information as to the results of the study of fisheries and the establishment of the school.

*Water supplies*

26. The Council is of the opinion that improved water supplies are essential to the economic progress of the Territory, to the stabilization of the nomadic population, and to the elimination of the inter-tribal conflicts in certain sections of the Territory, notes that new drilling equipment has been obtained and that the construction of 100 new wells has been initiated, expresses the hope that these measures will continue to be pursued energetically and urges the Administering Authority to give careful consideration to practicable measures for conservation of water for irrigation purposes, including the construction of surface catchment systems.

## IV. SOCIAL ADVANCEMENT

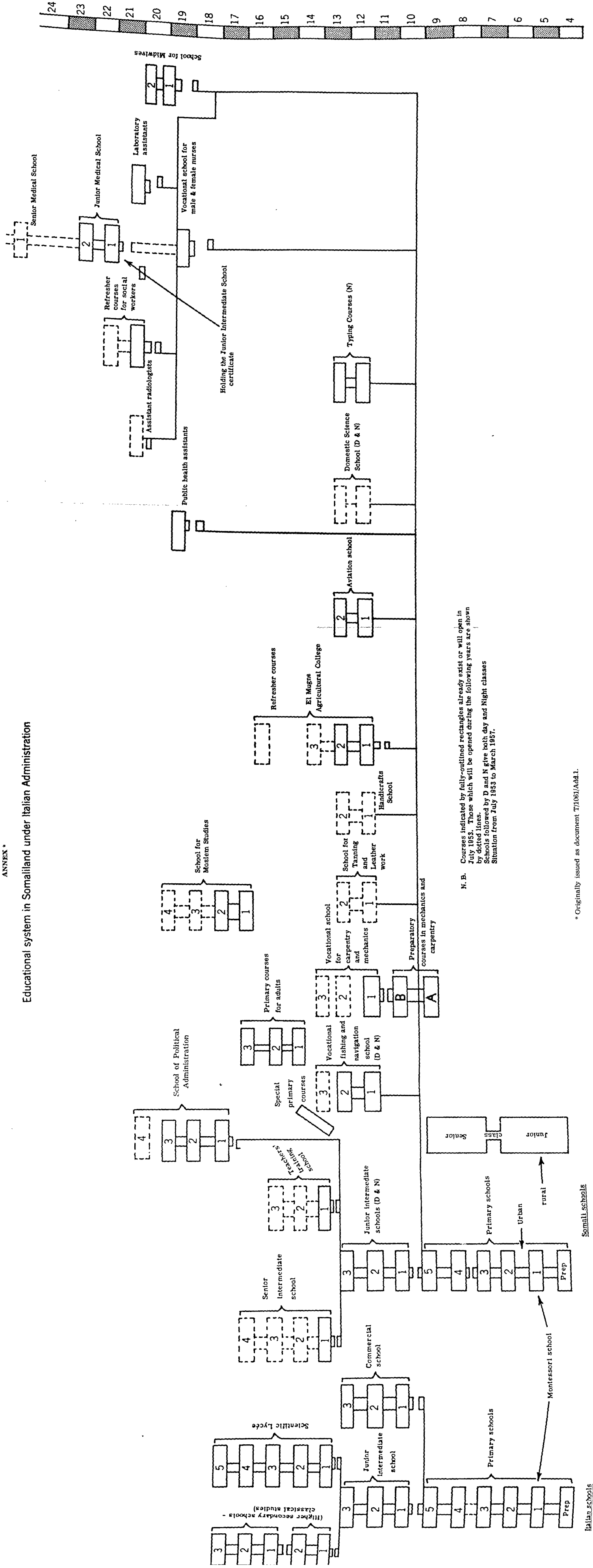
*Medical and health services*

27. The Council, conscious of the magnitude of health problems in the Trust Territory, notes the development



ANNEX \*

Educational system in Somaliland under Italian Administration



N. B. Courses indicated by fully-outlined rectangles already exist or will open in July 1953. Those which will be opened during the following years are shown by dotted lines. Schools followed by D and N give both day and Night classes Situation from July 1953 to March 1957.

which has taken place in respect of the medical and health facilities and the increased attention being given to preventive health measures in collaboration with the World Health Organization (WHO), expresses its interest in the campaign against malaria and tuberculosis, and hopes that the measures being taken will prove effective in reducing considerably the incidence of these two diseases.

*Prison system*

28. The Council notes with satisfaction the steps taken to repair and rebuild prisons and the assurance of the Administering Authority that juvenile delinquents and women offenders will be housed in separate quarters before the end of 1953.

V. EDUCATIONAL ADVANCEMENT

*General*

29. The Council welcomes the Five-Year Plan for Education, presented by the Administering Authority to the Council at its twelfth session, as a significant contribution to educational advancement in the Trust Territory. The Council notes the following statement of the United Nations Educational, Scientific and Cultural Organization (UNESCO) appraising the Plan:

"The most important point at present is that the Italian administration should be able to execute the Five-Year Plan as set forth in the third draft. Successes achieved by the Administration since 1950 are a sure guarantee that it intends to make every effort to execute the Plan in its entirety. Thus Somaliland will have a whole network of primary, secondary and vocational schools capable of raising the general stan-

dard of education and of improving economic and social conditions, and sufficiently numerous to meet the limited needs of the country with very meager resources, where the main source of livelihood is cattle-rearing. This Plan has the further advantage of not requiring the expenditure of large sums of money which the Somali State would be incapable of finding (T/1061)."

The Council wishes to extend to UNESCO its congratulations for its helpful collaboration with the Administering Authority. The Council awaits with great interest information on the implementation of the Five-Year Plan, and considers that the effective development of education in the Territory requires the further expansion of the teacher-training programme and a continued increase in budgetary allocations.

*Development of the Somali language*

30. The Council recalls its conclusion adopted at its eleventh session and considers that the development of the Somali language in written form is a matter of great urgency and that an appropriate alphabet for this purpose should be decided upon as soon as possible.

*Mass and adult education*

31. The Council notes that the assistance of UNESCO is being sought in developing a programme of mass education, is of the opinion that a considerable expansion of this programme can be effected by the development of the Somali language in a written form and expresses the hope that the mass education campaign will be vigorously pursued, and in this connexion notes the increasing use that is being made of the system of public broadcasting.

**(b) Trust Territory of the Pacific Islands, for the year ended 30 June 1952**

**DOCUMENT T/L.366**

**Report of the Drafting Committee**

[Original text: English]  
[7 July 1953]

INTRODUCTION

1. At its 470th meeting on 29 June 1953, the Trusteeship Council appointed a Drafting Committee composed of representatives of the Dominican Republic, France, Syria and the United Kingdom to propose, on the basis of the discussions which had taken place in the Council, conclusions and recommendations on conditions in the Trust Territory of the Pacific Islands for inclusion in the next report of the Council to the Security Council.

2. The Drafting Committee held two meetings, at the first of which it elected Mr. E. de Marchena (Dominican Republic) as its Chairman.

3. The Drafting Committee decided to recommend that the Secretariat working paper (T/L.353), as revised to take into account the additional information submitted to the Council by the special representative from the Territory and the representative of the United States (T/L.353/Corr.1), should be the basic text for that section of the Council's report which will deal with conditions in the Trust Territory.

4. In the light of the general discussion by the Council on conditions in the Territory, the Committee drafted a number of conclusions and recommendations which it considered as reflecting the opinions of the Council as a whole.

5. The Committee accordingly recommends to the Trusteeship Council that it adopt the working paper on conditions in the Trust Territory of the Pacific Islands (T/L.353 and Corr.1) as the basic text for that part of the report of the Council to the Security Council which will deal with conditions in the Trust Territory; that it adopt the following conclusions and recommendations relating to conditions in the Trust Territory; and that it include these conclusions and recommendations at the end of the appropriate sections or sub-sections of the relevant part of the Council's report to the Security Council.

## DRAFT CONCLUSIONS AND RECOMMENDATIONS

### I. GENERAL

#### *General considerations*

6. The Council, considering that the report of its 1953 Visiting Mission to the Trust Territory presents a valuable review of the essential characteristics and problems of the Territory, of the policies and accomplishments of the Administering Authority, and of the directions in which further progress may be made in the advancement of the Territory and its inhabitants, and having taken the Mission's report into account in its examination of conditions in the Territory, commends the findings and recommendations of the Mission in general to the earnest consideration of the Administering Authority.

7. The Council, recalling the action taken by the General Assembly and itself in favour of the participation of indigenous inhabitants of the Trust Territories in its work, notes with pleasure the inclusion by the Administering Authority in its delegation, on the occasion of the examination of conditions in the Trust Territory, of two Micronesians resident in the Marshall Islands District.

### II. POLITICAL ADVANCEMENT

#### *Administration of the Territory*

8. The Council, noting that subsequent to the transfer of administrative responsibility for the Territory from the Department of the Navy to the Department of the Interior a part of the Territory has again been placed under naval administration, requests the Administering Authority to ensure that the general policies applied in respect of all parts of the Territory may be so co-ordinated as to meet the evident need of the inhabitants for a period of stability in administration and to preserve the identity of the Territory as a whole.

9. The Council, noting with interest the observations of the Visiting Mission upon the importance of securing suitably qualified administrative and technical staff for service in the Territory on a sufficiently long-term basis, and noting the awareness on the part of the Administering Authority as to the scope of this problem, commends the suggestions of the Visiting Mission in the matter to the continuing attention of the Administering Authority.

10. The Council, recalling the opinions which it has previously expressed as to the desirability of establishing the administrative headquarters of the Territory within the Territory itself, notes with interest that a site has now been selected; notes, however, that the Visiting Mission found the advantages and disadvantages of a move to this site fairly evenly balanced, and that the Administering Authority is conscious of these conflicting considerations; recommends that the Administering Authority continue to study all the implications of a decision on the matter, having due regard not only to those of immediate practical importance but also to those which may arise from the progressive assumption of responsibility by the indigenous inhabitants; and requests it to include in its next annual report the results of such further study.

#### *Development of self-government*

11. The Council welcomes the observation of the Visiting Mission that in spite of the peculiar difficulties arising from the geographical and ethnical characteristics of the Territory a significant measure of political advancement has been achieved; supports the Administering Authority in its decision to concentrate in the first instance on developing forms of self-government at the district level; and in this connexion notes with satisfaction a further increase recorded during the past year in the number of municipalities electing their officials by methods of popular suffrage and the intention of the Administering Authority to hold a central conference of district representatives to discuss local and district matters of common concern.

12. The Council notes with interest the continuing efforts of the Administering Authority to establish representative organs of government on a district basis and, while encouraging the Administering Authority to proceed with its plans to create such organs in all districts, recommends that it take all practicable measures to ensure that in each district, and particularly for the time being in the case of Saipan, the island or atoll containing the district headquarters does not assume a disproportionately dominant position in relation to the interests of the outlying areas; and recommends further that the Administering Authority, bearing in mind the eventual establishment of a central representative organ for the Territory as a whole, endeavour to develop as far as practicable district forms of self-government along uniform lines.

13. The Council, recalling its previous suggestions in favour of the taking of all practicable steps towards the creation of a territory-wide legislative body, takes note of the observation of the Visiting Mission that the physical and cultural diversity and dispersion of the Territory and its inhabitants constitute formidable difficulties in the way of political unification; and supports the view of the Visiting Mission that the most practicable approach to the establishment of a central legislature is by way of the development of regional and district organs and the grant to them of increasing legislative authority as their capabilities improve, until ultimately they may become fully responsible for local legislation affecting their districts.

*Organic Act*

14. The Council, recalling its previous recommendations favouring the enactment of basic legislation for the Territory, and considering that the adoption of a suitable Organic Act will serve the best interests of the inhabitants, is pleased to note that a draft law has been re-submitted to the Congress of the United States, and expresses the hope that such legislation will be enacted in the near future.

*Judicial organization*

15. The Council, noting that the judiciary has been reorganized in the year under review, welcomes the increasing participation granted to Micronesians in the judicial processes, and in particular the appointment of 21 Micronesians as special judges of the High Court.

## III. ECONOMIC ADVANCEMENT

*General*

16. The Council, noting that the report of the Visiting Mission confirms its previous impression of the relative paucity of the natural resources and the general economic potential of the Territory, endorses the opinion of the Mission that primary attention should be devoted to the development and improvement of agricultural production.

*Agriculture*

17. The Council, having recognized the primary importance of agriculture in the economy of the Territory, and noting the suggestions of the Visiting Mission in favour of a more intensive effort in this field, welcomes the recent creation by the Administering Authority of a field agricultural division and the completion of plans for a long-term agricultural programme as an assurance of further endeavours in that direction.

*Trade*

18. The Council, noting the importance attached by the Visiting Mission to the activities of the Island Trading Company in respect not only of the export and import trade but also of other economic activities of great benefit to the indigenous inhabitants, and considering that the existing indigenous economic organizations are not yet suitably equipped to assume the responsibilities of the company, shares the concern expressed by the Visiting Mission at the prospect of the early liquidation of the company; welcomes the further study being made by the Administering Authority as to a temporary extension of the life of the company; welcomes also the assurance given by the Administering Authority that the financing and control of the general economic development activities previously undertaken by the company have already been transferred to the territorial government, and that the copra price stabilization system may be maintained under other arrangements; and recommends that the Administering Authority continue to assist the development of indigenous trading enterprises in order to enable them to assume the functions of the company in the trading sphere.

*Land*

19. The Council, recalling that it had previously urged the prompt settlement of the various types of land claims which exist in the Territory, and noting the impression gained by the Visiting Mission that the delay in settling these claims is a matter of concern to the inhabitants, recognizes the difficulties involved and welcomes the fact that the Administering Authority has now defined policies to meet the interests of the Territory; and urges the Administering Authority to press forward with the disposal of claims, with due regard to a sound land utilization policy, and to implement its intention to explain the land policies to the inhabitants and to associate indigenous representatives with their administration.

*Transportation*

20. The Council, noting the emphasis placed by the Visiting Mission on both the great difficulties and the fundamental importance of providing adequate transportation and communications in the Territory, commends the Administering Authority for its resolute approach to this problem, as indicated in the plans at present being implemented, and expresses the opinion that a satisfactory solution of the problem now awaits only the securing of the full number of schooners required for the intra-district services.

*Public finance*

21. The Council expresses the hope that sufficient budgetary appropriations will continue to be made available for the administration and development of the Territory so that the present level of public services can be maintained, notably in the case of the educational services.

*Japanese currency and savings*

22. The Council, noting that the delay in settlement of claims in respect of Japanese currency, postal savings and bonds constitutes a source of dissatisfaction among the indigenous inhabitants, supports the view of the Visiting Mission that although the Administering Authority is not legally liable for these claims, some final action should be taken on them at the earliest opportunity; notes that the Administering Authority is presently considering the types of claims which may be included in any special arrangements to be negotiated with Japan under the provisions of the Treaty of Peace; and invites it to include in its next annual report an account of further progress in the matter.

## IV. SOCIAL ADVANCEMENT

*General*

23. The Council is pleased to note the impression gained by the Visiting Mission that, while certain problems remain of readjustment from the devastation of war, the living conditions of the inhabitants are generally good.

*Medical and health services*

24. The Council, recalling its previous favourable impressions of the efforts made by the Administering Authority to improve the health of the indigenous inhabitants, endorses the commendation expressed by the Visiting Mission in this respect, and notes with satisfaction the further successful efforts of the Administering Authority to train indigenous medical and health personnel and to entrust them with increasingly higher responsibilities.

25. The Council shares the view of the Visiting Mission that the provision of medical services to the inhabitants of the outlying islands should be improved, and expresses the hope that this may be achieved by the present plans of the Administering Authority for better and more frequent means of transportation within the districts.

## V. EDUCATIONAL ADVANCEMENT

26. The Council notes with interest and satisfaction the reorganization of the educational programme of the Territory in order to broaden and otherwise adapt it more adequately to the particular needs of the inhabitants, and joins the Visiting Mission and UNESCO in approving this practical approach to the problem of education in the Territory.

27. The Council, noting that the need to increase the numbers and qualifications of indigenous teachers constitutes the most urgent problem in the educational field, welcomes the plans of the Administering Authority to provide more extensive in-service training for teachers in addition to the regular summer training courses.

**(c) New Guinea, for the year ended 30 June 1952****DOCUMENT T/L.385 and Corr.1****Report of the Drafting Committee**

[Original text: English]  
[15 July 1953]

**INTRODUCTION**

1. At its 474th meeting, on 3 July 1953, the Trusteeship Council appointed a Drafting Committee composed of representatives of China, France, Syria and the United Kingdom to propose, on the basis of the discussions which had taken place in the Council, conclusions and recommendations on conditions in the Trust Territory for inclusion in the next report of the Council to the General Assembly.

2. The Drafting Committee held three meetings, at the first of which it elected Mr. H. K. Yang (China) as its chairman.

3. The Drafting Committee decided to recommend that the Secretariat working paper (T/L.357), as revised to take into account the additional information submitted to the Council by the representative of Australia and the special representative from the Trust Territory (T/L.357/Corr.1) should be the basic text for the chapter on conditions in the Trust Territory of New Guinea.

4. In the light of the general discussion by the Council on conditions in the Territory, the Committee drafted a number of conclusions and recommendations which it considered as reflecting the opinions of the Council as a whole and has annexed them to the present report.

5. The Committee accordingly recommends to the Trusteeship Council that it adopt the working paper on conditions in New Guinea (T/L.357 and Corr.1) as the basic text for the chapter on that Territory for inclusion in the next report of the Council to the General

Assembly; that it adopt the following conclusions and recommendations relating to conditions in New Guinea; and that it include those conclusions and recommendations at the end of the appropriate section or sub-section of the chapter on New Guinea for inclusion in the next report of the Council to the General Assembly.

**DRAFT CONCLUSIONS AND RECOMMENDATIONS****I. GENERAL***General considerations*

6. The Council, considering that the report of its 1953 Visiting Mission provides a valuable review of the essential problems of administration in the Trust Territory which is characterized by abnormally difficult terrain, excessive fragmentation of indigenous society and a diversity of vernaculars, and whose human and economic resources are still largely unexplored, endorses in general the observations, suggestions and recommendations put forward by the Mission as a contribution to the more effective solution of those problems and to the further progress of the Territory in all fields, and commends them to the earnest consideration of the Administering Authority.

*Form and content of the annual report*

7. The Council, recalling the view which it expressed at its tenth session as to the need for including more

complete information in the annual reports, notes that at its twelfth session a number of its members have drawn attention to matters upon which they consider that fuller information would be desirable, and welcomes the assurance of the Administering Authority that such information will be included in future annual reports.

#### *Understanding of the United Nations*

8. The Council, noting that the Visiting Mission did not find in the Territory any appreciable knowledge among the indigenous inhabitants concerning the aims and activities of the United Nations or of the basic objectives of the International Trusteeship System, and noting also that two of its members observed that a misunderstanding of the role of the United Nations in the Territory existed among certain sections of the European settler community, expresses the hope that collaboration between the Administering Authority and the Secretary-General will result in the supply to and dissemination in the Territory of increased information on the United Nations, suitably adapted to the linguistic and other cultural conditions of the indigenous inhabitants and calculated to promote a fuller understanding of the principles and purposes of the United Nations among the immigrant communities.

### I. POLITICAL ADVANCEMENT

#### *General administration*

9. The Council, noting the impression gained by the Visiting Mission that the authority of District Commissioners is considerably circumscribed by the highly centralized nature of the existing administrative organization, endorses the view of the Mission as to the desirability of delegating additional responsibility and power to them, and notes with interest the statement of the Administering Authority that a study is being made of means by which greater decentralization may be brought about.

#### *Peaceful penetration*

10. The Council endorses the commendation by the Visiting Mission of the Administration of the Trust Territory in respect of its record of peaceful penetration of uncontrolled areas, and notes in particular the arduous nature of the duties of the officers entrusted with this task.

#### *Legislative Council*

11. The Council, recalling its previous recommendations favouring increased participation by the indigenous inhabitants in the legislative system of the Territory, notes the view of the Visiting Mission that at the present stage of political development the Territory's representation of two indigenous members on the Legislative Council of Papua and New Guinea has little except educational significance; considers that the desirable objective of gradually increasing the representation of the indigenous inhabitants on the Legislative Council may at the present stage be most effectively approached by developing its usefulness as a means of political education and preparation for more active participation;

recommends to this end that the Administering Authority take all practicable steps, including the possible participation of additional indigenous persons in the work of the Council as observers as proposed by the Visiting Mission, to extend among the indigenous population an understanding of the legislative procedures; and requests it to include information on this matter in its next annual report.

#### *Municipal and district government*

12. The Council, recalling that provision is made in the Papua and New Guinea Act for the establishment of Advisory Councils for Native Matters upon which at least a majority of the total number of members would be indigenous inhabitants, and noting that the existing Town and District Advisory Councils, which are not statutory organs and are not related to the Advisory Councils proposed under the Act, are limited in membership to non-indigenous persons, endorses the view of the Visiting Mission that there should be no rigid formalization of political institutions on a bi-racial basis, and welcomes the assurance of the Administering Authority that when conditions are appropriate for the establishment of statutory district organs it will give full attention to the desirability of setting them up on a multi-racial basis.

#### *Local government*

13. The Council, noting the favourable impression gained by the Visiting Mission as to the effectiveness of the official Native Village Councils thus far established, endorses the view of the Mission that a rapid development of this system of local government would do much to hasten political advancement, and welcomes the statement of the Administering Authority that it proposes not only to make additional specialist officers available for this purpose but also to regard the development of local government as a primary responsibility of the district administrative officers.

14. The Council, noting further that a number of the official Village Councils already have jurisdiction over areas containing a group or groups of villages, and noting the views of the Visiting Mission as to the effectiveness of the example at Rabaul of area organization of this kind, urges the Administering Authority to proceed with the development of such wider units of local government in other parts of the Territory, having due regard to the desirability of adapting the pattern of their organization to the varying conditions and requirements of the peoples concerned.

### III. ECONOMIC ADVANCEMENT

#### *General*

15. The Council, recalling the concern which it has previously expressed as to the economic development of the Trust Territory, and recognizing the difficulties confronting the Administering Authority in this field as a result of geographical, historical and other factors, notes the observation of the Visiting Mission that in

the absence of detailed knowledge of the Territory's economic resources and potential, little economic development and exploitation of the resources has taken place thus far; endorses the view of the Mission that all possible steps should be taken to secure the necessary surveys as a preliminary to planned economic development; welcomes the intention of the Administering Authority to proceed with existing and proposed surveys; and expresses the hope that adequate staff may be made available for this purpose to ensure that the essential studies are completed as soon as possible.

16. The Council, recalling also its previous recommendation favouring the formulation of broad economic development plans for the Territory, but noting that in the interest of flexibility and because of problems of long-term financing the Administering Authority has taken the view that for the time being a more realistic approach to the problems of development is to establish long-term objectives and to plan for their achievement by means of annual work programmes, endorses the opinion of the Visiting Mission that such funds as are made available from year to year for the purposes of economic development should be spent in accordance with a fully co-ordinated development plan covering a period of five or ten years and designed to establish a pattern of economic expansion best suited to enhance the future prospects of the inhabitants; and recommends that the Administering Authority again study the desirability of proceeding on these lines and of incorporating into such a plan those of its long-term objectives which may be adapted to the purposes of the plan.

17. The Council, recalling further that it has previously recommended that emphasis should be placed, in plans for the development of the economy, on the participation of the indigenous population, and noting that the Visiting Mission found that such economic development as has taken place primarily affects the European planters and companies, welcomes the intensified efforts of the Administering Authority to foster the development of co-operative organizations among the indigenous producers and expresses the opinion that activities of this kind should be given a prominent place in the formulation of an economic development plan; and, in furtherance of its view that emphasis in planning should be placed upon the role of the indigenous population in general, draws the attention of the Administering Authority to the observation of the Visiting Mission that a sound decision on the difficult and important problem of European settlement in the Territory is likely to determine to no small degree its economic future.

#### *Public finance*

18. The Council, recalling its previous interest in the possibility of improving the fiscal system of the Territory, attaches importance to the recommendation of the Papua and New Guinea Customs Inquiry Committee to the effect that there should be a comprehensive examination of the whole financial system; welcomes the assurance of the Administering Authority that it will give close attention to the findings of that committee; expresses the hope that in carrying out a further exa-

mination of the matter the Administering Authority will give attention to the possibility of introducing some form of direct taxation; and requests it to include further information on the matter in its next annual report.

#### *Land*

19. The Council, recalling its previous recommendation that the Native Land Commission should be organized without delay, is pleased to note that the Commission has now begun its work in part of the New Britain area, and recommends that the earliest possible steps be taken to extend the activities of the Commission to other parts of the Trust Territory.

20. The Council, noting from the report of the Visiting Mission that indigenous inhabitants in some areas have shown a desire to repossess land previously alienated, invites the Administering Authority, when such land becomes available for transfer of ownership, to give sympathetic consideration to applications which may be received from indigenous persons, with a view to according them all possible preference in the acquisition of title.

#### *Transport and communications*

21. The Council, noting that the Visiting Mission observed that in spite of the physical difficulties and high cost of road construction in the Territory the Administering Authority recognizes its importance for general economic development and is pursuing construction wherever possible, and noting further the continuing increase in the funds allocated for the purpose, again emphasizes that an effective road network is an essential prerequisite to large-scale economic development and to social cohesion, and urges the Administering Authority to intensify its efforts in this direction.

### IV. SOCIAL ADVANCEMENT

#### *Public health*

22. The Council, noting on the one hand the over-all increase in the number of hospital, dispensary and clinic facilities and in the number of persons receiving hospital care or skilled medical treatment during the period under review, and noting on the other hand the opinion of the Visiting Mission that many of the existing hospitals are in urgent need of improvement as far as buildings and equipment are concerned, and the fact that the 1951 plan of new hospital construction has not been implemented pending revision of the plan, invites the Administering Authority to take into consideration, in revising the hospital programme, the views expressed by the Visiting Mission; expresses the hope that the revised plan will provide for the ultimate establishment of an integrated system of hospitals adequate in number, equipment and location to satisfy the needs of the Territory; and requests the Administering Authority to include in its next annual report its definitive plans in this respect.

23. The Council, noting from the report of the Visiting Mission that the dispensaries or aid posts in the Territory are for the most part staffed by indigenous medical

assistants without supervision except for the occasional visits of administrative officers, draws the attention of the Administering Authority to the opinion of the Mission that the present system of training these assistants is unsatisfactory, and that they should be better selected, better trained and their work regularly supervised by properly qualified medical personnel; and recommends that it take measures to review and improve the existing systems of selection, training and supervision in the light of the observations of the Mission.

#### *Corporal punishment*

24. The Council, recalling that it reaffirmed at its tenth session its view that corporal punishment should be formally abolished, and noting that it is the policy of the Administering Authority to do so as soon as conditions permit, again affirms its previous opinion and expresses the hope that the Administering Authority will formally abolish corporal punishment as soon as possible.

### V. EDUCATIONAL ADVANCEMENT

#### *General*

25. The Council, endorsing the opinion of the Visiting Mission that the expansion of educational facilities must be one of the primary duties of the Administering Authority and that it should push forward with its plans for the general improvement of education on all levels, reaffirms its previous recommendations in this sense; again draws attention to the fact that although some facilities for general secondary education are available in the Territory for Asian students and in Australia for the children of Europeans, no such facilities are provided for indigenous students, and recommends that the Administering Authority take the necessary measures, including the provision of scholarships, to give indigenous students access to secondary and other more advanced levels of education; and recommends further, in connexion with the views which it has expressed on the question of

the training of indigenous medical personnel, that in revising the educational programmes the Administering Authority take into account the desirability of ensuring that the programmes are so designed as to facilitate the selection and adequate basic education of candidates for medical and other specialized training.

#### *Languages of instruction*

26. The Council, noting that the Administering Authority has determined that English should be the approved medium of instruction and the universal language of the Territory, and at the same time noting from the report of the Visiting Mission the wide extent to which Melanesian Pidgin is at present used both in the lower levels of education and by all administrative officials in their contacts with the indigenous population, endorses the opinion of the Mission that Melanesian Pidgin is not only not suitable as a medium of instruction but has characteristics derived from the circumstances in which it was invented which reflect now outmoded concepts of the relationship between indigenous inhabitants and immigrant groups; and recommends that the Administering Authority take energetic steps to eradicate it from all instruction given within the Territory, that it urgently develop plans to eliminate it completely from the Territory, and that in areas where the population is as yet unfamiliar with Melanesian Pidgin its use should be officially prohibited immediately.

#### *Teachers and teacher training*

27. The Council, reaffirming its previous recommendations for the expansion of facilities for the training of teachers, endorses the opinion expressed by the Visiting Mission on this matter, and draws the particular attention of the Administering Authority to the fact that the substitution of standard English for Melanesian Pidgin and the consequent raising of the general level of education depend very largely upon the institution of an intensive programme of training of teachers competent in the use of standard English.

### DOCUMENT T/L.400

#### **Syria : draft recommendations**

[Original text : English]  
[17 July 1953]

1. Insert the following after the draft recommendations contained in section IV, Social advancement, of T/L.385 :

#### *“Community development*

“The Council, noting with interest the community development project being carried out on Tabar Island in co-operation with the South Pacific Commission, recommends that the Administering Authority devise plans to undertake projects of this kind in other parts of the Territory, and invites it to explore the availability of expert assistance under the United Nations technical assistance programme for the planning and execution of such projects,”

2. Insert the following after the draft recommendation concerning languages of instruction (paragraph 21) in section V, Educational advancement, of T/L.385 :

“The Council, noting that a linguistic map of the Territory is in course of preparation and that work has begun on the examination of languages suitable for regional use in vernacular instruction, and noting the interest expressed by UNESCO in this project, requests the Administering Authority to keep it informed of the progress and the results and invites it to seek the collaboration of UNESCO in completing the project.”



*(d) Nauru, for the year ended 30 June 1952*

## DOCUMENT T/L.374

## Report of the Drafting Committee

[Original text : English]  
[9 July 1953]

## INTRODUCTION

1. At its 471st meeting, on 30 June 1953, the Trusteeship Council appointed a Drafting Committee composed of representatives of Belgium, El Salvador, Thailand and the United States of America to propose, on the basis of the discussions which had taken place in the Council, conclusions and recommendations on conditions in the Trust Territory of Nauru and to make recommendations concerning the chapter on that Territory for inclusion in the next report of the Council to the General Assembly.
2. The Drafting Committee held two meetings, at the first of which it elected Mr. D. Massonet (Belgium) as its chairman.
3. The Drafting Committee decided to recommend that the Secretariat working paper (T/L.355), as revised to take into account the additional information submitted to the Council by the representative of Australia (T/L.355/Corr.1), should be the basic text for the chapter on conditions in the Trust Territory of Nauru.
4. In the light of the general discussion by the Council on conditions in the Territory, the Committee drafted a number of conclusions and recommendations which it considered as reflecting the opinions of the Council as a whole and has annexed them to the present report.
5. The Committee accordingly recommends to the Trusteeship Council that it adopt the working paper on conditions in Nauru (T/L.355 and Corr.1) as the basic text for the chapter on that Territory for inclusion in the next report of the Council to the General Assembly, that it adopt the following conclusions and recommendations relating to conditions in Nauru and that it include those conclusions and recommendations at the end of the appropriate section or sub-section of the chapter on Nauru for inclusion in the next report of the Council to the General Assembly.

## I. GENERAL CONSIDERATIONS

*Future of the Nauruan community*

6. The Council, noting that the views of the Visiting Mission concerning the need for the resettlement of the Nauruan population are generally in accordance with those of the Administering Authority, and noting the efforts made by the latter to increase the vocational training of the younger generation of the Nauruans and of the fact that it has under consideration the question of funds for the resettlement of Nauruans individually or in groups, recommends that the Administering Authority formulate plans, in consultation with the Nauruan people, for resettlement and also give consideration to ways and means of livelihood for those Nauruans who

might wish to remain in the Territory, and further recommends that the Administering Authority give consideration to the views of the Visiting Mission regarding the establishment of a capital fund for resettlement.

## II. POLITICAL ADVANCEMENT

*Nauruan Local Government Council*

7. The Council, noting that the Visiting Mission believes that the ordinance establishing the Nauruan Local Government Council does not fully satisfy the persons directly concerned and that the question of its revision should be studied anew so as to remove all possible misunderstanding which might exist, and noting the statement of the Administering Authority that the Nauruans do not yet fully understand the ordinance, but that steps are being taken to provide greater assistance and advisory services to help encourage the Local Government Council in the understanding and exercise of its powers and functions, endorses the views of the Visiting Mission on this subject and hopes that the Administering Authority will give further attention to this question.

*Participation of the Nauruans in the Administration*

8. The Council, noting the steps being taken by the Administering Authority to train Nauruans for higher posts in the Administration, and noting that, up to the present, only one Nauruan holds a position of high responsibility, endorses the view of the Visiting Mission that the Administering Authority should intensify its programme of training Nauruan officials to fill higher positions.

## III. ECONOMIC ADVANCEMENT

*Phosphate industry*

9. The Council, recalling its recommendations made at previous sessions to the effect that the Administering Authority should make available to it the separate financial operations of the British Phosphate Commissioners in respect to Nauru and the actual prices received for the phosphate in comparison with world market prices, urges the Administering Authority to make every effort in agreement with the British Phosphate Commissioners to provide this information in its next annual report.

*Public finance : phosphate royalties*

10. The Council expresses the hope that full details of the new financial arrangement between the Administering Authority and the British Phosphate Commissioners will be furnished in the next annual report.

## IV. SOCIAL ADVANCEMENT

*Social conditions of the Chinese workers*

11. The Council notes with satisfaction the measures taken by the Administering Authority permitting Chinese workers under certain conditions to bring their families to the Territory, and requests the Administering Authority to furnish full information periodically on the implementation of this programme.

*Health*

12. The Council, noting the observations of the Visiting Mission on medical and health questions, and noting the

Administering Authority's statement regarding improvements which are to be made, welcomes the decision of the Administering Authority to construct a new hospital in Nauru.

## V. EDUCATIONAL ADVANCEMENT

13. The Council notes with satisfaction the increased number of Nauruan students studying abroad and hopes that the Administering Authority will continue its efforts in this regard in order to provide the greatest possible number of Nauruans with such training facilities.

**(e) Western Samoa, 1951 and 1952****DOCUMENT T/L.390****Report of the Drafting Committee**

*[Original text : English]  
[16 July 1953]*

## INTRODUCTION

1. At its 478th meeting on 10 July 1953, the Trusteeship Council appointed a Drafting Committee composed of representatives of Australia, Belgium, the Dominican Republic and Thailand to propose, on the basis of the discussions which had taken place in the Council, conclusions and recommendations on conditions in the Trust Territory of Western Samoa and to make recommendations concerning the chapter on that Territory for inclusion in the next report of the Council to the General Assembly.

2. The Drafting Committee held two meetings, at the first of which it elected Mr. Enrique de Marchena (Dominican Republic) as its chairman.

3. The Drafting Committee decided to recommend that the Secretariat working paper (T/L.363), as revised to take into account the additional information submitted to the Council by the special representative from the Territory and the representative of New Zealand and certain other factual material contained in the annual reports of the Administering Authority (T/L.363/Corr.1) should be the basic text for the chapter on conditions in the Trust Territory of Western Samoa.

4. In the light of the general discussion by the Council on conditions in the Territory, the Committee drafted a number of conclusions and recommendations which it considered as reflecting the opinions of the Council as a whole and has annexed them to the present report.

5. The Committee accordingly recommends to the Trusteeship Council that it adopt the working paper on conditions in Western Samoa (T/L.363 and Corr.1) as the basic text for the chapter on that Territory, for inclusion in the next report of the Council to the General Assembly, that it adopt the following conclusions and recom-

mendations relating to conditions in Western Samoa and that it include those conclusions and recommendations at the end of the appropriate section or sub-section of the chapter on Western Samoa for inclusion in the next report of the Council to the General Assembly.

## I. GENERAL CONSIDERATIONS

*General development of the Territory*

6. The Council notes the progress achieved in all fields during the period under review and expresses the hope that the Administering Authority and the Samoan people will continue to collaborate fully in taking the required steps to continue this development and, in particular, to achieve a satisfactory solution of the economic and social problems which may arise from the present rapid growth of population.

## II. POLITICAL ADVANCEMENT

*Administration*

7. The Council, noting with satisfaction the steps taken by the Government of Western Samoa to institute an organized scheme of staff training and also that consideration is being given to the appointment of a full-time staff training officer, draws the attention of the Administering Authority to the suggestions of the Visiting Mission concerning the secondment of Samoan officials for periods of training with the New Zealand service and where possible with other government services.

8. The Council, further noting the observation of the Visiting Mission that it would be desirable for the Minister of Island Territories to delegate part of his authority over the Public Service Commission to the High Commissioner, and also noting that the organization of the Public

Service of Western Samoa will be considered at the constitutional convention, awaits information on the decisions taken in this respect.

#### *Local government*

9. The Council notes with satisfaction that a final draft of the District and Village Government Bill will be submitted to the Legislative Assembly in 1953, awaits further information on the action taken by the Legislative Assembly with regard to this Bill, and reiterates its hope that early consideration may be given to the establishment of some system of local government for the urban area of Apia.

#### *Proposals for constitutional reform*

10. The Council commends the Administering Authority for its forward-looking pronouncement of policy contained in the statement by the Prime Minister of New Zealand of 19 March 1953, especially the decision to submit the future status of Western Samoa in the first instance to the decisions of the people of Western Samoa; notes with satisfaction that the proposals for constitutional reform are intended to prepare a programme for the establishment of full self-government for Western Samoa; and expresses the hope that the Samoan people will take every advantage of the opportunities offered to them and will co-operate with the Administering Authority in the realization of the further democratization of Samoan society which will facilitate the attainment of self-government. The Council endorses the conclusions of the Visiting Mission regarding the proposed constitutional plan and awaits with interest information on future developments.

11. The Council also notes with satisfaction the decision to appoint a special assistant to work in close association with the High Commissioner in the development of all matters covered in the Prime Minister's statement.

### III. ECONOMIC ADVANCEMENT

#### *General*

12. The Council notes the progress achieved in the economic field and particularly the inception of a comprehensive programme of development, welcomes the initiation of the general economic survey and the aerial survey and the intention of the Territorial Government to carry out intensive measures to develop agricultural production on the basis of the recommendations contained in the report of the consultant on tropical agriculture of the New Zealand Government; notes further the increased willingness of the Samoan leaders to co-operate with the Territorial Government in voting funds for economic development and hopes that this co-operation will continue.

13. The Council, aware of the need for increased expansion of the Territory's economy in view of the rapid population growth and the requirements of self-government, expresses the hope that the Administering Authority will continue its efforts to find a solution to the problem of land tenure, will meet with success in promoting agricultural co-operatives and will persist in its efforts to broaden the basis of the economy by developing additional crops and industries.

#### *New Zealand Reparation Estates*

14. The Council commends the Administering Authority for its decision to transfer ownership of the New Zealand Reparation Estates to the Samoan people which was announced in the statement of the Prime Minister of New Zealand of 19 March 1953, hopes that the representatives of the people of Western Samoa will give careful consideration to the suggestions of the Administering Authority for effecting the transfer of the Estates as a going concern, and awaits with interest further information on the outcome of the negotiations.

#### *Preferential tariff*

15. The Council notes with satisfaction the statement of the representative of New Zealand that the Administering Authority has informed the Government of Western Samoa that it has no objection to the abolition of the preferential tariff and that the responsibility for further action lies with the Legislative Assembly of Western Samoa.

### IV. SOCIAL ADVANCEMENT

#### *Status of women*

16. The Council notes the statement of the Visiting Mission that among the younger generation women are becoming increasingly desirous of playing an important role in public affairs and hopes that every encouragement will be given to them in achieving this purpose.

#### *Medical and health services*

17. The Council, noting that it is the policy of the Government of Western Samoa to establish subsidiary hospitals in all areas of the Territory which are difficult of access and to improve the qualifications of Samoan medical practitioners by providing annual refresher courses at the Apia hospital and by raising the standard of preliminary education required of candidates for medical training, trusts that continued attention will be given to the improvement of medical services.

### V. EDUCATIONAL ADVANCEMENT

#### *General*

18. The Council, noting the progress made in the educational field and in particular the completion of Samoa College, but nevertheless aware of the need for further advancement, trusts that the Administering Authority will continue its efforts in this direction and hopes that further information on plans for educational development, including the question of compulsory education, will be forthcoming after the proposed visit of the Director of Education of the New Zealand Government to the Trust Territory.

19. The Council further hopes that the construction of Samoa College will not result in a reduction of the number of scholarships granted to the inhabitants of Western Samoa for education in New Zealand but that these will in future be devoted to the provision of additional advanced technical training and university training.

## CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations
T/1062 and Add.1	<b>Observations of the United Nations Educational, Scientific and Cultural Organization on the annual reports on the Trust Territories of Western Samoa (1951), New Guinea, Nauru and the Pacific Islands (1951-1952) and Somaliland under Italian administration (1952)</b> . . . . .	1	
<b>(a) Somaliland under Italian administration, 1952</b>			
A/2150	Report of the Trusteeship Council covering its fourth special session and its tenth and eleventh sessions		See <i>Official Records of the General Assembly, Seventh Session, Supplement No. 4.</i>
A/AC.33/R.3	United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration: reply to the requests for advice presented by Administrator Fornari before the Advisory Council on 5 May 1950		Mimeographed document only.
A/AC.33/R.11	United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration: letter from the Administrator to the Chairman of the Advisory Council concerning the language of instruction		Ditto.
A/AC.33/W.52	United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration: note by the Secretariat		Ditto.
ST/TAA/K/ Somaliland/1	The Trust Territory of Somaliland under Italian Administration—Report prepared jointly for the Government of Italy by an expert appointed by the United Nations Technical Assistance Administration and by experts appointed respectively by the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization		<i>United Nations Publications.</i> Sales Number: 1953.II. H.2.
T/923	Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration covering the period from 1 April 1950 to 31 March 1951		See <i>Official Records of the Trusteeship Council, Ninth Session, Annexes, agenda item 4 (a).</i>
T/947	Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951, on Somaliland under Italian administration		<i>Ibid., Eleventh Session, Supplement No. 4.</i>
T/979	Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration covering the period from 1 April 1951 to 31 March 1952		See <i>Official Records of the Trusteeship Council, Eleventh Session, Annexes, agenda item 4 (a).</i>
T/1048	<b>Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration covering the period from 1 April 1952 to 31 March 1953</b> . . . . .	18	
T/1050	Provisional agenda for the twelfth session		Mimeographed document only.
T/1053	Note by the Secretary-General transmitting the report of the Technical Assistance Mission to the Trust Territory of Somaliland under Italian administration		Ditto.
T/1059	Note by the Secretary-General transmitting the report on the administration of the Trust Territory of Somaliland under Italian administration		Ditto.
T/1060	Agenda for the twelfth session		See prefatory fascicule.
T/1061 and Add.1	<b>Comments of the United Nations Educational, Scientific and Cultural Organization on the draft five-year plan for education in the Territory of Somaliland, 1953-1957</b> . . . . .	48	
T/1064	Note by the Secretary-General transmitting the third draft of the five-year plan for education in Somaliland		Mimeographed document only.
T/L.285	Report of the Drafting Committee		See <i>Official Records of the Trusteeship Council, Eleventh Session, Annexes, agenda item 4 (a).</i>
T/L.366	Requests for oral hearings: note by the Secretary-General		See <i>Annexes, agenda item 5.</i>

Document No.	Title	Page	Observations
T/L.338 and Corr.1	Conditions in the Trust Territory of Somaliland under Italian administration : working paper prepared by the Secretariat		These documents, as amended at the 475th meeting, together with document T/L.361, as amended at the same meeting, and documents T/L.378 and T/L.380, constitute the chapter on Somaliland under Italian administration in the Trusteeship Council's report to the General Assembly at its eighth session.
T/L.351	Letter dated 16 June 1953 from Mr. Abdullahi Issa, representative of the Somali Youth League, to the President of the Trusteeship Council . . . . .	52	
T/L.354	Syria : draft resolution		Incorporated in the record of the 463rd meeting, para. 131.
T/L.361	Report of the Drafting Committee . . . . .	52	
T/L.378	Summary of the observations made by individual members of the Council during the general discussion, and of the comments of the special representative of the Administering Authority		See observation on documents T/L.338 and Corr.1.
T/L.380	Amendments suggested by the Secretariat to the outline of conditions set forth in document T/L.338		Ditto.
T/Pet.9/8	Petition from the Nauru Local Government Council concerning Nauru		Mimeographed document only.
T/Pet.9/9	Petition from the representatives of the people of Boc and Yarren districts concerning Nauru		Ditto.
T/Pet.11/237	Petition from Mr. Jama Hassan Ibrahim Hussen concerning Somaliland under Italian administration		Ditto.
T/Pet.11/347	Petition from the Somali Youth League, Local Committee of Eil, concerning Somaliland under Italian administration		Ditto.
T/Pet.11/348	Petition from the Somali Youth League, Branch of Eil, concerning Somaliland under Italian administration		Ditto.
T/Pet.11/363	Petition from Mr. Alam Othnou Mohamed Abiker and others concerning Somaliland under Italian administration		Ditto.
T/Pet.11/365	Petition from the Somali Youth League, Branch of Merca, concerning Somaliland under Italian administration		Ditto.
T/PV.348	Trusteeship Council, ninth session, verbatim record of the 348th meeting		Ditto.
<b>(b) Trust Territory of the Pacific Islands, year ended 30 June 1952</b>			
S/2599	Report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands for the period from 17 March 1951 to 1 April 1952		Mimeographed document only.
T/1010	Questionnaire as approved by the Trusteeship Council at its 414th meeting, eleventh session, on 16 June 1952		See <i>Official Records of the Trusteeship Council, Eleventh Session, Special Supplement</i> .
T/1047	Note by the Secretary-General transmitting the report on the administration of the Trust Territory of the Pacific Islands for the year ended 30 June 1952		Ditto.
T/1055	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on the Trust Territory of the Pacific Islands		See <i>Official Records of the Trusteeship Council, Twelfth Session, Supplement No. 3</i> .
T/L.353 and Corr.1	Conditions in the Trust Territory of the Pacific Islands : working paper prepared by the Secretariat		These documents, together with documents T/L.366, T/L.382, T/L.387 and T/L.389, constitute the report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands for the year ended 30 June 1952.
T/L.366	Report of the Drafting Committee . . . . .	55	

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T/L.382	Amendments suggested by the Secretariat to the outline of conditions set forth in document T/L.353		See observation on documents T/L.353 and Corr.1.
T/L.387	Summary of the observations made by individual members of the Council during the general discussion, and of the comments of the special representative of the Administering Authority		Ditto.
T/L.389	Draft report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands for the year ended 30 June 1952		Ditto.
T/Pet.10/16	Petition from Mr. Carl Kohler, Chairman, People's House, Ponape Congress, concerning the Trust Territory of the Pacific Islands		Mimeographed document only.
T/Pet.10/17	Petition from Mr. M. Iriarte concerning the Trust Territory of the Pacific Islands		Ditto.
<b>(c) New Guinea, year ended 30 June 1952</b>			
A/1306	Report of the Trusteeship Council covering its first special session, its second special session, and its sixth and seventh sessions		See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 4.</i>
A/2150	Report of the Trusteeship Council covering its fourth special session and its tenth and eleventh sessions		<i>Ibid.</i> , Seventh Session, Supplement No. 4.
T/1045 and Add.1	Note by the Secretary-General transmitting the report on the administration of New Guinea for the year ended 30 June 1952		Mimeographed document only.
T/1056	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on New Guinea		See <i>Official Records of the Trusteeship Council, Twelfth Session, Supplement No. 4.</i>
T/L.357 and Corr.1	Conditions in the Trust Territory of New Guinea: working paper prepared by the Secretariat		These documents, together with documents T/L.385 and Corr.1, the conclusions contained in paragraphs 5 and 6 of document T/L.388, document T/L.400 as amended at the 482nd meeting, and document T/L.402 constitute the chapter on New Guinea in the report of the Trusteeship Council to the General Assembly at its eighth session.
T/L.362	Union of Soviet Socialist Republics: draft resolution		Incorporated in the record of the 474th meeting, para. 9.
T/L.385 and Corr.1	<b>Report of the Drafting Committee . . . . .</b>	58	
T/L.388	Report of the Standing Committee on Administrative Unions		Mimeographed document only. See observation on documents T/L.357 and Corr.1.
T/L.400	<b>Syria: draft recommendations . . . . .</b>	61	
T/L.402	Summary of the observations made by individual members of the Council during the general discussion, and of the comments of the special representative and the representative of the Administering Authority		See observation on documents T/L.357 and Corr.1.
<b>(d) Nauru, year ended 30 June 1952</b>			
A/2150	Report of the Trusteeship Council covering its fourth special session and its tenth and eleventh sessions		See <i>Official Records of the General Assembly, Seventh Session, Supplement No. 4.</i>
T/790	Report on Nauru submitted by the United Nations Visiting Mission to Trust Territories in the Pacific		See <i>Official Records of the Trusteeship Council, Eighth Session, Supplement No. 3.</i>
T/947	Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951, on Somaliland under Italian administration		<i>Ibid.</i> , Eleventh Session, Supplement No. 4.
T/1010	Questionnaire as approved by the Trusteeship Council at its 414th meeting, eleventh session, on 16 June 1952		<i>Ibid.</i> , Eleventh Session, Special Supplement.
T/1046	Note by the Secretary-General transmitting the report on the administration of Nauru for the year ended 30 June 1952		Mimeographed document only.

Document No.	Title	Page	Observations
T/1054	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on Nauru		See <i>Official Records of the Trusteeship Council, Twelfth Session, Supplement No. 2.</i>
T/L.355 and Corr.1	Conditions in the Trust Territory of Nauru : working paper prepared by the Secretariat		These documents, together with document T/L.374, as amended at the 479th meeting, and documents T/L.383 and T/L.386, constitute the chapter on Nauru in the report of the Trusteeship Council to the General Assembly at its eighth session.
T/L.374	<b>Report of the Drafting Committee . . . . .</b>	62	
T/L.383	Summary of the observations made by individual members of the Council during the general discussion, and of the comments of the special representative of the Administering Authority		See observation on documents T/L.355 and Corr.1.
T/L.386	Amendments suggested by the Secretariat to the outline of conditions set forth in document T/L.355		Ditto.
T/Com.9/L.1	Communication from the Nauru Local Government Council concerning Nauru		Mimeographed document only.
T/Pet.9/6	Petition from the Nauruan Council of Chiefs concerning Nauru		Ditto.
T/Pet.9/8	Petition from the Nauru Local Government Council concerning Nauru		Ditto.
T/Pet.9/9	Petition from the representatives of the people of Boe and Yarren districts concerning Nauru		Ditto.
<b>(e) Western Samoa, 1951 and 1952</b>			
T/439	Observations by the Director-General of the United Nations Educational, Scientific and Cultural Organization on the annual reports for 1948 for the Trust Territories in Africa		See <i>Official Records of the Trusteeship Council, Sixth Session, Annexes, vol. I.</i>
T/825	Observations of the Administering Authority on the report of the Visiting Mission		<i>Ibid., Eighth Session, Supplement No. 5.</i>
T/903	Observations of the United Nations Educational, Scientific and Cultural Organization on the reports for 1949 on the six African Trust Territories		<i>Ibid., Ninth Session, Annexes, agenda item 4.</i>
T/962	Observations of the United Nations Educational, Scientific and Cultural Organization on the reports for 1950-1951 on the Trust Territories of Western Samoa, New Guinea, Nauru and the Pacific Islands		<i>Ibid., Tenth Session, Annexes, agenda item 3.</i>
T/1038	Note by the Secretary-General transmitting the report on the administration of Western Samoa for the year 1951		Mimeographed document only.
T/1057	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on Western Samoa		See <i>Official Records of the Trusteeship Council, Twelfth Session, Supplement No. 7.</i>
T/1058	Note by the Secretary-General transmitting the report on the administration of Western Samoa for the year 1952		Mimeographed document only.
T/L.363 and Corr.1	Conditions in the Trust Territory of Western Samoa : working paper prepared by the Secretariat		These documents, together with documents T/L.390 and T/L.403, constitute the chapter on Western Samoa in the report of the Trusteeship Council to the General Assembly at its eighth session.
T/L.390	<b>Report of the Drafting Committee . . . . .</b>	63	
T/L.403	Summary of the observations made by individual members of the Council during the general discussion, and of the comments of the special representative of the Administering Authority		See observation on documents T/L.363 and Corr.1.
T/Pet.1/1	Petition of 18 November 1946 from leaders and representatives of Western Samoa		See <i>Official Records of the Trusteeship Council, First Session, Supplement.</i>
UNESCO/ST/R.4/Rev.	Revised version of the report of the Experts Committee on Standardization of Educational Statistics		UNESCO working series document.



## TRUSTEESHIP COUNCIL

## OFFICIAL RECORDS

## ANNEXES

TWELFTH SESSION  
NEW YORK, 1953

## Agenda item 5: Examination of the petitions in the annex to the agenda

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## DOCUMENT T/L.336

### Requests for oral hearings: Note by the Secretary-General

[Original text: English]  
[12 June 1953]

Eight requests for oral hearings have been received by the Secretary-General. An account of the action already taken on them, in accordance with rule 80 of the rules of procedure of the Trusteeship Council, is given in the present document for the information of the members of the Council.

#### A. REQUESTS CONCERNING RUANDA-URUNDI

1. Requests for oral hearings have been received from four persons who have previously submitted the following petitions concerning Ruanda-Urundi:

Petition from Mr. Mazis (T/PET.3/60 and Add.1 to 4)  
Petition from Ex-Chief Bigiraneza (T/PET.3/62 and Add.1 and 2)

Petition from Mr. Gaston Jovite Nzamvita (T/PET.3/64)  
Petition from Ex-Chief Ntunguka (T/PET.3/65 and Add.1 and 2)

2. The first of these petitions deals with the case of a Greek national who claims to have received inadequate treatment from a court of the Territory. The remaining three petitioners voice a variety of complaints concerning land tenure and ownership of cattle and alleged persecution. A more detailed summary of these petitions may be found in document T/C.2/L.29.

3. In accordance with rule 80 of the rules of procedure, which authorizes the President of the Council to grant requests for oral hearing between sessions if the Administering Authorities concerned so agree, the Acting President inquired of the Belgian Government whether there were substantial reasons why the matter should first be discussed by the Council.

4. By a letter dated 6 November 1952, the Belgian Government replied that such reasons existed and consequently asked the President to defer action on these requests until the matter had been decided by the Council.

#### B. REQUESTS CONCERNING THE FRENCH CAMEROONS

5. Two indigenous organizations, the Ngondo<sup>1</sup> (Traditional Assembly of the Douala people) and the Kumze

(Traditional Assembly of the Bamiléké people), have requested oral hearings in support of their petitions, T/PET.5/L.7 and T/PET.5/L.9, respectively.

6. These petitions raise a wide range of general questions concerning the French Cameroons as well as the question of the unification of the two Cameroons.

7. In reply to an inquiry made by the Acting President, in accordance with rule 80, the French Government stated that it considered it necessary that the Council itself should decide on the matter after having heard the representative of France.

#### C. REQUESTS CONCERNING SOMALILAND

8. Two requests for oral hearings have been received from political parties in Somaliland.

9. The representative of the Somali Youth League, Mr. Abdullahi Issa (T/PET.11/L.6), requested to be allowed to appear before the Council and to make an oral statement on general questions concerning Somaliland.

10. Subsequently, the Presidents of four Somali political organizations, namely, Unione Nazionale Somala, Unione Africana Somalia, Lega Progressista Somala and Hisbia Dighil e Mirifle (T/PET.11/L.7), informed the Secretary-General that should other Somali parties be granted an oral hearing they would also wish to appear before the Council.

11. In reply to an inquiry made by the Acting President of the Council, in accordance with rule 80 of the rules of procedure, the Government of Italy stated that it had no objection to the hearing of Mr. Abdullahi Issa, but that the same right of oral representation should also be granted to the representatives of other political parties.

12. Accordingly, the Acting-President authorized the Secretary-General to inform the representatives of the Somali Youth League and of the four other political organizations that the President of the Council had granted their requests for oral hearings and that the hearings would be held during the examination of the annual report on Somaliland and should be on subjects of which they had previously informed the United Nations. Telegrams to this effect were dispatched on 8 June 1953.

13. The representative of the Somali Youth League, Mr. Abdullahi Issa, is already in New York. The reply of the other petitioners has not been received to date.

<sup>1</sup> It may be recalled that the Ngondo was granted an oral hearing by the Fourth Committee during the last session of the General Assembly but was unable to send a representative in time.

DOCUMENT T/L.337

Twenty-third report of the Standing Committee on Petitions: petitions circulated under rule 85, paragraph 2, and communications circulated under rule 24

[Original text: English]  
[12 June 1953]

1. The Standing Committee, composed of the representatives of Belgium, China, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, has, as provided in rule 90, paragraph 3, of the rules of procedure of the Trusteeship Council, examined the petitions circulated under rule 85, paragraph 2, and the communications circulated under rule 24, in order to decide which if any of them should have the established procedure concerning petitions applied to them.

2. In carrying out this examination, which took place at the 40th, 41st, 42nd, 57th and 64th meetings on 24 July 1952, 15 October 1952, 17 March and 4 and 10 June 1953 respectively, the Standing Committee had before it working papers prepared by the Secretariat (T/C.2/L.26, 27, 27/Add.I, and 28) which contained lists of the documents, brief summaries of their contents and grounds for their initial classification by the Secretariat.

3. As a result of this examination, the Committee decided that the established procedure concerning petitions should be applied to the following petitions and communications:

*Petitioners:*

Meru Citizens Union . . . . .	T/PET.2/L.1 <sup>a</sup>
The Secretary-General of the Union des Populations du Cameroun . . . . .	T/PET.5/L.1
Union des Populations Camerounaise, M'Balmayo Section . . . . .	T/PET.5/R.5
Mr. A. K. Amenomanya . . . . .	T/PET.7/L.1
Mrs. Fatema Barjeeb, Galcaio . . . . .	T/COM.11/L.4
Chief Borle Gheir . . . . .	T/COM.11/L.6
Chief Aden Gohad . . . . .	T/COM.11/L.7
Chief Scek Mohamed Keinan . . . . .	T/COM.11/L.8
The Capo Procuratore Dahir Sciukel, Bardera . . . . .	T/COM.11/L.10
Mr. Ali Nur Abdi . . . . .	T/COM.11/L.12
The Somali Youth League, Branch of Galcaio . . . . .	T/COM.11/L.26
Mr. Ibrahim Abdo and other elders of the Jajele Tribe . . . . .	T/COM.11/L.36
The Somali Youth League, Branch of Gardo . . . . .	T/PET.11/L.3
The Somali Youth League, Branch of Alula and surrounding area . . . . .	T/PET.11/L.4

<sup>a</sup> Petition reclassified by the Standing Committee on Petitions in respect of its last paragraph only.

These petitions have therefore been so classified in the provisional agenda for the twelfth session of the Council and will be reported on separately by the Committee in due course.

4. Under rule 90, paragraph 5, of the rules of procedure, the Committee is required to make such recommendations as it deems necessary concerning the consideration by the Council of, in the first place, the petitions circulated under

rule 85, paragraph 2. In this connexion the Committee notes that the petitions are separately listed in the annex to the provisional agenda for the twelfth session according to the Territory which they concern. The Committee recommends that as a general rule, and subject to what is said in the succeeding paragraph, such petitions should be taken into consideration by the Council during its examination of the next annual report on conditions in the territory to which they relate.

5. There are, however, some petitions which relate more closely to other items of the Council's agenda and which can be taken into consideration more usefully in that connexion. In particular, the Committee recommends that the petitions listed below should be taken into consideration by the Council during its examination of the following items on the agenda of the twelfth session:

(a) Ewe and Togoland unification problem

*Petitioners<sup>b</sup>:*

Mr. Kofi Quarshie and other members of the Dzanku Family . . . . .	T/PET.6/L.1
Mr. Theophilus Dzitowu . . . . .	T/PET.6/L.2
The Chairman of the Togoland Congress . . . . .	T/PET.6/L.3
Mr. Vincent Zonyra . . . . .	T/PET.6/L.4
Mr. V. C. Brekumi . . . . .	T/PET.6/L.5
Chiefs and representatives of the people of the southern section of Togoland under United Kingdom administration . . . . .	T/PET.6/L.6
The General Chairman of the Committee of the Unité Togolaise . . . . .	T/PET.6 & 7/L.4
The representatives of Juvento, the Ewe-Togo Youth Action Movement, and the Togoland Youth Association . . . . .	T/PET.6 & 7/L.5
The Secretary-General of the Joint Togoland Congress . . . . .	T/PET.6 & 7/L.6
Mr. Ben Apaloo, President of Juvento . . . . .	T/PET.7/L.2
President of the Syndicat de la Confédération Générale de l'Artisanat Togolais . . . . .	T/PET.7/L.3

<sup>b</sup> A number of earlier petitions and communications relating to the Ewe and Togoland unification question were brought to the attention of the Council by the Secretariat in document T/L.329 in connexion with the Council's examination of the special report of the Visiting Mission on this question.

(b) Hearing of petitioners from the Cameroons

*Petitioners:*

Cameroonians living in Paris and London . . . . .	T/PET.4 & 5/L.1
The Kamerun United National Congress . . . . .	T/PET.4 & 5/L.2
The Union des Populations du Cameroun, Central Committee of M'Balmayo . . . . .	T/PET.4 & 5/L.3

The Union des Populations du Cameroun . . . . .	T/PET.4 & 5/L.4 and Adds. 1-4
The General Chairman of the Evolution Sociale Camerounaise . .	T/PET.5/L.5
The Secretary-General of the Union des Populations du Cameroun .	T/PET.5/L.6
The Chairman of the Assemblée Traditionnelle du Peuple Douala (Ngondo) . . . . .	T/PET.5/L.7
The Executive Committee of the Kumze, Traditional Assembly of the Bamileké people . . . .	T/PET.5/L.9

6. Under rule 90, paragraph 5, of the rules of procedure, the Committee is required to make such recommendations as it deems necessary concerning the consideration by the Council of the communications circulated under rule 24. These communications are listed in the working papers prepared by the Secretariat to which reference is made in paragraph 2 above (T/C.2/L.26, 27, 27/Add.1, and 28) and they fall into three groups.

7. Into the first group fall communications which are concerned with general questions. The Committee recommends that communications in this group should be dealt with in the same way as it has recommended, in paragraphs 4 and 5 above, that petitions circulated under rule 85, paragraph 2, should be dealt with. That is to say, each such communication should be considered by the Council during its examination of the next annual report on conditions in the Territory to which the communication relates—or during its examination of some other more relevant item on the agenda.

8. Into the second group fall communications which are concerned with the same specific event or grievances which are the subject also of petitions to which the established procedure is to be applied, i.e., petitions which will be individually examined by the Council. (The reason such communications are not treated as petitions to which the established procedure should be applied is that, usually, they are copies sent to the United Nations of requests addressed to other authorities.) The Committee recommends that each communication in this

group should be taken into consideration by the Council during its examination of the petition concerning the events or grievances with which the communication is also concerned.

9. Thirdly, there remain those communications which do not fall into either of the first two groups. Again, communications of this kind are not usually addressed directly to the United Nations, or else they do not contain any requests for action on the part of the United Nations. When communications in this group have been brought to the attention of the Committee, and the Committee has decided that they should not be elevated to the status of petitions to which the established procedure should be applied (i.e., petitions to be examined individually by the Council), then the Committee considers that no further action is necessary in regard to them.

10. This report was adopted by the Committee at its 64th meeting, on 10 June 1953, by 5 votes in favour and one against.

11. The representative of the Soviet Union voted against the report, stating that he objected to the classification of petitions, as that classification was intended to exclude a number of important petitions received from the indigenous population of Trust Territories and to prevent the adoption of measures which would defend the rights and interests of the indigenous population and make its lot easier. He pointed out that the Standing Committee on Petitions and the Trusteeship Council were bound to examine all petitions from the indigenous inhabitants of Trust Territories in order to carry out the aims and functions of the International Trusteeship System.

12. In voting for the report, the representatives of Belgium, China, El Salvador, New Zealand and the United States of America expressed the view that the present means of dealing with petitions, including those raising questions of a general nature, are the best means yet devised by the Council to give satisfactory consideration to all types of petitions and at the same time to make it possible for the Council to proceed in a systematic and orderly manner to deal with a growing volume of petitions.

## DOCUMENT T/L.339

### Twenty-fourth report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration

[Original text: English]  
[16 June 1953]

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#### INTRODUCTION

1. At its 45th, 60th and 71st meetings on 26 May, 8 June and 15 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>2</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the fourteen petitions concerning the Trust Territory of Somaliland under Italian administration which are listed above.

2. Mr. P. Spinelli participated in the examination as the special representative of the Administering Authority concerned.

3. The Standing Committee submits herewith to the Council its report on these petitions—all of which are concerned with political and administrative questions—and recommends, in accordance with rule 90, paragraph 6, of the rules of procedure of the Trusteeship Council, that the Council decide that no special information is required concerning the action taken on the draft resolutions referred to in sections I to IX inclusive.

#### SECTION I. PETITION CONCERNING THE OPENING AT LUGH FERRANDI OF A BRANCH OF THE UNIONE AFRICANI DELLA SOMALIA FROM THE RESIDENCY COUNCIL OF LUGH, TERRITORIAL COUNCILLOR MALIM OMAR, AND THE HISBIA, DIGHIL AND MIRIFLE, BRANCH OF LUGH (T/PET.11/290 AND ADD.1)

1. Identical telegrams dated 13 June 1952 were received on the above-mentioned subject: the one from the Residency Council of Lugh and Territorial Councillor Malim Omar, and the other from the Hisbia, Dighil and Mirifle Party, section of Lugh. The addendum, which contained fuller information, was submitted by twenty-six Residency Councillors—among whom is Mr. Malim Omar—and it is this which will be summarized.

2. Towards the end of May 1952, the Resident of Lugh Ferrandi gave permission for a branch of the Unione Africana della Somalia Party to be opened there. A number of the people were strongly opposed to the branch's being opened and advised the Resident to postpone it. He did; but a few days later he decided to open the branch "at all costs", and "would even use armed force

if necessary" for the purpose. The Residency Councillors then wrote to the Resident a strongly-worded, but by no means disrespectful, letter (a copy of which is annexed to the petition) advising him to postpone the opening once again, and warning him that if he persisted and if anything went wrong as a result he would be the person responsible.

3. On 13 June 1952, the Resident arranged for the opening of the branch. A large crowd had collected at the appointed place. Italian and Somali police arrived and told it to disperse, and at the same time began to shoot. Four persons were wounded and the rest fled. Then the police rounded up a number of persons and put them in prison.

4. The petitioners request that, if the arrested persons are to be tried, a special judge should be nominated, as it is their view that the Provincial Commissioner is most responsible for the incident, since the Resident would never have dared to have done what he did unless he had had his orders from the former.

5. The only statement in the telegrams which is not reproduced in the addendum to the petitions is that terrorized women had fled to the bush or had thrown themselves into the river.

6. According to the observations of the Administering Authority (T/OBS.11/3, section 12), the course of events was substantially as narrated by the petitioners. The crowd, however, was a menacing one; and when requested to disperse it started to press on the police. A fight developed; and, fearing lest they be overpowered, the police were compelled to resort to arms. Five persons were arrested but were temporarily released. When the crowd had fled, the inauguration ceremony took place without further incident; but, the next day, the secretary of the new branch of the Unione was assaulted and beaten by three members of opposing parties.

7. The Administering Authority points to the political intolerance evinced by the demonstrators, and to the duty which article 20 of the Trusteeship Agreement imposes upon it to guarantee complete freedom of speech.

8. The petition was examined and discussed at the 45th and 71st meetings of the Standing Committee (T/C.2/SR.45 and 71).

9. The special representative explained that during the past six months there had been no complaint of friction between the parties in Lugh Ferrandi.

<sup>2</sup> In accordance with the decision taken by the Trusteeship Council at its 45th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

10. With regard to the petitioners' request for a special judge to try the case, the special representative explained that until the latter part of 1952 the regular judge had been the Provincial Commissioner, but that since then a regional judge had been appointed.

11. At its 71st meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 700 (XII).*

SECTION II. PETITIONS CONCERNING AN INCIDENT AT LUGH FERRANDI IN OCTOBER 1952 FROM CHIEF DAHIR SCIACUL (T/PET.11/320) AND CHIEF SCIDE MOHAMED (T/PET.11/321)

1. T/PET.11/320 reads as follows:

"The people of Lugh have been maltreated by the local authorities because there was an incident on the 27th of this month (October 1952). If they are again maltreated, we chiefs will flee the town. We request you to intervene in our sorrow."

2. T/PET.11/321 reads as follows:

"There was an incident at Lugh on the 27th of October. The local authorities have imprisoned many innocent people and have not arrested the guilty." (Its author appears to be the author also of T/COM.11/L.10—see section 3 below.)

3. The observations of the Administering Authority (T/OBS.11/4, sections 6 and 7), are to the following effect. A young girl who cohabited with the secretary of the local branch of the Hisbia, Dighil and Mirifle party (HDM) was walking in the town one day when she was abducted by a couple of men, who took her into their house and beat her as a mark of their displeasure at the disgrace which she had brought on their tribe. Some people who saw the abduction went and told her lover. He collected a number of HDM members, went to the house and called for the girl's immediate release. A policeman turned up, and the girl was released bearing signs of battery. Meanwhile, numerous followers of the HDM and of the Somali Youth League had lined up with the obvious intention of coming to blows; and the police intervened to avert trouble. Later on a crowd, consisting mostly of women, besieged the house wherein one of the abductors had taken refuge, and another scuffle ensued.

4. As a result of all this, the two abductors and twenty others were arrested; but, of the latter, thirteen were detained for twenty-four hours only.

5. The Provincial Commissioner visited Lugh from 17 to 21 November 1952, and no grievance was voiced to him concerning anything connected with the incident.

6. The petitions were examined and discussed at the 45th, 60th and 71st meetings of the Standing Committee (T/C.2/SR.45, 60 and 71).

7. The special representative informed the Committee that the parties had settled the affair and that the prosecutor had ordered that the judicial file be closed.

8. At its 71st meeting the Committee adopted, by

5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 713 (XII).*

SECTION III. PETITIONS FROM CERTAIN CHIEFS OF THE MEREHAN AND AULIHAN TRIBES IN BARDERA DISTRICT FROM CHIEF BORLE GHEIR (T/COM.11/L.6), CHIEF ADEN GOHAD (T/COM.11/L.7), CHIEF SHEK MOHAMED KEINAN (T/COM.11/L.8), AND CAPO PROCURATORE DAHIR SCIUKEL, BARDERA (T/COM.11/L.10)

1. These communications are four to which the Standing Committee decided that the established procedure relating to petitions should be applied. They consist of four brief telegrams emanating from Bardera and contain statements of dissatisfaction with the Resident on the part of certain people of the Merehan and Aulihan tribes.

2. The complaints as elucidated by the Administering Authority (T/OBS.11/5, section 1), together with its observations thereon, are as follows:

(a) *Complaint:* The manner in which the police proceed to arrest persons is arbitrary. The police refuse to grant temporary release on bail of a person under arrest when such is applied for by the headmen.

*Observation:* The Administration is unaware of any unlawful arrests. Authority to grant temporary release on bail lies with the judicial authorities; nevertheless, the Resident at Lugh had granted it on several occasions when the headmen concerned were unable, or did not wish, to bring the accused persons before the court.

(b) *Complaint:* Following disturbances connected with a raid carried out between the Merehan and the Gobauen in 1951, the accused of the former tribe were arrested before those of the latter.

*Observation:* This is correct, but they were released from prison before the accused of Gobauen.

(c) *Complaint:* The salaries paid to headmen in general are very low and especially those paid to the Merehan headmen.

*Observation:* A general complaint by all tribal headmen who apply for increases of salary without considering the exigencies of their future budgets.

(d) *Complaint:* The Administration treats the Merehan and the Aulihan unfairly with regard to their employment as sweepers, airport guards, locust control workers, brokers and *ilalos*.

*Observation:* The Administration treats the Merehan and the Aulihan no differently in this respect from workers of other tribes.

3. The petitions were examined and discussed at the 45th and 71st meetings of the Standing Committee (T/C.2/SR.45 and 71).

4. The special representative stated that in the Bardera region during the last year there had been many disturbances caused by friction between the various tribes. Each tribe registered the general complaint that the Resident favoured another tribe at the expense of their own, but no effective proof of such charges was ever offered. The complaint that the Administration awarded more jobs to members of other tribes was simply a

reflection of the fact that more members of other tribes than of the Merehan and Aulihan reside in the village.

5. At its 71st meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 749 (XII).*

#### SECTION IV. PETITION FROM THE CHIEFS AND NOTABLES OF THE LOWER GIUBA PROVINCE (T.PET.11/355)

1. It appears that Dr. Aldo Wagner has been Commissioner of the Lower Giuba Province for a year or so, and that he has been transferred elsewhere. This petition, signed by twenty-three chiefs and notables (among whom are two Territorial Councillors), is a plea that his services be secured again in the Lower Giuba Province. The petitioners speak of Dr. Wagner's spirit of understanding and of his initiative. He made himself known throughout the Province, took an interest in all its needs and was responsible during the space of only a year for the execution of many public works.

2. In connexion with this petition the Standing Committee took into consideration T/COM.11/L.70. This consists of two communications from the Secretary of the Chisimaio branch of the Lega Progressista Somala to the Administrator. In the first, a telegram, it is claimed that Dr. Wagner's retention in the Province is "the desire of absolute majority of Somali population who are dissatisfied with intrigues of a minority party...". In the second, a letter, tribute is paid to Dr. Wagner's energy in all fields, to his spirit of justice and to his impartiality. The writer says "...harmony reigning now, for the first time, amongst us in Chisimaio."

3. The Administering Authority states (T/OBS.11/17, section 6) that Dr. Wagner has proceeded to Italy for a spell of home leave, and that he has been replaced by another officer.

4. The petition was examined and discussed at the 45th and 71st meetings of the Standing Committee (T/C.2/SR.45 and 71).

5. The special representative stated that the Administration must be left free to post its officers to whatever places it thinks best in the interest of the Territory.

6. At its 71st meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 745 (XII).*

#### SECTION V. PETITION FROM THE CHIEFS OF BELET UEN (T/PET.11/265)

1. The general burden of the complaints in this petition is that the people are misruled by the Administration officials and that the chiefs themselves are persecuted for not belonging to "the so-called 'Pro Italy' parties", even though they do not belong either to "the opposition, known as the Somali Youth League". They adduce several specific complaints which will be examined together

with the relevant observation of the Administering Authority appearing in T/OBS.11/7, section 2.

2. (a) *Complaint:* No Municipal Council has been set up in Belet Uen, and the Residency Council fails to function because its members have been chosen for their political ideas and subservience to officialdom rather than for their education and ability. They do not represent the population either politically or ethnically.

*Observation:* The Municipal Council set up in November 1951 did not function properly until April 1952, when it was possible to demarcate a division of functions between it and the Residency. The Residency Council functioned properly during the whole of 1952, and in April of that year the Resident varied its composition in the light of the ethnic composition of the District. Since then, the dissenting minority has begun to take part again in the Council's meetings.

(b) *Complaint:* On the occasion of a visit to Belet Uen by the Administrator, the Makanne tribe were permitted—despite police advice—to make a demonstration with spears and other weapons. There was an incident leading to a large number of persons being wounded. As a result, seven men were detained in prison for a month and fined So.100<sup>3</sup> for illegally carrying arms.

*Observation:* Permission was given to the Makanne tribe to perform a tribal dance on the occasion, but on condition that no arms were to be carried. In the excitement of the dance, some of the participants produced weapons and unintentionally injured three persons. They were accordingly dealt with by the law.

(c) *Complaint:* The Resident refused to allow the convening of a *shir*, with the object of removing a certain chief, on the motion of forty-five persons: the reason being that the chief was a member of "the African party".

*Observation:* A *shir* cannot be convened on the motion of ten (not forty-five) persons. In any event, the chief enjoys the respect of his own people.

(d) *Complaint:* Chief Nur Siad is on trial "only for having seen superficially a year ago a woman who had been wounded on the head ... and who then died as a consequence of a confinement". This cannot be the real reason for his trial, since for over thirty years he has given medical assistance in such ways, and is known in all Somaliland as a good surgeon. Therefore, he must be on trial for participating in "our group of independent persons".

*Observation:* The chief was never detained, but warned that he must cease his quasi-medical activities which are unlawful. There are two medical officers at Belet Uen.

(e) *Complaint:* Chief Ibrahim Abdo has been charged with bearing false witness, but (the argument runs similar to that in (d) above) this only happened because he refuses to join the Unione Africana Somala.

*Observation:* The charge against him is that he gave false evidence leading to the collection by a man of arrears of military pay not due to him.

It will be recalled that there are two enclosures in the petition which were not circulated with it. They are copies of letters addressed to the Administrator and are dated, respectively, 21 November 1951 and 31 December 1951. In so far as they concern matters which have not

<sup>3</sup> So.100 = £5 sterling = \$ (US) 14.

been before the Trusteeship Council on a previous occasion, the Administering Authority has submitted observations on them and they will now be presented.

(f) *Complaint:* During 1951 there was some trouble among the people in the District over some political refugees, and the Provincial Commissioner attempted to stir it up by persuading other tribes to join in.

*Observation:* The trouble was promptly settled by the authorities.

(g) *Complaint:* The Administration persuaded a number of people to stage a dance in honour of the 1951 Visiting Mission, but many of them failed to turn out for the purpose. For this, the Administration brought "pressure" to bear on them.

*Observation:* It was the dancers who offered to give an exhibition, but they gave up the idea when they were threatened with violence by a group of Somalis if the dance were performed. As a result, six persons were convicted of intimidation.

3. A general complaint that prisoners on remand are compelled to work is denied by the Administering Authority which states that they are required only to tidy up their places of detention.

4. The petition was examined and discussed at the 45th and 71st meetings of the Standing Committee (T/C.2/SR.45 and 71).

5. The special representative stated that the Municipal Council had been functioning regularly. Belet Uen at the moment has a Municipal Council but as yet there is no municipality. Instead there is an Administrator of Municipal Services advised by the Council. In 1954, Belet Uen would have its own municipality and later there would be a mayor elected by the Municipal Council.

6. With regard to the question raised by the petitioners concerning the convening of a *shir*, a meeting for the election of a chief, the special representative stated that such a meeting must be called for by a substantial number of members of the tribe. Neither ten members, nor forty-five members, represented a sufficiently large part of the tribe to justify the convening of a *shir*.

7. As regards the quasi-medical activities of chief Nur Siad, the special representative emphasized the fact that the chief was endangering lives by his activities and that various people he treated had had to go to the hospital to recover from the effects of his methods. People were loath to give up their traditional system of medical treatment in favour of modern methods. There had been, however, an increase in the number of persons willing to seek modern medical advice. The Administering Authority is attempting to accelerate this trend. The special representative was not aware of any specific complaint that a person who needed hospitalization or medical treatment had not received it.

8. The political refugees mentioned in the petition came from tribes living in Ethiopia. There was an attempt on the part of the political parties of Somaliland to attract the refugees in order to increase their membership, but most of the refugees had now returned to Ethiopia.

9. At its 71st meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 680 (XII).*

#### SECTION VI. PETITION FROM MESSRS. ALI MOHAMED HIFO, NOOR AMIN HASSAN, AMIN AHMED ELAI AND OTHERS (T/PET.11/328 AND ADD.1)

1. The petitioners, who are notables and elders of Galgial Barsane-Jever Dumat, are anxious for permission from the Resident of Villabruzzi to convene a *shir* to elect a successor to the deceased chief Abdulla Amin Farah. The man they wish to elect is the notable Ali Mohamed Hifo. They complain that the Resident will neither grant their requests nor reply to the several letters which have been written to him on the subject; and that, on the contrary, he has appointed a favourite of his, Scek Amin Haji Hassan, to the vacant chiefdom. When the petitioners and others refused blind obedience to the Resident's nominee, he had four of them imprisoned for three days and fined them So.50<sup>4</sup> each. When one of them asked what he had been fined for, he was hit by the Resident with a blotter.

2. Annexed to the petition are copies of eleven letters, all on the same subject, written by various parties interested in the removal of Scek Amin Haji Hassan. Six of the letters were addressed to the Resident of Villabruzzi, three to the Commissioner of the Benadir Province and two to the Commissioner of the Uebi Scebeli Province. The only new complaint made in any of them is that the Sergeant at the Villabruzzi Residency will not arrange interviews with the Resident unless he receives a bribe. The addendum repeats the request that a *shir* be convened.

3. The Administering Authority explains (T/OBS.11/18, section 1) that the Galgial Barsane are divided into six sections. One chief presides over the whole tribe, and over each section presides a notable. At a *shir* held in July 1951 all the sections, by a majority of votes, confirmed the appointment of Scek Amin Haji Hassan as chief of the tribe. Mr. Ali Mohamed Hifo, who was the candidate presented by the Jever Dumat section, refused however to accept the decision of the *shir*, maintaining that, as his section was the most numerous group of the tribe, the chief should be elected from its members. He and some of his adherents stirred up unrest to such an extent that the local authorities had to intervene on more than one occasion. A compromise has been reached, however, by appointing Mr. Ali Mohamed Hifo as notable of the Jever Dumat section, and the Administering Authority states that the affair must be regarded as closed.

4. The petition was examined and discussed at the 45th and 71st meetings of the Standing Committee (T.C.2/SR.45, and 71).

5. At its 71st meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 720 (XII).*

<sup>4</sup> So.20 = £1 sterling = \$ (US) 2.80.

SECTION VII. PETITIONS CONCERNING THE TWO REPRESENTATIVES FOR MUDUGH PROVINCE ON THE TERRITORIAL COUNCIL FROM CHIEFS AND REPRESENTATIVES OF THE CABILA RER MOHAMUD TRIBES AND SIX OTHER TRIBES (T/PET.11/267), AND CHIEFS AND NOTABLES OF THE OMAR MOHAMUD-RER MAHAD, AND ELEVEN OTHER TRIBES OF MUDUGH (T/PET.11/279)

1. In T/PET.11/267, chiefs and representatives of the Cabila Rer Mohamud tribes and six other tribes protest against the appointment of Mr. Dahir Sed Gama and Mr. Ismail Gama Gis as the representatives for Mudugh Province on the Territorial Council. They state that these representatives were not fairly elected, that they are not tribal chiefs or even popular with their tribespeople and that they were nominated solely because they are officials of the "pro-Italian" Lega Progressista Somala party which exists only by name in the Province. They aver that, despite the regulations of the Territorial Council, these representatives are absolutely illiterate, and they repudiate them.

2. In T/PET.11/279, chiefs and notables of Omar Mohamud Rer Mahad and eleven other tribes of Mudugh protest against the charges, recorded in the immediately preceding paragraph, concerning the election of Mr. Dahir Sed Gama and Mr. Ismail Gama Gis as representatives of Mudugh Province on the Territorial Council. They assert that these two representatives were freely elected by a popular majority and are supported by at least 95 per cent of the Somalis of Mudugh. They say that the only opposition to the two representatives comes from the Somali Youth League, about which they offer a few uncomplimentary remarks.

3. The Administering Authority (T/OBS.11/6, section 3) first asks that the diametrically opposite views in T/PET.11/267 and 279 be allowed to speak for themselves, and then goes on to explain that the two representatives were freely designated, the one by the Municipal Advisory Council and the other by the Regional Assembly (itself elected by the municipal councils). It attaches copies of the minutes of the meetings at which the elections took place.

4. The petitions were examined and discussed at the 45th and 71st meetings of the Standing Committee (T/C.2/SR.45 and 71).

5. At its 71st meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 681 (XII).*

SECTION VIII. PETITION FROM THE COMMITTEE OF THE UNIONE AFRICANI SOMALIA IN MIGIURTINIA (T/PET.11/335)

1. The petition, impossible of literal translation, was issued in the following summary form:

2. It complains of the refusal of the Commissioner of Migiurtinia to permit the establishment of a branch of the Unione Africani Somalia in that Province. It claims that the branch has fulfilled the requirements set forth

in the ordinance of 14 October 1952, in that 230 persons wish to belong to the party.

3. The communication complains of general discriminatory policies of the Commissioner and states that the people of Migiurtinia are suffering from three catastrophes:

(1) Widespread sickness;

(2) Drought;

(3) The return of the Italian Administration to their land.

4. The observations of the Administering Authority (T/OBS.11/17, section 2) deal first with the complaint concerning the establishment in Migiurtinia of a branch of the Unione Africani Somalia. When, in November 1952, emissaries of the party visited Migiurtinia, they met with such opposition by members of the Lega Progressista Somala that minor incidents occurred, and the Provincial Commissioner decided that it would not be in the interests of public order to permit branches of the Unione to be established in the Province for the time being. With the assistance of his Residents, however, he took steps to persuade public opinion that every political party should be free to exercise its activities within the limits of the law; and his efforts were so successful that, by the middle of March 1953, branches of the Unione had been opened in three centres, and had pursued their activities free of any incidents.

5. The Administering Authority describes the affair as yet another instance of the intolerance evinced by one political party for another.

6. As regards the vague accusations in the rest of the petition, the Administering Authority invites reference to its annual report on the Territory for 1952, and to its observations on T/PET.11/114, in the course of which it described what it was doing to improve economic and social conditions in Migiurtinia (see Council resolution 537 (XI)).

7. The petition was examined and discussed at the 45th and 71st meetings of the Standing Committee (T/C.2/SR.45 and 71).

8. With regard to the statement in the petition that the people of Migiurtinia are suffering from drought the special representative said that the Administering Authority fully realizes that it was not enough simply to send food and supplies into the area, but that the problem must be attacked by trying to alter the economic situation. The Administering Authority, accordingly, was attempting to train more persons in fishing, since the supply of fish is good. It also had under study a plan to give financial help to a firm which would develop the salt mines of Hafun. The equipment of the mines was destroyed during the war and the mines were not now in operation for want of approximately \$500,000 needed to replace equipment. The Administering Authority had also approached the United Nations International Children's Emergency Fund (UNICEF), and an expert on nutrition was to go to Mudugh and the Migiurtinia to conduct a survey and make proposals both to UNICEF and to the Italian Government.

9. With regard to the petitioners' complaint of widespread sickness, the special representative pointed out



that sickness is not much greater in the region under consideration than in others. Certain diseases are the result of the climate, e.g., trachoma, caused by the sand and wind, while others are due to malnutrition. Fresh fruits and vitamins are sent into the area and certain persons are sent to Mogadiscio to recover. The major need in the area is not more doctors but a better diet.

10. At its 71st meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution, which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 727 (XII).*

SECTION IX. PETITION FROM MESSRS. MUSSA MOHAMED BAQUER OTHMAN, SAID MAHMOUD MUSSA AND OTHERS (T/PET.11/349)

1. The petitioners complain that nearly 500 members of the Hersi tribe in Mogadiscio were rounded up for police interrogation. Each one was asked to state his tribe, and those who refused were beaten, insulted, imprisoned for thirty-two hours, and on release were all deported to various distant places. Those who were taken to Garowe had no food on the journey and six were imprisoned on arrival for nine days. Those who went to Bender Eil were chained hand and foot, imprisoned and fined 80 centesimi daily; what there was of the prison food was fit only for donkeys, and the prison conditions were horrid.

2. The Administering Authority states (T/OBS.11/19, section 4) that the petitioners are referring to the events of 7 March 1952, when a number of persons in Mogadiscio were rounded up and interrogated concerning the attack on Territorial Councillor Sceh Mohamed Sceh Osman. The affair was one of the subjects of T/PET.11/273, and

the Administering Authority invites reference to its observations thereon contained in T/OBS.11/7, section 4, paragraph 6. The total number of persons detained on that occasion was 234, and fifty only were repatriated to their places of origin.

3. While waiting at Garowe for their onward transport, the six petitioners were guilty of violence towards a police sergeant and received prison sentences varying from one to two years (appeals against their sentences by two of the petitioners are under consideration). It does not appear from inquiries made that the prisoners suffered any ill-treatment by the police, and their complaints of conditions in the prison at Eil are devoid of foundation.

4. The petition was examined and discussed at the 45th and 71st meetings of the Standing Committee (T/C.2/SR.45 and 71).

5. In regard to the questioning of persons as to the name of their tribe, the special representative stated that the name of the tribe is useful to the Administering Authority in identifying persons since there are so many persons with the same name. No one, however, is compelled to give the name of his tribe.

6. Following the second attack upon a territorial councillor the police detained 234 persons of whom fifty were repatriated to their places of origin because they could give no good reason why they were in Mogadiscio. They had no means of subsistence, no relatives and had been seen often with people of bad reputation.

7. At its 71st meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 740 (XII).*

DOCUMENT T/L.340

Twenty-fifth report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration

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[19 June 1953]

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# INTRODUCTION

1. At its 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 60th, 71st, 72nd and 73rd meetings on 26, 27, 28 and 29 May and 2, 8, 15, 16 and 17 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>5</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the thirty-two petitions concerning the Trust Territory of Somaliland under Italian administration which are listed above.

2. Mr. P. Spinelli participated in the examination as the special representative of the Administering Authority concerned.

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 draft resolutions referred to in sections I to XXX inclusive.

4. The group of petitions dealt with in this report comprise all those which arise from the relations between the Somali Youth League on the one hand and the Administering Authority and other political parties on the other hand.

5. The sequence of examination adopted is as follows. T/PET.11/273 is examined first. It emanates from the League's head office, and is signed by the Secretary-General on behalf of the Central Committee of the League. It may be regarded as a review of the grievances sustained by members of the League from the time of the departure of the Visiting Mission from the Territory, in September 1951, until the end of April 1952 (the petition is dated 7 May 1952). Accordingly, several of the complaints which it contains are the subject of separate petitions emanating from branches of the League; those complaints, therefore, are treated somewhat summarily under T/PET.11/273, and receive more detailed treatment in their proper place later on. (Two of the complaints were the subject of petitions considered by the Council at its eleventh session.)

6. Thereafter, it has been found convenient to group the petitions according to the branches of the League from which each has emanated—commencing with the branch at Chisimaio, from which the largest number of petitions from any branch has emanated, and thence to proceed from south to north, Province by Province, until Migiurtinia is reached.

<sup>5</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

7. In a reply to a statement by the representative of Egypt on the Advisory Council to the effect that the political situation in Somaliland might be further improved by the granting of an amnesty for offences of a political character, the special representative informed the Committee that, while an amnesty might give rise to certain constitutional difficulties, the Administration was actively examining the granting of pardons in many individual cases. The Committee considered including a recommendation on this subject in the draft resolutions on several petitions dealt with in this report. It decided that it would be inappropriate for it to single out particular cases. The Committee, however, had considered the possibility of suggesting that the Trusteeship Council recommend that the Administering Authority, with a view to achieving a further improvement of the political situation in the Territory, might consider appropriate measures of clemency. At its 71st meeting, however, the Committee was informed by the special representative that on the occasion of Italy's National Day, 2 June 1953, the Administering Authority did grant pardons to 313 persons then serving sentences of imprisonment, and that the number pardoned was approximately one-third of the total number of persons then in prison.

8. In the light of the statement of the special representative, the Committee decided not to proceed with its proposal; but it wishes to call the foregoing considerations to the attention of the Council.

#### SECTION I. PETITION FROM THE SOMALI YOUTH LEAGUE, MOGADISCIO (T/PET.11/273).

1. The petitioners begin with a reference to their disappointment that so many of the Italian officials of the Trusteeship Administration had been officials of the Colonial Administration also. They then assert that, because of the League's opposition to the restoration of Italian administration, the officials have done everything in their power to ban it. Starting with the very serious incident at Baidoa in April 1950, in which several League members were killed and many were wounded, "acts of revenge and hatred continue unceasingly" and tribal disturbances have been instigated as a result of the policy of "divide and rule".

2. The petitioners go on to detail how so many of the League's members had complained to the Visiting Mission of 1951 that the Administering Authority had violated the Trusteeship Agreement, and had illustrated their complaints with charges of "ill-treatment and unhuman persecutions" suffered by members and sympathizers of the League. For this, they assert, the Administration began to carry out large-scale persecutions against the League's members soon after the Visiting Mission left the Territory. The petitioners then go on to detail the following occurrences in support of their assertion.

3. First, Mr. Mahamed Nur, League member, who acted as English interpreter when the Visiting Mission interviewed members of the Chisimaio branch, was arrested on the day after the Mission left Chisimaio. This is the subject of a separate petition—T/PET.11/258 (see section III below).

4. Secondly, in October 1951, some twelve leaders of the League in Alula District (Migiurtinia Province) were arrested and, after six months' detention, were convicted

on "framed-up" charges and sentenced to terms of imprisonment ranging from nine to twelve months. A similar fate befell fourteen members of the League in the same District in June 1951. In its observations (T/OBS.11/7, section 4, paragraph 4) on this part of the petition, the Administering Authority states that these complaints are to be equated with some of those contained in T/PET.11/118 and 160—on which the Council adopted resolutions 539 (XI) and 572 (XI). The Administering Authority reports further, in regard to the October 1951 incident, that the twelve persons concerned were found guilty in March 1952 of taking part in a seditious gathering and of instigating others to disobey the law, and were sentenced to terms of imprisonment not exceeding one year.

5. Thirdly, a very serious incident "organized by the... Italian authorities" took place at Bender Beila in February 1952. This is the subject of a separate petition, T/PET.11/250 (see section XXII below).

6. The fourth occurrence described by the petitioners is one which is not the subject of a separate petition. In Mogadiscio, on 6 March 1952, Mr. Mohamed Sceek Osman, the head of the Unione Africana della Somalia, received two wounds in his head from revolver bullets. According to the petitioners, the wounds that he sustained were so slight that he recovered a few days later. The next day—to continue the petitioners' account of what occurred—thousands of Somalis were arrested on sight and gaoled, hundreds being placed in rooms large enough to accommodate a dozen. The detainees were provided with no food for over twenty-four hours. Some were released on 8 March and others were deported to distant places even though their homes were in Mogadiscio. Anyone who refused, during his interrogation, to state his tribe was beaten up—one man so badly that he became unconscious. Four men, all members of the League, were detained for longer periods than the rest. Two of them were released after seven weeks' detention without trial, and the other two had been transferred, at the time of writing, to the Central Prison to await trial. The petitioners write: "With the excuse of discovering those responsible for the incident, the police had a very good chance... to persecute the nationalistic elements, particularly those suspected to belong to this political movement; in fact, these latter were used as the main targets of the police persecutions".

7. According to the Administering Authority (T/OBS.11/7, section 4, paragraph 6), there had been reports during February 1952 of an organization afoot for the terrorizing of certain Territorial Councillors. Proper precautions were taken, which was just as well, since on 5 March 1952 councillor Sceek Nur Ussen was beaten up by Mr. Hagi Abdullahi Issa who was later convicted and sentenced to imprisonment. The Administering Authority adds that the convicted man was a League member. On the following day, Councillor Mohamed Sceek Osman was attacked and wounded as already described—but the wounds were serious. Accordingly, on 7 March 1952, it was decided that the police should take measures to protect the city's inhabitants from further lawlessness of the kind. Normal police action was taken in detaining 234 persons of whom three were charged with attempted homicide. These three men were found not guilty on 25 July 1952 and were released. Of the remainder detained, fifty persons were unable to prove that they had any fixed

occupation in Mogadiscio and were repatriated to their places of origin. The detainees suffered only one night's detention. Ill-treatment by the police, and the use of violence, are denied.

8. The fifth and sixth occurrences described by the petitioners involve the arrest of League members in Chisimaio in March 1952. They form the subject-matter of T/PET.11/261 and 277 (see sections IV and VII below).

9. The seventh occurrence described by the petitioners is one which is not the subject of a separate petition. In March 1952 two members of a League inspecting mission touring outlying areas arrived at Brava, where they were arrested by the orders of the Maresciallo on the grounds that they were new-comers. They were subjected to ill-treatment and humiliation, and spent that night and the day after in gaol. The petitioners feel that this is evidence of anti-League activities since, if all new-comers to Brava were to be detained, the gaol would not be large enough to accommodate them.

10. According to the Administering Authority (T/OBS.11/7, section 4, paragraph 8), the Brava police were conducting inquiries in the course of the search for the culprits responsible for the attack on Councillor Mohamed Scek Osman in Mogadiscio on 6 March 1952 (see paragraphs 6 and 7 above). The two men, who had arrived from Mogadiscio, were arrested because they refused to state the purpose of their visit to Brava. When, however, the secretary of the local branch of the League explained the object of their visit to the local authorities, they were released after only fourteen hours' detention. They had not been subjected to humiliation of any kind.

11. The petitioners conclude their petition with a general statement, on the lines of that with which they began it, of their dissatisfaction with the Administration.

12. Annexed to the petition is a copy of a letter dated 1 May 1952 from the President of the League to the Acting Administrator. Each of the occurrences detailed in paragraphs 1-4 of the annex can be equated with an occurrence detailed in the petition proper. Paragraphs 5 and 6, however, are concerned with different occurrences and matters. They are:

(i) The reimprisonment for fifteen days of a man, about to be released after a sentence of eight months for "political reasons", for refusal to state his tribe.

(ii) The alleged arbitrary imprisonment of the chief of the League's Genale branch.

(iii) The trial of the chief of the League's Sigale (Merca) branch for a report that he uttered insulting words against the Officer Commanding Police.

(iv) The public behaviour of the Public Prosecutor at Villabruzzi who, it is alleged, acts in court more like a political official than a public prosecutor.

(v) A plea for the abolition of the tribal system.

13. The petition was examined and discussed at the 46th and 71st meetings of the Standing Committee (T/C.2/SR.46 and 71).

14. The special representative of the Administering Authority informed the Committee that, since the events referred to in the present and subsequent petitions dealt with in this section, there had been a marked improvement

in the relations between the Somali Youth League and the Administration, and that the political situation in the Territory was much less tense.

15. The representatives of the States Members of the Advisory Council confirmed that there had been a substantial improvement in the political atmosphere.

16. At its 71st meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 685 (XII).*

## SECTION II. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF CHISIMAIO (T/PET.11/245)

1. There will now be examined, in chronological order, all the petitions that have emanated from the Chisimaio branch of the League. The first of these—T/PET.11/245—is in the form of a telegram.

2. The sense of the petition is not entirely clear, but the complaint seems to be that after the departure of the 1951 Visiting Mission the population was subjected to ill-treatment and arbitrary arrests by the local authorities. The petitioners state that a member of the committee which interviewed the Visiting Mission was arrested, and was still on remand at the time of writing, while three other men were arrested solely for wearing red shirts. They add that the local authorities refused to permit bail in these cases.

3. The arrested committee member is identified by the Administering Authority (T/OBS.11/3) as Mr. Mahamed Nur Mahamed—and also by the Secretary-General of the League (see section I, paragraph 3, above). He has presented a separate petition on the subject, T/PET.11/258, which will be treated in section III below. As for the three other men, the Administering Authority states that they were arrested for holding a seditious meeting, outrage against a public official and failure to observe regulations issued by the local authorities. They were urging the personnel employed at the Giuba River ferry to go on strike. They each received two months' imprisonment for outrage against a public official but were acquitted of the other two charges. They did not appeal against their sentences.

4. The petition was examined and discussed at the 46th and 72nd meetings of the Standing Committee (T/C.2/SR.46 and 72).

5. At its 72nd meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 665 (XII).*

## SECTION III. PETITION FROM MR. MAHAMED NUR MAHAMED (T/PET.11/258)

1. The petitioner complains that because he criticized the Administration, and in particular the Somali school at Chisimaio, in oral testimony before the Technical Assistance Mission and the Visiting Mission, and because

he quarrelled with the school teacher, he was arrested at Chisimaio immediately following the Visiting Mission's departure. He states that after sixty-six days in prison he was brought before a tribunal and sentenced summarily to four months' imprisonment without being informed of the charges against him. He is extremely critical of the way the trial was conducted, and states that it was only when it had been concluded that he discovered that he was accused of assaulting the school teacher, an accusation which he strongly denies. Five days after the trial, he states, he was forcibly deported from Chisimaio to Galcaio although Chisimaio was his birthplace and place of residence. His case is the first of those described by the Secretary-General of the League in T/PET.11/273 (see section I, paragraph 3 above), and it is referred to also in T/PET.11/245 (see immediately preceding section).

2. The Administering Authority states (T/OBS.11/3, section 3) that, from the evidence given at his trial, the petitioner was rebuked by his teacher for rude manners in the classroom. He thereupon abused the teacher and kicked him. He was arrested for this, and also for causing personal injury to a policeman. He was acquitted of the latter charge and received four months' imprisonment on conviction of the former charge. The period of sixty-six days which he spent awaiting trial did not exceed that normally required for investigation of cases in a district where a great number of offences were being committed. The Administering Authority states also that the court proceedings were conducted with extreme thoroughness.

3. The petition was examined and discussed at the 46th, and 72nd meetings of the Standing Committee (T/C.2/SR.46, and 72).

4. The special representative felt sure that the petitioner had not been deported to Galcaio—or to anywhere else. He had left Chisimaio for Mogadiscio, whence he had subsequently proceeded, without let or hindrance, to a neighbouring territory.

5. At its 72nd meeting the Committee adopted, by 4 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 674 (XII).*

#### SECTION IV. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF CHISIMAIO (T/PET.11/261)

1. The petitioners complain of hostility on the part of the local authorities of Chisimaio towards the Somali Youth League. They assert that the Resident has sought to compel the local chiefs to join the opposing party, the Lega Progressista Somala, that employment in the administration is open only to members of that party, and that employment in the Public Works Department is obtainable only through the party's secretary. They also state that the Secretary and other members of the local committee of the Somali Youth League were arrested and imprisoned without reason on 24 and 25 March 1952. This latter assertion concerns the fifth occurrence described by the Secretary-General of the League in T/PET.11/273 (see section I, paragraph 8 above).

2. The Administering Authority states (T/OBS.11/3, section 4) that neither at Chisimaio nor at any other

place have the authorities taken any initiative in establishing the Lega Progressista Somala. A number of headmen communicated to the Resident of their own free will, for information, that they had decided to join the party.

3. As regards the arrests, the Administering Authority states that two of the men are probably those League members who were arrested for outrage against a judge on the bench and sentenced to imprisonment, and that the others are among a number arrested on suspicion of having participated in an assault on Scerif Salah Omar, which is the subject of T/PET.11/277 (see section VII below).

4. In connexion with the petitioner's assertions concerning the Lega Progressista Somala, the Committee draws attention to a previous petition from the same petitioners, T/PET.11/220, which was examined by the Trusteeship Council during its eleventh session. There, the petitioners protested against the opening at Chisimaio of a branch of the Lega, and asked the Advisory Council to prevent it in order to avoid disorders. The Trusteeship Council, in resolution 591 (XI), noted a statement of the Administering Authority to the effect that political parties were free to exercise their activities in the Territory within the framework of the law, and that any intervention by the Administering Authority to prevent the opening of new branches would be inconceivable, and decided that no recommendation by the Council was necessary. This statement by the Administering Authority may be borne in mind when studying further complaints of political partiality against the authorities of Chisimaio, Bardera and Scusciuban contained in, respectively, T/PET.11/276, 246, 307 and 313 (see, respectively, sections V, XI, XXV and XXVI below).

5. The petition was examined and discussed at the 47th and 72nd meetings of the Standing Committee (T/C.2/SR.47, and 72).

6. The special representative repeated the assurances given at the eleventh session that political parties are free to exercise their activities within the framework of existing laws and that administration officials are strictly neutral in the matter. He stated further that employees are engaged solely on the basis of personal qualifications and without regard to political party affiliation.

7. The representative of the Union of Soviet Socialist Republics proposed that the Trusteeship Council should recommend that the Administering Authority should refrain from violating the rights and interests of indigenous inhabitants.

8. This proposal was rejected by the Committee by 5 votes to 1. Accordingly, the representative of the USSR was not in a position to support the draft resolution adopted by the Committee.

9. At its 72nd meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt:

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 676 (XII).*

SECTION V. PETITION FROM THE SOMALI YOUTH LEAGUE,  
BRANCH OF CHISIMAIO (T/PET.11/276 AND ADD.2)

1. (The first addendum to the petition is examined in the next succeeding section.)

2. The main petition opens with a complaint of continual persecution of League members by the Commissario and the Resident. The petitioners then proceed to accuse the authorities of interference in religious matters. Scek Mohamed Scek Ibrahim, having preached first at the local Mosque, later delivered an identical sermon at the headquarters of the League's branch. According to the petitioners, he merely exhorted the faithful to follow the straight path and to live together in brotherly love. Nevertheless, he was arrested and, as appears from T/PET.11/276/Add.2, was later sent to prison for a year and fined So.200.<sup>6</sup>

3. The next complaint, a repetition of the one contained in T/PET.11/261 (see section IV above), is of discriminatory employment practices in favour of the Lega Progressista Somala. One charge is that, in order to exclude League members, the Commissario put recruiting for the Public Works Department in the hands of the secretary of the Lega—and brought him in from Galcaio especially for the purpose.

4. The third complaint is that Mr. Hussein Salah, a League member who used to supply food to the dock and harbour workers, has been arrested and that his post has been given to a Lega member.

5. The Administering Authority (T/OBS.11/3, section 8) confirms the arrest and conviction, as described above, of Scek Mohamed Scek Ibrahim, and adds that he appealed against his conviction and was temporarily released, but that he was rearrested later on a charge of having been one of the instigators of the incident at Chisimaio on 1 August 1952 (see section IX below). The reason for the earlier arrest, leading to a conviction, was that his sermons were speeches which threatened those who co-operated with the Administration and were liable to endanger public order. In this connexion, the Administering Authority draws attention to T/PET.11/282, from Mr. Hagi Mohamed Farah and others who, referring particularly to Chisimaio, state, *inter alia*: "We protest very strongly against the... League that hires religious leaders and sends them around the country for shameless political propaganda in mosques and public places in order to profit from the prestige of their functions."

6. It does not appear to the Administering Authority that anyone has been deprived of his work for not joining the Lega, nor is discrimination of any kind being employed in recruiting for the Public Works Department. (See also what is said in section IV, paragraph 6 above.) As regards Mr. Hussein Salah, he was arrested for participating in an assault on Scerif Salah Omar, and the man who got his job was one who had applied for it some months previously. (For the assault on the Scerif, see T/PET.11/277, section VII below.)

7. The petition was examined and discussed at the 47th, 48th, and 72nd meetings of the Standing Committee (T/C.2/SR.47, 48 and 72).

8. The special representative stated that Mr. Hussein Salah had been not an employee of the Administration, but a contractor to a private company. The Administration did not interfere in the awarding of such contracts.

9. The representative of the Union of Soviet Socialist Republics proposed that the Trusteeship Council should recommend that the Administering Authority should refrain from violating the rights and interests of indigenous inhabitants.

10. This proposal was rejected by the Committee by 5 votes to 1. Accordingly, the representative of the USSR was not in a position to support the draft resolution adopted by the Committee.

11. At its 72nd meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt:

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 686 (XII).*

SECTION VI. PETITION FROM THE SOMALI YOUTH LEAGUE,  
BRANCH OF CHISIMAIO (T/PET.11/276/ADD.1)

1. The first complaint is that on 4 May 1952, at a newly-opened branch of the Lega Progressista Somala, the Resident made a speech in the course of which he declared the League to be the enemy of the Administration, and that a few days later he interrogated the League's local branch secretary as to his activities during the period of British administration. Both charges are denied by the Administering Authority (T/OBS.11/4, section 5) which reproduces *in extenso* the text of the speech delivered on the occasion referred to.

2. The second complaint arises out of the 15 May celebrations in 1952—i.e. the ninth anniversary of the League's foundation. Invitations to attend were sent to all the prominent members of the community and of the local administration, including the Resident, and all accepted. The Resident, however, together with a number of local officials, failed to attend the celebrations, and the charge is that the Resident prevailed upon the others to absent themselves. According to the petitioners, as well as to the Administering Authority, the cause of the trouble was an incident concerning the flying of the Italian flag on the building in which the celebrations were to be held. There was no law compelling the hoisting of the Italian flag on the kind of building in question but, as the organizers had hoisted the party's flag on it, the authorities invited them to hoist the Italian flag also—as a matter of courtesy. This the organizers declined to do and, states the Administering Authority (T/OBS.11/4, section 5), displayed such an uncivil attitude in the matter that the local officials declined to attend the celebrations.

3. In T/PET.11/269 and 272 (see section XII below) the question of flying the Italian flag on headquarters of the League's branches on 15 May again arises.

4. The petition was examined and discussed at the 48th and 72nd meetings of the Standing Committee (T/C.2/SR.48 and 72).

<sup>6</sup> So.200 = £10 sterling = \$ (US) 28.

5. The special representative explained that the incident had arisen from a misunderstanding by the Resident of instructions of the Administration.

6. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 687 (XII).*

#### SECTION VII. PETITION FROM THE LOCAL COMMITTEE OF THE SOMALI YOUTH LEAGUE, CHISIMAIO (T/PET.11/277)

1. The petitioners protest against the arrest on 25 March 1952 of five members of the local committee and two members of the Somali Youth League on a charge of having assaulted Scerif Salah Omar and another person on the preceding day. They consider that there is no evidence to connect the accused with the crime and that the arrests were an act of political discrimination. They therefore request the assistance of the Advisory Council in obtaining the release of the seven accused persons.

2. This is the sixth occurrence described by the Secretary-General of the League in T/PET.11/273 (see section I, paragraph 6 above), and one of the men arrested is Mr. Hussein Salah—whose case was part of the subject matter of T/PET.11/276 and Add.2 (see section V above).

3. The Administering Authority states (T/OBS.11/3, section 9) that the seven men were arrested on 25 March 1952 and charged with the assault. The inquiry was completed within the time prescribed by law, so that on 25 July it was possible to begin the trial. On 30 September one of the men was convicted and sentenced, one was discharged "not proven" and the other five were discharged "not guilty".

4. The petition was examined and discussed at the 47th, 48th and 72nd meetings of the Standing Committee (T/C.2/SR.47, 48 and 72).

5. The special representative maintained that the period between the arrest and trial of the accused persons was within the five months provided for in homicide cases under the ordinance of 1952, and was reasonable in view of the serious nature of the charge and of the difficulty of locating witnesses.

6. At its 72nd meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 688 (XII).*

#### SECTION VIII. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF CHISIMAIO (T/PET.11/286)

1. On 23 May 1952 the Chisimaio branch dispatched a telegram the sense of which was not very clear, but in which fears were expressed for the security of Chisimaio owing to "sabotage hostilities arising by local authorities". The Administering Authority states (T/OBS.11/4, section 6) that it was the episode of the flag on 15 May 1952, and the boycotting of the celebrations by the prominent

officers of the local administration, described in the immediately preceding section, which led to the dispatch of the telegram.

2. The second telegram forming the petition, dated 7 June 1952, charges the local authorities with falsely accusing the League of fomenting a riot, and protests that it has no intention of doing such a thing. The Administering Authority's comment on this (T/OBS.11/4, section 6) is to the effect that such suspicions as were held by the local authorities proved to be well-founded by the unfortunate occurrence of 1 August 1952.

3. The petition was examined and discussed at the 48th, and 72nd meetings of the Standing Committee (T/C.2/SR and 72).

4. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 695 (XII).*

#### SECTION IX. PETITION FROM THE PRESIDENT OF THE SOMALI YOUTH LEAGUE (T/PET.11/298 AND Add.1)

1. The petition and its addendum consist of two telegrams, addressed to the President of the Trusteeship Council, concerning the incident which occurred at Chisimaio on 1 August 1952. According to the first telegram, which is dated 5 August 1952, the course of events was as follows. A large crowd gathered in Chisimaio to have audience of the Acting Administrator who was there on a visit. The police attempted to disperse the crowd, and in the ensuing fracas three policemen were killed and twelve others wounded. The affair was succeeded by wholesale arrests and the closing down of all League branches in the Lower Giuba Province. The League's headquarters in Mogadiscio were raided on 3 August, the premises were searched and a number of documents were removed. The houses of two members of the League's central committee were raided also.

2. In the second telegram, which is dated 9 August 1952, the petitioner states that over one thousand persons, including women and children, had been arrested and deprived of food for several days; that some had died of starvation and that at least one had been shot dead by the police.

3. The first eight paragraphs of the Administering Authority's observations on the Chisimaio incident (T/OBS.11/9, section 1) consist of a brief review of the main course of events in the Lower Giuba Province since its assumption of the administration in April 1950. The observations in those paragraphs, therefore, may be regarded as the background against which the Administering Authority views all the petitions emanating from, or on behalf of, the Chisimaio branch of the League. In that sense, the observations are supplementary to the observations specifically submitted in regard to the petitions presented in sections 2 to 8 above—as well as being specifically related to the events of 1 August 1952.

4. The gist of the first eight paragraphs is as follows: On assuming the government of the Territory, the Administration found a tense political situation in the



Lower Giuba region and was compelled to take special precautionary measures to suppress acts of violence by League members. As a result, the period June 1950-September 1951 was relatively calm, a state of affairs which was due also to the fact that the supremacy of the League as a political party was still unchallenged in the area.

5. The Administering Authority ascribes the League's supremacy to a policy of intimidation making it extremely difficult for other political parties to make headway in the area. Such intimidation was resented, however, by strong groups of the population, and by late 1951 branches had been established of the *Unione Africana della Somalia* and the *Lega Progressista Somala*. League leaders thereupon requested the authorities to prevent the formation of other political parties, and when such requests were refused, resorted to complaints such as those contained in T/PET.11/261 (section IV above). The rapid growth of new political assemblies in the area led League branches strenuously to oppose the authorities, and many leaders openly flouted the law. Blame for diminished prestige of the League was laid on the local authorities, against whom were made a sequence of unfounded accusations and charges of persecution leading—early in 1952—to a systematic and violent campaign intended to cause serious incidents for which the local authorities could afterwards be blamed.

6. As regards the incident of 1 August 1952, the Administering Authority explains that what prompted it was the desire of the local branch of the League to stage a protest demonstration against the local authorities on the occasion of the Acting Administrator's visit. The parade was disallowed since it was felt that it would only lead to trouble. On the date of the visit, a deputation of three League members asked for an interview with the Acting Administrator to protest against:

(a) The imprisonment of Scek Mohamed Scek Ibrahim (section V above);

(b) The discrimination used in fixing closing hours for European and Somali shops.

These persons were told that if they submitted their complaints in writing they would be allowed personally to present them to the Acting Administrator. This the deputation agreed to do, and went away having given an assurance that there would be no demonstration.

7. Shortly afterwards, hearing that crowds were gathered near the League's headquarters, the officer in charge of the local police proceeded there. Overtaking the three delegates on their way back to prepare their petition, he picked them up in his car and, on arrival at the place where the crowds had gathered, invited them to tell the assembly about the agreement just reached over the petition and to persuade the people to disperse. They refused, got out of the car and joined the crowd, which threw stones at the car.

8. That is how the trouble began. The crowd then rushed on, killing two Italian and one Somali policemen and injuring nine Somali police and one sailor. The police used no weapons and no injured person was recorded amongst the aggressors.

9. As a result of the ensuing search and investigation, 296 persons were detained, of whom 184 were released on completion of the inquiry and 118 remained under

arrest. The case was due to be tried at the Court of Assize during February 1953.

10. For reasons of public order, all League branches in the Lower Giuba region were closed down for the time being, but authority to reopen was given to them gradually. In addition, curfew was imposed in Chisimaio for seven days, a search of League headquarters at Mogadiscio was carried out in the presence of some central committee members, and an inspecting mission of the League in the Upper Giuba region was requested to return to Mogadiscio.

11. The Standing Committee decided (T/C.2/SR.41) that, when considering this petition, it would take note also of T/COM.11/L.52—which is a copy of a letter addressed by the League's Vice-President to the Administrator of the Territory on 13 August 1952. It details how, on hearing from the Commissario of Banadir Province on 2 August of what had occurred at Chisimaio on 1 August, the League's officers informed him of their intention to send there a goodwill mission consisting of some members of the central committee, and asked that the mission might be given a letter of introduction to the local authorities there. On the morning of 3 August, they were informed that their project could not be carried out, and that for the time being no one might enter or leave Chisimaio. Throughout that day, and the following day, the League's officers sought unsuccessfully an interview with senior officers of the Administration. One of the intermediaries they employed was a member of the Advisory Council secretariat; he, apparently, was able to inform them of the Acting Administrator's willingness to receive them, and advised them to arrange an audience through the head of the Internal Affairs Department—but they were unable to contact the latter officer.

12. The letter contains also a fuller account of the raid on the League's headquarters, and mention is made of the banning of League activities throughout the Lower Giuba Province. An inspecting mission of the League, which had left headquarters in Mogadiscio for the Upper Giuba Province on 29 July, reached Baidoa by 2 August, when it was ordered to return to Mogadiscio. Moreover, on 5 August, the central office was given one month's notice to quit its headquarters—a public building rented by the League.

13. The petition was examined and discussed at the 48th, 49th, 50th and 72nd meetings of the Standing Committee (T/C.2/SR.48, 49, 50 and 72).

14. The special representative informed the Committee that the improvement in the relations between the Somali Youth League and the Administration had also taken place in the Chisimaio area and that there had been a marked lessening of political tension. It was considered necessary to keep the Somali Youth League branch closed until the completion of the trial, but unofficially members, including the Secretary, had resumed activities and badges were worn in public.

15. The representatives of States Members of the Advisory Council confirmed the improvement in the situation at Chisimaio.

16. As regards the state of the trial, the special representative stated that it had been postponed until mid-June 1953. The number of persons still under arrest in this connexion was thirty-two. A further seventy-five



persons, accused of minor complicity, had been released pending the trial.

17. The representative of the Union of Soviet Socialist Republics proposed that the Trusteeship Council should recommend that the Administering Authority should not allow violation of the rights and interests of the indigenous population, in particular violations of the freedom of speech, participation in public gatherings and demonstrations.

18. This proposal was rejected by the Committee by 4 votes to 1 with 1 abstention. Accordingly, the representative of the USSR was not in a position to support the draft resolution adopted by the Committee.

19. At its 72nd meeting the Committee adopted, by 5 votes to 1; the following draft resolution which it recommends that the Council adopt:

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 705 (XII).*

#### SECTION X. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF LUGH FERRANDI (T/PET.11/317)

1. The petition takes the form of a telegram complaining that League members of the Lugh Ferrandi branch are continually maltreated by the officer in charge of the police station with the consent of the local authority, and that, at the time of writing, a member was in detention for no reason and "almost dead owing to blows from (the) said" officer in charge.

2. From the observations of the Administering Authority (T/OBS.11/6, section 8) it appears that the man in question was not an inhabitant of the Trust Territory. He was arrested at Lugh Ferrandi for failure to give a satisfactory reason for his temporary presence in the Trust Territory and was being repatriated under police escort. At Baidoa, however, he gave his escort the slip and returned to Lugh Ferrandi where he was rearrested and charged with disobedience of an order given by an Authority and with giving false particulars. The complaint of ill-treatment in prison was proved to be groundless.

3. The petition was examined and discussed at the 48th and 72nd meetings of the Standing Committee (T/C.2/SR.48 and 72).

4. The special representative stated that the improvement in relations between the Somali Youth League and the Administration had also taken place in the Lugh Ferrandi area. The person whose detention was referred to in the petition had been set free, but the special representative was unaware of his present whereabouts.

5. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 710 (XII).*

#### SECTION XI. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF BARDERA (T/PET.11/246)

1. The petitioners first complain that the Resident of Bardera neglects his duties; that he spends his time hunting,

and stays at home when he should be at his office. They then go on to charge him with the same charge as the Chisimaio branch brought against their Resident (T/PET.11/261, section IV above); viz., that he had endeavoured, by threat of dismissal, to oblige all employees of the Administration and salaried chiefs to quit the League and join a "pro-Italian" political party. In a subsequent telegram, the petitioners say that an incident which occurred on the occasion of the opening of a branch of the Somali Youth League at Dinsor was instigated by the Resident of Bardera. They state that all persons at Dinsor who favoured the League were threatened and prevented from obtaining water.

2. The Administering Authority denies (T/OBS.11/4, section I) that the Resident neglects his duties. If he hunts, he does so in his spare time. If for a short time he received people at his house, rather than at his office, it was because he was recovering from a slight physical disability. It reiterates that the Administration and its officials are strictly neutral in the matter of party affiliation.

3. No incident took place on the occasion of the opening of a branch of the League at Dinsor. The local populace and their chiefs strongly objected to the branch's being opened and requested the Resident to withhold permission; this the Resident refused to do and, as an officer of the League had informed him of the local hostility and had asked him for protection, he arranged for the forces of law and order to be augmented for the occasion.

4. The Administering Authority states that the petitioners' reference to not being able to draw water is a reference to a dispute over the ownership of a well between the Dabarre tribe and an individual member of the League—a dispute which would be within the competence of the Khadi's court to settle.

5. The petition was examined and discussed at the 48th and 72nd meetings of the Standing Committee (T/C.2/SR.48 and 72).

6. The special representative and the representative of Colombia on the Advisory Council expressed the opinion that the charges against the Resident of Bardera were unjustified.

7. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 666 (XII).*

#### SECTION XII. PETITIONS CONCERNING THE FLYING OF THE FLAG OF THE ADMINISTERING AUTHORITY FROM THE SOMALI YOUTH LEAGUE, BRANCH OF BARDERA (T/PET.11/269) AND THE SOMALI YOUTH LEAGUE, BRANCH OF EL BUR (T/PET.11/272)

1. In these two petitions the Bardera and El Bur branches of the League complained that the branches were being forced by the local authorities to fly the Italian flag over their headquarters on the occasion of their forthcoming 15 May celebrations.

2. The Administering Authority (T/OBS.11/3, section 7) explains that in both cases there had been a misunderstanding by local authorities of certain regulations, which was

later cleared up. The respective celebrations took place without the Italian flag being flown, and at Bardera they were attended by the local Commandant of police (representing the Resident absent on duty) and by the garrison Commandant.

3. The petitions were examined and discussed at the 48th and 72nd meetings of the Standing Committee (T/C.2/SR.48 and 72).

4. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 683 (XII).*

#### SECTION XIII. PETITION FROM MR. KALIF MAALIN HASSANO AND OTHERS (T/PET.11/302)

1. The eight signatories, who all describe themselves as elders of Goluen in Merca District, protest against the search in public by armed police of all League members at Goluen on 14 August 1952. All persons wearing the League badge were lined up and made to keep their hands resting on their heads for about an hour. They were threatened with being shot if they lowered their hands for any reason. The writers know of no act of violence, crime or subversive activity on the part of any of the persons concerned.

2. Half a dozen eye-witness accounts of what happened are appended to the petition.

3. The Administering Authority states (T/OBS.11/9, section 3) that the authorities at Merca received a report that, on 10 August 1952, four local leaders of the League made speeches, at a public meeting held in the League's premises at Goluen, expressing satisfaction with what had occurred at Chisimaio on 1 August (section IX above), praising their fellow members for their deeds on that day, and inviting members present to attack the police barracks at Goluen on 13 August. Would-be participants were advised to identify themselves by tying scarves on their arms. The Merca police then went to Goluen and arrested the four leaders, together with a fifth man, all of whom were subsequently brought to trial. Three were convicted and sentenced each to fifteen months' imprisonment.

4. Simultaneously with the arrests, the League's branch was searched. It is untrue, however, that the search was conducted outside the premises and in a particularly offensive manner, and that it lasted over an hour. It was conducted inside the party's headquarters and lasted five minutes.

5. The petition was examined and discussed at the 48th, 49th and 72nd meetings of the Standing Committee (T/C.2/SR.48, 49 and 72).

6. The representative of the Union of Soviet Socialist Republics proposed that the Trusteeship Council should recommend that the Administering Authority should not allow violations of the rights and interests of the indigenous population, in particular violations of the freedom of speech and assembly guaranteed in article 20 of the Trusteeship agreement.

7. This proposal was rejected by the Committee by 4 votes to 1, with 1 abstention. Accordingly, the

representative of the USSR was not in a position to support the draft resolution adopted by the Committee.

8. At its 72nd meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 706 (XII).*

#### SECTION XIV. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF MERCA (T/PET.11/365)

1. In a brief telegram to the Advisory Council dated 16 November 1952, the petitioners complain that the police shot and wounded five men and three women without justifiable reason. They say that the whole population resents this "terrorizing action".

2. The petition was examined and discussed at the 60th and 72nd meetings of the Standing Committee (T/C.2/SR.60 and 72).

3. The special representative stated that after 9 p.m. on 15 November 1952 some 500 persons brought in by leaders of a political party from the surrounding area assembled for a meeting in Genale. The officer in charge of the local police station felt that public order was endangered because of the large crowd assembled at such a late hour, and was afraid that disputes would occur with members of opposing political parties. He sent a police inspector to advise the leaders to disperse the assembly, particularly as permission had not been requested (or given) to hold the meeting. The leaders refused to disperse and stones were thrown at the police. Rifles were discharged in the air to disperse the crowd, and when that failed the police shot into the ground. Some bullets rebounded and wounded some of the assembly slightly. Eighteen persons were arrested for inciting a disturbance and abusing the police. Eight were later convicted and ten were acquitted.

4. The representative of the Union of Soviet Socialist Republics proposed that the Trusteeship Council should recommend that the Administering Authority not allow violations of the rights and interests of the indigenous population, in particular violations of the freedom of speech and assembly guaranteed in article 20 of the Trusteeship agreement.

5. This proposal was rejected by the Committee by 4 votes to 1 with 1 abstention. Accordingly, the representative, of the USSR was not in a position to support the draft resolution adopted by the Committee.

6. At its 72nd meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 747 (XII).*

#### SECTION XV. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF DUSA MAREB (T/PET.11/345)

1. As the petition was not intelligible enough for literal translation, it was circulated in the following summary form:

2. It appears to complain of the alleged oppression of the Italian Administration in the area. It refers to a specific incident which allegedly took place in November 1952 during which a number of persons (among whom were Mohamed Haj and Othman Alem) were beaten and generally maltreated.

3. It also complains of inadequate hospital facilities for the 50,000 persons in the area.

4. In addition, it claims that despite the fact that the Somali people chose Arabic as the official language it is not being properly taught in the small school of the town.

5. The Administering Authority states (T/OBS.11/17, section 3) that no such incident as is described by the petitioners took place. It is true that Mr. Mohamed Haj and Mr. Othman Alem were arrested, and on two occasions, once for theft and once for outrage against a public official; but they were both conditionally discharged, and acquitted later for insufficient evidence.

6. The persons in the area (there are not more than 13,000) have been provided, since the beginning of 1953, with a new infirmary having twelve beds and a surgery. The school comprises six classes, and is attended by 154 pupils taught by two Italians and one Somali.

7. The petition was examined and discussed at the 50th and 72nd meetings of the Standing Committee (T/C.2/SR.50 and 72).

8. The special representative informed the Committee that the persons whose arrest was complained of in the petition were released. Subsequently, the local police officer was recalled to Italy and replaced.

9. He stated that the new twelve-bed hospital provided reasonably adequate facilities in view of the small settled population at Dusa Mareb itself, and of the lack of interest in modern medical treatment shown by the nomadic population of the surrounding district. There was a Somali teacher acquainted with Arabic in Dusa Mareb, but Mr. Spinelli regretted that it would be some time before the standard of such teachers would be high.

10. At its 72nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted, without change by the Trusteeship Council at its 474th meeting, see resolution 736 (XII).*

#### SECTION XVI. PETITION FROM MR. SAID FARAH ELMi (T/PET.11/330)

1. The petitioner writes from Mogadiscio, but the matters of which he complains appear to have taken place in Obbia District, Mudugh. He complains of ill-treatment by the Italian authorities on account of his membership of the League. He says that he has been arrested four times for no real reason, and that on the last occasion it was for refusing to state to what tribe he belonged—when he was “put in chains” and subjected to “unhuman physical tortures”, so much so that after a month he was still unable to walk.

2. On coming out of prison, he discovered that the few cattle of his that he had left had been seized as part of a collective fine of camels imposed upon the Saad branch

of the Averghidir tribe (see the Committee's twenty-seventh report, T/L.342, section V).

3. The Administering Authority states (T/OBS.11.14, section 2) that the petitioner's assertions are devoid of any foundation, and that he bears the reputation of being an excitable person, not always wholly responsible for his actions. In November 1952 he was convicted of assault and sentenced to fifteen days' imprisonment but underwent no ill-treatment in prison. As for his statement that his few remaining cattle were seized in liquidation of the collective fine, the Administering Authority annexes a statement by a chief of the Saad branch of the Averghidir—a cousin of the petitioner—in which occurs the passage: “He has never owned any (head of cattle), not even a hen.” (The statement also contains an assertion that the collective fine was not imposed upon the Saad because they filed an appeal.)

4. The petition was examined and discussed at the 50th and 72nd meetings of the Standing Committee (T/C.2/SR.50 and 72).

5. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 722 (XII).*

#### SECTION XVII. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF GALCAIO (T/COM.11/L.26)

1. (This communication is one to which the Standing Committee decided that the established procedure relating to petitions should be applied.)

2. The petition is a general complaint against the police force. When the police accuse a Somali of a crime, they beat him hard until he confesses; when a Somali is arrested he is asked for the name of his tribe, and if he refuses he is kept in prison. Extreme animosity is shown towards League members; of persons arrested for one reason or another, those who are League members are singled out for manhandling—which sometimes causes death or induces tuberculosis. Furthermore, people are exiled from their birthplaces—as instances, petitioners mention twenty-six who were deported to Galcaio from Mogadiscio after the affair of 7 March 1952 (see section I, paragraphs 6 and 7, above), and give the names of fifteen of them who “were released in the streets of Galcaio as if they were trash thrown in a trash-can”. The others were taken to Migiurtinia. Most of them are “strangers to these parts” and, when local committee members went to see the Resident about them, he said that they all belonged to the League and therefore deserved no food or water from him—the committee members should be responsible for them.

3. The Administering Authority denies (T/OBS.11/5, section 2) that the Galcaio police have ever used violence towards the public, or that they have ever acted hostilely to League members. Nor are Somalis compelled to state their tribal origin—if a man refuses the information, inquiries are made in the town. As regards the deportees, only those born and resident in Galcaio were released there; those for onward destinations were lodged for the night in a hut in the yard of the police station, where they

received the food rations usually given to detained persons and prisoners.

4. The petition was examined and discussed at the 50th and 72nd meetings of the Standing Committee (T/C.2/SR.50 and 72).

5. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 751 (XII).*

SECTION XVIII. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF GALCAIO (T/PET.11/289/Add.1)

1. T/PET.11/289 and Add.1, part one, are concerned with the fighting which broke out during 1952 between the Saad and Soleiman branches of the Averghidir tribe, and are dealt with in the Committee's twenty-seventh report (T/L.342). In the addendum to T/PET.11/289, however, complaints are set forth of other matters also, as follows.

2. In the first place it is stated that, on 14 August 1952, police and military forces with heavy tanks and modern weapons raided Galcaio and rounded up about 1,500 League members, whose "houses, shops, hotels etc. were demoniacally searched in uncivilized manner" and who were barbarously ill-treated. Those who refused to state to what tribe they belonged were imprisoned and beaten severely. The petitioners connect the affairs with the Chisimaio incident of 1 August 1952 (see section IX above), but disavow having had anything to do with that incident.

3. The Administering Authority states (T/OBS.11/4/Add.1, section 2) that, following the Chisimaio incident, there was an attempt to stir up disorder in Galcaio, and that the police intervened with all the force available. A group of trouble makers were detained—some of whom stated that they were League members—but were released when things had calmed down, and no one was detained for more than 24 hours. Nor was anyone subjected to ill-treatment of any kind.

4. Secondly, the petitioners complain of discrimination against League members by the Administration. Many League members have been dismissed from government employment and others have been obliged to "become pro-Italians" if they wished to remain in their jobs. A list is attached of the names of twenty-one persons who, it is said, have been dismissed for no reason other than that of party affiliation. The petitioners go on to charge that the Administration engages agents to stir up trouble among the people with the object of splitting them into hostile camps. One of these agents, so it is said, stabbed a League member, but when the case was taken before the police they ordered the wrongdoer's release. "Hundred cases like this are daily happening in Galcaio district."

5. The Administering Authority observes (T/OBS.11/4/Add.1, section 3) that, of the twenty-one dismissed employees who are represented as victims of political discrimination, eight were dismissed for inefficiency and indiscipline and thirteen for non-observance of the oath

which binds members of the armed forces of the Territory not to engage in political activities.

6. Thirdly, the petitioners complain that the local authorities intercept correspondence. They give three instances of League members who were carrying League correspondence being held up, and the correspondence seized. The Administering Authority states (T/OBS.11/4/Add.1, section 3) that on the first occasion the persons concerned were caught crossing the border clandestinely into British Somaliland. Among their possessions was a packet for delivery in the Protectorate which bore no postage stamps. For this they were fined. The packet was seized and forwarded to the Regional Commissioner at Galcaio, who arranged for its onward dispatch through the post office. On the second occasion, a man was apprehended crossing the Ethiopian border on his return from a visit there which he had made without the prescribed permission. He had on him a sum of So.620<sup>7</sup> for delivery to the League's Galcaio branch, but neither money nor letters were taken from him. On the third occasion, a party appeared on the Galcaio border in a truck for which there were no documents authorizing its use in the Territory. An open unstamped letter addressed to the League's Galcaio branch was seized from one of the men and, as in the previous instance, was forwarded to the Regional Commissioner at Galcaio who sent it to the post office for onward conveyance.

7. The petition was examined and discussed at the 50th, 51st, and 72nd meetings of the Standing Committee (T/C.2/SR.50, 51, and 72).

8. The special representative informed the Committee that the improvement in relations between the Somali Youth League and the Administration had also taken place in Galcaio and that the situation was considerably less tense.

9. The representative of Egypt on the Advisory Council confirmed that the situation was calm at the time of his visit in December 1952—though a certain tension continued to reign because of well disputes, of the proximity of the border and of the energy of local officers of the Somali Youth League.

10. The special representative stated that most of the dismissals from the Administration referred to in the petition had taken place in the first two years of Italian administration and that there had been few recent complaints. A commission for discipline had been set up to deal with cases in which it was proposed to impose sanctions on administration employees.

11. At its 72nd meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 699 (XII).*

SECTION XIX. PETITION FROM THE SOMALI YOUTH LEAGUE, LOCAL COMMITTEE OF EIL (T/PET.11/347)

1. This petition contains a general complaint against the Administration that it shows no justice or mercy and

<sup>7</sup> So.620 = £31 sterling = \$ (US) 86.80.

spreads dissension among the people. Only members of the Lega Progressista Somala can find employment or sit in the Residency or Territorial Councils. Among those dismissed for refusing to join that party was the excellent doctor, Mr. Mahomed Mahmoud Galid, and an *askari* Mohamed Haj. League members are imprisoned for long periods without trial. The majority of the people in the district die for lack of proper medicines, and Arabic is not taught properly in the schools.

2. The Administering Authority states (T/OBS.11/19, section 2) that the unreliability of the accusations made in the petition is disclosed by the text of the speech delivered by Mr. Mohamed Issa Elmi, secretary of the Somali Youth League Branch of Eil, on 20 March 1953, on the occasion of the ceremony at the end of the school year at Eil. The Administering Authority annexes to its observations a copy of the speech, in the course of which the petitioner thanked the Resident for all that had been done for "our country and our school". He ended by saying: "Mr. Resident, we shall always cherish a good memory of your personality which will serve us throughout our lifetime as an example to better ourselves and to work. We shall pray the Almighty God to keep you always amidst us because we know that we need your help to promote our Somaliland towards her future. Being aware of this we shall always love you and shall co-operate with you in your intensive work."

3. The petition was examined and discussed at the 51st, 60th and 72nd meetings of the Standing Committee (T/C.2/SR.51, 60 and 72).

4. The special representative stated that Mr. Mahomed Mahmoud Galid was not a doctor, but an *ilalo*. He had not been dismissed—on the contrary, he had recently been promoted. Mr. Mohamed Haj, the *askari*, had not been dismissed for his political opinions, but for a serious breach of discipline.

5. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 738 (XII).*

#### SECTION XX. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF EIL (T/PET.11/348)

1. As the petition was not intelligible enough for literal translation, it was circulated in the following summary form:

2. It originates from the Somali Youth League in Eil and complains of mass arrests on 20 July 1952 in Eil. It alleges that those arrested were without guilt and remained in gaol forty-five days without trial. It also complains of extremely bad conditions and maltreatment in the prison.

3. The Administering Authority states (T/OBS.11/19, section 3) that mass arrests have never taken place at Eil. The petitioners are referring, probably, to the arrest in July 1952 of twelve persons for resisting a public officer and breaking and entering a dwelling. They were provisionally released after arrest and were found guilty

in April 1953 and sentenced to conditional suspended sentences of imprisonment.

4. The Administering Authority states that convicted prisoners at Eil are detained under normal conditions in the prison.

5. The petition was examined and discussed at the 51st, and 72nd meetings of the Standing Committee (T/C.2/SR.51 and 72).

6. The special representative informed the Committee that the Administration has a long-term building programme for improving prison conditions throughout the Territory. He maintained, however, that conditions in the small prison at Eil were reasonably good.

7. The representative of Egypt on the Advisory Council confirmed this statement except as regards sanitary facilities which needed improvement.

8. At its 72nd meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 739 (XII).*

#### SECTION XXI. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF GAROE (T/PET.11/346)

1. As the petition was not intelligible enough for literal translation, it was circulated in the following summary form:

2. It appears to complain of discriminatory policies of the local resident (of Eil) against the Somali Youth League; of inadequate medical facilities in the district; of inadequate educational facilities, especially in the teaching of Arabic; it complains that the present teacher in the district speaks only Italian. It requests that telegraphic and airmail services be established in the district.

3. It concludes by declaring that the actions of the Italian Administration in Migiurtinia are outside the limits of humanity and it is not possible for its author to describe them in this hasty communication.

4. The Administering Authority states (T/OBS.11/19, section 1) that the accusations are devoid of any foundation and that the Secretary of the League's branch at Garoe, in front of the Resident and in the presence of two others, disowned Mr. Hussein Eid—the first signatory to the petition, who signed as Acting Secretary of the branch—and stated that he was inclined to think that the other signatures were of doubtful authenticity.

5. There is an infirmary at Eil, a dispensary at Garoe and a first aid station at Bedei. There is a doctor at Eil whose energy is tireless. At Eil and Garoe are fully-equipped schools and a new one will be opened at Bedei during 1954. The pupils' proficiency in the schools was remarkable during the past school year. An Arab teacher will be sent to Garoe in 1954.

6. The petition was examined and discussed at the 51st and 72nd meetings of the Standing Committee (T/C.2/SR.51 and 72).

7. The special representative described the recent introduction of an airmail service in the Eil District.

8. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 737 (XII).*

SECTION XXII. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF BENDER CASSIM (T/PET.11/250)

1. In a telegram addressed to the Advisory Council the petitioners complain of an incident which occurred at Bender Beila on 4 February 1952 and resulted, they say, in fifty persons being wounded and seventeen imprisoned. The incident was the third to be described by the Secretary-General of the League in T/PET.11/273 (see section I, paragraph 5 above), and his account of it is as follows.

2. Bender Beila, a small sea-port in Gardo District in Migiurtinia, is inhabited almost exclusively by League members and sympathizers and their families. On the day in question, armed *ilalos* opened fire on five dhows owned by, manned by and carrying League members. In company with the regular police, the *ilalos* fired also on unarmed civilians in the streets. As a result six persons—including a woman and two children—were wounded, the woman and two of the men seriously. Three days later the Resident arrived and ordered a wholesale arrest of League members, of whom twenty-one leaders were transferred to the provincial prison at Bender Cassim where—on 7 May 1952—they still awaited trial.

3. The Administering Authority's account (T/OBS.11/4, section 4) of the affair is as follows. The dhows arrived in port without flying the Italian flag, and four of them could not produce their documents. The police refused to permit unloading operations until these requirements had been fulfilled. A crowd assembled on the beach with sticks and assumed a menacing attitude, but the firmness of the police caused it to reconsider its action and it dispersed pending the receipt by the police of instructions from the Resident—to whom a report concerning the refusal to fly the flag had been sent by messenger. However, later in the day another crowd collected on the beach and, armed with spears, bows and arrows, knives and sticks, pushed boats out into the sea and began to discharge the dhows' cargo. The Somali Police Sergeant and the chief *ilalo* urged the crowd to desist, and the crowd "invited the two... officers to go away". The officers again called on the crowd to desist and were then attacked and beaten, and just managed to get away and rejoin their companions.

4. The sergeant then ordered a volley to be fired over the heads of the crowd, which rushed on, and attempted to seize the barracks. At this stage the order was given to fire at two of the leaders of the crowd—and they were wounded. This had the effect of dispersing the crowd—amongst whom one woman was also injured.

5. The officer commanding the police at Gardo arrived three days later, carried out a prompt investigation and arrested twenty men who had organized and led the rebellion. No further incident occurred, and a few days later the *dhows* sailed flying the Italian flag. A description

is given of the injuries sustained by three of the rebels and by eight of the police and *ilalos*.

6. Subsequently, in T/OBS.11/7, section 5, paragraph 5, the Administering Authority reports that twenty-three persons were charged in connexion with the incident and were sent for trial by the Court of Assize at Mogadiscio. Owing to the difficulty of getting the witnesses to Mogadiscio, it has been necessary twice to adjourn the trial, but it was due to begin on 15 January 1953.

7. The petition was examined and discussed at the 52nd and 72nd meetings of the Standing Committee (T/C.2/SR.52 and 72).

8. The Committee noted the statement by the special representative of the Administering Authority that the police—although greatly outnumbered by the crowd—had acted with restraint. The special representative stated also that on 26 January 1953 the Court of Assize had found twenty of the accused guilty of participating in a seditious gathering and of assaulting the police, and had sentenced them to terms of imprisonment ranging from one to four years. The remaining three persons had been acquitted.

9. The representative of the Union of Soviet Socialist Republics proposed that the Trusteeship Council should recommend that the Administering Authority apply a policy directed towards improving the over-all political situation in the Territory in order that similar incidents may not occur in the future.

10. This proposal was rejected by the Committee, by 3 votes to 1 with 2 abstentions. Accordingly, the representative of the USSR was not in a position to support the draft resolution adopted by the Committee.

11. At its 72nd meeting the Committee adopted, by 4 votes to 1 with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 670 (XII).*

SECTION XXIII. PETITIONS FROM THE SOMALI YOUTH LEAGUE, BRANCH OF GARDO (T/PET.11/L.3, T/PET.11/343 AND ADD.1)

1. Three petitions emanate from the Gardo branch of the League. In chronological order they are: T/PET.11/L.3—a petition classified originally as one concerning general problems within the meaning of rule 85, paragraph 2, of the Trusteeship Council's rules of procedure, to which the Standing Committee decided that the established procedure relating to petitions should be applied; T/PET.11/343 and Add.1. They are dated respectively 16, 18 and 20 December 1952.

2. T/PET.11/L.3 complains of discrimination by the Administration against League members, who are "not considered" for employment unless they join "pro-Italian parties". Many innocent people are kept in prison without trial, where they are not given enough to eat and where some of them die. Lastly, health and educational facilities are inadequate and the roads are dilapidated.

3. T/PET.11/343 was not sufficiently intelligible for literal translation, and the only complaints adduced in it which are not repeated in T/PET.11/343/Add.1 are two general ones: long and unjustified imprisonment and the use by the Commissioner of Migiurtinia of harsh language towards League members.

4. In T/PET.11/343/Add.1 the petitioners complain that they have no freedom of speech or association; they repeat that the Administration favours "pro-Italian" parties to the extent of excluding League members from all jobs—though they admit an exception in that the chairman of the local Residency Council is a League member—and they complain that the Administration subsidizes the other parties to spread dissension in the League's ranks. There is a specific complaint that the authorities stopped a "show" which was being given in the League's clubhouse to depict the Territory's past under foreign rule and to portray the League's hope for its free and independent future. There are also complaints of the arrest of four men on four separate occasions: one for delivering a religious talk and one for delivering a "commercial" talk (no reasons are suggested in the other two cases). Three of the four were, after arrest, driven from the town and, of the three, two are said to have been taken into the desert where they were left without food or water; at least one of them is described as being a native of British Somaliland.

5. In its observations on T/PET.11/343 and Add.1 (T/OBS.11/16, section 5), the Administering Authority states that it does not appear that meetings of the League's Gardo branch have ever been disturbed by the authorities. It again denies the charge that the Administration shows partiality to the members of certain political parties: all the political parties are treated in the same manner, within the sphere of the laws; no discrimination is exercised, and employment is given on the basis of applicants' capabilities.

6. The "show" given in the League's clubhouse was not interrupted by the local authorities. Three of the alleged arrests are denied by the Administering Authority, but the deportation of the citizen of British Somaliland is confirmed: he had arrived in the Trust Territory without a permit.

7. As regards the charges in T/PET.11/L.3 that health and educational facilities are inadequate, and that the roads are dilapidated, the Administering Authority states (T/OBS.11/18, section 3) that there is a twenty-bed infirmary at Gardo, with a surgery attached, under the care of the doctor at Eil, and that both are well supplied with drugs and dressings. There are two schools, with one Italian and one Somali teacher. The roads are repaired at regular intervals and are open to traffic.

8. The petition was examined and discussed at the 52nd and 72nd meetings of the Standing Committee (T/C.2/SR.52 and 72).

9. The special representative informed the Committee that the improvement in the political situation in the Territory had begun in Mogadiscio and had gradually extended itself to the rest of the Territory, including Gardo.

10. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 753 (XII).*

#### SECTION XXIV. PETITION FROM FATIMA HAJ OMAR AND OTHERS (T/PET.11/344)

1. The petitioners sign themselves as leaders of the women members of the League, and write from Gardo. They have three grievances.

2. First, they claim that a peaceful demonstration during the feast of Bairam was broken up by members of parties unsympathetic to the League, and they accuse the Administration of having instigated the disturbance.

3. Secondly, they allege that two members of a "pro-Italian" party entered the house of a woman member of the League and beat up the inhabitants, and that when the inhabitants complained to the police the latter replied that the women in the house were prostitutes.

4. Thirdly, they complain that the promoters of a harmless "show" given in the League's local club were subjected to police examination, and were told that they would be well-advised in future to seek prior permission before presenting such "shows".

5. The Administering Authority states (T/OBS.11/16, section 6) that it has been unable to elucidate the circumstances which have given rise to the petitioners' grievances.

6. The petition was examined and discussed at the 52nd, 60th, 72nd and 73rd meetings of the Standing Committee (T/C.2/SR.52, 60, 72 and 73).

7. The Committee took note of a statement by the representative of Egypt on the Advisory Council that the Somali people were a religious and moral people.

8. At its 73rd meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 735 (XII).*

#### SECTION XXV. PETITION FROM THE LOCAL COMMITTEE OF THE SOMALI YOUTH LEAGUE FOR SCUSCIUBAN, BARGAL, HORDIO AND HAFUN (T/PET.11/307 AND ADD.1)

1. The petitioners describe themselves as the local committee of the League in Scusciuban, Bargal, Hordio and Hafun. Their complaint is against the Resident of Scusciuban. They say that he spreads discord among the people; dismisses League members from municipal employment for refusing to join the Lega Progressista Somala; orders people to join the Lega—whose leaders he consults; and "works for discord and trouble". The petition ends on a general note with a desire for more "education, road construction, school building, etc." than the Trusteeship Administration is providing.

2. In the addendum the anti-League and pro-Lega charges are repeated against the Resident. The petitioners then name seven League members who have been imprisoned and "treated... barbarously without regard to human rights in matters of food, water and sanitation". When the Provincial Commissioner was asked why the



men had been imprisoned he replied that it was because of a telegram that they had sent to the United Nations.

3. The Administering Authority states (T/OBS.11/15, section 1) that every one of the petitioners' assertions is devoid of foundation. The Resident has not dismissed any employees, nor does he avail himself of special advisers in the performance of his duties. As regards educational facilities, there are schools at Scusciuban, Hafun and Bargal.

4. The prisoners to whom the petitioners refer were arrested at Bargal on a number of charges in that they incited the populace to disobey the Italian authorities, alleging, *inter alia*, that the authorities were hostile to the Moslem religion. The prisoners did not suffer ill-treatment.

5. The petition was examined and discussed at the 52nd, and 73rd meetings of the Standing Committee (T/C.2/SR.52, and 73).

6. At its 73rd meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 708 (XII).*

#### SECTION XXVI. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF BARGAL (T/PET.11/313 AND ADD.1)

1. The petition is a telegram to the effect that the Resident, accompanied by armed police, "came to us" on 3 September 1952, surrounded Bargal and shot at the population. Charges of manhandling and "destroying" (property?) are added.

2. In the addendum, the petitioners repeat against the Resident of Scusciuban the charges of being anti-League and pro-Lega Progressista Somala which were levelled against him in T/PET.11/307/Add.1 (see immediately preceding section). They adduce the following three grievances in addition:

(a) The Resident and the police imprisoned without reason six League members;

(b) The Resident and the police asked the village Scek "not to preach... on Friday". He refused to comply with the request and is now in prison (cf. the fate of Scek Mohamed Scek Ibrahim, detailed in T/PET.11/276—see section V above);

(c) The Resident entered the village mosque with his shoes on.

3. The Administering Authority (T/OBS.11/15, section 2) invites reference to the observations which it submitted on T/PET.11/307 and Add.1 (section XXV above). In the course of those observations, the Administering Authority remarks that arms were not employed at Bargal in connexion with the arrest of the persons accused of inciting civil disobedience.

4. The petition was examined and discussed at the 52nd and 73rd meetings of the Standing Committee (T/C.2/SR.52, and 73).

5. The special representative considered it inconceivable that the Resident had interfered with the religious

observances of the population, since such action was diametrically opposed to the policy of the Administration.

6. At its 73rd meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 709 (XII).*

#### SECTION XXVII. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF SCUSCIUBAN (T/PET.11/332 AND ADD.1)

1. The petitioners complain that the Resident of Scusciuban has forbidden them to continue their studies in the League's building without the permission of the Administration. They say that they know of no law to prevent clubs from conducting classes in their buildings, and that their only aim is to enlighten youth and to combat illiteracy.

2. In the addendum, the petitioners level further charges against the Resident and some of his colleagues who "all work against public order... spy and spread dissension..."; "...we find no peace for ourselves inside or outside of our clubhouse". The specific complaint is that only Lega members are recognized as leaders in the District, and that six of them have been chosen to sit on the Municipal Council.

3. The Administering Authority explains T/OBS.11/15/Add.1 that the law requires that the authority of the Administration must be obtained for the maintenance of a private school with more than fifteen pupils. Such authority is not forthcoming unless application is made and information is given as to who will be responsible for the school, the curricula which will be followed, the teachers' names and qualifications, and the school premises. The petitioners had not made such an application at the time when the Administering Authority submitted its observations.

4. As regards the general charges against the Resident, the Administering Authority (T/OBS.11/15, section 5) invites reference to its observations on T/PET.11/307 and Add.1 (section XXV above). As regards the composition of the Municipal Council, the Administering Authority points out that its members have been designated by the Residency Council in which League members, as well as members of other political parties, are represented. If therefore, no League members find a place in the Municipal Council, the Resident cannot be held responsible.

5. The petition was examined and discussed at the 52nd and 73rd meetings of the Standing Committee (T/C.2/SR.52 and 73).

6. At its 73rd meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 724 (XII).*

#### SECTION XXVIII. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF BENDER CASSIM (T/PET.11/293)

1. The petition is in the form of a telegram reading "nine persons detained in Alula, terminated and repatriated by local authorities without food".



3. T/PET.11/343 was not sufficiently intelligible for literal translation, and the only complaints adduced in it which are not repeated in T/PET.11/343/Add.1 are two general ones: long and unjustified imprisonment and the use by the Commissioner of Migiurtinia of harsh language towards League members.

4. In T/PET.11/343/Add.1 the petitioners complain that they have no freedom of speech or association; they repeat that the Administration favours "pro-Italian" parties to the extent of excluding League members from all jobs—though they admit an exception in that the chairman of the local Residency Council is a League member—and they complain that the Administration subsidizes the other parties to spread dissension in the League's ranks. There is a specific complaint that the authorities stopped a "show" which was being given in the League's clubhouse to depict the Territory's past under foreign rule and to portray the League's hope for its free and independent future. There are also complaints of the arrest of four men on four separate occasions: one for delivering a religious talk and one for delivering a "commercial" talk (no reasons are suggested in the other two cases). Three of the four were, after arrest, driven from the town and, of the three, two are said to have been taken into the desert where they were left without food or water; at least one of them is described as being a native of British Somaliland.

5. In its observations on T/PET.11/343 and Add.1 (T/OBS.11/16, section 5), the Administering Authority states that it does not appear that meetings of the League's Gardo branch have ever been disturbed by the authorities. It again denies the charge that the Administration shows partiality to the members of certain political parties: all the political parties are treated in the same manner, within the sphere of the laws; no discrimination is exercised, and employment is given on the basis of applicants' capabilities.

6. The "show" given in the League's clubhouse was not interrupted by the local authorities. Three of the alleged arrests are denied by the Administering Authority, but the deportation of the citizen of British Somaliland is confirmed: he had arrived in the Trust Territory without a permit.

7. As regards the charges in T/PET.11/L.3 that health and educational facilities are inadequate, and that the roads are dilapidated, the Administering Authority states (T/OBS.11/18, section 3) that there is a twenty-bed infirmary at Gardo, with a surgery attached, under the care of the doctor at Eil, and that both are well supplied with drugs and dressings. There are two schools, with one Italian and one Somali teacher. The roads are repaired at regular intervals and are open to traffic.

8. The petition was examined and discussed at the 52nd and 72nd meetings of the Standing Committee (T/C.2/SR.52 and 72).

9. The special representative informed the Committee that the improvement in the political situation in the Territory had begun in Mogadiscio and had gradually extended itself to the rest of the Territory, including Gardo.

10. At its 72nd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 753 (XII).*

#### SECTION XXIV. PETITION FROM FATIMA HAJ OMAR AND OTHERS (T/PET.11/344)

1. The petitioners sign themselves as leaders of the women members of the League, and write from Gardo. They have three grievances.

2. First, they claim that a peaceful demonstration during the feast of Bairam was broken up by members of parties unsympathetic to the League, and they accuse the Administration of having instigated the disturbance.

3. Secondly, they allege that two members of a "pro-Italian" party entered the house of a woman member of the League and beat up the inhabitants, and that when the inhabitants complained to the police the latter replied that the women in the house were prostitutes.

4. Thirdly, they complain that the promoters of a harmless "show" given in the League's local club were subjected to police examination, and were told that they would be well-advised in future to seek prior permission before presenting such "shows".

5. The Administering Authority states (T/OBS.11/16, section 6) that it has been unable to elucidate the circumstances which have given rise to the petitioners' grievances.

6. The petition was examined and discussed at the 52nd, 60th, 72nd and 73rd meetings of the Standing Committee (T/C.2/SR.52, 60, 72 and 73).

7. The Committee took note of a statement by the representative of Egypt on the Advisory Council that the Somali people were a religious and moral people.

8. At its 73rd meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 735 (XII).*

#### SECTION XXV. PETITION FROM THE LOCAL COMMITTEE OF THE SOMALI YOUTH LEAGUE FOR SCUSCIUBAN, BARGAL, HORDIO AND HAFUN (T/PET.11/307 AND ADD.1)

1. The petitioners describe themselves as the local committee of the League in Scusciuban, Bargal, Hordio and Hafun. Their complaint is against the Resident of Scusciuban. They say that he spreads discord among the people; dismisses League members from municipal employment for refusing to join the Lega Progressista Somala; orders people to join the Lega—whose leaders he consults; and "works for discord and trouble". The petition ends on a general note with a desire for more "education, road construction, school building, etc." than the Trusteeship Administration is providing.

2. In the addendum the anti-League and pro-Lega charges are repeated against the Resident. The petitioners then name seven League members who have been imprisoned and "treated... barbarously without regard to human rights in matters of food, water and sanitation". When the Provincial Commissioner was asked why the

men had been imprisoned he replied that it was because of a telegram that they had sent to the United Nations.

3. The Administering Authority states (T/OBS.11/15, section 1) that every one of the petitioners' assertions is devoid of foundation. The Resident has not dismissed any employees, nor does he avail himself of special advisers in the performance of his duties. As regards educational facilities, there are schools at Scusciuban, Hafun and Bargal.

4. The prisoners to whom the petitioners refer were arrested at Bargal on a number of charges in that they incited the populace to disobey the Italian authorities, alleging, *inter alia*, that the authorities were hostile to the Moslem religion. The prisoners did not suffer ill-treatment.

5. The petition was examined and discussed at the 52nd, and 73rd meetings of the Standing Committee (T/C.2/SR.52, and 73).

6. At its 73rd meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 708 (XII).*

#### SECTION XXVI. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF BARGAL (T/PET.11/313 AND ADD.1)

1. The petition is a telegram to the effect that the Resident, accompanied by armed police, "came to us" on 3 September 1952, surrounded Bargal and shot at the population. Charges of manhandling and "destroying" (property?) are added.

2. In the addendum, the petitioners repeat against the Resident of Scusciuban the charges of being anti-League and pro-Lega Progressista Somala which were levelled against him in T/PET.11/307/Add.1 (see immediately preceding section). They adduce the following three grievances in addition:

(a) The Resident and the police imprisoned without reason six League members;

(b) The Resident and the police asked the village Scek "not to preach... on Friday". He refused to comply with the request and is now in prison (cf. the fate of Scek Mohamed Scek Ibrahim, detailed in T/PET.11/276—see section V above);

(c) The Resident entered the village mosque with his shoes on.

3. The Administering Authority (T/OBS.11/15, section 2) invites reference to the observations which it submitted on T/PET.11/307 and Add.1 (section XXV above). In the course of those observations, the Administering Authority remarks that arms were not employed at Bargal in connexion with the arrest of the persons accused of inciting civil disobedience.

4. The petition was examined and discussed at the 52nd and 73rd meetings of the Standing Committee (T/C.2/SR.52, and 73).

5. The special representative considered it inconceivable that the Resident had interfered with the religious

observances of the population, since such action was diametrically opposed to the policy of the Administration.

6. At its 73rd meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 709 (XII).*

#### SECTION XXVII. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF SCUSCIUBAN (T/PET.11/332 AND ADD.1)

1. The petitioners complain that the Resident of Scusciuban has forbidden them to continue their studies in the League's building without the permission of the Administration. They say that they know of no law to prevent clubs from conducting classes in their buildings, and that their only aim is to enlighten youth and to combat illiteracy.

2. In the addendum, the petitioners level further charges against the Resident and some of his colleagues who "all work against public order... spy and spread dissension..."; "...we find no peace for ourselves inside or outside of our clubhouse". The specific complaint is that only Lega members are recognized as leaders in the District, and that six of them have been chosen to sit on the Municipal Council.

3. The Administering Authority explains T/OBS.11/15/Add.1) that the law requires that the authority of the Administration must be obtained for the maintenance of a private school with more than fifteen pupils. Such authority is not forthcoming unless application is made and information is given as to who will be responsible for the school, the curricula which will be followed, the teachers' names and qualifications, and the school premises. The petitioners had not made such an application at the time when the Administering Authority submitted its observations.

4. As regards the general charges against the Resident, the Administering Authority (T/OBS.11/15, section 5) invites reference to its observations on T/PET.11/307 and Add.1 (section XXV above). As regards the composition of the Municipal Council, the Administering Authority points out that its members have been designated by the Residency Council in which League members, as well as members of other political parties, are represented. If therefore, no League members find a place in the Municipal Council, the Resident cannot be held responsible.

5. The petition was examined and discussed at the 52nd and 73rd meetings of the Standing Committee (T/C.2/SR.52 and 73).

6. At its 73rd meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 724 (XII).*

#### SECTION XXVIII. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF BENDER CASSIM (T/PET.11/293)

1. The petition is in the form of a telegram reading "nine persons detained in Alula, terminated and repatriated by local authorities without food".

2. The Administering Authority states (T/OBS.11/3, section 13) that it concerns nine convicts from Alula who, on the expiration of their sentences, were released at Bender Cassim and repatriated. They travelled by the only form of transport available—motor launch—which took them to Alula in a few hours, and they had had time before they left to provision themselves for the journey.

3. The petition was examined and discussed at the 52nd and 73rd meetings of the Standing Committee (T/C.2/SR.52 and 73).

4. The special representative pointed out that the police officer who had failed to provide the released men with food for their journey had been reprimanded.

5. At its 73rd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 701 (XII).*

#### SECTION XXIX. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF ALULA AND SURROUNDING AREA (T/PET.11/L.4)

1. This petition, classified originally as one concerning general problems within the meaning of rule 85, paragraph 2, of the rules of procedure, is one to which the Standing Committee decided that the established procedure relating to petitions should be applied.

2. The petition contains three requests. The first is for roads to connect the Alula region with other parts of the Territory—especially with Mogadiscio; the second is for more schools; and the third is for a second hospital.

3. The Administering Authority states (T/OBS.11/18, section 4) that the track linking Alula with several villages has recently been repaired, and that it is sufficient for a district whose population does not exceed eight thousand inhabitants given to fishing and collecting incense, which is exported through Alula.

4. There is a fourteen-bed infirmary at Alula, with a surgery and a doctor in charge. Both are well supplied with drugs and dressings.

5. In order to illustrate the educational problem in the district, the Administering Authority annexes to its observations an extract from the minutes of a meeting of the Residency Council held in December 1952. There are two schools in Alula itself, and none in the rest of the district. The main problem is that of absenteeism—out of 109 pupils enrolled in the various classes, only thirty-five are in attendance—and the Administration cannot be expected to go to the expense of establishing further schools until the people have taken full advantage of those which it has established already. The absenteeism is largely the fault of the parents, who often keep the children away from school to help with the fishing, cultivating or herding. The Resident impressed upon the councillors the gravity of the problem, and the need for solving most of it within the next eight years. He succeeded in arousing the enthusiasm of the councillors, four of whom were elected to a District Education Committee to which also the Italian teacher and the Somali teacher were appointed under the presidency of the

Resident. One of the chief tasks of the Committee would be to organize a drive for improved school attendance.

6. The petition was examined and discussed at the 53rd and 73rd meetings of the Standing Committee (T/C.2/SR.53 and 73).

7. The special representative informed the Committee that there was a regular air service between Alula and Bender Cassim and Mogadiscio and that a regular bi-monthly coastal shipping service would shortly be inaugurated. There were several launches which ran fairly frequently between Alula and Bender Cassim. The expense of connecting Alula with the track from Mogadiscio to Bender Cassim would be much too high in proportion to the population of the area. No restrictions were placed on the movement of the inhabitants by land, sea or air.

8. At its 73rd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 754 (XII).*

#### SECTION XXX. PETITION FROM THE SOMALI YOUTH LEAGUE, LOCAL COMMITTEE OF BENDER CASSIM (T/PET.11/342)

1. The petition contains general complaints that there is no freedom of speech, unless in favour of the Administration, that the reading of newspapers is not permitted, and that the Administration often intimidates those participating in League functions.

2. There are specific complaints that Haji Abdulla Issa, a native of Bender Cassim, was arrested while on a visit there and deported; that the learned Scek Yussuf Moalim was arrested for instructing youths in the principles of religion, and ordered to leave the area (cf., the fate of Scek Mohamed Scek Ibrahim—see section V above); that persons who assisted in extinguishing a fire at the branch's club-house were attacked by the police, as they wished the house to burn down; and that a request by the branch to hold a celebration during Big Bairam was refused by the Administration.

3. Other complaints are that four League members were beaten in prison so severely that they lost their hearing. The conduct of the Provincial Commissioner then comes in for complaint; he struck a man for saying that he was a League member; he arrested and imprisoned some people for listening to speeches; he bribes people to start trouble with League members, promising them that only the latter will be arrested; and he imprisoned local committee members of the League at Eil and at Bargal.

4. The petition was examined and discussed at the 61st and 73rd meetings of the Standing Committee (T/C.2/SR.61 and 73).

5. The vague general charges levied at the Administration by the petitioners were denied by the special representative. Admittedly, in a place the size of Bender Cassim there were no newsstands—much less was a paper printed there. Nevertheless there was no interference with the circulation from hand to hand of the few copies of newspapers which the people were free to have sent to

them from Mogadiscio or from Aden. It was true that Mr. Haji Abdulla Issa had been arrested and deported: he was one who held that he was a law unto himself, and had begun to indulge in activities not to the liking of the Administration; so he had been sent back to Mogadiscio whence he had come. Scek Yussuf Moalim, on the other hand, had never been arrested.

6. Generally, the special representative said that relations between the local authorities and League members

in the region of Bender Cassim had improved since December 1952, when the petition had been written.

7. At its 73rd meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 734 (XII).*

## DOCUMENT T/L.341

### Twenty-sixth report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration

[Original text: English]  
[19 June 1953]

#### PETITIONS REQUESTING ACTION AGAINST THE SOMALI YOUTH LEAGUE

- Petition from Mr. Hagi Mohamed Farah and others (T/PET.11/282)
- Petition from Mr. Scek Hayir and others of the Arab Community of the Lower Giuba (T/PET.11/299)
- Petition from the Lega Progressista Somala, Chisimaio Section (T/PET.11/300)
- Petition from Mr. Hagi Ismail Mohamed and others (T/PET.11/301)
- Petition from Mr. Nasser Afif, iman of the Chisimaio Mosque, and others (T/PET.11/303)
- Petition from Mr. Mohamed Ali Hassan and others (T/PET.11/304)
- Petition from Mr. Hersi Mohamed, Haverghedir, Elder of Masciaga, and others (T/PET.11/306)
- Petition from the Executive Committee of the Unione Nazionale Somala, Margherita (T/PET.11/308)
- Petition from the Executive Committee of the Unione Africani Somali-Gelib (T/PET.11/309)
- Petition from the chiefs, notables and elders of the Arab Community of Margherita (T/PET.11/310)
- Petition from the Hisbia Dighil and Mirifle, Gelib (T/PET.11/311)
- Petition from Chief Mahamud Ocar and others (T/PET.11/312)
- Petition from Chief Amini Sulemal and other representatives of the village of Magnagap (T/PET.11/314)
- Petition from members of the Executive Committee of the Unione Nazionale Somala of Gelib (T/PET.11/315)
- Petition from chiefs and notables of the Gelib Area (T/PET.11/316)

1. At its 53rd, 55th and 73rd meetings on 2, 3 and 17 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>8</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined

the fifteen petitions concerning the Trust Territory of Somaliland under Italian administration which are listed above.

2. Mr. P. Spinelli participated in the examination as the special representative of the Administering Authority concerned.

3. All the petitions dealt with in this report contain complaints against the Somali Youth League, and all save one of the petitions contain requests that an end be put to the League's activities. 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 draft resolution.

4. The first petition to be dealt with in this report was received prior to the Chisimaio incident of 1 August 1952. It contains a protest against the propaganda methods employed by the Somali Youth League in the Lower Giuba Region and Chisimaio which, the petitioners assert, serve to divide and sow hatred among the Somali people. In particular, the petitioners protest against the League's utilization of religious leaders to make political propaganda, especially in the mosques, and against its practice of describing its opponents as traitors to the Islamic Faith and as infidels.

5. The Administering Authority (T/OBS.11/3, section 10) states that the purpose of the petition is to disprove the League's systematic campaign of disparagement against the local authorities and to reveal the unjustified attitude taken by the Chisimaio branch of the League. It draws particular attention to its comments (T/OBS.11/3, section 8) on T/PET.11/276 which concern the arrest of a League member for delivering seditious speeches under the guise of religious sermons.

6. The remaining fourteen petitions dealt with in this report were all received subsequent to the Chisimaio incident of 1 August 1952, and they all contain requests that the activities of the League be stopped. The Administering Authority observes (T/OBS.11/9, section 2) that all these petitions express the feelings of the people of the Lower Giuba Province at those events, with regard

<sup>8</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

to which the people of the whole Territory expressed their sympathy and solidarity with the Administration.

7. The petitions were examined and discussed at the 53rd, 55th and 73rd meetings of the Standing Committee (T/C.2/SR.53, 55 and 73).

8. The special representative informed the Committee that the Administering Authority had never considered suppressing any political party in the Territory and that the political situation in the Territory and the relations

between the various political organizations had improved considerably since these petitions had been presented.

9. At its 73rd meeting, the Committee adopted, by 4 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as amended by the Trusteeship Council at its 474th meeting, see resolution 691 (XII).*

DOCUMENT T/L.342

Twenty-seventh report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration

[Original text in English]  
[23 June 1953]

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INTRODUCTION

1. At its 53rd, 54th, 55th and 74th meetings on 2, 3 and 18 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>9</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the eight petitions concerning the Trust Territory of Somaliland under Italian administration which are listed above.

2. Mr. P. Spinelli participated in the examination as the special representative of the Administering Authority concerned.

3. All these petitions deal with hostile incidents, leading on occasion to bloodshed, which have occurred between various tribes or branches of tribes. The Standing Committee submits herewith to the Council its report on them 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 draft resolutions referred to in sections I to VI inclusive.

<sup>9</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953, the date of commencement of the twelfth session of the Council.

SECTION I. PETITION FROM MR. AHMED MOHAMED AHMED AND FOUR OTHER REPRESENTATIVES OF THE SOMALIS OF CORIOLEI (T/PET.11/270)

1. The petitioners, who claim to represent the Somalis residing in the villages of Coriolei and Magna Murugh, submit the following complaints against the Resident of Merca in connexion with two incidents arising out of a dispute over the use of a well in which members of the Giddu and Garre tribes attacked the Somali minority in the above-mentioned villages and, at Magna Murugh, set fire to a number of shops. The petitioners complain that, despite their having asked him three times to do so, the Resident did not send police constables to Magna Murugh which would have prevented the second incident. They accuse him also of partiality, claiming that his collective fine totalling 180 oxen placed a greater burden on the Somali victims than on the aggressors, and that he permitted the police to arrest Somalis while allowing the guilty persons to go free.

2. The petitioners request compensation for the damages and injuries suffered by the Somalis and ask that the fines paid by them be returned.

3. The Administering Authority states (T/OBS.11/7, section 3) that the petitioners are a small pocket of Hawiya living among Garre and Giddu with whom they never have lived in amity, and whom they consider to

be of an inferior race—hence the appropriation to themselves of the appellation “Somali”. On this occasion a donkey driven by a Hawiya, leaving the well, bespattered with sand an eight-year old Garre boy. The boy abused the donkey and its owner, who retorted in kind. Supporters of both sides appeared on the scene, and fifteen on the one side and ten on the other were injured. Only the prompt intervention by the Resident and police saved matters from becoming worse. The Garre, however, satisfied their desire for revenge by setting fire to three unpretentious shops at Magna Murugh. After fifty-three arrests had been made, forty-seven persons were convicted of assault, causing personal injury or arson.

4. The petition was examined and discussed at the 53rd and 74th meetings of the Standing Committee (T/C.2/SR.53 and 74).

5. The special representative stated that collective fines on a community are resorted to when it is established by the Courts that members of the community were responsible for certain depredations but the individual members responsible cannot be traced. The camels and oxen often initially levied are to be regarded not as the collective fine, but as hostages for the monetary fine imposed by the Courts. The special representative admitted that collective fines have no place in modern systems of law, but in the present circumstances in the Territory where the population concerned is largely nomadic modern systems of law are not always applicable. Although it has not yet been possible to dispense entirely with the system of collective sanctions, the Administering Authority is doing its best to abolish the system progressively.

6. In the case mentioned in the petition the steps taken by the Administering Authority were no more than those necessary to restore order and prevent the deterioration of the situation.

7. At its 74th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 684 (XII).*

#### SECTION II. PETITION FROM THE REPRESENTATIVES OF THE HISBIA DIGHIL AND MIRIFLE PARTY (T/PET.11/262)

1. The petitioners, who are tribal chiefs, notables and officials of the Lugh Ferrandi branch of the Hisbia, Dighil and Mirifle party, complain that about the end of 1951 the Resident was giving favourable consideration to a request of the Merehan tribe for permission to build a village for their own exclusive use on the right bank of the Giuba River at Lugh Ferrandi. Pointing out that the request was set aside by the former British Military Administration about the end of 1949 as unnecessary, and that it has received no support from other groups in the Residency Council, the petitioners consider that the Merehan people living in Lugh Ferrandi do not need a separate village and that the request is merely an attempt to gain more land at the expense of the Rahanuin people—indeed, that it is a device to force the Rahanuin over to the left bank of the Giuba.

2. The petitioners request that the Merehan tribes-people should be sent back to Dusa Mareb, from whence they originally came; but, if this is not possible, that a boundary line should be fixed to delimit the areas occupied by the Merehan and Rahanuin peoples.

3. The Administering Authority states (T/OBS.11/3, section 5) that, because of the petitioners' apprehensions, the question of giving the Merehan people permission to build a village near Lugh Ferrandi had been postponed indefinitely and will not be resuscitated until it is certain that the Rahanuin and Merehan will live side by side in peace.

4. In this connexion, the Council's attention is drawn to the Administering Authority's reference, in T/OBS.11/5, section 1, to a raid carried out between the Merehan and the Gobauen in 1951. Reference to the ethnographical map on the back cover of the annual report on the Trust Territory for 1951 may assist in an understanding of the apprehensions of the present petitioners.

5. The petition was examined and discussed at the 54th and 74th meetings of the Standing Committee (T/C.2/SR.54 and 74).

6. The special representative stated that at present there are no difficulties between the tribes concerned. It is hoped that at some future date the question of the Merehan building a village on the right bank of the Giuba River may be reopened, since the Administration feels that the construction of such a village would be beneficial to the whole area.

7. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 677 (XII).*

#### SECTION III. PETITION FROM MR. IBRAHIM ABDO AND OTHER ELDERS OF THE JAJELE TRIBE (T/COM.11/L.36)

1. This petition was not treated as such in the first instance, since it was uncertain whether or not the events of which the petitioners complained had occurred within the Trust Territory. The Standing Committee having decided provisionally that the communication was one to which the established procedure in relation to petitions should be applied, the Administering Authority subsequently stated that the events in question had occurred within the Territory.

2. The complaint is of three raids by Ethiopians “in the current year” (the petition is dated 16 June 1952) in addition to “many other raids in previous years.” The raids appear to have occurred in a locality west and north of Belet Uen and are said to be carried out by armed soldiers. In the three latest raids, nearly 1,200 camels were stolen, a dozen persons were killed and six were wounded. The petitioners claim that their tribe is reduced to hunger and poverty through these raids.

3. The Administering Authority states (T/OBS.11/12, section 2) that the events complained of are a consequence of the strained relations existing among the people on either side of the provisional boundary with Ethiopia, and invites reference to what it wrote on the subject on

pages 29 and 30 of its annual report for 1951. Since December 1952, when the Administration posted a permanent police detachment in the Avesale locality of the Jajele, no further raids have occurred.

4. In this connexion, the Administering Authority refers to the need for a definitive settlement of the international boundary with Ethiopia, for which diplomatic negotiations are proceeding in Addis Ababa.

5. The petition was examined and discussed at the 54th, 55th, 74th, 75th and 76th meetings of the Standing Committee (T/C.2/SR.54, 55, 74, 75 and 76).

6. At its 76th meeting the Committee adopted, by 3 votes to none with 3 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 752 (XII).*

#### SECTION IV. PETITION FROM THE UGAZ AND CHIEFS OF THE MEREHAN TRIBE (T/PET.11/339)

1. The petitioners (who represent a different branch of the Merehan from that which aroused concern at Lugh Ferrandi (see section II above) cable that, between September 1952 and January 1953, the Averghidir Aer have killed thirty-five Merehan people and stolen 1,362 camels and 275 cows in the Dusa Mareb area. Their complaints have met with no sympathy from the local authorities, and they hold the Provincial Commissioner and the Resident responsible "because they wish to send Merehans to Ethiopia and make unjust raids".

2. The Administering Authority states (T/OBS.11/14, section 4) that the occurrences related by the petitioners took place in the locality of El Abret beyond the provisional administrative boundary line; and that it does not appear that those who took part in the raids were inhabitants of the Trust Territory.

3. The incidents are part of a series of raids and counter-raids which have always disturbed relations between the Merehan (Darot) and the Averghidir, and are of more frequent occurrence now that the provisional administrative boundary line makes it more difficult for the latter tribe to have access to the water holes and to the traditional grazing areas (see Annual Report 1951 on the Territory—pp. 29-30). The political authorities in Mudugh keep the situation under constant control. In February 1953, after lengthy and difficult discussions, some of the subsections of the two conflicting tribes signed an agreement in Dusa Mareb whereby they bound themselves to desist from any further violent action and to initiate discussions for the settlement of matters outstanding between them. These discussions were still being conducted at the time the Administering Authority submitted its observations.

4. The petition was examined and discussed at the 54th, 55th, 74th, 75th and 76th meetings of the Standing Committee (T/C.2/SR.54, 55, 74, 75 and 76).

5. The special representative stated that the agreement, signed in February 1953 between the sub-sections of the two tribes, has so far been respected. The Administering Authority in maintaining public order in the area relies on agreements such as this, since otherwise a police force

of thousands would be required to guard so large an area.

6. The Administration's programme for the provision of wells gives priority to the Mudugh and Bardera areas because in 1952, when the rainy season was very short, these two regions suffered the most from shortage of water. Drilling machines are being purchased in the United States and Kenya and should be in Somaliland by September 1953.

7. At its 74th meeting the Committee adopted, by 3 votes to none with 3 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 731 (XII).*

#### SECTION V. PETITIONS CONCERNING THE SAAD-SOLEIMAN INCIDENTS FROM THE PRESIDENT OF THE SOMALI YOUTH LEAGUE (T/PET.11/287), THE SOMALI YOUTH LEAGUE, BRANCH OF GALCAIO (T/PET.11/289 AND ADD.1), AND MR. AHMED NUR ALI AND OTHERS (T/PET.11/294 AND ADD. 1 AND 2)

1. These petitions concern the serious fighting which broke out in Mudugh between the Saad and Soleiman branches of the Averghidir tribe in February 1952, and did not end until the last part of October 1952 (the petition from the President of the Somali Youth League is concerned as well with an incident which is presented in section VI below).

2. In his telegram (T/PET.11/287), the President of the Somali Youth League takes the incidents as yet two more instances of the serious tribal strife that has taken place under the present Administration. In Mudugh, he says, over a hundred persons have been killed, and the complaint is that the Administration "did nothing to stop said tribal disturbances...".

3. In the first of their two telegrams reproduced in T/PET.11/289, the Galcaio branch of the League reports the killing of forty-two Somalis in the Mudugh, and complains that "...local authority recollected all police and military between the two tribes..." (*recalled them from intervening between?*), and that the Province is in a state of anarchy. In the second of their telegrams forming T/PET.11/289, the branch reports an outbreak at another place in the Mudugh in the course of which nineteen persons were killed, over forty were wounded and a number of animals were "looted". They complain of lack of interest on the part of the local authorities and of lack of medical care for the wounded. They fear that the situation will deteriorate.

4. In T/PET.11/289/Add.1, the Galcaio branch of the League gives a death-roll of 127 in the Mudugh in 1952 between the end of February and the end of June. They ascribe the affair to the encouragement given by the Administering Authority to the tribal system, and to the appointment by it of chiefs whose duties are merely to create disturbances among peaceful Somali tribes. They repeat what they said in their telegrams. They add that League headquarters in Mogadiscio sent a goodwill mission to Galcaio with a view to reconciling the warring factions, but that the Provincial Commissioner would not allow it to intervene in the matter.



5. The first complaint of the chiefs, notables and other prominent personalities of the Soleiman branch of the Averghidir (T/PET.11/294) is of the "partialities and misdeeds" of the local authorities, who have taken no fair action in the matter. They say that any information on the subject which may be given by the Provincial Commissioner is untrue. In the first addendum to the petition, they list quantities of livestock and food looted by the Saad under the eyes of the Administration; they accuse the local authority of having seized 500 camels and 1,000 goats; and they state that only government assistance can save from starvation numerous persons rendered homeless after having had their houses burned. The fresh material in the second addendum comprises complaints that the local authorities had given more than fourteen rifles and large quantities of ammunition to the Saad chiefs, and had sent Saad policemen to the scene of operations.

6. In sum, the complaints in all six petitions amount to this; that the Administration first stirred up the trouble, aided one party with arms, and did nothing either to stop the trouble or to help the victims of it.

7. The observations of the Administering Authority (T/OBS.11/4, section 7) open with a general account of the traditional hostility obtaining between the two branches of the Averghidir—dating so far back that it originates from a belief on the part of the one branch that the ancestor of the other branch was born out of wedlock. This hostility gives rise to frequent outbreaks, of which the present incident—although one of the worst—is only one.

8. It arose, says the Administering Authority, out of a childish dispute at a well between a Saad boy and a Soleiman boy on 24 February 1952. The former got the worst of it and, notwithstanding the offer of a ram by the relatives of the latter to the relatives of the former, his father placed an obstacle at the well to prevent the Soleiman from drawing water. This led to affrays in several parts of the Averghidir territory. The political authorities at Galcaio and Obbia immediately visited the scenes of the incidents and posted adequate police there. Wherever possible, offenders were identified and arrested; and an appeal was made to the chiefs, notables and elders of both sides to co-operate in yielding up offenders, in restoring looted property to its rightful owners, and in bringing about a reconciliation. At the preliminary inquiry fifty-eight members of both tribes were charged, but of these only fourteen could be traced and arrested.

9. Meanwhile, chiefs on both sides agreed to an armistice, pending a final settlement which would provide for the restitution of looted cattle, to be reached by a *guddi* of twenty neutral members of the Hawiya group to be held in a neutral zone. The Soleiman, however, broke the armistice on 4 June and the Saad retaliated. On this occasion the slain numbered ninety-nine, and some of the bodies were fearfully mutilated. The authorities then adopted drastic measures: chiefs unable to quell the disturbances were dismissed, and a collective fine of camels was imposed on both sides—2,000 from the Soleiman and 1,500 from the Saad (presumably it is this to which the Soleiman petitioners are referring in T/PET.11/294/Add.1).

10. The water-holes and grazing areas along the boundary separating the two factions were kept under strict control by detachments of police. In this state of enforced tranquillity, the *guddi* met at El Bur from 8 July until 16 August under the supervision of the Provincial Commissioner. Because of the intransigence of the Soleiman, it failed to reach a decision until 30 October when a truce was signed by both parties at Administration Headquarters in the presence of the head of the Office for Internal Affairs.

11. The Standing Committee decided (T/C.2/SR.41) that, when examining the petitions grouped in this section, it would take into consideration T/COM.11/30, 35, 43, 55 and 56.

12. The thirty-one signatories of T/COM.11/35 say that the Administration is doing all in its power to stop the disturbances, but that mischief makers are at work to fan the flames. The Galcaio branch of the Lega Progressista Somala says the same in T/COM.11/30 and Add.1, and adds that the Lega is co-operating with the Administration's efforts. In T/COM.11/L.43, five Soleiman chiefs state that they declined to attend the *guddi* because the Provincial Commissioner had refused to fulfil his promise to return to the Soleiman the camels and goats that had been confiscated from them. In T/COM.11/L.55, a number of chiefs say that the Provincial Commissioner had decided to give all the Soleiman land to the Saad, and warn that this would lead to serious fighting between the tribes. In T/COM.11/L.56, one of the reputed signatories of T/COM.11/L.55 says that he did not sign it.

13. The petitions were examined and discussed at the 54th, 55th and 74th meetings of the Standing Committee (T/C.2/SR.54, 55 and 74).

14. The special representative stated that the Saad and the Soleiman branches of the Averghidir tribe lead a simple nomadic life, moving, with their livestock from place to place in search of water and pasture. Milk and meat form their staple diet, and cattle is to them the only form of wealth. Consequently they are reluctant to sell cattle and do so only to buy certain necessities such as their clothes. They live in simple huts, which they move with them, and when they decide to stay in one place for any length of time they construct temporary villages. The year 1952 was the driest in fifty years and the drought caused unusual tension which broke out in intertribal disputes.

15. With regard to the complaint that the goodwill mission of the Somali Youth League was rebuffed by the Provincial Commissioner, the special representative stated that the Administration had considered that the intervention of strangers in the dispute would have an unsettling effect. He denied the contentions of the petitioners that rifles and ammunition were given to the Saad and that fourteen Saad policemen were sent to the scene of operations.

16. The special representative stated that collective fines on a community are resorted to when it is established by the Courts that members of the community were responsible for certain depredations but the individual members responsible cannot be traced. The camels and oxen often initially levied are to be regarded not as the



collective fine, but as hostages for the monetary fine imposed by the Courts. The special representative admitted that collective fines have no place in modern systems of law, but in the present circumstances in the Territory, where the population concerned is largely nomadic, modern systems of law are not always applicable. Although it has not yet been possible to dispense entirely with the system of collective sanctions, the Administering Authority is doing its best to abolish the system progressively.

17. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 697 (XII).*

SECTION VI. PETITION FROM THE PRESIDENT OF THE SOMALI YOUTH LEAGUE (T/PET.11/287)

1. In his telegram concerning the Saad-Soleiman incidents which were presented in the preceding section, the President of the Somali Youth League wrote "...serious disturbances in which... persons were killed took place between... Auramaleh and Ajuran tribes inhabiting Upper Giuba". As in the case of Saad-Soleiman incidents, his complaint is that the Administration was doing nothing to stop the tribal outbreaks.

2. The Administering Authority states (T/OBS.11/4, section 7) that between the Ormale (Auramaleh) and the Ajuran tribes there had been a grudge existing for several years. Early in April 1952, two Ajuran who were looking for stray camels in Bardera District were mistaken for thieves by Ormale, who thereupon attacked them. This led to an attack by Ajuran on a group of Ormale, in which twenty-one of the latter were killed and four were injured. The authorities immediately proceeded to the scene, precluded further attacks by posting police detachments there, and arrested twenty-three Ajuran.

3. On 17 April, leaders of both sides signed a truce in the presence of the Resident, and adjourned to a later date the settlement of claims for blood money.

4. Criminal proceedings against the persons arrested were pending at the time when the observations of the Administering Authority were written.

5. The petition was examined and discussed at the 55th and 74th meetings of the Standing Committee (T/C.2/SR.55 and 74).

6. At its 74th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 696 (XII).*

DOCUMENT T/L.343

Twenty-eighth report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration

[Original text: English]  
[19 June 1953]

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INTRODUCTION

1. At its 55th and 74th meetings on 3 and 18 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>10</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the nine

petitions concerning the Trust Territory of Somaliland under Italian administration which are listed above.

2. Mr. P. Spinelli participated in the examination as the special representative of the Administering Authority concerned.

3. The Standing Committee submits herewith to the Council its report on these petitions—all of which contain complaints against dismissals from government service—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

<sup>10</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

action taken on the draft resolutions referred to in sections I to IX inclusive.

SECTION I. PETITION FROM MR. ALI FARRAH ALI  
(T/PET.11/331)

1. The petitioner states that he has been discharged from the police force on medical grounds after nearly five years' service, that there is provision in the relevant regulations for the award of a gratuity in such circumstances, but that his application for one has been refused.

2. The Administering Authority states (T/OBS.11/14, section 3) that the Police Regulations provide that compensation is payable only in cases where a member meets his death or suffers disability:

- (i) In the execution of his duty; or
- (ii) In circumstances specifically attributable to the nature of his duty.

3. The petitioner, however, had to be discharged owing to a disability not occasioned by the nature of his duties. Nevertheless, although the petitioner should have been discharged with effect from 14 November 1952, the date on which he was reported to be permanently unfit for duty, he received full payment of salary up to and including the month of December 1952.

4. The petition was examined and discussed at the 55th and 74th meetings of the Standing Committee (T/C.2/SR.55 and 74).

5. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meetings, see resolution 723 (XII).*

SECTION II. PETITION FROM MR. NUR ALASSO ASSER  
(T/PET.11/255 AND ADD.1)

1. This case is similar to the preceding one. The petitioner, who served as a police constable from October 1949 to January 1952, states that he was discharged as the result of a physical disability originating from causes connected with his service. He complains that he received neither subsidy nor gratuity and that his discharge was effected before he had completely recovered from his disability. He seeks intervention on his behalf with the Administration in order that he may obtain either his pay and a gratuity or a pension, together with the medical assistance necessary for his full recovery.

2. The Administering Authority states (T/OBS.11/6, section 1) that the petitioner was discharged as he was suffering from the after-effects of encephalitis—but not contracted whilst on duty. Two days after his discharge, he received compensation of So.200<sup>11</sup> from the Police Force Administration.

3. The petition was examined and discussed at the 55th and 74th meetings of the Standing Committee (T/C.2/SR.55 and 74).

4. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 671 (XII).*

SECTION III. PETITION FROM MR. HASSAN ISSAK ABDULLE  
(T/PET.11/285)

1. The petitioner, a former police constable, who served in the Somaliland Police Force from November 1947 to July 1951, states that after he had requested leave in order to bring his wife to live with him at the Merca police station he was imprisoned for fifteen days without food and was discharged without receiving any of the benefits to which he was entitled. He has made several appeals to the Commissioner of Police without obtaining satisfaction.

2. The Administering Authority remarks (T/OBS.11/11, section 1) that the petitioner had always been insubordinate. He had been previously reprimanded or punished on several occasions. Finally, irritated at not being granted the leave for which he asked, he displayed arrogance to his Somali Inspector, and maintained an insufferable attitude towards an Italian N.C.O. and an Italian officer. For this he was discharged, with full payment of salary and other dues for services rendered.

3. The petition was examined and discussed at the 55th and 74th meetings of the Standing Committee (T/C.2/SR.55 and 74).

4. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 694 (XII).*

SECTION IV. PETITION FROM MR. FARAH MOHAMED OTHMAN  
(T/PET.11/336)

1. The petition was found to be impossible of literal translation, and therefore had to be issued in the following summary form.

2. The author, Farah Mohamed Othman, ex-police inspector, complains that he was dismissed from the police force after twenty years' service, nine of which were served under the former Italian administration. He claims to have three bullets in his body and requests assistance to recover 35,000 lire (?).

3. The Administering Authority states (T/OBS.11/16, section 2) that the petitioner is the same man who, with others, was the author of T/PET.11/107 on the same subject. In its resolution 532 (XI), the Council considered that no recommendation was necessary concerning that petition.

4. The petition was examined and discussed at the 55th and 74th meetings of the Standing Committee (T/C.2/SR.55 and 74).

<sup>11</sup> So.200 = £10 sterling = \$ (US) 28.

5. At its 74th meeting the Committee adopted, by 4 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 728 (XII).*

#### SECTION V. PETITION FROM MR. HASSAN MOHAMED GIAMA (T/PET.11/323 and Add.1)

1. The petition and its addendum are in almost identical terms.

2. The petitioner says that he was employed as a clerk in the Resident's office at Belet Uen, that in January 1952 he had a quarrel with a clerk to the Provincial Commissioner and that he was arrested and kept in prison for a month and six days. He was then brought into court, was informed that he had been sentenced to three months and fifteen days' conditional imprisonment, and was thereupon released. He was then dismissed from his post.

3. He states that, although it was the other man who first threatened him—attacking him with a piece of iron—yet it was that man who became the complainant in the case and received every assistance from the authorities in prosecuting it. He ascribes this to the fact that the other man belonged "to African Society"; and says, in another context, the man was "actually acting in favour of the Italian..." (Italians?)

4. The Administering Authority states (T/OBS.11/11, section 9) that the quarrel led to a fight, in the course of which the petitioner gave the other man three knife wounds. He was found guilty of causing grave personal injury and of carrying arms without a licence. In view of his conviction on such a charge, the Administration thought it inappropriate that he should remain in the public service.

5. The petition was examined and discussed at the 55th and 74th meetings of the Standing Committee (T/C.2/SR.55 and 74).

6. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 715 (XII).*

#### SECTION VI. PETITION FROM MR. MOHAMED OMAR (T/PET.11/337)

1. The petitioner's complaint is that he was dismissed from his post of assistant clerk in the customs service after twenty-one years' service. He is to receive no compensation for his past services, and has been given no reason for his dismissal. A few weeks before his dismissal, however, there was a fight between one man who belonged to "the pro-Italian party" and a member of the Somali Youth League. The latter was arrested; so was the petitioner who, after having been released after twenty days in prison, returned to his job but was dismissed eighteen days later.

2. The Administering Authority states (T/OBS.11/16, section 3) that the petitioner was convicted by the Regional Tribunal for harbouring the knife with which one of the parties to the fight mentioned above had stabbed the other. On the advice of the Commission for Discipline, the petitioner was dismissed from his post. He received full salary and allowances due to him up to the date of his dismissal.

3. The petition was examined and discussed at the 55th and 74th meetings of the Standing Committee (T/C.2/SR.55 and 74).

4. At its 74th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 729 (XII).*

#### SECTION VII. PETITION FROM MR. ALI MOHAMED MAHAMUD (T/PET.11/327)

1. The petitioner is a prison warder who, owing to sickness, overstayed by about sixteen days some leave granted to him in September 1951 and, as a result, lost the pay due to him for that month (So.100)<sup>12</sup> and also "the gratification for the feast of Arafa" for 1951 (amount not specified). In December 1951, So.20 was cut from his pay because, he says, he addressed a letter to the Administrator. As a result of being in hospital for twenty-two days during April 1951, his salary for that month was cut by half (So.50), and when he protested he was informed that the Administration had decided that there should be no pay for warders for days off duty due to sickness. On 21 July 1952 he was informed that he was discharged as from that day.

2. He therefore seeks: either reinstatement in his post, or a gratuity in respect of thirteen years' service together with the So.170 withheld from his pay and the "Arafa gratification".

3. In addition, he complains that the Administration has rejected several requests that he has put forward for ten years' arrears of military pay.

4. The Administering Authority states (T/OBS.11/8, section 9) that the petitioner was discharged from the service for unruly and bad conduct in terms of the regulations in force for prison warders. The period by which he overstayed his leave in September 1951 was twenty-one days; the authorities were not convinced by his explanation for it and, although they could have taken severe disciplinary action against him, they decided to impose the lighter penalty of stopping his pay for the overstayed period. The petitioner, dissatisfied, appealed to and was granted an interview by the Administrator. It seems that, still dissatisfied, he appealed again more than once, and that his conduct was unsatisfactory in other respects also. Hence he was dismissed.

5. The petition was examined and discussed at the 55th and 74th meetings of the Standing Committee (T/C.2/SR.55 and 74).

<sup>12</sup> So.20 = £1 sterling = \$ (US) 2.80.

6. At its 74th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 719 (XII).*

**SECTION VIII. PETITION FROM SHEIKH GASSIM  
BIN MOALLIM KUTOOB (T/PET.11/178)**

1. The petitioner, a former Khadi in the Residency of Afgoi, complains that in August 1950 he presented himself to the Resident of Afgoi to request arrears of pay due to him from the former Government of Italian Somaliland for the months of February to April 1941; that the Resident said "I am not going to give you your rights unless you produce witnesses", and that he replied that, as a man trusted with the Mohamedan Sharia, he should not be asked to produce witnesses. There then ensued a verbal exchange as the result of which he was subsequently arrested and given a suspended jail sentence. Later, when he sought to obtain his current salary, he discovered that, following the aforementioned incident, he had been discharged from his post although he had received no notification to that effect.

2. Stating that he has appealed to the Administrator without effect, the petitioner requests assistance in obtaining his "rights and compensation" or reinstatement in his position of Khadi.

3. This petition was received by the second United Nations Visiting Mission to Trust Territories in East Africa. It was placed on the provisional agenda of the eleventh session of the Trusteeship Council but the Council decided at its 441st meeting that no action could be taken on it because it was in Somali Arabic and unintelligible. Subsequently, the petitioner submitted a clearer text from which the above summary has been made.

4. The Administering Authority states (T/982, para. 60) that the Government of Italian Somaliland ceased to exist on 1 February 1941, and that the petitioner's claim for salary due for the period February to April 1941 fell within the purview of the commission which had been set up specifically to handle such matters. The relevant ordinance required all claimants to produce evidence of their claims. When, therefore, the petitioner had answered the Resident in the manner described above,

the latter had tried to convince him of the absurdity of his attitude, but the petitioner had responded with insulting language and offensive behaviour. It was for this that he had been sentenced to imprisonment. He is still free to prosecute his claim for arrears of pay before the commission; but, in view of his court conviction, he can neither be reinstated in office nor receive compensation for his dismissal.

5. The petition was examined and discussed at the 55th and 74th meetings of the Standing Committee (T/C.2/SR.55 and 74).

6. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 664 (XII).*

**SECTION IX. PETITION FROM MR. SAID ADEM OMEH  
(T/PET.11/334)**

1. The petition was found to be impossible of literal translation, and therefore had to be issued in the following summary form:

It contains a complaint against the Commissioner of Migiurtinia. The author states that he served ten years, seven under the British and three under the Italian administration, as a farmer on the government fields in the village of "Kaden". He claims that he was dismissed by the Commissioner for no good reason.

2. The Administering Authority states (T/OBS.11/16, section 1) that the petitioner has been temporarily suspended from duty, without pay, pending consideration by the Commission for Discipline of a recommendation that he be dismissed for being repeatedly absent from duty.

3. The petition was examined and discussed at the 55th and 74th meetings of the Standing Committee (T/C.2/SR.55 and 74).

4. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 726 (XII).*

**DOCUMENT T/L.344**

**Twenty-ninth report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration**

[Original text: English]

[23 June 1953]

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#### INTRODUCTION

1. At its 55th, 56th and 75th meetings on 3, 4 and 19 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>13</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States, examined the nine petitions concerning the Trust Territory of Somaliland under Italian administration which are listed above.

2. Mr. P. Spinelli participated in the examination as the special representative of the Administering Authority concerned.

3. The Standing Committee submits herewith to the Council its report on these petitions—all of which are concerned with the administration of justice—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 draft resolution referred to in sections I to IX inclusive.

#### SECTION I. PETITION FROM MR. ABDI ADAN NUR (T/PET.11/248)

1. The petitioner complains that, after having paid So.100<sup>14</sup> to the owner of an automobile driving school through whom, he states, all applicants for driving licences must pass, and after having paid approximately a further So.37 for other requirements, he was refused a second grade licence to drive commercial vehicles because he had been convicted for an offence when he was a minor. He endeavoured without success to obtain restitution from the driving school and his request is that the Advisory Council should provide him with legal aid to further his case.

2. The Administering Authority confirms the facts (T/OBS.11/3, section 2). There were, however, five convictions recorded against the petitioner, two of which had been for serious offences. Nevertheless, a second grade licence has subsequently been issued to him.

3. The petition was examined and discussed at the 55th and 75th meetings of the Standing Committee (T/C.2/SR.55 and 75).

4. At its 75th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 668 (XII).*

#### SECTION II. PETITION FROM MR. MOHAMED ADAN AFMAGAD (T/PET.11/296)

1. In a telegram, which is in parts unintelligible, the petitioner states that he was assaulted, injured and robbed at Chisimaio on 19 May 1952 by seven well-known persons. He complains that the local authorities released four of his attackers from prison for reasons of favouritism and that his case has been transferred to the Khadi's court although it is solely within the competence of the administrative court.

2. The Administering Authority states (T/OBS.11/3, section 14) that the transfer of the case by the Public Minister to the Khadi's court was in accordance with the law. The Khadi who heard the case delivered a judgment of acquittal under Sharia law, since the complainant explicitly refused to submit to the Sharia court and failed to put in an appearance. He later lodged an appeal from the Sharia court to the Sharia tribunal.

3. The petition was examined and discussed at the 55th and 75th meetings of the Standing Committee (T/C.2/SR.55 and 75).

4. The special representative stated that the petitioner's case was within the competence of the Khadi's court and not the Italian courts.

5. At its 75th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 703 (XII).*

#### SECTION III. PETITION FROM MR. HAJI ABO IMANCHIO (T/PET.11/319 AND ADD.1, 2 AND 3)

1. This is a further exposition of the grievance voiced by the petitioner in T/PET.11/135, upon which the Council, having examined it at the eleventh session, adopted resolution 554 (XI).

2. Briefly, the petitioner is involved in a lawsuit with an Italian lady over the ownership of some real estate in Mogadiscio, of which she is at present in possession.

<sup>13</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

<sup>14</sup> So.20 = £1 sterling = \$ (US) 2.80.

The suit dragged on from December 1948 to the end of March 1951, when the High Court of the Territory gave judgment in the petitioner's favour. Thereupon the lady appealed to Rome—and remains in possession of the property pending the outcome of the appeal. The petitioner's grievance is that the execution of a decision of the highest court in the Trust Territory can be stayed by an appeal to a court outside the Territory.

3. The action taken by the Council at its eleventh session upon the earlier petition was to urge the Administering Authority to establish a Court of Appeal in the Territory as soon as possible. Therefore the petitioner's grievances are that a Court of Appeal has not yet been established in the Territory, and that the professional behaviour of his advocate was unsatisfactory to him. He asks also that the United Nations send an advocate to the Trust Territory to conduct his case. His further grievance is that, the Court of Appeal in Rome having decided the case against him, he is now put to the further expense of taking it to the Court of Cassation.

4. The Administering Authority (T/OBS.11/11, section 5) states that the draft judicial ordinance, which provides for the setting up of a Court of Appeal in the Territory, is still under consideration by the Advisory Council and by the Territorial Council. The Administering Authority states (T/OBS.11/11/Add.1) that if the conduct of the petitioner's affairs by his advocate was unsatisfactory to him he has the right to resort to judicial process.

5. The petition was examined and discussed at the 55th and 75th meetings of the Standing Committee (T/C.2/SR.55 and 75).

6. The special representative stated that, since the eleventh session of the Council, a final Court of Appeal in criminal cases had been set up in the Territory.

7. The law establishing a Supreme Court, which would be a final Court of Appeal in all civil cases, had been promulgated in December 1952. There were, however, many practical questions to be considered; for example, the competence of the Supreme Court had to be precisely defined. These were questions that could not be decided hastily. The Administration had done its utmost to implement the decision of the Trusteeship Council. Judges had been appointed and would arrive in Somaliland shortly.

8. At its 75th meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 712 (XII).*

SECTION IV. PETITION FROM MISS E. SYLVIA PANKHURST ON BEHALF OF MR. JUSUF IBRAHIM ISMAIL (T/PET.11/322)

1. The petitioner is a man who had come to the Territory from British Somaliland in March 1952 and had obtained permission to live in Mogadiscio, and to trade as a grocer, for an indefinite period. He had sunk the equivalent of £6,000, or \$16,800, in stocking his business.

2. On 12 August 1952, he was arrested and charged with making a speech in opposition to the Italian

Authorities. This was a false charge, for he had made no speech at all and had taken no part in politics. He was put in prison where he was kept in overcrowded and insanitary conditions. When he was brought before the court on 28 August no evidence was produced against him and he was therefore released. He was taken into custody again on 20 September and given five days within which to leave Mogadiscio. He was unable to do so, and was therefore imprisoned again; but he was bailed out by friends after twenty-four hours on their guarantee that he would leave five days later. Within that short period it was impossible for him to dispose of his grocery stock at its proper value, and he was forced to rid himself of it at a loss equivalent to £5,000, or \$14,000.

3. As well as protesting against this "gross contravention" of article 15 of the Trusteeship Agreement, it is requested on his behalf that he receive adequate compensation for "wrongful imprisonment, loss of property and unjust expulsion".

4. The course of events outlined by the Administering Authority (T/OBS.11/11, section 8) is substantially the same as that related by the petitioner up to and including 28 August 1952—the day on which the court ordered the petitioner's immediate release for insufficient evidence. The charge against him was that of inciting groups of people to do what had been done at Chisimaio on 1 August, and this, says the Administering Authority, was such a serious charge that it was decided to order his expulsion from the Territory. The petitioner, however, was not arrested a second time, nor was he ill-treated during his detention. He sailed for Aden on 8 October 1952; and, since he did not ask for an extension of time in which to settle his affairs, the Administering Authority is led to believe that he had settled them in a satisfactory manner.

5. The petition was examined and discussed at the 56th and 75th meetings of the Standing Committee (T/C.2/SR.56 and 75).

6. The special representative stated that early in 1952 the petitioner had been granted permission to enter the Territory from British Somaliland for purposes of trading, despite the fact that he was known to have been quite active in politics. As a foreigner, he was not entitled to intervene in the internal politics of the Territory; and the Administration had been fully within its rights in ordering his deportation. He had not presented any claim to the Administration for compensation for wrongful imprisonment or loss of property; and it was still open to him to plead through an advocate before the Territorial Courts for the compensation that is sought on his behalf.

7. At its 75th meeting the Committee adopted, by 3 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 714 (XII).*

SECTION V. PETITION FROM SHECK OMAR BIN MOHAMED (T/PET.11/325 AND ADD.1)

1. The petition is concerned with events which occurred in the days of the British Military Administration. On some date unspecified (though from the observations of the Administering Authority—T/OBS.11/8, section 8—it would

appear to have been about June 1945) the petitioner, in company with Sherif Abo Omar, arrived in Mogadiscio from Lugh Ferrandi "with a shipment of merchandise including skins, myrrh, incense and a basket of Zanzibar tobacco"—then valued at So.2,500.<sup>15</sup>

2. On their arrival at Mogadiscio, the petitioner was ordered by the District Commissioner to unload his merchandise into a warehouse belonging to an Italian, where it would be kept pending the settlement of a lawsuit between the Italian and Sherif Abo Omar. He thereupon "applied to the Italian Judge". (The result of his application, and its connexion with the next succeeding step, are not stated.) He then brought an action against Sherif Abo Omar in the Khadi's Court, which ruled that the merchandise had been seized by the Administration. When he took the Khadi's ruling to the Legal Adviser, the latter told him to await the settlement of the lawsuit already referred to, and added that eventually he would get back either his goods or their value. Nevertheless, the lawsuit having been settled, the Legal Adviser informed him that the goods "were forfeited in the Italian Court", that he (the Legal Adviser) was unable to recover them but would "pay a small sum of money"—an offer which the petitioner refused. The Legal Adviser then summoned a leading Arab and told him to advise the petitioner to accept the offer; but the Arab replied that the petitioner was entitled to his goods.

3. The petition reads as if all the events thus far narrated had occurred within a few weeks of the seizure of the merchandise. The next step recorded was taken on 18 July 1952, when the Legislative Affairs Office summoned Sherif Abo Omar and "asked him for the merchandise", and he replied that it was the Administration that had taken it.

4. In essence, the petitioner's complaint is that whomsoever he applied to for restitution of his property disclaimed all responsibility for it and referred him to someone else. It is in the addendum that the value of the property stated above is given; there also it is stated that its value today would be twice as much; otherwise, there is nothing in the addendum that would assist a study of the petition—unless it be the following statement concerning dates; "The goods... handed over to the Italian Judge in Somaliland in 1947...".

5. From its study of the records, the Administering Authority observes (T/OBS.11/8, section 8) as follows. In 1945, Sherif Abo Omar and Mr. Ali Nur entered into a contract with an Italian motor transport carrier to carry a specified quantity of goods and a specified number of passengers from Merca to Lugh Ferrandi and thence to Mogadiscio. The agreed consideration was So.3,700, of which So.1,000 was payable (and was paid) on departure, and the remainder at various points on the route. The consignors failed to pay the balance of So.2,700, and the carrier—availing himself of his rights under Italian law—deposited the goods in his warehouse, after making an inventory of them. He also applied to the Court, which gave judgment in his favour on 10 July 1946.

6. The Administering Authority refers to the decision of the Khadi's Court of which the petitioner complains.

It assigns to it the date 31 August 1947 and states that the Khadi, owing to his little knowledge of Italian Civil law, pronounced that Sherif Abo Omar was not answerable in that the goods had been seized and sold by the Government, and not by the defendant.

7. The Administering Authority states also that the summoning of Sherif Abo Omar on 18 July 1952 before the Legislative Affairs Office was the result of a petition (to the Administration) dated 16 July 1952. Not only the Sherif, but his fellow contractor Mr. Ali Nur also was summoned, and both appeared; and both stated that the goods in question had been their property—to which the petitioner had no claim.

8. The Administering Authority states that, in the records of the judicial proceedings, there is no mention that any of the seized goods belonged to the petitioner, who could, had he wished, have filed an opposition with the judge, and that it is not understood why he should have approached the then Legal Adviser, who had no power to intervene in the proceedings. His possibilities of redress are not yet exhausted, however: he may take court proceedings against the carrier and the other parties to the eight-year old contract; and, if he is genuinely unable to meet the costs and fees involved in such a suit, they can be waived.

9. The petition was examined and discussed at the 56th and 75th meetings of the Standing Committee (T/C.2/SR.56 and 75).

10. As regards the statement by the Administering Authority to the effect that, if the petitioner is genuinely unable to meet the costs and fees involved in seeking redress from the Courts, they can be waived, the representative of the Philippines assured the Committee that the Administration liberally allows persons to plead *in forma pauperis* when the judge is satisfied that they are genuinely without necessary financial means.

11. At its 75th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 717 (XII).*

#### SECTION VI. PETITION FROM MR. ABDULLA SIAD ARALE (T/PET.11/326)

1. The petitioner, whose petition is dated 11 November 1952, obtained from the appropriate municipal authorities at Mogadiscio in October 1951 permission to dig a well, but is unable to dig it because Abgal tribesmen claim that they alone have power to authorize the digging of wells in the area in question. On a number of occasions, he—or others on his behalf—have appealed to the Acting Administrator and other officials of the Administration to intervene in the dispute, but he claims that the Administration will neither do anything to safeguard his rights nor reply to his petitions. He had one oral communication from the Resident's clerk, as a result of which he again addressed the Resident who replied to the following effect: something would be arranged in due course, but other work could not be dropped to deal with the question; the details of the dispute were well-known to the authorities and it was a waste of time for the parties to "outline for

<sup>15</sup> So.2,500 = £125 sterling = \$ (US) 350.

the *n*th time points of view and reasons already familiar to everybody...". The Resident also confirmed the oral communication of his clerk which was to the effect that any person who again initiated discussions on the dispute would, if he were a paid chief, have his salary stopped, or, if he were not a paid chief, be arrested.

2. In a letter to the Acting Administrator dated 28 June 1952, a number of Chiefs and elders of the Murosada, writing on the petitioner's behalf, suggested that, if it were "not possible to obtain justice before the law by legal and human understanding", they should be permitted to take the law into their own hands.

3. The Administering Authority states (T/OBS.11/15, section 4) that the trouble springs from the traditional hostility existing between the Abgal and this particular branch of the Murosada. The petitioner first obtained permission to dig a well in April 1951, but he never began to dig it. Then, in September 1951, he applied again for permission to dig a well in another place in the same zone. Permission was granted, but hardly had he started to dig the well when he was threatened by a number of Abgal tribesmen, and, fearing a breach of public order, the Resident ordered the petitioner to cease work pending an examination of the matter.

4. The petitioner was persuaded to dig his well at the site for which he had first obtained permission; but again, as soon as he started to dig, incidents occurred and feeling ran so high that it was necessary once more to order him to cease work. Other means were explored for solving the controversy, but were without avail. Eventually, what originally had been merely a dispute over a well took on a more serious character: in February 1953, some Murosada attacked some Abgal and killed two persons, and the Abgal retaliated by killing a Murosada.

5. The persons responsible have been handed over to the judicial authorities and, at the time of writing its observations, the Administering Authority was hopeful that the way would be paved for a settlement of the killings by the payment of blood-money. Then the question of the well would be re-examined, and it is thought that a compromise solution may be reached. Meanwhile, however, the Administration is disinclined to use force in imposing a solution unacceptable to one or other party.

6. The petition was examined and discussed at the 56th and 75th meetings of the Standing Committee (T/C.2/SR.56 and 75).

7. The special representative stated that the persons concerned in the killings had been brought to trial during the latter half of May 1953. The situation between the rival factions was still somewhat tense.

8. Asked why the Administration had not consulted Abgal leaders before permission had been granted to Murosada people to dig a well in the locality concerned, the special representative stated that the land in question belonged not to Abgal people but to the municipality of Mogadiscio. Before granting the application by the Murosada, the municipality had despatched to the site a group of its members (belonging to various tribes) to find out if there would be any objection to granting the application. They reported that there would be no objection, and it was only after digging had commenced

that trouble occurred. There was no shortage of water in the area to account for the disturbances, which must be ascribed entirely to intertribal conflicts.

9. At its 75th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, adopted without change by the Trusteeship Council at its 474th meeting, see resolution 718 (XII).*

#### SECTION VII. PETITION FROM THE KHALIFFA OF THE TARIKA "SHECK HUSSEIN BALIALE" (T/PET.11/324)

1. The Khadis of Mogadiscio have ruled that certain religious rites celebrated by the sect to which the petitioners belong are contrary to Islamic teaching, and have forbidden their celebration. The Administration has taken official notice of the Khadis' ruling and has told the petitioners that they must abide by it. The petitioners have objected on two grounds; (a) that the rites in question are perfectly in harmony with Islamic teaching; and (b) that the ruling of the Khadis was not a judgment but merely an opinion. They further state that similar charges were levelled against their sect during the British Military Administration, but that a court composed of a Khadi, two town councillors and a "private religious person" dismissed the charges.

2. The only suggestion by the petitioners to the effect that steps are taken to prevent the celebration of their rites occurs in a passage in the second enclosure in the petition, which reads: "...and every once in a while, at the time of their prayers, the worshippers see policemen at their homes or in the neighbourhood, and are continuously disturbed although they harm nobody and do nothing contrary to the Law."

3. The petitioners request that they be permitted to appeal against the ruling of the Khadis, i.e., that the matter be reviewed either by a Sharaitic court or by the Administrator.

4. The Administering Authority (T/OBS.11/15, section 3) states that forty-eight elders wrote to the Khadis complaining that members of the Scek Hussein Baliale indulged in certain practices which were an offence against morals and decency. The elders asked the Khadis to intervene. After inquiring into the matter, the Khadis delivered a judgment in the course of which they wrote "...it is a most abominable thing, a disgusting corruption, forbidding, a plague causing greater damage to the country than locusts do to human beings; an act contrary to all the laws and especially to our Mohammedan law". The Khadis unanimously prohibited and abolished the practices in question and, says the Administering Authority, there was no alternative for the Administration but to enforce the Khadis' decision in order to protect religious feelings and to preserve public morals and decency.

5. The Administering Authority attaches to its observations copies of the complaint made to the Khadis and of the Khadis' judgment.

6. The petition was examined and discussed at the 56th and 75th meetings of the Standing Committee (T/C.2/SR.56 and 75).



7. The special representative stated that the Administration followed the advice of the Khadis in religious disputes. The point at issue had been referred to them and they had all agreed that the practices in question were undesirable.

8. The representative of Egypt on the Advisory Council expressed the opinion that the petitioners should accept the judgment of the Khadis. The Tarika did not constitute a religion; it was rather a manner of reciting religious texts.

9. At its 75th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 716 (XII).*

SECTION VIII. PETITION FROM MESSRS. HAJ ALI MAHDIO, OTHMAN MOHAMED AND OTHERS (T/PET.11/352)

1. The fifteen petitioners, who describe themselves as leaders of Rer Hamer, Murosada and Averghidir, present a complaint of which the precise causes are not entirely clear. The religious leaders, however, have decided, and the decision has been recognized by the judicial authorities, that "Friday prayers are not to be said in the Mosque know as Maruas". The decision has been published in the Press and has been broadcast by radio throughout the Territory.

2. The complaint is that the Resident has declared that prayers are to be said on Friday in the Maruas Mosque, and that transgressors will be confronted with the might of the Administration.

3. In examining this petition the Standing Committee took into consideration T/COM.11/L.71. This consists in the first place of a letter to the manager of the *Corriere della Somalia* signed by forty-two persons; secondly a copy of a short article appearing in the newspaper in which the editor announces the receipt of the letter but states his inability to publish it on the grounds that it would cause offence to the religious and judicial authorities; and, thirdly, a further letter to the manager protesting against his refusal to publish the first letter. It is in the first letter that enlightenment must be sought as to what the difficulty is and how it has arisen. All that can be gleaned, however, is that the question of Friday prayers at the Maruas Mosque has been decided by an arbitration board, that the signatories are dissatisfied with the composition of the board, and that they consider that the agreement reached—that the Maruas Mosque should be used only for six Fridays more, while another mosque was being enlarged—has not been kept.

4. The Administering Authority states (T/OBS.11/16, section 7) that the matter arose out of representations that the two mosques in Mogadiscio in which the recital of Friday prayers is permitted are not large enough to accommodate everyone, and that such recital should be allowed in a third mosque as well. The question was which mosque should be chosen. There were, on the one hand, those who favoured the Mosque of Maruas and, on

the other hand, those who considered that a choice should be made only after hearing the opinion of the holy men and of the Khadi. The two opposing groups became involved in lengthy theological argument, but eventually the duly appointed representatives of each reached an agreement before the First Khadi of Mogadiscio: (a) that the recital of Friday prayers should be permitted in the Sceek Aves Mosque, and (b) that until the Administration had enlarged the latter mosque, it should be permitted also in the Mosque of Maruas. Before the enlargement of the Sceek Aves Mosque could be completed, a number of those who favoured the Mosque of Maruas began again to press their claims. This time, a number of prominent Khadis and notables decided to assemble leaders of both factions for a meeting at the Residency. At this meeting, the parties unanimously requested the Resident to intervene in the dispute since they feared a breach of public order in the existing inflamed state of public feeling. The Resident, however, was unwilling to intervene in a religious dispute which the Somalis themselves were competent to resolve, and he confined himself to endeavouring to effect a compromise between the opposing points of view. Eventually, both parties agreed to regard the earlier agreement as not binding, and to submit the matter to religious arbitration. It was agreed also that the arbitrators' decision should be final and unappealable.

5. Six arbitrators, three nominated by each party, presided over by the First Khadi, having heard all the argument, finally pronounced—by a majority of five (including the First Khadi) to two—in favour of the Mosque of Maruas. Some members of the losing party were not satisfied, and they endeavoured to upset the pronouncement on the grounds that the arbitrator nominated by them who had voted in favour of the Mosque of Maruas had been designated in haste, and that his appointment had not met with the approval of the majority of the party.

6. The petition was examined and discussed at the 56th, 57th, and 75th meetings of the Standing Committee (T/C.2/SR.56, 57, and 75).

7. The representative of Egypt on the Advisory Council explained that the petitions stemmed from a certain interpretation of Islamic law. According to that interpretation, Friday prayers may not be recited in more than one mosque at the same time within the same town, in order to avoid the dispersion of the people. The question was whether the limited number of mosques of the town, where Friday prayers were allowed, was large enough to contain all the worshippers on Fridays. As the contrary was proved, the arbitrators were compelled to allow the Friday prayers in the Mosque of Maruas too, in addition to the other mosques. In the opinion of the representative of Egypt the decision given by the board of arbitrators was equitable, and to alter it could only provoke a further conflict.

8. At its 75th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 742 (XII).*

SECTION IX. PETITION FROM MR. YUSUF ALI MIRE  
(T/PET.11/354)

1. The petitioner is the chief of Giohar village, in the Afgoi District, and is writing on behalf of his people who have lost some of their agricultural land to Mr. Haji Ahmed Alio, who is a salaried chief and a Territorial Councillor.

2. The dispute over the land seems to have originated some years ago, but it was settled in September 1947 before the Khadi of Audegle, who gave judgment in favour of the present petitioners. Subsequently Mr. Haji Ahmed Alio raised objections, the case was again brought before the Khadi's court, and the Khadi's decision was ultimately revised by the Administrator who ordered a retrial of the suit. The Administrator, however, did not entrust the suit to the Sharia Court, but to the Regional Court of Benadir Province, which pronounced judgment in favour of Mr. Haji Ahmed Alio in July 1952. The petitioners thereupon asked to be allowed to appeal against the judgment of the Regional Court, but were informed by the Head of the Judicial and Legislative Affairs Office that "...no appeal is admitted against the decision of the Benadir Regional Commissioner, issued in terms of Art. 72 of the Judicial Regulation in matters of disputes between families and groups on account of boundaries, grazing rights, watering rights, etc., either in an administrative or judicial way".

3. The petitioners claim: (a) that the 1947 decision of the Khadi's court should not have been upset; (b) that, as one of the parties to the dispute was a group of persons, the suit should not have been referred to the Regional

Commissioner's Court, but to the Sharia Court; and (c) that it is unjust that no appeal can lie from the Regional Commissioner's Court.

4. The Administering Authority states (T/OBS.11/17, section 5) that in 1951 both the Khadi of Audegle and the Khadi's Tribunal gave judgment against the petitioners, who thereupon appealed to the Administration. The Administration decided that the matter was not a private affair, but a communal concern between the inhabitants of Giohar and Audegle to be settled in accordance with local custom. It therefore appointed the Commissioner of the Benadir to re-examine the case, and he decided that the petitioners' claim was without foundation. He therefore upheld the Khadi's decisions.

5. The petition was examined and discussed at the 56th and 75th meetings of the Standing Committee (T/C.2/SR.56 and 75).

6. The special representative stated that the records did not bear out the assertion of the petitioner that the case had been settled by the Khadi of Audegle in 1947—although a Khadi had been present when the two parties had reached an agreement in that year. Then, in 1951, some of those who were dissatisfied with the 1947 agreement decided to take their case to the Khadis' Court.

7. At its 75th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 744 (XII).*

DOCUMENT T/L.345

Thirtieth report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration

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INTRODUCTION

1. At its 57th, 58th, 61st and 75th meetings on 4, 5, 8 and 19 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>16</sup>

<sup>16</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States, examined the ten petitions concerning the Trust Territory of Somaliland under Italian Administration which are listed above.

2. Mr. P. Spinelli participated in the examination as the special representative of the Administering Authority concerned.

3. The Standing Committee submits herewith to the Council its report on these petitions—which are all

concerned with economic, social and educational matters—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 draft resolutions referred to in sections I to X inclusive.

#### SECTION I. PETITION FROM MR. OSSOBLE OMAR IBRAHIM AND OTHERS (T/PET.11/295)

1. The petitioners, owners of donkey-drawn carts in Mogadiscio, protest against increased taxes and fines imposed by the Administration. They complain that they are fined So.7.50<sup>17</sup> if they are discovered without their licences—despite the fact that these licences are large and cumbersome to carry. On one occasion they were fined unjustifiably when their licences had been recalled for registration. Secondly, the Mogadiscio municipality has imposed a daily tax of So.0.50 on each cart in addition to the annual tax of So.24.22: which is unjust and excessive since their average daily income is only So.4. Furthermore, they are ill-treated by the police, they were arrested after appealing to the Advisory Council and two of their representatives have been imprisoned.

2. The Administering Authority observes (T/OBS.11/11, section 2) as follows: It is imperative that the cart-owners produce their licences on demand in order that there be no cheating: e.g., lest one owner produce his licence, and another produce the Treasury receipt for the money paid for the same licence. The licence is of quarto size, easily folded, and to carry it should inconvenience no one. There is no "daily tax" of So.0.50 on each cart: there is what may be described as a market fee of that amount payable if a cart-owner declines to park his cart in that part of the market reserved for parking donkey carts free of charge. When this arrangement was first introduced the owners made such a disturbance that the police had to intervene, but no arrests were made.

3. Observing that the number of applicants for licences rose from 203 in 1950 to 357 in 1952, the Administering Authority remarks that the occupation of donkey-cart owner must be fairly profitable.

4. The petition was examined and discussed at the 57th and 75th meetings of the Standing Committee (T/C.2/SR.57 and 75).

5. At its 75th meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 702 (XII).*

#### SECTION II. PETITION FROM MR. ABDULLAH HASSAN AND OTHER ORPHANS (T/PET.11/256)

1. The petitioners, a group of orphans in Mudugh, who lost their fathers "in three wars", complain that they have not received assistance from the Administering Authority and are suffering hardships from hunger and lack of medical care.

2. They also refer to the general question of financial assistance for the advancement of the Territory, complaining that the Administering Authority is not fulfilling its obligations in this connexion and requesting direct financial and other assistance from the United Nations.

3. The Administering Authority (T/OBS.11/7, section I) invites reference to its observations on T/PET.11/116, which was a petition from representatives of 643 persons said to have been orphaned through the same causes. Those of its observations on that petition which are relevant to the present petition are to this effect: those on behalf of whom it had been written were not minors left without care or protection, but were adults most of whom were engaged in commercial activities and earning more than a bare livelihood.

4. T/PET.11/116 was treated by the Council at its eleventh session as a petition raising general questions.

5. The petition was examined and discussed at the 57th, 61st and 75th meetings of the Standing Committee (T/C.2/SR.57, 61 and 75).

6. At its 75th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 672 (XII).*

#### SECTION III. PETITION FROM THE SOMALI STUDENTS, OBBIA (T/PET.11/257)

1. The petitioners, students at the government school of Obbia, complain that their teacher lacks qualifications and training and that the school possesses no equipment.

2. The Administering Authority states (T/1002, section 3) that the Somali teacher is one of those who had attended the teachers' training courses in Mogadiscio, and that it does not seem that he has proved to be incompetent: should he prove to be so, he will be replaced. Like all the schools opened in the Territory, the one at Obbia is supplied with the necessary equipment.

3. The petition was examined and discussed at the 57th and 75th meetings of the Standing Committee (T/C.2/SR.57 and 75).

4. The special representative stated that, on assuming the administration of the Territory, the Administration had found that one of the biggest problems confronting it was the lack of adequately trained teachers. It therefore embarked upon a programme of teacher-training. In 1952, twenty of the most promising locally-trained teachers had been sent to Italy for more intensive training, and in 1953 a further ten locally-trained teachers would be sent to Italy for the same purpose. In 1954, it was planned to open a teachers' training school in Mogadiscio.

5. The teacher complained of in the petition had been removed because of inefficiency and had been replaced by the teacher referred to in the observations of the Administering Authority. By the end of the scholastic year 1951/1952 all the schools in the Territory had been furnished with the necessary furniture and equipment.

<sup>17</sup> So.20 = £1 sterling = \$ (US) 2.80.

6. At its 75th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 673 (XII).*

SECTION IV. PETITION FROM UGAZ NUR  
OF THE AVERGHIDIR TRIBE AND OTHERS (T/PET.11/297)

1. The petitioners, on behalf of the inhabitants of El Bur, requested that the doctor there be immediately replaced because he did not perform his duties well, swore at the people and suffered from an ugly disease. They stated that if the Administration were unable to replace him they would be content with a good Somali dresser.

2. The Administering Authority states (T/OBS.11/11, section 3) that the officer complained of was transferred from El Bur to Lugh Ferrandi in September 1952. He is a skilful physician whose constitution has been impaired by long residence in the tropics. He may not always have been very tactful with all his patients at El Bur—but many of them were a trying lot to deal with. At Lugh there is less pressure of work, and he should do well there.

3. The petition was examined and discussed at the 57th and 75th meetings of the Standing Committee (T/C.2/SR.57 and 75).

4. At its 75th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 704 (XII).*

SECTION V. PETITION FROM THE LEGA PROGRESSISTA SOMALA  
(T/PET.11/338)

1. The petitioners are resident in Mudugh, and have three requests to make:

(i) The return to them of the grazing lands and water-holes which were formerly included within what is now the Trust Territory, but which have subsequently been incorporated in Ethiopia. In other words, they want the international boundary to be returned to where it was before.

(ii) The posting of a medical officer at Obbia where, at present, there is only a Somali dresser who cannot cope adequately with the large population. (They remark: "Health progressed now in this zone".)

(iii) An improvement in anti-locust operations. There was a plague of locusts throughout the Province in 1952 and, as the Administration's anti-locust operations were not satisfactory, grave damage was done to grass and cultivation.

2. The petitioners end with a brief report that education, water supplies and the general condition of the people have been improved, and that the Administration has a programme for sinking further wells in the Province.

3. The Administering Authority observes as follows (T/OBS.11/16, section 4):

(i) The question of delimiting the boundary with Ethiopia is the subject of diplomatic negotiations now in progress between Italy and Ethiopia.

(ii) A medical officer is normally stationed at Obbia, but the present incumbent is on leave in Italy. During his temporary absence, the medical officer at Galcaio has visited Obbia at intervals.

(iii) The Administration's anti-locust campaign in 1952 was vigorous enough—108 parties worked for 35,000 man days, at a cost of So.140,000 for wages—and if, on occasion, action was not timely, that was due to the scale of the invasion and the vastness of the area invaded.

4. The petition was examined and discussed at the 57th and 75th meetings of the Standing Committee (T/C.2/SR.57 and 75).

5. As regards question (ii), the special representative stated that the essential difficulty was that doctors were unattracted to service in Somaliland in general and to service in remote and unhealthy localities like Obbia in particular. Nevertheless, and in the face of this difficulty, the Administration was endeavouring to build up a staff of medical officers sufficient in number adequately to serve the needs of the Territory—taking into account the exigencies of home leave (five months' absence after two years' service). The situation had been aggravated by the fact that large numbers of medical officers had been qualified for home leave in 1952, but steps were being taken to stagger home leave in the future. It was the intention of the Administration to post a medical officer permanently at Obbia, and it was hoped that one would be posted there by September 1953.

6. As regards question (iii), the special representative was at a loss to understand the petitioners' reference to the grave damage done to grass and cultivation by locusts. There was little cultivation in the Mudugh province; nor was the Trust Territory subjected to the depredations of the adult locust: it was one of the places where the adult locusts bred and produced the swarms which eventually flew elsewhere.

7. At its 75th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 730 (XII).*

SECTION VI. PETITION FROM MRS. FATEMA BARJEEB,  
GALCAIO (T/COM.11/L.4)

1. (This communication is one to which the Standing Committee has decided that the established procedure relating to petitions should be applied.)

2. After some general criticism of the Administration, the petitioner, who writes as the secretary to the Women's Society of Galcaio, specifically asks for:

(a) A special room in the hospital for sick women, a midwife and "special" treatment; and

(b) A special school for girls and some women teachers.

3. The Administering Authority invites reference (T/OBS.11/12, section 1) to the observations (T/991, section 1) which it submitted on T/PET.11/112. In the

course of those observations, the Administering Authority gave the following description of the hospital facilities available in Mudugh:

A hospital with twenty-four beds and annexed dispensary, at Galcaio. The hospital possesses a civil motor-ambulance and a military one, a steriliser, a small surgical room complete with instruments, distillator, microscope, laboratory equipment, etc. The hospital is run by an Italian medical doctor assisted by a large number of indigenous personnel.

An infirmary with ten beds and annexed dispensary at El Bur, equipped with surgical instruments, distillator, etc. is run by an Italian medical doctor assisted by Somali personnel.

A dispensary at Dusa Mareb.

A dispensary at Obbia, run by an Italian medical doctor.

A dispensary at Haradera.

4. As regards the petitioner's second request, the Administering Authority states that the female class in the school is now being conducted by an Italian teacher.

5. The petition was examined and discussed at the 57th and 75th meetings of the Standing Committee (T/C.2/SR.57 and 75).

6. The special representative stated that there is only one school at Galcaio with special classes for boys and girls.

7. Asked if there was a special ward for women in the hospital at Galcaio the special representative said that he presumed there was one, as it was the rule in all the hospitals of the Territory to have special wards for women.

8. The representatives of Egypt and the Philippines on the Advisory Council supported the view of the special representative as regards the hospitals of the Territory.

9. At its 75th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 748 (XII).*

#### SECTION VII. PETITION FROM THE SOMALI YOUTH LEAGUE, BRANCH OF GAROE (T/PET.11/281)

1. The petitioners "refuse to submit to finger-printing", and inquire why "the Administration wants people to sign with their finger-prints". Finger-printing of convicted criminals or applicants for government employment may be necessary, but should any other person "be forced to have his finger-prints registered"?

2. The observations of the Administering Authority (T/OBS.11/13) are to the effect that finger-printing of everyone is not the practice of the Administration. On the occasion in question, the finger-printing of thirteen persons who had been concerned in criminal proceedings before the Judge of Somaliland were taken in order to complete the records in the judicial registry.

3. The petition was examined and discussed at the 58th and 75th meetings of the Standing Committee (T/C.2/SR.58 and 75):

4. Questioned as to the phrase in the petition: "Finger-printing of ... applicants for government employment may be necessary", and asked whether that was the practice in the Territory, the special representative said that it was not, but that illiterate persons often signed their contracts of employment, or receipts of pay, with their finger-prints.

5. At its 75th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 690 (XII).*

#### SECTION VIII. PETITION FROM THE CHIEFS AND NOTABLES OF THE DESCISCIA TRIBE (T/PET.11/305)

1. This petition, a telegram, refers to the setting on fire at Bender Cassim of "5,000 square metres containing 1,700 houses with 5,608 persons who went out in the sun, without home or shelter, hungry, 1,000 persons starving." The complaint is that the local authorities did nothing about it and that the Provincial Commissioner was absent at the time.

2. The Administering Authority states (T/OBS.11/11, section 4) that in August 1952 a fire started in a hut. The Resident, his office staff, and some *ilalos*, followed soon after by the police and a military detachment with water tanks, were quickly on the scene. Despite all their efforts the strong wind caused the fire to spread, with the result that about 250 huts were destroyed and a thousand people rendered homeless.

3. The Resident thereupon arranged to distribute food to the poorer people and to those who had suffered the greatest loss. Later on, the Administration placed at the disposal of the Provincial Commissioner 300 iron sheets and So.15,000 for the purchase of timber and mats. These were distributed to the homeless to help them to build new houses.

4. The petition was examined and discussed at the 58th and 75th meetings of the Standing Committee (documents T/C.2/SR.58 and 75).

5. The special representative stated that, of the material and funds supplied by the Administration to the Provincial Commissioner, the 300 iron sheets had been distributed to the homeless within three weeks after the fire; So.10,000 in money had been sent to the Commissioner soon after the fire; and timber and mats to the value of So.5,000 had been supplied later. The 250 families rendered homeless by the fire had by now been rehoused, in better conditions than before.

6. Further, he stated that the absence of the Provincial Commissioner at the time, to which the petitioners had referred, could be easily justified. When the fire broke out, the Commissioner was 700 kilometres distant on a duty tour, but the Resident was on the spot and was fully capable of dealing with the situation.

7. At its 75th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 707 (XII).*

SECTION IX. PETITION FROM MESSRS. YUSUF NOOR ISLAM, ABDULLA FARAH AND OTHER CHIEFS AND NOTABLES OF NOGAL (T/PET.11/340)

1. The petitioners have a dozen or so requests to make for developing the Nogal region of the Migiurtinia. They point out that the region is important on account of its trade centres, communications and fertile watered lands. The requests are as follows:

*Political:*

(a) The region should enjoy autonomous or quasi-autonomous status with special representation in the Territorial Council. (There is a suggestion that the Administration recognizes the force of this contention).

(b) Extra police protection should be provided along the border to cope with marauders from British Somaliland.

*Economic:*

(a) Planned agriculture with modern machinery is needed, together with an agricultural technician who might start an agricultural school.

(b) Wells are needed in dry areas—deep wells in some of the grazing lands—and cisterns should be built to collect rainwater.

(c) For improved communications the following are required: a steamer for coastal traffic; a harbour at Bedej; considerable road repairs; and the retention of the airfield at Garoe as well as that at Eil.

*Social:*

A new prison, and a hospital at Eil, should be built; the dispensary at Garoe should be transformed into a hospital.

*Educational:*

At Garoe, the elementary school needs one more teacher; an Arab teacher is also needed.

2. The petition was examined and discussed at the 58th and 75th meetings of the Standing Committee (T/C.2/SR.58 and 75).

3. The special representative, referring to the request that the Nogal region should enjoy autonomous or quasi-autonomous status, stated that there was no particular reason why it should have preferential treatment.

4. As regards extra police protection along the border with British Somaliland, there had been very few raids in recent months and he thought the border was adequately patrolled.

5. With regard to the demand for planned agriculture, the need for wells and the request for an agricultural technician who might start an agricultural school, he stated that the area of cultivated land in the Nogal region was very limited. The Administration was, however, doing its utmost to improve the agricultural land in the area; its programme for the next two years included the drilling of wells. An agricultural college had been opened in September 1952. Also in 1952, an agricultural expert had been sent to Migiurtinia. He was working at Bender Cassim and the Administration hoped to send him later to the Nogal region for a time.

6. Discussing communications, the special representative stated that a regular service of coastal traffic would soon

be established; the roads were poor but there were no plans at present to improve them, there being so little traffic.

7. With reference to the request for a new prison and hospitals, there was a dispensary with ten beds at Garoe and he believed that a new infirmary was to be built at Eil. The provision of new prisons, or the reconditioning of old ones, formed part of the programme for the next two years.

8. With regard to the request for one more teacher at Garoe the special representative stated that teachers would be sent to the area as soon as they had been trained.

9. The representative of Egypt on the Advisory Council said that the request for an agricultural technician was reasonable; furthermore, the sinking of wells and the building of cisterns should be encouraged. An airfield had been under construction when he had been at Eil and he understood that it was now in operation. As for the request for a new prison, one might perhaps be provided if the need for it became apparent, but Eil was an orderly area.

10. An extension of the medical services in the area did, however, seem to be called for.

11. The representative of the Union of Soviet Socialist Republics proposed that the Trusteeship Council should recommend that the Administering Authority satisfy the requests of the petitioners in the field of education.

12. This proposal was rejected by the Committee, by 4 votes to 1 with 1 abstention. Accordingly, the representative of the USSR was not in a position to support the draft resolution adopted by the Committee.

13. At its 75th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt:

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 732 (XII).*

SECTION X. PETITION FROM SHEKH ALI GIUMALE BARALE (T/PET.11/353)

1. The petitioner, a Territorial Councillor, states that Somali refugees from Ethiopia are to be found scattered throughout the Territory, and particularly in Belet Uen. He writes: "some of them are politically persecuted persons, others came to Somaliland to ... appeal to the United Nations ... that their Territory be joined to Somaliland under Italian administration". He says that most of the refugees are being generously supported by the Administration.

2. The petitioner's request is that the United Nations should organize a refugee fund for these people.

3. The Administering Authority denies (T/OBS.11/17, section 4) that there is a refugee problem in the Territory. It states that the persons to whom the petitioners refer fall into two groups totalling some five hundred persons. In the first group—the majority—are those who live along the provisional boundary. In the second group—the minority—are those who, not content to wait for the final

delimitation of the boundary, have migrated to the Territory. Of the latter, some have found employment and others are assisted by the Administration.

4. The petition was examined and discussed at the 58th and 75th meetings of the Standing Committee (T/C.2/SR.58 and 75).

5. At its 75th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 743 (XII).*

## DOCUMENT T/L.346

### Thirty-first report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration

[Original text: English]

[29 June 1953]

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#### INTRODUCTION

1. At its 58th, 59th and 79th meetings on 5 and 25 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>18</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the thirteen petitions concerning the Trust Territory of Somaliland under Italian administration which are listed above.

2. Mr. P. Spinelli participated in the examination as the special representative of the Administering Authority concerned.

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 draft resolutions referred to in Sections I to VIII inclusive.

4. All save one of the petitions dealt with in this report are concerned with differences between indigenous inhabi-

tants and Italian concessionnaires as to the rights of ownership over various parcels of land. In the course of its examination of them, the Committee recalled that the general question of land concessions had been before the Council at its eleventh session. The Council had adopted then the following recommendation:

"The Council, having had its attention drawn to various aspects of land questions, including those complaints contained in petitions concerning land disputes, and noting the assurances given by the Administering Authority that it is not its policy to grant concessions under the present laws until new land legislation giving expression to the principles of the Trusteeship Agreement is adopted, requests the Administering Authority to take all necessary steps to secure the prompt enactment of this legislation." (A/Z150, p. 127).

5. At the eleventh session also, in its resolutions 531 (XI) and 538 (XI), respectively adopted in regard to T/PET.11/106 and 115, the Council had urged the Administering Authority to exercise the utmost caution in the matter of land leases pending the enactment of the contemplated land legislation.

6. In this connexion the special representative of the Administering Authority gave the following information. During the last two years not one land concession had

<sup>18</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

been granted by the Trusteeship Administration, and the Administration continually exhorted the indigenous inhabitants to refrain from alienating their land in the absence of land legislation giving effect to the principles of the Trusteeship Agreement. As to that projected legislation, a special committee had been appointed to study the principles which should underlie it. The Committee had begun its deliberations in May 1953, but it would be several months yet before it would be able to make any concrete recommendations.

7. As the Standing Committee had already noted—from the observations of the Administering Authority in each case—each of the petitions concerned with differences between indigenous inhabitants and Italian concessionaires stemmed from the grant by the former Colonial Government of a concession to an Italian individual or firm prior to 1942. The procedure had been as follows. It had first been ascertained that the land, usually heavily covered with bush or forest, had been unoccupied by any indigenous inhabitants. The area had then been publicly declared to be open to development. Applications for concessions of it had been published, and would-be objectors had been invited to come forward. If no objections had been received within the prescribed periods, the applications had been granted.

8. The cash price of such concessions—paid to the former Colonial Government—had not been large. More important was the covenant that the concessionaire had been required to fulfil: within specified periods he had been required to clear his concession of bush, to canalize it for irrigation, and generally to put the land into good condition.

9. The special representative then went on to discuss the position of the Somalis who had moved on to parts of such conceded lands during the period of military occupation and now laid claims to ownership of their plots. The legal position of course was clear: such squatters had no claims which the courts would uphold. Nevertheless, the Administration was enforcing a policy by which no such squatter could be dispossessed if it were established that he had been continually cultivating his plot since 1943. The situation of squatters who were not cultivating their plots was different; but each and every case of a dispute between such a squatter and a concessionaire was investigated by the Administration and dealt with on its merits, and the Committee endorsed the opinion of the representative of New Zealand that such aggrieved persons should avail themselves of the facilities offered by the Administration to settle their differences.

**SECTION I. PETITIONS RELATING TO CONCESSIONS OF LAND TO THE SOCIETÀ AGRICOLA ITALO-SOMALA FROM CAPO MOHAMED IBRAHIM AND OTHERS (T/PET.11/259), HAJI ABDULLE ISGOU AND OTHERS (T/PET.11/260), AND THREE REPRESENTATIVES OF THE WALAMOI TRIBE (T/PET.11/274 AND ADD.1 AND CORR.1 (E))**

1. T/PET.11/260 and 274 and Add.1 and Corr.1 (E) are concerned with what may be termed the Walamoi land dispute, and T/PET.11/259 with what may be termed the Sagalo land dispute. The disputes were with the Società Agricola Italo-Somala (SAIS) over certain areas of land. Both have been the subject of previous petitions to the

Council, and it will be of assistance, before examining the present petitions, to recall the action taken by the Council at its eleventh session on the earlier ones.

2. In its resolution 514 (XI) on T/PET.11/65 (and addenda) concerning the Walamoi dispute, and also in its resolution 610 (XI) on T/PET.11/242 concerning the Sagalo dispute, the Council first took note of the observations of the Administering Authority; as well as of the oral statement of the special representative, to the effect that the land occupied by the SAIS in the Villabruzzi area had been legally acquired by the Society, and that negotiations were being carried out between the Society and the local population concerned, with a view to settling the land disputes by amicable arrangement. The Council then expressed the hope that settlements agreeable to the local inhabitants would soon be reached. The Council, in its resolution 610 (XI), noted also a further observation by the Administering Authority and the special representative in connexion with the Sagalo dispute, which was to the effect that the SAIS had stated its intention not only to respect the present and future requirements of the indigenous population but also to provide assistance in the establishment of indigenous co-operatives.

3. Signing themselves as "Chosen Representatives of the Walamoi Tribe", the three signatories of T/PET.11/274 (who were among the signatories of T/PET.11/65) say that they have come to understand that three of the ten signatories of T/PET.11/65/Add.1 have been "influenced and corrupted by the local Resident, who made them sign documents in favour to the SAIS ...". They go on to say that anything signed by those three persons in regard to the tribe's legitimate property is null and void; and they reaffirm their faith that the United Nations will not allow their land to be misappropriated by either the SAIS or the Administration. Their petition is dated 2 May 1952.

4. T/PET.11/260 and T/PET.11/259 are virtually the same, and both bear the date 21 February 1952. Chiefs of the Walamoi in the former, and chiefs of the Sagalo in the latter, declare that any dispute which they have had with the SAIS over alienation of land to the latter has been settled, and that anyone who asserts the contrary is doing so for ulterior motives. What each set of petitioners asks is that:

(i) The Administration will authorize the constitution among their people of a co-operative, and help them in the agricultural development of their lands;

(ii) the SAIS will assist such co-operatives, when established, with machinery and technical aid.

Each set of petitioners desires to maintain friendly relations with the SAIS.

In sum, there are for consideration:

(a) An uncontested declaration on behalf of the Sagalo people that their dispute has been settled satisfactorily (T/PET.11/259);

(b) A similar declaration by nine persons on behalf of the Walamoi people (T/PET.11/260) which (by implication) is contested by three other members of the tribe (T/PET.11/274);

(c) An accusation that three persons have been coerced into accepting a settlement of the Walamoi dispute (T/PET.11/274); and



(d) a desire on the part of the Walamoi and Sagalo for co-operatives, and for the extension to such co-operatives of assistance by the SAIS.

5. The observations of the Administering Authority are contained in T/OBS.11/10, sections 1, 2 and 3. To deal *seriatim* with the foregoing four points, (a) calls for no particular observation. As regards (b), the Administering Authority annexes a copy of the agreement entered into on 17 August 1952 between the manager and vice-manager of the SAIS and thirty representatives of the Walamoi tribe. In brief, the agreement first asserts the validity of the deeds by virtue of which the SAIS occupies the land, and then goes on to abrogate in favour of the Walamoi certain of the rights which the SAIS possesses over the land. (At the time when the observations of the Administering Authority were prepared, the agreement still required the approval of the Board of Administration of the SAIS.)

6. As regards (c), the Administering Authority states that the three men who, it is alleged, were subjected to coercion were three of the signatories of T/PET.11/65/Add.1. They subsequently, of their own accord, publicly made known that they had signed the petition in ignorance of its contents. Annexed to the observations of the Administering Authority are copies of affidavits made by each of the three men in question. They run very similarly: each man was visited by one or two of the authors of T/PET.11/274 and asked to sign the letter which appeared later as T/PET.11/65/Add.1. Each asked his visitor what the letter was about (it was written in a language of which each was ignorant) and was told that it was a report on the Walamoi tribe. So each signed. Further, each affidavit contains a repudiation of the claim of the five signatories of T/PET.11/65 to be representatives of the Walamoi tribe—for the tribe convened no *shir* to appoint them as such.

7. As regards (d), the Administering Authority observes that the proposal to form an agricultural co-operative society among the Sagalo people was receiving the attention of the Administration in concert with the SAIS.

8. The Standing Committee decided (T/C.2/SR.41) that, when examining the petitions grouped in this section, it would take into consideration also T/COM.11/L.32. It is dated 30 May 1952 and, therefore, like T/PET.11/274, was written before the SAIS-Walamoi agreement was entered into on 17 August 1952. It takes the form of a declaration before a Khadi by twenty-three persons to the effect that they no longer recognize the five persons whom they nominated to represent them in their complaint against the SAIS. Furthermore, they are—or were at the time of writing—dissatisfied with what the SAIS has done in relation to the boundaries of their land. Nevertheless, the names of seven of the twenty-three signatories are to be found among the signatures of the agreement made with the SAIS on 17 August 1952.

9. The petitions were examined and discussed at the 58th, 59th, and 79th meetings of the Standing Committee (T/C.2/SR.58, 59, and 79).

10. At its 79th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 675 (XII).*

SECTION II. PETITIONS RELATING TO A CONCESSION OF LAND AT MOBARECK TO MR. PELLEGRINI FROM SCEK ABUBAKER SCEK MOHAMED HAJI (T/PET.11/263 AND ADD.1 AND 2) AND SHEIKH HASSAN HAJI ALI OMAR T/SHEKAL (T/PET.11/275 AND ADD.1)

1. Both these petitions concern land at Mobareck in the Afgoi District, the ownership of which is in dispute with an Italian settler, Mr. Pellegrini.

2. Scek Abubaker's complaint is as follows. In common with his two brothers, he is the owner of about 170 darabs of land inherited from his father. In February 1952 he complained to the Resident that Mr. Pellegrini, who had recently 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 Mobareck and, according to the petitioner, verified that he was the owner of the 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 elsewhere, or Mr. Pellegrini would acquire the land "through regular sell-purchase lease". A month or more elapsed, and the petitioner then wrote to the Resident asking for a settlement concerning "the ownership of two *shambas* which appear to be part of the new agricultural concession of Mr. Pellegrini". The Resident replied to him orally that the question had already been settled between the chiefs and the Administration, and that nothing could be done as the land had been "demesneal" since 1940.<sup>19</sup> The petitioner denies this statement, and denies also the right of any chief to dispose of his and his brothers' property. In the first addendum, the petitioner reports that Mr. Pellegrini had already started irrigation works on the land in dispute. In the second addendum, he indicates his restlessness at the delay in dealing with his petition.

3. In order to understand Sheikh Hassan's complaint, it is necessary to read first the complaint set forth by him in T/COM.11/14, which is a letter which he addressed to the Resident of Afgoi, and copied to the United Nations Advisory Council. There he complains to the Resident that he is the absolute owner of four hectares of irrigable land near Mobareck. The land has been in his family for several generations, has been regularly cultivated and is his family's only source of subsistence. 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. "Now ..... Pellegrini ..... comes forward demanding to occupy a very large area of agricultural land near our village, including my land .....". In the present petition, he records his understanding that "thirteen elements figuring as exponents of the village of Mobareck ... 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 repudiates utterly the thirteen persons and the settlement which they reached, stating that they have neither legal nor moral rights to dispose of any such lands.

<sup>19</sup> See paragraph 4 below: "demesneal since 1940" presumably means "private property of Mr. Pellegrini since 1940".

4. The Administering Authority submits (T/OBS.11/8, sections 1 and 2) the same observations on both these petitions. The observations are to this effect: the parcels of land which are the subject of the petitions are 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 Mobareck from time immemorial. In its observations on that petition (T/982, page 125), 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 an exchange, for an equivalent compact peripheral block of his land, of the scattered lots into which the people had encroached.

5. 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).

6. T/PET.11/275/Add.1 was received after the Administering Authority had submitted its observations (T/OBS.11/8, section 2). In it, Sheikh Hassan states that on 6 September 1952 some *ilalos* were sent by the Resident of Afgoi to tell him that he must vacate his land—which was, at the time, planted with sesame.

7. The petition was examined and discussed at the 58th, 59th and 79th meetings of the Standing Committee (T/C.2/SR.58, 59 and 79).

8. The special representative of the Administering Authority informed the Standing Committee that the *ilalos* referred to by Sheikh Hassan in T/PET.11/275/Add.1 had not been sent by the Resident of Afgoi.

9. The representative of the Union of Soviet Socialist Republics proposed that the Trusteeship Council should recommend to the Administering Authority that it return to the indigenous inhabitants of the Trust Territory the lands that have been alienated from them in any manner whatsoever and prevent the alienation of land from indigenous inhabitants in the future.

10. This proposal was rejected by the Committee by 2 votes to 1, with 2 abstentions. Accordingly, the representative of the USSR was not in a position to support the draft resolution adopted by the Committee.

11. At its 79th meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 678 (XII).*

SECTION III. PETITIONS RELATING TO A CONCESSION OF LAND TO MR. ANGELERI FROM CHIEFS IRANE MAHAD AND EONO HUSSEN (T/PET.11/278) AND MR. IARANE MAHAD GUDAI AND OTHERS (T/PET.11/292 AND Add.1)

1. These two petitions can be examined together, since they are concerned with the same events; and Chief Eono

Hussen—co-signatory of T/PET.11/278—was also, with Chief Irane Mahad, one of the five signatories of T/PET.11/292.

2. In February 1951, eighteen farmers of Bulo Ibreno, Degai Bere, Buslei and Farane wrote to the Administrator complaining that Mr. Vittorio Angeleri had arbitrarily taken possession of their land; that when they complained to the Resident, he told them to wait; and that, soon after, 300 hectares of their land were surveyed for Mr. Angeleri. They were then told that they could rent their farms from Mr. Angeleri and that, if they did not wish to be dispossessed, they could work for him.

3. Coming now to T/PET.11/292 proper (the preceding paragraph is a summary of its enclosure), which is a simultaneous appeal to the Administrator and the Chairman of the Advisory Council, the petitioners recount that subsequently the Resident had informed them that the Administration had decided to give Mr. Angeleri, in exchange for his old concession, which could not be irrigated, a piece of land "owned by the inhabitants" of the villages in question. They say that he bases his claim on a concession granted by the Colonial Administration: but they doubt this. T/PET.11/278 is a telegram briefly protesting against the Administration for alienating the 300 hectares.

4. The Administering Authority states (T/OBS.11/8, sections 3 and 7) that the affair does spring from a pre-war concession by the Colonial Administration. It was originally granted to three Italians for 241 hectares in 1933, and an addition of fifty hectares was made to it in 1937. The whole concession, however, save for fifteen hectares on which some buildings stood, was revoked in 1940, and a parcel of 300 hectares was granted in exchange in the area now in dispute. The reason for the exchange was, as the Resident told the petitioners, that the original concessions were unirrigable. Since the concessionnaires had already cleared and put under cultivation a part of the land prior to the British occupation in 1941; and, since they had carried on with their work undisturbed during the occupation period, the Administering Authority cannot see any reason why the petitioners claim not to know that the land had been conceded. Neighbouring Somalis had, on occasions, asked for and obtained permission to cultivate small plots of the land; and had never hesitated to pay the low rents demanded by the concessionnaires. The petitioners, on the other hand, are neither natives of the place nor cultivators.

5. In T/PET.11/292/Add.1, the petitioners state, first, that the land in dispute was assigned to Mr. Angeleri by decree No. 95 of 18 June 1952. The Administering Authority agrees (T/OBS.11/8/Add.1), but states that such a decree is not an instrument making a new concession—it is merely the usual form of recognizing a concession, granted before the war, when the concessionnaires have been found to have fulfilled the obligations laid upon them by the concession.

6. The petitioners state, secondly, that 250 hectares of the concession originally granted to Mr. Angeleri were leased by him to Mr. Elliot, District Commissioner at Merca during the military occupation, who has leased it to indigenous workers. The Administering Authority (T/OBS.11/8/Add.1) states that Mr. Angeleri leased fifteen hectares only to Mr. Elliot who exercised no

private rights over the remaining 250 hectares and planted cotton in co-partnership with Somalis during the military occupation.

7. The petition was examined and discussed at the 58th, 59th and 79th meetings of the Standing Committee (T/C.2/SR.58, 59 and 79).

8. At its 79th meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 689 (XII).*

#### SECTION IV. PETITIONS CONCERNING A CONCESSION OF LAND TO MESSRS. GALLOTTI, RIVALTA AND GIURATI FROM CHIEF SIMBA MCOMA AND SIXTEEN OTHER CHIEFS (T/PET.11/288 AND ADD.1) AND MR. NUR MOHAMED AND OTHERS (T/PET.11/291)

1. Both petitions concern the disputed ownership of 400 hectares in the Margherita District, and in each case the Italian firm of Gallotti is involved. By its observations, the Administering Authority has linked the two petitions together—as if they were but two facets of the same dispute.

2. The authors of T/PET.11/288 and Add.1—chiefs and notables of seventeen villages in the Margherita District—complain that the Administration has alienated land belonging to their villages without the owners' consent, and has conceded it to five Italian firms (Gallotti, Bugamelli, Carizzi, Rivaldi and Giurati), two of which have already begun to exploit their concessions, destroying the crops of the Somalis. The petitioners state that the land supports about 3,000 persons who are entirely dependent upon it for their livelihood; and they request the Trusteeship Council to intervene on their behalf and to stop the work which has already begun.

3. The authors of T/PET.11/291—residents of the villages of Belet-Rahma and Manomoffi in the Margherita District—complain that the firm of Gallotti has taken possessions of and begun to clear a piece of land of about 400 hectares in the village of Manomoffi without the foreknowledge and consent of the local population who are the collective owners of the land. They add that when the work was commenced the Resident of Margherita assured them that a contract would be drawn up with the collective owners of the land; but they state that as yet no negotiations have been initiated, and that four persons have been arrested by the local authorities. They further complain that the Resident of Margherita forbade the transmission of a telegram of protest addressed to the Advisory Council.

4. It will be seen from the observations of the Administering Authority (T/OBS.11/8, sections 5 and 6) that these two cases—like those presented in sections II and III above—are concerned with the recognition of the validity of concessions granted by the Colonial Administration. The sequence of events has been as follows. By the late 1930's, the Gallotti firm, a Mr. Guido Rivalta and a Mr. Lodovico Giurati, all with provisional permits issued by the Colonial Administration, had moved into, taken possession of and begun to clear large tracts of uninhabited land on the right bank of the Giuba. Then,

by Governor's decrees issued late in 1940 and early in 1941, the Gallotti firm received title to 400 hectares, and Mr. Rivalta and Mr. Giurati each received titles to 200 hectares. (Mr. Rivalta later leased his concession to Mr. Chirizzi; as for the fifth person mentioned in T/PET.11/288, Mr. Bugamelli is but an employee of the Gallotti firm). The war and ensuing military occupation necessarily retarded the development of the properties, and during the military Administration groups of Somalis moved in and occupied small plots of the cleared land. Notwithstanding their legal rights in the matter, the three concessionnaires have recently confirmed that any Somali wishing to cultivate in the areas may do so undisturbed within the limits allowed by the estates' work and development programmes.

5. The petition was examined and discussed at the 58th, 59th and 79th meetings of the Standing Committee (T/C.2/SR.58, 59 and 79).

6. The representative of the Union of Soviet Socialist Republics proposed that the Trusteeship Council should recommend to the Administering Authority that it return to the indigenous inhabitants of the Trust Territory the lands that have been alienated from them in any manner whatsoever and prevent the alienation of land from indigenous inhabitants in the future;

7. This proposal was rejected by the Committee by 2 votes to 1 with 2 abstentions. Accordingly, the representative of the USSR was not in a position to support the draft resolution adopted by the Committee.

8. At its 79th meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt:

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 698 (XII).*

#### SECTION V. PETITION FROM SCERIF HASSAN MOHAMED AND OTHERS (T/PET.11/333)

1. The fifteen petitioners complain of arbitrary seizure of 400 darabs of arable land in the Afgoi District by Mr. del Bufalo. They say that he paid some compensation for it to some headmen, but that for many generations the land had belonged, not to the headmen, but to the petitioners. They appealed to the Resident and to the Provincial Commissioner, and their appeals elicited oral replies to the effect that the land had been ceded to Mr. del Bufalo by the headmen in 1928. They cannot understand it: headmen cannot dispose of land that does not belong to them. Possibly they might come nearer to an understanding were the Resident, or the Commissioner, to state the facts of the matter in writing, but each has refused to give a written reply to the petitioners' letters.

2. Mr. del Bufalo has begun work on the petitioners' *shambas* and has "seriously and materially damaged" them. Nine valuable trees have been uprooted and destroyed.

3. The gist of the observations of the Administering Authority (T/OBS.11/17, section 1) is that the 400 darabs, or 100 hectares, of land in question is another pre-war concession granted by the Colonial Government in 1938

and 1940. (The concession was in favour of Mr. Ottaviani, since deceased, and Dr. del Bufalo is managing the estate for the deceased's heirs.) The concession was granted after it had been ascertained that the land was free for alienation. Nor is there any doubt, after examination *in situ*, in the presence of responsible chiefs, that the strip recently entered by Mr. del Bufalo is indeed part of the concession.

4. The petition was examined and discussed at the 58th, 59th and 79th meetings of the Standing Committee (T/C.2/SR.58, 59 and 79).

5. At its 79th meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 725 (XII).*

#### SECTION VI. PETITION FROM MESSRS. SAYED AHMED MUSSE, SHECK ALI MUSSE, HASSAN ABDI AND OTHERS (T/PET.11/350)

1. The petitioners are writing on behalf of about eighty people who complain that, towards the end of 1951, Mr. Puccioni attempted to take possession of about 500 hectares of arable land which was their only source of sustenance. The land, situated near El Gode village on the right bank of the river in the Afgoi District, has been, the petitioners say, in the absolute and undisputed ownership of private persons for centuries.

2. The petitioners go on to state that when they complained to the Resident he arrested three of them and kept them in prison for three days—but that Mr. Puccioni's appropriation of the land ... was "denied". Nevertheless, early in September 1952 Mr. Puccioni again brought irrigation machinery on to the land, and again "the abuse ... was avoided". Now, for the third time, Mr. Puccioni has taken possession of the land, "and this time with the aid and protection of the Resident and the Commanding officer of the ... Police...". Anyone, they say, who goes near the land in question is liable to imprisonment, and at the date of writing—1 February 1953—one man had been in prison for eight days. On the same day, the police brought in reinforcements from Mogadiscio.

3. The Administering Authority states (T/OBS.11/19, section 5) that the land in question, which measures not 500 but 110 hectares, was conceded to a Mr. Montagni by the Colonial Government in 1937. It was subsequently leased to Mr. Puccioni who invested a good deal of capital in it and carried on the work of clearing it that had already been begun by Mr. Montagni. The work was interrupted by the war, and—as in the case of the concession given to Messrs. Gallotti, Rivalta and Giurati (see section IV above)—Somalis moved into the land and began cultivating it. They did so, not because of any lack of other land available, but because the Montagni farm had been cleared.

4. Mr. Puccioni has dealt with the Somali cultivators in a spirit of understanding, and negotiations are in progress to reconcile their needs with the future development of the farm. But, says the Administering Authority, the signatories of the present petition are part

of a group of persons who, in January 1953, entered the farm by force and, after having beaten and secured a Somali corporal, took possession of parts of it. Criminal proceedings are pending against them.

5. The petition was examined and discussed at the 58th, 59th and 79th meetings of the Standing Committee (T/C.2/SR.58, 59 and 79).

6. At its 79th meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 741 (XII).*

#### SECTION VII. PETITION FROM MR. HUSSEN SALAH ASCIRO (T/PET.11/341)

1. The petitioner's father owned five hectares of land situated at Afgoi between the main road and the railway. The Colonial Administration alienated the parcel to Mr. Hellman, an Italian farmer, and the petitioner—heir to his father who died in 1935—seeks its restoration.

2. The Administering Authority states (T/OBS.11/14, section 5) that the petitioner's assertion is devoid of foundation. The concession in question had been regularly granted to Mr. Hellman by the Colonial Government in terms of Governor's Decree No. 14,494 dated 4 October 1938, after completion of the procedure laid down by law (publication of a notice *ad opponendum* and ascertainment that the area was included in the land free for alienation—as described in paragraph 7 of the introduction to this report).

3. The petition was examined and discussed at the 58th, 59th, and 79th meetings of the Standing Committee (T/C.2/SR.58, 59, and 79).

4. At its 79th meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 733 (XII).*

#### SECTION VIII. PETITION FROM CHIEF HAJI MOHAMED ADEN (T/PET.11/268)

1. The petitioner complains that the Resident of Bardera has wrongfully alienated part of the land belonging to the Leissan tribe—saying that it was by order of the Commissioner of the Upper Giuba.

2. According to the Administering Authority (T/OBS.11/3, section 6), the Leissan people in the Bardera District can be divided into two groups. The first, with which the present petition is not concerned, are those on the right bank of the Giuba River who have joined the Aulihan. The second, with which the present petition is concerned, are those who have joined an institution of a religious nature, known as the Giama, which is a conglomeration of people of different tribal affiliations. It is the Giama that has rights to land in the Sciongoro area of Bardera District, and it is only by virtue of their membership in the Giama that these particular Leissan people could claim the right to occupy land set aside there

for the use of the Giama. *Qua* Leissan tribesmen, these people have no rights at all in the Sciongoro area. Recently, the petitioner persuaded some of the Leissan people to leave the Giama and return to their tribe. They did so, and following customary usage they were immediately deprived of the rights to land that they had acquired as members of the Giama.

3. The petition was examined and discussed at the

58th, 59th, and 79th meetings of the Standing Committee (T/C.2/SR.58, 59, and 79).

4. At its 79th meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 682 (XII).*

## DOCUMENT T/L.347

### Thirty-second report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration

[Original text: English]  
[19 June 1953]

#### PETITIONS RELATING TO COMPENSATION FOR THE BAIDOA INCIDENT

1. At its 59th and 74th meetings on 5 and 18 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>20</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the four petitions concerning the Trust Territory of Somaliland under Italian administration which are listed below.

2. Mr. P. Spinelli participated in the examination as the special representative of the Administering Authority concerned.

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 draft resolution.

4. The petitions dealt with in this report are from persons who still claim from the Administration compensation for damages suffered as a result of the rioting that took place at Baidoa in April 1950.

5. The incident at Baidoa in April 1950 has been the subject of a number of petitions to the Council—T/PET.11/3, 10, 14, 55, 130, 142 and 145. It will be recalled that, in its observations on the three earliest petitions, the Administering Authority (T/908, p. 14) reported that it had afforded *ex gratia* assistance to a large number of refugees to resume their normal occupations, and that the Council, in its resolutions 363 (IX) and 365 (IX), recommended that the Administering Authority ensure that victims of the incident who might still have rightful claims be given the opportunity to submit them to the competent authorities. Later, commenting on T/PET.11/55, the Administering Authority explained (T/982, pages 9-15) how it had set up a

commission at Baidoa to go into all further claims; it reported that the commission had received and investigated seventy claims of which sixteen had been accepted; and it annexed a copy of the commission's findings in respect of the fifty-four rejected claims. As regards the subsequent claims in T/PET.11/130, 142 and 145, the Administering Authority reported that the commission had examined and rejected two of them, and that the third claim had never been presented to the commission (Council resolutions 549 (XI), 560 (XI) and 562 (XI)). In connexion with this third claim, the Council hoped that the Administering Authority would consider the possibility of examining those claims which had not been submitted by that date (July 1952) to the commission.

6. Further claims are the subject of the petitions dealt with in this report. The observations thereon of the Administering Authority will be summarized only in so far as they add to the information summarized above.

#### *Petition from Mr. Ahmed Haji Dahir (T/PET.11/247)*

7. "All his materials" were plundered, together with So.500<sup>21</sup>. He has heard that a commission has been set up; if it is empowered to award compensation, he hopes that his claim will be admitted.

#### *Petition from Sheck Abdiraman Sheck Abdi (T/PET.11/266)*

8. He lists property stolen from him valued at So.22,000 and property stolen from some orphan boys valued at So.3,700.

#### *Petition from Mr. Omar Mahamud Ali (T/PET.11/271)*

9. He was driving some stock down from Dolo to Mogadiscio, and arrived at Baidoa in the middle of the incident. He was robbed of 623 animals valued at So.31,000.

10. The Administering Authority observes (T/OBS.11/4, section 2) that Mr. Ahmed Haji Dahir, the author of T/PET.11/247, was one of those who failed to present his claim to the commission in time. Nevertheless, the Administration has looked into it. He was one of those

<sup>20</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

<sup>21</sup> So.20 = £1 sterling = \$ (US) 2.80.

who benefited from the indemnities and assistance granted immediately after the incident, and the Administration does not consider it possible to grant him any further assistance. In regard to the two other petitions, the Administering Authority (T/OBS.11/6, sections 2 and 4) invites reference to its observations on T/PET.11/247.

*Petition from Mr. Yusuf Mussa Abucar and seven others (T/PET.11/280)*

11. This petition is a general charge that, despite its promises, the Administration has failed to rebuild and repair refugees' houses, recover their property, round up the robbers and assist the refugees with finance and commercial facilities. It contains an oblique statement to the effect that the incident was instigated by the authorities, and a request that the United Nations will provide the refugees with assistance.

12. Annexed to the petition are copies of six communications addressed to officers of the Administration. Mr. Yusuf Mussa Abucar is the sole author of four of them; in three of them he presents claims for compensation, and in the fourth he seeks work as an interpreter. The other two communications, signed by him and six others in one case, and by him and ten others in the other case, are expressions of dissatisfaction at the decisions arrived at by the commission, and requesting the appointment of another one.

13. The observations of the Administering Authority (T/OBS.11/6, section 7) are to the effect that the authors of the present petition were among the authors of T/PET.11/55 and addenda, 130 and 145; which were considered by the Trusteeship Council at its eleventh session. In its resolutions 506 (XI), 549 (XI) and 562 (XI) on those petitions, the Council took note of a statement by the Administering Authority that the appropriate

commission had inquired into the claims put forward in those petitions and had rejected them as unfounded, and it decided therefore that no recommendation by it was necessary.

14. The petitions were examined and discussed at the 59th and 74th meetings of the Standing Committee (T/C.2/SR.59 and 74).

15. The special representative of the Administering Authority again recapitulated how some five or six hundred persons had fled as a result of the incident; and how, on his return to Baidoa, each had received *ex gratia* a sum of So.100, with the Administration also paying for the repair of his hut or shop. In 1951 claims for further compensation had been received by the Administration which then allotted to the Resident a sum of So.60,000 in final and *ex gratia* settlement of all outstanding claims. All the claimants belonged to one political party, and the Resident decided to call on the party's leaders to form a commission to advise him on the distribution of the money. The commission received seventy claims, of which it rejected fifty-four; and the compensation of So.60,000 was divided among the sixteen applicants whose claims were accepted by the commission. Towards the end of 1951 some of the leaders of the party came forward and said that they disagreed with the findings of the commission; and, however much the Administration might regret that the commission might have failed in one instance or another to do justice, it was scarcely the fault of the Administration.

16. At its 74th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 667 (XII).*

## DOCUMENT T/L.348

### Thirty-third report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration

[Original text: English]  
[19 June 1953]

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## INTRODUCTION

1. At its 60th, 61st and 74th meetings on 3, 8 and 18 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>22</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the eight petitions concerning the Trust Territory of Somaliland under Italian administration which are listed above.

2. Mr. P. Spinelli participated in the examination as the special representative of the Administering Authority concerned.

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 draft resolutions referred to in sections I-VIII inclusive.

4. The first seven petitions dealt with in this report emanate from ex-servicemen of the former Colonial Administration who claim arrears of pay. In regard to those petitions, the Committee recalls that the Council, at its ninth session, having considered T/PET.11/5, took note in its resolution 349 (IX) of statements by and on behalf of the Administering Authority to the following effect: on 4 April 1951, 17,863 Somali ex-servicemen had received back pay totalling So. 7,745,000; about 18,000 others would be paid within the ensuing 12 months; and payments were borne by the Italian treasury and not charged to the budget of Somaliland.

5. The eighth petition dealt with in this report concerns a claim in respect of property said to have been sequestered during the war with Ethiopia.

## SECTION I. PETITION FROM MR. MUMIN MUSSE SAMATER (T/PET.11/249)

1. The petitioner states that he submitted an application for payment of arrears of military pay due to his uncle, a former *askari* who died in 1947 leaving some orphan children. The application was investigated and approved, but when the petitioner sought to obtain payment he was sent away and told that he would be called to receive payment when the officer desired. He cites two other cases in which, he says, applicants were treated in a similar way; in one case the applicants finally received only a portion of the sum to which they were entitled. He requests legal aid in order to enable him to obtain his rights.

2. It emerges from the observations of the Administering Authority (T/OBS.11/4, section 3) that there was no question of withholding arrears of pay due to the deceased *askari*: the question was who were heirs of the deceased. The petitioner said that he and his cousin, the daughter of the deceased, were the only heirs still living; but his statement could not be confirmed and payment was

suspended pending inquiries. The inquiries revealed that the deceased once had two other nephews. The recalled petitioner admitted this, but stated that one of them had since died and that one was living in Ethiopia. It was then deemed desirable to establish the truth of his statement. Eventually, early in March 1952, the authorities were satisfied, and the petitioner received the shares due to him and the deceased's daughter—the share due to the nephew in Ethiopia being held by the Administration pending its collection.

3. The Administering Authority sets out in some detail accounts of the manner in which the two other cases cited by the petitioner were settled.

4. The petition was examined and discussed at the 60th and 74th meetings of the Standing Committee (T/C.2/SR.60 and 74).

5. At its 74th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 669 (XII).*

## SECTION II. PETITION FROM MR. MOHAMUD FARA ABSIYE (T/PET.11/264)

1. The claim is in respect of six years' service in the Italian navy, into which the petitioner states that he was impressed in 1935 when on a visit to Asmara in Eritrea. Assistance is sought also in obtaining arrears of pay for the petitioner's brother, who is said to have served in the Italian army for nine years.

2. The Administering Authority states (T/OBS.11/2) that the petitioner's claim is in respect of services to the former government of Eritrea, and that the provision of payment of arrears of pay to ex-servicemen applies, for the time being, only to Somali ex-servicemen who belonged on 1 February 1941 to a unit dependent on the former government of Somalia. Nor did the petitioner present any claim for arrears to the competent commission in the Trust Territory within the prescribed period—which ended on 31 December 1951.

3. The Administering Authority adds that both observations apply also to the petitioner's brother's service.

4. The petition was examined and discussed at the 60th and 74th meeting of the Standing Committee (T/C.2/SR.60 and 74).

5. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 679 (XII).*

## SECTION III. PETITION FROM MR. NUR SHEIKH ALI (T/PET.11/284)

1. The petitioner claims to have fought and to have been wounded in the Ethiopian campaign and in the Second World War. Numerous applications to the Administration for employment have met with no response,

<sup>22</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.



and applications to individual senior officers have elicited the reply that the petitioner was deranged and should be in a mental home.

2. The Administering Authority states (T/OBS.11/8, section 4) that the petitioner received all pay due to him, plus a gratuity on discharge, up to the date of the cessation of Italian sovereignty over Somaliland. It does not appear, however, that he was ever wounded. He is suffering from a disease, and had to be confined in a mental home for six months in 1946.

3. The petition was examined and discussed at the 60th and 74th meetings of the Standing Committee (T/C.2/SR.60 and 74).

4. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 693 (XII).*

#### SECTION IV. PETITION FROM MESSRS. FARAH ABDULLE, AHAMED SAID AND OTHERS (T/PET.11/318)

1. These five petitioners, who claim to speak also for a large number of others at Bardera, complain that all their application forms (for arrears of military pay) have been rejected without payment.

2. According to the Administering Authority (T/OBS.11/6, section 9) the sub-commission set up at Bardera to go into claims from residents in that District had settled 1,161 by 8 October 1952, and subsequently settled forty more. It then moved over to Dinsor to deal with the remaining 165 which had emanated from residents in that part of the District. At the time of writing, the work at Dinsor was actively proceeding and only sixteen applications had been rejected.

3. The petition was examined and discussed at the 60th and 74th meetings of the Standing Committee (T/C.2/SR.60 and 74).

4. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 711 (XII).*

#### SECTION V. PETITION FROM MR. MUSTAPHA BIN MERSHED (T/PET.11/329)

1. The petitioner wants to recover his "rights from the Italian Government". Despite his father's thirty years' service in Somaliland, his mother and he received no assistance from the Government when his father died.

2. The Administering Authority states (T/OBS.11/14, section 1) that the petitioner's father was employed by the armed forces of the Colonial Government from 1907 to 1937. He died in 1937 after an illness and left a wife and four children, one of whom, the present petitioner, later became sightless. Nothing is due to the petitioner, since the Colonial Government paid all the salaries due to its personnel up to the date of the cessation of hostilities in the Territory—February 1, 1941,

Nevertheless, in consideration of the petitioner's impaired physical condition, the Residency of Mogadiscio gives him small subsidies each time that he presents himself at the office.

3. The petition was examined and discussed at the 60th and 74th meetings of the Standing Committee (T/C.2/SR.60 and 74).

4. At its 74th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 721 (XII).*

#### SECTION VI. PETITION FROM MR. AHMED MOHAMED OLO (T/PET.11/283 and Add.1)

1. The petitioner renews the complaints which he set forth in T/PET.11/126. They are that he has received no pension or gratuity in respect of his long years of military service, and that a quantity of his property—stock and cash—was looted during the hostilities of the Second World War.

2. As regards the petitioner's claim for pension or gratuity in respect of his military service, the Trusteeship Council took note, in its resolution 545 (XI), of an observation by the Administering Authority to the effect that the appropriate commission had determined that he had been discharged from the army in 1939 with no right to a pension. As regards compensation for his looted property, the Council noted in the same resolution that the question of the payment of war damages suffered by Somalis during the Second World War was being examined by the competent organs of the Italian Government, which was to bear the costs of eventual indemnities; and it expressed the hope that the Administering Authority would notify him without delay when a decision on his war-damage claim was reached by the competent Italian authorities.

3. The grievance for consideration, therefore, is that the competent authorities have not yet reached a decision concerning the petitioner's claim for compensation in respect of his looted property.

4. The observations of the Administering Authority (T/OBS.11/3, section 11) point to the action taken on the earlier petition, and add that all the necessary information has been supplied to the petitioner on more than one occasion.

5. The petition was examined and discussed at the 60th, 61st and 74th meetings of the Standing Committee (T/C.2/SR.60, 61 and 74).

6. The special representative stated that the general question of the payment of war damages by the Government of Italy to claimants in the Trust Territory has not yet been settled.

7. At its 74th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 692 (XII).*



SECTION VII. PETITION FROM MR. HAJI ABDULLAHI HUSSEN  
(T/PET.11/357)

1. The text of the petition, which is a telegram addressed to the Advisory Council in Italian, is not very clear. The petitioner's complaint seems to be, however, that certain Somali ex-soldiers in Bardera District, who had served in Ethiopia, have claims for arrears of military pay, and that their claims are in jeopardy because the local authorities at Bardera failed to publicize the fact that such claims would receive consideration.

2. The Administering Authority states (T/OBS.11/18, section 2) that the petitioner's complaints are devoid of any foundation. Full publicity was given in the Residency of Bardera to the arrangements for liquidating claims for arrears of military pay, as is evidenced by the fact that 175 applicants came forward. The petitioner, however, does not appear to have presented any claim.

3. The petition was examined and discussed at the 60th and 74th meetings of the Standing Committee (T/C.2/SR.60 and 74).

4. The special representative stated that there have been many claims by ex-soldiers who served under the Italian flag, but in units other than those of Somaliland. Hitherto such claims had been excluded from the arrangements for the payments of arrears of pay to Somali personnel. During 1953, however, the arrangements were extended to cover claims by Somalis for arrears of pay for service in other than Somaliland units. It is possible; the special representative said, that the present petitioner heard news of this before the Resident was notified of it officially, and hastily dispatched his telegram.

5. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 746 (XII).*

SECTION VIII. PETITION FROM MR. ALI NUR ABDI  
(T/COM.11/L.12)

1. This communication is one to which the Standing Committee decided that the established procedure in regard to petitions should be applied. It is concerned with happenings during 1935, and is in effect a claim against the Government of Italy for 80,000 lire, being the assessed value of three restaurants and their contents sequestered by the former Colonial Government. It arises in the following way.

2. The petitioner, the owner of three restaurants, one of which was in Mogadiscio, had a contract in 1935 for the supply of rations to the troops in the battle area.

From what he says it seems that he had obtained exemption from military service on that account. Nevertheless, he was called to the colours and, despite his protests, was given no time to find a manager for his business. Later, while on active service, he received a report about his business and, on the strength of it, was given leave to return and investigate. He found one restaurant in the process of being pulled down by the authorities, and the other two serving as military camps—the stocks in them being used for military rations.

3. What then happened is not entirely clear from the petition, but from its annexes 2 and 4 it appears that it was not until 1937 that the petitioner was able to lodge a claim against the Government. He then states—and annex 4 is adduced in support—that a settlement for 80,000 lire was provisionally agreed to, but that final approval was so delayed that no settlement had been effected by the time of the British occupation in 1941.

4. The petition was examined and discussed at the 60th and 74th meetings of the Standing Committee (T/C.2/SR.60 and 74).

5. The special representative recalled to the Committee that the petition was a resuscitation of the claim put forward by the petitioner in T/PET.11/36, which the Council had considered at its tenth session. There was this difference, however, that, while the claim in the present petition was for 80,000 lire, the earlier petition contained a claim for 170,000 lire, and a statement by the petitioner that the Colonial Government had offered to settle it for 80,000 lire—an offer which he had refused. In its resolution 449 (X) on the earlier petition, the Council had noted the difficulties which the Administration was encountering in investigating the claim, and, *inter alia*, requested the Administering Authority to inform the Council of its conclusions on the case.

6. The special representative stated that the Administration had done all it could to investigate the case of the Mogadiscio restaurant (the other two restaurants were situated at places now included within Ethiopia), but that the files relating to the period had been lost in the war. The sum claimed by the petitioner was large, and, in the absence of evidence other than that adduced by him, the Administration could not admit the claim. It was, of course, open to the petitioner to lay his claim before the Court—a claim which is against the Government of Italy rather than the Trusteeship Administration.

7. At its 74th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 474th meeting, see resolution 750 (XII).*

DOCUMENT T/L.356

**Thirty-fourth report of the Standing Committee on Petitions: requests for oral hearings concerning petitions from Ruanda-Urundi**

[Original text: English]  
[24 June 1953]

1. At its 462nd meeting on 17 June 1953 the Trusteeship Council decided in respect of four requests for oral hearings from petitioners in Ruanda-Urundi to instruct the Standing

Committee on Petitions to subject the petitions in question to a proper preliminary study and to report back to the Council whether the requests should be granted or not.

2. At its 76th, 77th and 78th meetings on 22, 23, and 24 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America considered in turn the four requests which were before it. In each case the Committee studied the subject matter of the petitions and received additional information from the representative and special representative of Belgium in order to determine whether it would be helpful for the Council and useful for the petitioners if they were permitted to present further information in person.

3. The requests for a hearing were put to the vote with the following results:

Request of Mr. Mazis (T/PET.3/60 and Add.1 to 4): rejected by 3 votes to none with 3 abstentions.

Request of Ex-Chief Bigiraneza (T/PET.3/62 and Add.1 and 2): rejected by 3 votes to 1 with 2 abstentions.

Request of Mr. Gaston Jovite Nzamvita (T/PET.3/64): rejected by 3 votes to 1 with 2 abstentions.

Request of Ex-Chief Barnabé Ntunguka (T/PET.3/65 and Add.1 and 2): rejected by 3 votes to none with 3 abstentions.

4. At its 78th meeting the Committee adopted the present report by 4 votes to 1 with 1 abstention.

5. The Committee therefore recommends to the Trusteeship Council that it should not grant the requests of these petitioners for a hearing before the Council and that it should request the Secretary-General to inform the petitioners concerned of that decision.

## DOCUMENT T/L.358

### Thirty-fifth report of the Standing Committee on Petitions: petitions concerning Togoland under French administration

[Original text: English]  
[2 July 1953]

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#### INTRODUCTION

1. At its 61st, 62nd, 63rd, 65th, 66th, 67th, 82nd and 83rd meetings on 8, 9, 10, 11, and 30 June and 1 July 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>23</sup> El Salvador, New

Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the eighteen petitions concerning the Trust Territory of Togoland under French Administration which are listed above.

2. Mr. Léon Pignon, Mr. Francis Huré and Mr. Georges Apedo-Ameh participated in the examination as the representatives of the Administering Authority concerned.

3. The Standing Committee submits herewith to the Council its report on these petitions and recommends, in

<sup>23</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

accordance with rule 90, paragraph 6, of the rules of procedure of the Trusteeship Council, that the Council decide that no special information is required concerning the action taken on the draft resolutions referred to in sections I-XV.

4. The eighteen petitions dealt with in this report emanate from officers or members of the Comité de l'Unité Togolaise (CUT) or of the Mouvement de la Jeunesse Togolaise (Juvento). They cover a succession of events beginning with the elections of 30 March 1952 to the Territorial Assembly and closing with the report of the arrest of the President of Juvento and others on 28 February 1953.

#### SECTION I. PETITION FROM MR. AUGUSTINO DE SOUZA, GENERAL CHAIRMAN OF THE COMITÉ DE L'UNITÉ TOGOLAISE (T/PET.7/311)

1. The petitioner, writing on 28 May 1952, first refers to various cablegrams<sup>24</sup> informing the United Nations of incidents which occurred during the electoral campaign for the Togoland Territorial Assembly and then proceeds to give a more general report on those elections, which took place on 30 March 1952.

2. He states that supporters of the unification movement had their names removed from the electoral rolls by order of the Governor. For example, in the Anécho District more than 8,000 members of the Comité de l'Unité Togolaise (CUT) were refused the right to vote. On the other hand, fictitious names and names of electors lacking the necessary qualifications were accepted. The total number of voters on the electoral rolls was 50,700, which is about 5.1 per cent of the population compared with a figure of 30 per cent in the neighbouring colony of Dahomey.

3. In its observations on this petition (T/OBS.7/3, section 6) the Administering Authority states that the committees which revised the electoral rolls rejected some applications for registration because there was no proof, or inadequate proof, of identity. The Administering Authority points out that many applicants did not appear in person and that generally the chairmen of the local sections of the CUT submitted bundles of applications, many of them bearing the same thumbprint.

4. Mr. de Souza further complains that the electoral cards were not distributed as provided for in the law of 23 May 1951, which sets up in each administrative division a distribution committee composed of an official and one representative of each candidate or of each list of candidates. In fact, except in Lomé District, the committees decided, at the suggestion of the District Commissioners and over the protest of the CUT members, to hand over the distribution of the cards to the village chiefs, who in some cases were candidates themselves. The Commissaire de la République not only disregarded the laws of the French Parliament, but even nominated the candidates of the pro-French Progress Party, an action which caused a protest from a section of that party.

5. On this point, the Administering Authority states that the law of 23 May 1951 certainly did not provide that the committees must hand the cards to the electors in person, a solution which was practicable only in urban

areas. The distribution by village chiefs was both suited to local conditions and in conformity with the law. No village chiefs who were candidates distributed cards since, in the case of the villages concerned, the committee decided that the cards should be handed out by the chefs de quartier.

6. The executive committee of the Progress Party had informed the authorities that the protest mentioned in the petition was not authentic.

7. The petitioner then repeats certain allegations of interference with meetings, which had been considered by the Council in previous petitions, and refers to the arrest of Mr. Sam Klu (see section XIV on T/PET.7/328) and others.

8. Finally the petitioner gives the results of the elections. Despite the actions of the Administration, candidates favourable to the CUT were elected in all the south of the Territory except in the Anécho District. However, the Progress Party members from that District as well as members from the north, all of whom belong to the Union des Chefs du Nord, lack sufficient education and are subservient to the will of the Governor. Since they make up two-thirds of the Assembly, he declares that the actions of that body, including the election of members of the Conseil de la République and of the Joint Togoland Council, will be the actions of the Administration itself.

9. The petition was examined and discussed at the 61st and 82nd meetings of the Standing Committee (T/C.2/SR.61 and 82).

10. The representative of France informed the Committee that it was true that although the qualifications for voting were the same, a greater part of the potential electorate was registered in Dahomey than in Togoland; this was due first to a longer period of political evolution, secondly to the fact that women in Dahomey paid taxes, which gave them a means of identification which facilitated registration, and thirdly to the fact that in Northern Togoland the registration of women as voters had not yet been fully accepted by the population.

11. He also stated that the commissions which revised the electoral rolls at the beginning of each year were composed of the chief administrative officer of the area and of one assessor from each political party. Persons omitted from the electoral roll had the right of appeal to the courts.

12. At its 82nd meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 799 (XII).*

#### SECTION II. PETITIONS FROM MR. AUGUSTINO DE SOUZA, GENERAL CHAIRMAN OF THE COMITÉ DE L'UNITÉ TOGOLAISE (T/PET.7/303 AND ADD.1), MESSRS. QUAM DESSOU, AGBANO, DJOSSOU, MPALA AND DUMASHIE (T/PET.7/304), AND CHIEF H. K. APÉTOR II (T/PET.7/305 AND 308)

1. These four petitions, emanating from the headquarters and branches of the Comité de l'Unité Togolaise, cover the same subject.

<sup>24</sup> See T/PET.7/295 and Add.1; 297, 298 and Add.1; 300 and 302, which were examined by the Council at its eleventh session.

2. The petitioners complain that the Administering Authority had not, as recommended in General Assembly resolution 555 (VI) of 18 January 1952, held full consultations with the parties concerned before establishing procedures for the election of the members of the Joint Togoland Council from Togoland under French administration, and that it had laid down procedures which would not result in a representative membership.

3. In its observations on these petitions (T/OBS.7/3, sections 1 and 3), the Administering Authority notes that these problems were considered by the Visiting Mission, whose special report was the subject of a resolution of the General Assembly (No. 652 (VII) on the Ewe and Togoland unification problem).

4. The Committee notes that the General Assembly by its resolution has recommended that the Joint Togoland Council should be reconstituted on a new basis. It was informed that the Secretariat had already in another connexion sent to these petitioners the General Assembly resolution, Trusteeship Council resolution 643 (XI) of 25 November 1952, the special report of the Visiting Mission and other relevant documentation on the Ewe and Togoland unification problem.

5. The petitions were examined and discussed at the 61st and 82nd meetings of the Standing Committee (T/C.2/SR.61 and 82).

6. At its 82nd meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 794 (XII).*

### SECTION III. PETITION FROM MR. AUGUSTINO DE SOUZA, GENERAL CHAIRMAN OF THE COMITÉ DE L'UNITÉ TOGOLAISE (T/PET.7/306)

1. The petitioner, in a cablegram dated 15 July 1952, contends that repression, persecution and brutalities continue and grow worse throughout southern Togoland.

2. He complains that in the Anécho district the administrative authorities organize and the police take part in virtual punitive expeditions at night, maltreat and arbitrarily imprison supporters of the Comité de l'Unité Togolaise (CUT), several of whom have suffered fractures. The popular greeting "Ablodé", which means liberty, has become a crime.

3. In its observations on this petition (T/OBS.7/6), the Administering Authority states that these allegations are entirely fictitious.

4. The petitioner states that in the Atakpamé district several traditional chiefs, including old men, belonging to the movement have been arrested, handcuffed and bound, subjected to corporal punishment and imprisoned for having accepted and taken to the Administration the taxes received from their subjects.<sup>25</sup>

5. The Administering Authority states that three persons claiming to be traditional chiefs (one of whom was Mr. Kwami Appeti<sup>26</sup>) were in fact arrested in the Atakpamé district and charged with usurpation of powers and fraud. These persons had collected taxes illegally and had exercised powers which had not been conferred on them by the population. Moreover, the money they had collected had not been handed over to the Administration. The matter is still under investigation, but the accused have not been ill-treated as alleged by the petitioner.

6. In the opinion of the petitioner, the local administration seems determined to continue a campaign of terror, to intensify threats, brutalities and arrests in order to silence and if possible to imprison leaders before the arrival of the Visiting Mission (on this point, see T/PET.7/309 dealt with in section V below). Political demonstrations and processions in public squares and roads are permitted only to the Progress Party. Repressive measures affect even small school children, several of whom have been turned away from school solely because their parents were named as anti-French in administrative reports.

7. On these points the Administering Authority notes that demonstrations and processions on public streets are subject to the regulations established by the Decree of 23 October 1935, that notice of such demonstrations must be given by three persons, at least three days in advance, and that the police authorities may, if they consider that the demonstration is likely to disturb public order, prohibit it by an order immediately communicated to the three persons who signed the notice. This legislation, of course, does not apply to processions which are in conformity with local custom. The Administering Authority states that these rules are applied impartially to the different political parties and that the Progress Party has not been favoured in this respect. The only schoolboys who have been turned away from school are those who were dismissed at the end of the preceding school year for unsatisfactory records as provided in the education regulations.

8. The petition was examined and discussed at the 61st and 82nd meetings of the Standing Committee (T/C.2/SR.61 and 82).

9. The representative of France informed the Committee that the use of greeting "Ablodé" was not an offence.

10. Tax collection was generally undertaken by the local chiefs, but it was possible in remote areas for local notables to lay claim to the position of chief and to collect taxes as if they had been empowered to do so by the Administration. The Administering Authority was seeking to educate the people on this point; in the meantime persons able to prove that they had paid their taxes to an unauthorized collector were excused from paying them to an authorized collector.

11. The representative of France explained that boys dismissed from school because they had not received their certificate of elementary education by the age of sixteen were eligible for vocational training.

<sup>25</sup> This is presumably a reference to the events complained of in T/PET.7/307, 315, 316, 318 and Add.1 and 320 (see the thirty-sixth report).

<sup>26</sup> See the thirty-sixth report, where the case of Mr. Kwami Appeti is brought up in greater detail in several petitions.

12. At its 82nd meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 795 (XII)*

#### SECTION IV. PETITION FROM MR. A. K. AMENOMANYA (T/PET.7/L.1)

1. The petitioner, who resides at Atakpamé, complains, in a letter written for presentation to the Visiting Mission of the hostility of the Administration towards members of the Comité de l'Unité Togolaise (CUT) and of its favouritism towards members of the Progress Party. In this connexion he makes the following particular complaints:

(a) That the authorities interfered with a meeting held by the CUT at Atakpamé on 16 March 1952, prohibiting a parade with band music and the erection of shelters from the sun.

(b) That Progress Party members made armed attacks during the electoral campaign on nationalists who used the slogan "Ablodé".

(c) That the Administration withdrew recognition from three chiefs in the Akposso region because they belonged to the CUT party and subsequently imprisoned them illegally and maltreated them for collecting taxes (for similar complaints see section III above on T/PET.7/306).

(d) That a woman member of the CUT, who was attacked in her own house and wounded in the arm, was sentenced to eight days' imprisonment because of her opinions, while her assailant received only four days' imprisonment.

2. He concludes his petition with requests for the immediate unification and independence of Togoland and for free trade and industrialization of the Territory.

3. The petition was examined and discussed at the 61st and 82nd meetings of the Standing Committee (T/C.2/SR.61 and 82).

4. The representative of France explained that the French authorities had been unable to find anyone bearing the name with which the petition was signed, which was an Ewe word meaning "the mother cares not for the fate of her children".

5. He stated that the meeting of 16 March 1952 referred to in paragraph 1 (a) above had been authorized in the stadium, which was a suitable place. Those attending had started to erect shelters on the field and had been prevented from doing so.

6. The representative of France denied the accuracy of the complaint in paragraph 1 (b).

7. The woman member of the CUT referred to in paragraph 1 (d) had been involved in a quarrel without political implications and had received the larger sentence because she had started it.

8. At its 82nd meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 835 (XII).*

#### SECTION V. PETITION FROM MR. BEN APALOO, PRESIDENT OF JUVENTO (T/PET.7/309)

1. This petition takes the form of a cablegram dated 11 August 1952.

2. The petitioner, who is the President of the Mouvement de la Jeunesse Togolaise (Juvento), confirms the cable dated 15 July from the CUT (T/PET.7/306, dealt with in section III) in so far as it denounces a plan by the French Government to arrest nationalist leaders before the arrival of the United Nations Visiting Mission and to provoke bloody incidents, if possible.

3. He goes on to state that, at dawn on 11 August, all Togo Juventist leaders were searched, the central office was ransacked, the national secretary, Aithson and others were arrested, a printing office publishing nationalist newspapers was searched and documents were seized, among these the only draft of a memorandum to be submitted to the Visiting Mission (on this point, see section VI on T/PET.7/310 immediately below).

4. He contends that the attitude of the Administration constitutes deliberate sabotage of the Visiting Mission and is a serious threat to peace and order in the Territory, and that the United Nations should remind the Authorities that to organize for independence cannot be a crime in a Trust Territory. Finally he asks that the Mission should be instructed to see the political prisoners, Sam Klu, Mathias Apaloo and Aithson.

5. In its observations on this petition (T/OBS.7/3, section 4), the Administering Authority states that, as the result of a preliminary charge against X on 8 August 1952, legal proceedings were initiated by the examining magistrate at Lomé under article 27 of the Act of 29 July 1881 (publication or dissemination of false reports likely to result in a disturbance of public order). Twenty-seven searches were carried out on 11 August 1952 at Lomé, Palimé, Tsevié, and Anécho, either by the examining magistrate himself or by duly authorized police officials. Three persons have been arrested and charged with the publication and dissemination of false reports. The case is still *sub judice*.

6. The same incidents are referred to in an annex to the special report (T/1034, page 144) of the Visiting Mission which gives the names of seven persons who were arrested between 11 and 23 August and charged with spreading such information.

7. The petition was examined and discussed at the 61st and 82nd meetings of the Standing Committee (T/C.2/SR.61 and 82).

8. The representative of France stated that according to French law every judgment by a court on charges of dissemination of false news likely to cause a breach of the peace must contain particulars of the false news that had been disseminated. Moreover, the intention of causing harm must be proved by the Public Prosecutor.

9. At its 82nd meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 797 (XII).*

SECTION VI. PETITION FROM CHIEF H. K. APÉTOR II AND MR. ATTIOGBE (T/PET.7/310)

1. The petitioners, by a cablegram dated 14 August 1951, request the intervention of the United Nations against attempts of the Administering Authority to intimidate active members of the Comité de l'Unité Togolaise (CUT) and Juvento preparing to receive the Visiting Mission. In particular, they complain of widespread searches begun at dawn on 11 August 1952 with a view to depriving supporters of unification and independence of documents to be submitted to the Visiting Mission.

2. In this connexion, the Administering Authority submits the same observations as for the preceding petition.

3. The petition was examined and discussed at the 62nd and 82nd meetings of the Standing Committee (T/C.2/SR.62 and 82).

4. The representative of France informed the Committee that the Administering Authority had never attempted to prevent members of CUT from seeing the Visiting Mission. As there had been a certain amount of unrest in the Territory before the Mission's arrival, the Administration had merely taken precautionary measures so as to enable the Mission to do its work in the best possible conditions.

5. At its 82nd meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 798 (XII).*

SECTION VII. PETITION FROM MR. AUGUSTINO DE SOUZA, GENERAL CHAIRMAN OF THE COMITÉ DE L'UNITÉ TOGOLAISE (T/PET.7/327 AND CORR.1)

1. The petitioner encloses several petitions addressed during August and September 1952 to the Visiting Mission by his organization and requests that the Trusteeship Council study them thoroughly and take such action as is necessary. They are dealt with in separate subsections below.

*Prison system*

2. The petitioners complain that, contrary to previous practice, persons accused of offences (*délits*) are not provisionally released but are kept in prison. Moreover the local authorities use any trivial pretext for arresting persons who are troublesome to them and keep them in prison for periods from three months to a year before bringing them to trial. In support of this contention the petitioner cites the cases of Messrs. Sam Klu, Mathias and Apaloo (see T/PET.7/311 and 328) and Messrs. Aithson, Fumey and Hiambe (see T/PET.7/309 and 325). Illiterate peasants and chiefs are never granted provisional release when arrested.

3. Prison conditions are inhuman. Moreover, there are no separate quarters and no special treatment for persons detained pending trial.

4. There is racial discrimination in the Lomé prison. A floor with far better accommodation is reserved for naturalized French subjects, which includes indigenous persons of whatever social status who have been naturalized, but excludes such persons of education and position as Mr. Sam Klu, who was treated like a common criminal.

5. The representative of France informed the Committee that while the procedure for investigating offences was admittedly somewhat lengthy, preventive detention could be replaced by provisional release and, in the event of a conviction, it was deducted from the sentence imposed. The decision concerning the provisional release of the accused lay with the investigating magistrate and an appeal lay to the Chambre des Mises en Accusation. At Lomé it might sometimes be difficult to obtain a provisional release, but the magistrate was understandably reluctant to grant it, since the frontier, which was easy to cross, was three kilometres away. The Administration never intervened in the magistrate's decisions and could not, therefore, be accused of partiality.

6. In each prison, there were separate quarters for each of the following categories of prisoners: minors, women, accused persons and convicted persons. Accused persons enjoyed a special régime, for they were not compelled to work, were entitled to a bed, were locked in an hour later in the evening and could receive food from outside three times a day.

7. With regard to prison conditions, which the petitioner called inhuman, he explained that prisoners did not sleep on the bare floor, as the petition claimed. They each had a mat and a blanket. They were given meat three times a week, as the Mission had seen for itself, with some surprise, at Mango, where the rest of the population was not so well fed.

8. Social status did not entitle prisoners to any special privileges. Certain differences were taken into account; for example, an intellectual might receive books, but there was no discrimination on the grounds of social status or, for that matter, of race; Europeans and indigenous inhabitants received the same treatment.

*Frontier restrictions*

9. The petitioners state that the measures taken in July 1948 to alleviate frontier difficulties have been more apparent than real. One of these measures was the granting of permission to import and export, without limitation of quantity and free of all taxes, all locally grown products other than foodstuffs with the exception of cocoa and coffee. Early in 1952 export produce prices began to drop in the French zone and French merchants exported their copra to the Gold Coast in order to take advantage of the higher prices there. Although there should have been no taxes payable on these exports, several planters received letters from the Bureau of Direct Taxes demanding immediate payment of the *taxe de transaction* on all their 1952 exports of copra to the Gold Coast at the rate of 4 per cent of the sales value, plus a fine ranging from one to five times the tax due. Since 1948 the planters have been told that their copra could be moved freely from one zone to the other without payment of tax;

moreover the tax in question has existed since 1942 and has never before been applied to exports of this nature.

10. In addition the petitioner states that other measures adopted in 1948 are being disregarded: passports are now required of persons coming from the British zone even if born in French Togoland; lorries registered in the British zone cannot use the frontier road between Palimé and Lomé and are not allowed to stay over twenty-four hours in the French zone. Similar restrictions are not applied to French-registered lorries in the British zone.

11. The representative of France pointed out that the measures to ease frontier traffic enacted in 1948 applied to certain enumerated products, mainly foodstuffs, and gave exemption from customs duties only and not from taxes. Article 4, paragraph 10, of the regulations on the *taxe de transaction* laid down, *inter alia*, that the products of fishing, farming, stock breeding or industry should be free from tax save in the case of sale or supply to consumers or sale or supply outside Togoland, with the exception of French West Africa.

12. The Bureau of Direct Taxes had demanded the payment of *taxes de transaction* on copra exports for the first time in 1952, in order to put an end to the large-scale smuggling which was being carried on by exporting large quantities of copra free of charge to the Gold Coast frontier, three kilometres from Lomé, and re-exporting it in transit (which was exempted) via the Lomé wharf; that procedure made the competition between exporters by land and exporters by sea unfair.

13. The movement of persons between the two Togolands was free, but persons crossing from the Gold Coast into the French zone were required, under the decree of 10 September 1935, to show a passport or travel permit if they came from beyond Keta. Similar restrictions were imposed by the Gold Coast Government.

14. Vehicles from Togoland under British administration were not prevented from using the Palimé-Lomé road, and lorries and cars registered there could remain in Togoland under French administration for eight days and three weeks respectively. If a vehicle was permanently transferred from one Territory to the other, it had to be re-registered at the end of a month.

#### *Interference by the Administration in elections*

15. The petitioners adduce, as evidence of interference by the Administration in elections, a speech made by Governor Digo at Sokode after the 1951 election in which he thanked the people for their devotion and loyalty to France, noted that, as a result of their mass demonstrations, the Trusteeship Council had been able to reduce the Ewe question to much smaller proportions, and spoke of what administration officials had done and would do for the Territory.

#### *Justice*

16. The petitioners observe that there is no independent bar association in the Territory; that applications to practise law are made through, and disciplinary action is taken by, officials of the Administration. Consequently, a feature of justice essential in any democratic country—the freedom of defence counsel from the influence of the executive government—does not exist in the Territory.

17. Although the number of lawyers in a single judicial area is no longer limited in French West Africa, in Togoland it is limited to four. Of the four posts, two are now filled by non-Togoland. This limitation is contrary to the interests of the people of Togoland.

18. The representative of France pointed out concerning the statement in paragraph 17 that the number of lawyers in Togoland was limited to four, that no applications to practise as a lawyer in the Territory had been refused, only four persons having applied. He quoted the Visiting Mission's report on Togoland under French Administration (T/1041), in which the Mission noted that the limitation of the number of lawyers was based principally on the desire to avoid an excessive rise in the cost of legal proceedings which might be caused by an abnormal increase in the number of lawyers, and that the limitation had not thus far led to the rejection of any applicant for admission.

19. The petition was examined and discussed at the 62nd, 63rd, and 82nd meetings of the Standing Committee (T/C.2/SR.62, 63, and 82).

20. The representative of France made oral statements on the various subjects raised by the petitioner. The information he supplied has been given above under the subsection to which it relates.

21. At its 82nd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution, which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 815 (XII).*

#### SECTION VIII. PETITION FROM MR. AUGUSTINO DE SOUZA, GENERAL CHAIRMAN OF THE COMITÉ DE L'UNITÉ TOGOLAISE (T/PET.7/312)

1. The petitioner refers to communications (T/COM.7/L.7 and T/COM.7/L.8) to the United Nations from the Parti Togolais du Progrès in which it is claimed that the Visiting Mission has been exploited by the Comité de l'Unité Togolaise (CUT) for propaganda purposes, and the fear is expressed that the Mission might not be preserving its impartiality, in particular because it had consented to be photographed with a delegation of the CUT.

2. The petitioner states that the Mission was also photographed with members of the Progress Party. Far from giving any preference to his party the Visiting Mission had refused to be present at a reception organized in its honour by the CUT at Lomé on behalf of the All-Ewe Conference, not even sending an observer, but attended a luncheon given by the Prince Regent of Anécho which the Mission had been led to believe was a traditional festival, but which was in reality simply a reception by the Parti Togolais du Progrès, a fact of which the Mission was informed by Mr. de Souza.

3. In its observations on the petition (T/OBS.7/2, section 1), the Administering Authority maintains that the function at Anécho was a purely customary one and that in fact no political problems were brought up during it.



4. With further reference to the reception arranged by the All-Ewe Conference, the petitioner states that the Administration, which had been requested to facilitate the entry into the Territory of members of the organization from Togoland under United Kingdom administration and the Gold Coast, instead closed without notice the frontier with the British zone. As a result, thousands of chiefs and notables were left waiting on the other side hoping in vain that the Mission would intervene in their favour. In the French zone itself, the Authorities had established a virtual state of siege. Chiefs and notables had been warned by the District Commissioners not to proceed to Lomé, and many of those who did were arrested en route. The considerable number of adherents of the movement in the neighbourhood of Lomé had been deeply disappointed when the Mission, under the influence of the local administration, had decided not to attend the reception.

5. The Administering Authority states that no special steps were taken to alter the system of frontier control during the Mission's stay in Lomé. In order to prevent any breach of law and order, a straight-forward check was made at the customs and police post at the entrance to Lomé. That step was taken in accordance with the regulations in force (decree of 10 September 1935 laying down the conditions of entry to and residence in Togoland for French nationals and foreigners, with the exception of Togolandese). The local administration gave the reasons for its action in its letter of 22 September to the Chairman of the Visiting Mission.

6. No pressure was exercised on the chiefs and notables of distant centres to prevent them from coming to Lomé. At least 1,200 persons were lined up along the Mission's route upon its arrival and, as the Commissaire de la République emphasized in his letter of 26 September to the Chairman of the Visiting Mission, the crowd obviously included supporters of unification.

7. The allegations concerning the closing of the frontier were referred to in an annex to the special report (T/1034, page 141) of the Visiting Mission, which was informed by the Commissaire de la République on 23 September 1952 that no measures modifying the frontier régime had been taken during the Mission's stay in Lomé. However, on the Mission's arrival the Administration had information that certain organizations planned to have the city of Lomé invaded by persons from the Gold Coast. Such a project appeared to the Administration to be highly suspicious. In fact, there were indications that it was a genuine attempt to "organize a putsch". Therefore, the Administration ordered the customs and police station at the entrance to Lomé to exert special vigilance. In accordance with existing regulation all non-Togolese persons seeking entry into the Territory were asked to produce identity papers.

8. In a further communication dated 9 October 1952, the Administration informed the Visiting Mission that the number of persons who had been refused admission into the Territory did not exceed 150. These persons were all from the Gold Coast, not from Togoland under United Kingdom administration, and the measures mitigating frontier difficulties in since force 1948 were not applicable to them.

9. These incidents were discussed at some length, but without any decision being taken, during the seventh session of the General Assembly (see in particular A/C.4/222 and A/C.4/SR.301-308 and 313).

10. The petition was examined and discussed at the 63rd and 82nd meetings of the Standing Committee (T/C.2/SR.63 and 82).

11. At its 82nd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 800 (XII).*

SECTION IX. PETITION FROM MR. AUGUSTINO DE SOUZA,  
GENERAL CHAIRMAN OF THE COMITÉ DE L'UNITÉ TOGOLAISE  
(T/PET.7/313)

1. The petitioner, in a cablegram<sup>27</sup> dated 23 October 1952, which he asked to be submitted to the Fourth Committee of the General Assembly, states that after the departure of the Visiting Mission petitioners residing in northern Togoland have suffered reprisals at the hands of the local authorities. He claims that several petitioners have been flogged and forced to sign new petitions disowning those submitted to the Mission. In southern Togoland chiefs are being punished for signing petitions by the closing of schools in their villages or by the halting of work on schools under construction.

2. In its observations (T/OBS.7/2, section 2), the Administering Authority states that no reprisals whatsoever were taken against anyone after the departure of the Visiting Mission. No schools were closed nor was any construction halted for any reason.

3. The Administering Authority points out, however, that as regards the "new petitions disowning those already submitted", several persons, particularly at Sokodé, have lodged complaints of forgery; and the use of forgery, with the courts, protesting against the appending of their names and titles to Comité de l'Unité Togolaise (CUT) petitions and dissociating themselves from statements they had not personally signed. Allegations that petitions submitted to the Visiting Mission by members of the Parti Togolais du Progrès were drafted or inspired by the Administration are absolutely untrue. The Visiting Mission noted these protests in paragraph 413 of its special report (T/1034).

4. The petitioner complains further that Mr. Firmin Abalo, an active member of Juvento, who had been maltreated by the police during the Visiting Mission's stay at Lomé and who had drawn the attention of the Mission to arbitrary threats of the Administration, has been arrested on a charge of "rebellion" (see also the reference to this arrest in section X below).

5. In this connexion, the Administering Authority states that Mr. Abalo, a customs clerk, was arrested in the act of rebellion and the wilful infliction of blows and injuries and was committed to the courts.

6. Mr. de Souza further states that contributions and subscriptions from sections of his party have been seized

<sup>27</sup> This communication was listed in A/INF.49/Add.1.



and confiscated by the police in the Tsévié subdivision without any formality. (Compare a similar charge in T/PET.7/319—section XI below.)

7. The Administering Authority denies that any such confiscations took place.

8. The petition was examined and discussed at the 63rd and 82nd meetings of the Standing Committee (T/C.2/SR.63 and 82).

9. At its 82nd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 801 (XII).*

SECTION X. PETITION FROM MR. BEN APALOO,  
PRESIDENT OF JUVENTO (T/PET.7/314 and Add.1)

1. By a telegram dated 23 October 1952 the petitioner states that during the Juvento Conference at Togoville on 19 October 1952 the Administering Authority was guilty of "outrageous provocation", although the conference members had received official authorization. He claims that several persons were clubbed and two arrested. The petitioner deplores the state of complete insecurity in "Eastern Togoland".

2. With a letter of confirmation dated 17 November 1952, the petitioner encloses a letter addressed to the Mayor-Administrator of Anécho giving a fuller account of the affair. He states that a meeting was interrupted by a policeman and two *gardes de cercle*, who removed the speaker because he had used the Juvento salute "Ablodé". The petitioner himself had been threatened with a bayonet and several other persons, including a woman, had been manhandled.

3. The petitioner refers also to the arrest of Mr. Firmin Abalo, who he considers is being prosecuted because he is one of the leading personalities of the movement and who, he recalls, was mercilessly beaten by the Lomé police simply because his children had written "Ablodé" on the door of his house.

4. The Administering Authority points out in its observations (T/OBS.7/2, section 3, and 2/Add.1) that only one arrest, that of Mr. Firmin Abalo, took place at the public meeting of the Juvento at Togoville on 19 October 1952. Mr. Abalo, as mentioned in its observations on T/PET.7/313 (section IX), was arrested in the act of rebellion and the wilful infliction of blows and injuries.

5. The petition was examined and discussed at the 63rd and 82nd meetings of the Standing Committee (T/C.2/SR.63 and 82).

6. The representative of France informed the Committee that Mr. Abalo had been convicted by the Court for the offence for which he had been arrested and had already served his sentence.

7. He explained that it was customary for the authorities to assign policemen to attend public meetings, as was also the practice in metropolitan France. Their function was to maintain order and not to keep the meeting under observation. They usually patrolled the vicinity of the meeting, prepared to intervene if disorder occurred.

8. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 802 (XII).*

SECTION XI. PETITION FROM MR. AUGUSTINO DE SOUZA,  
GENERAL CHAIRMAN OF THE COMITÉ DE L'UNITÉ TOGOLAISE  
(T/PET.7/319)

1. The petitioner, by a cablegram dated 10 November 1952, complains that the local administration has seized without a court order money collected from members of his organization in the Palimé *cercle* to defray expenses involved in the defence of members who have been imprisoned for months awaiting trial, notably Mr. Sam Klu. Several members of the office staff were maltreated during this operation.

2. The Administering Authority states (T/OBS.7/3, section 11) that, under a local regulation, prior permission must be obtained for collections in Togoland. This regulation was applied in the case of the present collection, which in any case is not provided for in the statutes of the Comité de l'Unité Togolaïse. The allegations of maltreatment are completely unfounded.

3. The petition was examined and discussed at the 63rd, 82nd and 83rd meetings of the Standing Committee (T/C.2/SR.63, 82 and 83).

4. The representative of France explained that collections in public places required prior permission and that permission had not been requested. Although the words "public places" did not appear in the petitioner's cablegram, the word "collecte" had a definite meaning in the French language and could not be used in connexion with private contributions. No request for a public collection had ever been granted to a political party, for the simple reason that no such request had ever been made, but it could be granted so long as the collection did not violate a regulation.

5. At its 83rd meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 807 (XII).*

SECTION XII. PETITION FROM MR. BEN APALOO,  
PRESIDENT OF JUVENTO (T/PET.7/317)

1. Mr. Apaloo, by a petition dated 17 November 1952, complains that the local administration, which had already imprisoned three Togoland journalists, is still attempting to muzzle the Press. He refers to the ill-treatment suffered by Mr. J. G. Kunakey, co-director of the Juvento organ *Negretá*, at the hands of the Chief of Police. (For a complaint about the subsequent arrest of Mr. Kunakey, see section XIII on T/PET.7/325 below.)

2. Mr. Kunakey had written an article, attached to the petition, in which he attacked a Togolander recently appointed as assistant to the Chief of Police for causing peaceable inhabitants to be mercilessly clubbed when they lined up along the main streets of Lomé to acclaim the Visiting Mission.

3. Mr. Kunakey, in a letter addressed to the Chief of Police, a copy of which is also attached to the petition, states that on 14 November 1952 he was summoned before the Chief of Police and, on admitting authorship of the article, was brutally beaten and kicked by the Chief and others. Mr. Kunakey deplores the lack of freedom of the Press in Togoland under French administration.

4. The Administering Authority, in its observations (T/OBS.7/3, section 9), declares that the statements contained in Mr. Kunakey's letter are quite untrue. The Chief of Police, in his interview with Mr. Kunakey, had confined himself to advising him to refrain from showing any untimely hostility to African police personnel and to warning him that a charge would be brought against him if he continued to slander police officials who had acted within the limits and in discharge of their duties.

5. The petition was examined and discussed at the 63rd and 82nd meetings of the Standing Committee (T/C.2/SR.63 and 82).

6. At its 82nd meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th session, see resolution 805 (XII).*

#### SECTION XIII. PETITION FROM MR. BEN APALOO, PRESIDENT OF JUVENTO (T/PET.7/325)

1. The petitioner requests the intervention of the United Nations in connexion with the following acts which he charges have been carried out by Administration officials and of which he complained in a letter dated 20 January 1953 to the Governor, a copy of which is attached:

(a) The beating of Mr. Thomas Adjeter, a watchmaker, and several youths on 25 December 1952 for having exchanged the greeting "Ablodé".

(b) The issuing of an order dated 7 January 1953 by the Mayor-Administrator of Lomé banning meetings on 10 and 11 January 1953, thus preventing a reception that had been organized during that period to welcome back Mr. Sylvanus Olympio.

(c) The interference with a meeting of Juvento called for 14 January 1953 at the home of the President, by the Police Commissioner, who required that a policeman should be present and who, when this was not agreed to, barred members from entering the house. On the following day, the President and the Secretary were summoned and admonished by the Police.

(d) The arrest on 15 January 1953 of Mr. Joseph Kunakey, who succeeded Mr. Aithson as Co-Director of the newspaper *Negretá*. The latter is still in prison awaiting trial.

(e) The issuing of an order dated 17 January 1953 by the Mayor-Administrator of Lomé prohibiting the use of loud speakers immediately before the opening of a meeting attended by 10,000 persons at which Mr. Sylvanus Olympio was to report on his work at the United Nations.

(f) The beating without cause at the end of that meeting of Mrs. Confort Wilso, a municipal councillor of Lomé, by more than ten policemen.

(g) The removal of emblems worn by Juvento supporters by the police, in some cases with violence.

2. In its observations (T/OBS.7/8), the Administering Authority comments as follows on the specific complaints:

(a) This allegation is quite unfounded.

(b) The order of 7 January 1953 was issued not to prevent a welcome to Sylvanus Olympio, who was in fact escorted home by his supporters, but to avert possible incidents arising out of demonstrations planned at the same time by the Progress Party and the Comité de l'Unité Togolaise (CUT). It applied only to processions on public streets and affected both movements.

(c) In conformity with article 9 of the law of 30 June 1881, the Administrator of Lomé appointed an official to attend the meeting of 14 January 1953. Although this official had been refused admission, the meeting had been allowed to go on and was well attended. On the next day, however, the organizers of the meeting were summoned by the Commissioner of Police and invited to obey the law in the future.

(d) Mr. Kunakey was arrested under an order signed by the examining magistrate of the Lomé court on a charge of spreading false news likely to cause a breach of the peace. The case of Mr. Aithson is expected to be brought to trial shortly, as the preliminary investigation is almost completed.

(e) The order of 17 January 1953 does not forbid the use of an amplifier, but stipulates only that it should be so regulated as not to cause a disturbance. The speakers at the meeting of 17 January were at liberty to use their loud speaker in a moderate manner. The legality of such an order can moreover be tested before the competent administrative tribunals.

(f) The allegation is quite unfounded.

(g) This charge is totally untrue.

3. More generally, the petitioner complains that numerous traditional chiefs are being removed for their nationalist opinions and are being replaced by "progressistes" lacking public support. He mentions in this connexion the chiefs of Kpélé-Goudéve, Agou-Apégamé, Aképé and Badou. The Administering Authority observes that in each case the officially recognized chief was chosen by the great majority of the Conseil Coutumier and of the people concerned. Separate petitions concerning the chieftainships of Kpélé-Goudéve (T/PET.7/334 and 335), Aképé (T/PET.7/332 and 333), Agou-Apégamé (T/PET.7/349) and Badou (Litimé) (T/PET.7/315 and Add.1 and 318) contain further details of these cases.

4. Juvento considers that the acts of oppression carried out by the police are a denial of fundamental human rights, that they are increasingly alienating the Togoland people from the French Administration and that they constitute a systematic attempt to provoke disorder so as to justify, if the occasion arises, a bloody repression of the people. The Administration is also unfairly hampering the activities of the CUT and Juvento in their preparations for the forthcoming elections for the reconstruction of the Joint Togoland Council.

5. The petitioner concludes by requesting the Governor to put an end to the "reign of terror" and to facilitate the peaceful evolution of the people of Togoland.

6. The Administering Authority, maintaining that these protests have become classic themes of petitioners of the CUT and Juvento, considers that no observations are necessary.

7. The petition was examined and discussed at the 65th, 67th and 82nd meetings of the Standing Committee (T/C.2/SR.65, 67 and 82).

8. The representative of France informed the Committee that the Juvento newspaper *Negretá* continued to appear regularly. He had no news as to the outcome of the trial of Mr. Kunakey, but Mr. Aithson had been convicted on 6 May 1953. In order to establish a case of spreading false news likely to cause a breach of the peace, French courts held that the intention to cause harm must be demonstrated by the public prosecutor.

9. At its 82nd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 813 (XII).*

#### SECTION XIV. PETITION FROM MR. SAM KLU (T/PET.7/328)

1. Mr. Sam Klu, one of the two candidates of the Comité de l'Unité Togolaise (CUT) in the Klouto *cercle* for the elections of 30 March 1952, was arrested on 26 March with two of his agents Mr. Mathias Apaloo and Mr. John Bull on charges of incitement to disorder, contempt of the authorities and spreading of false information. The Council examined three petitions relating to this incident at its eleventh session and, after noting that the case was pending before the court and that the accused were being detained pending trial, and also that Mr. Klu had nevertheless been elected to the Territorial Assembly, requested the Administering Authority to inform it of the results of the trial (resolution 639 (XI)).

2. No special report on this matter has yet been received, but in its observations on a petition from Mr. Augustino de Souza (T/PET.7/311), in which reference was made to the continued detention of Mr. Sam Klu and Mr. Mathias Apaloo, the Administering Authority states (T/OBS.7/3, section 6) that the case was first heard by the court of summary jurisdiction and several persons were convicted and sentenced to imprisonment. The convicted persons appealed, and the Court of Appeal at Abidjan heard the appeal. Without entering into the substance of the case, the Court reversed the previous decision with regard to Sam Klu and Mathias Apaloo on the grounds of defect of procedure and the persons concerned were therefore released. The other persons convicted were unable to adduce the same grounds and their sentences were therefore confirmed by the Court of Appeal.

3. In the present petition, which is dated 18 February 1953, Mr. Sam Klu begins with a fuller account of the circumstances surrounding the original incident. He states that on the evening of 23 March, he was entertaining a group of friends and election workers at his home, when some women shouted for help. When the group ran out with hurricane lamps, they found the house surrounded by policemen, who were ill-treating a servant girl. He

asked the policemen to withdraw and, as he turned to enter his house, was arrested by a European police officer who appeared suddenly on the scene. The crowd was dispersed with batons and Mr. Klu himself was beaten and taken to the police station, where he was questioned by the Procureur de la République, who happened to be visiting Palimé, and then was released. In a letter dated 25 March, which is annexed to the petition, he lodged a formal complaint with the Procureur against the police officer and his men.

4. On 26 March Mr. Mathias Apaloo, Mr. John Bull and the petitioner were summoned to appear before the Examining Magistrate from Lomé, who questioned them about their speeches at a meeting at Kpélé on 22 March, a meeting which he states took place without any incident or disorder. However, an illiterate district guard, who was brought forward by the same police officer, attributed to them words which they had never used. They were immediately arrested. Five days later Mr. John Bull was provisionally released, but the other two were kept in prison until 14 December 1952 despite the repeated requests of the local chiefs and of the Territorial Assembly in their favour. Mr. Klu was thereby prevented from taking his seat in the Assembly.

5. On 21 July 1952, Mr. Sam Klu was notified by the prosecuting authorities that they had decided to take no action on his complaint against the police officer.

6. On 23 July 1952, the Tribunal Correctionnel of Lomé sentenced Mr. Sam Klu and Mr. Apaloo to nine months' imprisonment and a fine of 100,000 francs for spreading false news likely to disturb the peace and absolved them of a charge of defamation. At the same time, Mr. John Bull and a Mr. Sylvanus Dotse were sentenced to one month's imprisonment and a fine of 5,000 francs for insult to a policeman. These judgments were appealed.

7. The judgment of the Court of Appeal at Abidjan (Ivory Coast) dated 13 December 1952 is annexed to the petition. The court, noting that though charges had been laid against the first three accused on 24 March they had been questioned as witnesses on the 26th without being so informed, considered that this fact violated fundamental principles of procedure and severely prejudiced the rights of the defence. It therefore quashed the judgments against them. The Court declared that the time-limits contained in the act under which Mr. Sam Klu and Mr. Apaloo had been prosecuted prohibited further proceedings against them. As regards Mr. John Bull, it reviewed the evidence before it and, finding that he had stated "What can the French and one guard do in face of us?" and had then waved a fly-whisk before the face of the guard, sentenced him to one month's imprisonment and a fine of 2,400 francs. The court confirmed the judgment against Mr. Sylvanus Dotse, but reduced the fine to 2,400 francs.

8. Mr. Sam Klu goes on to state that the Administration, having lost this case, then decided to consider his complaint of 25 March 1952, referred to above, as a scandalous denunciation of a police officer. The matter was brought up for trial on 31 December and he was condemned on 24 January 1953 to six months' imprisonment and a fine of 6,000 francs in spite of the favourable evidence of all persons present. His appeal against this judgment is pending.

9. The petitioner states that this state of affairs offers a presumption of abuse of powers by the Administering Authority abetted by the local judicial authorities. Elections, far from being a means of democratic expression, are evidence of a determination to stifle the true aspirations of the people, while personal freedom, especially freedom to express one's opinion, is most often treated as a mockery.

10. The petition was examined and discussed at the 65th and 82nd meetings of the Standing Committee (T/C.2/SR.65 and 82).

11. The representative of France informed the Committee that members of the Territorial Assembly did not enjoy immunity from arrest. Mr. Sam Klu remained at liberty pending the outcome of his appeal against his conviction in the second trial.

12. At its 82nd meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 816 (XII).*

#### SECTION XV. PETITION FROM MR. GABRIEL EKLUNATEY, VICE-PRESIDENT OF JUVENTO (T/PET.7/326)

1. The petitioner complains in a telegram dated 3 March 1953 that, despite the General Assembly resolution of 20 December 1952 on the Ewe and Togoland unification problem, the Administering Authority has taken increasingly repressive measures against the population. It is determined to paralyse the local Press and to prevent communication of the advantages of the latest United Nations resolutions for the education of masses. Mr. Ben

Apaloo, the President of Juvento, and Messrs. Quacoe and Bamezon, newspaper editors, were arrested on 28 February 1953. The petitioner requests the intervention of the United Nations.

2. The Administering Authority states (T OBS 77) that no measures have been taken by the local authorities in Togoland to paralyse the local Press, which continues to appear regularly.

3. It is true that Messrs. Ben Apaloo, Quacoe and Bamezon were imprisoned on 28 February 1953. They were arrested under a warrant issued by the Examining Magistrate of the Lomé Court and were charged with publication of false news likely to cause a breach of the peace.

4. The Administering Authority emphasizes that most of the newspapers appearing in Togoland, of whatever political party, published important extracts, and in some cases the full text, of General Assembly resolution 652 (VII) of 20 December 1952.

5. The petition was examined and discussed at the 66th and 82nd meetings of the Standing Committee (T/C.2/SR.66 and 82).

6. The representative of France informed the Committee that two of the accused persons were still in preventive custody awaiting trial, but that Mr. Bamezon had been provisionally released at the end of April.

7. At its 82nd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 814 (XII).*

### DOCUMENT T/L.359

#### Thirty-sixth report of the Standing Committee on Petitions: petitions concerning Togoland under French administration

[Original text: English]  
[7 July 1953]

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## INTRODUCTION

1. At its 66th, 67th, 68th and 82nd meetings, on 11, 12, and 30 June 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>28</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States, examined the sixteen petitions concerning the Trust Territory of Togoland under French administration which are listed above.

2. Mr. Georges Apedo-Amah participated in the examination as the representative of the Administering Authority concerned.

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 draft resolutions referred in to sections I-XIII.

4. The petitions in the present part cover disputes over chieftainships and incidents arising therefrom. They have been arranged according to the District to which they refer.

5. The representative of France stated that in all disputes over chieftainships the Administration adhered to the twofold principle of respecting custom and of taking the wishes of the people into consideration. The chief was elected by the people in accordance with custom, and his appointment was approved by the Administration. Each village had a traditional Conseil coutumier. In some regions, when a chief was to be appointed the custom was that the son or a near relative of the former chief should succeed him. Elsewhere several candidates could be submitted because, by tradition, several families had the right to aspire to the office of chief. In both cases, the Conseil coutumier reviewed the candidates and usually selected one. It called the people together and submitted a candidate whom the people either accepted or rejected. A representative of the Administration was present at the proceedings to see that everything was done in accordance with law and custom. The Administration then issued an order confirming the appointment.

6. It was therefore impossible that a single village should have two chiefs and two lawful councils, as certain petitioners, for whom politics tended to take precedence over tradition and the democratic way, would like to have it believed.

7. The Administration took the same attitude in the case of the dismissal of a chief, for which provision was made in accordance with custom in certain circumstances. The initiative in removing a chief lay with the people, and the Administration sent to the spot a representative who had to ensure that that was the wish of the majority and that the legal forms were respected. If a chief had committed a wrongful act punishable under French law, the initiative reverted to the Administration, but even that procedure was in accordance with custom.

8. The customary courts were competent in respect of cases of that kind, at least so far as the qualifications of

candidates before their appointment were concerned. Once a chief had been elected by popular vote, however, and the Administration had officially ratified that decision, the matter was removed from the customary domain. The Conseil du contentieux administratif alone was competent to decide whether a chief's confirmation was valid.

SECTION I. PETITION FROM MR. GASTON WONOU  
(T/PET.7/307)

1. The petitioner, who describes himself as the traditional and customary land chief of Ouloatse (Akposso subdivision of the Atakpamé district), complains that after fulfilling his duties for thirteen years he was removed from office because of his political affiliations, imprisoned for usurpation of powers, and replaced by a "progressiste". He asks for the immediate intervention of the United Nations to "prevent his death from corporal punishment".

2. In its observations on this petition (T/OBS.7/3, section 2), the Administering Authority states that Mr. Gaston Wonou had certainly never been the traditional chief of the village of Ouloatse; that the present chief of the village has been in office for more than four years and succeeded to office on his predecessor's death; and that Gaston Wonou has been arrested for usurpation of office, fraud and breach of trust.

3. The petition was examined and discussed at the 66th and 82nd meetings of the Standing Committee (T/C.2/SR.66 and 82).

4. The representative of France stated that the petitioner, who was also known under the name of Deou Ougaton, had been a candidate for village chief, but was never selected as chief. He was not of the same political affiliation as the present chief and had tried to set himself up as an independent chief.

5. In respect of the petitioner's complaint of corporal punishment, the representative of France stated that there was nothing to show that the petitioner had received corporal punishment, which was moreover forbidden by law.

6. At its 82nd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 796 (XII).*

SECTION II. PETITION FROM THE CONSEIL COUTUMIER  
OF BADOU (T/PET.7/315 AND ADD.1)

1. The petitioners consist of six elders of Badou who affixed their marks and of Mr. Kwami Thomas who signed as secretary of the Conseil coutumier of Badou (Akposso subdivision of the Atakpamé District). They write under the letterhead of that Council and claim to speak on its behalf. The Administering Authority (T/OBS.7/3, section 9) maintains, however, that they have no right whatsoever to do so and more particularly that Mr. Kwami Thomas is not the secretary.

2. The petitioners, by a letter dated 3 November 1952, state that in 1950, following the death of their chief, they unanimously elected Mr. Kwami Appeti senior customary traditional chief (presumably of the Canton of Litimé, of

<sup>28</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

which Badou is the chief village). The Administration, however, refused to recognize this appointment, claiming that Mr. Kwami Appeti was a member of the Comité de l'Unité Togolaise (CUT) and that the members of the council had voted for him under the influence of Mr. Théophile Mally, general secretary of the CUT in the Akposso subdivision. Mr. Mally was also accused of advising the population to refuse to pay their taxes; he was arrested and is still in prison, where he is believed to be in bad health. (The case of Mr. Mally is dealt with in T/PET.7/316—see section III below.) The petitioners state that these accusations are untrue. They claim that Mr. Appeti was elected in accordance with customs and without any outside influence, and that his political affiliations had no bearing on their choice. As regards payment of taxes, they assert that the taxes were collected but that the Administration forbade the agent to take them.

3. They complain that in June 1952 the Administrator of the District arrested Mr. Appeti and imprisoned him for reasons unknown to them and without trial. The members of the council were later also imprisoned. Shortly before the arrival of the Visiting Mission at Atakpamé most of the council members were released because of their advanced age, but some were transferred to the hospital on the pretext that they were ill. As soon as the Visiting Mission had left, however, they were taken back to prison. In October 1952 the Administrator brought pressure to bear on the indigenous people of Badou and, by threatening the elders with imprisonment, intimidated them into accepting Mr. Hermann Egblo massé as their chief.

4. The petitioners further claim that Mr. Kwami Thomas is being hunted by the Administrator, who wishes to have him arrested in order to prevent him from addressing the authorities on behalf of the council (see also T/PET.7/320 which is dealt with in section V below).

5. Finally, they state that they cannot recognize the appointment of Hermann Egblo massé, who has not been duly elected by the Conseil coutumier.

6. In a further communication dated 25 November the petitioners reiterated their charges and stated that the installation of Mr. Hermann Egblo massé was to take place on 7 December 1952. The Governor would be present, and the Administration was attempting to compel the local population to attend in order to demonstrate its popularity and that of the chief appointed by it (see also T/PET.7/318 and Add.1, which is dealt with in section IV below).

7. In its account of these events (T/OBS.7/3, section 9) the Administering Authority states that Hermann Egblo massé had been regent of the Canton in Litimé since 1949, when he was appointed in accordance with custom. On 10 October 1952 the Conseil coutumier of the Canton of Litimé, acting in accordance with the customary procedure, appointed the regent Hermann Egblo massé as Chef de Canton of Litimé by forty-five votes to five. He assumed office on 7 December, when the customary ceremonies were held and attended by a considerable crowd. Mr. Kwami Appeti was never elected senior customary traditional chief of the Canton.

8. With regard to the arrests, the Administering Authority states that proceedings for usurpation of office are being taken against Mr. Kwami Appeti before the court

of summary jurisdiction. The six elders who had signed the petition, as well as a seventh, were guilty of instigating a collective refusal to pay the tax during the tax collection begun in March 1952. They paid no attention to repeated warnings first by the customary authorities and later by the administrative authorities. Only on 25 August was a warrant for their arrest issued, and five of them were released on 3 September. The seventh man alone was tried on 29 October 1952 and sentenced to four months' imprisonment and a fine of 12,000 francs.<sup>29</sup>

9. The petition was examined and discussed at the 66th, 67th, and 82nd meetings of the Standing Committee (T/C.2/SR.66, 67, and 82).

10. The representative of France stated that the only legal and customary chief in the area in question was Mr. Egblo massé. Mr. Appeti, the claimant to the chieftainship, might possibly have set up his own customary council which elected him to the chieftainship, but such a proceeding if it took place could not be regarded as legal or customary.

11. At its 82nd meeting, the Committee unanimously adopted the following draft resolution, which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 803 (XII).*

#### SECTION III. PETITION FROM MR. PAUL Y. AGBETÉTÉ, PRESIDENT OF THE CONSEIL DE CIRCONSCRIPTION OF AKPOSSO (T/PET.7/316)

(This petition, which is dated 5 November, is the first of three petitions from Mr. Agbetété, each covering an aspect of the petition from the Conseil coutumier de Badou (T/PET.7/315 and Add.1))

1. The petitioner implores the United Nations to intervene on behalf of Mr. Théophile Mally, general secretary of the Akposso section of the Comité de l'Unité Togolaise (CUT), who was thrown into prison at Atakpamé during the visit of the Visiting Mission. He claims that Mr. Mally is being maltreated in prison and is in a pitiable condition. In his opinion, Mr. Mally should be sent to Lomé, "where he might perhaps recover somewhat".

2. It will be noted that the authors of the preceding petition attribute Mr. Mally's arrest to a charge, which they deny, that he advised the people to refuse to pay taxes.

3. In its observations (T/OBS.7/3, section 8) the Administering Authority gives details of several offences for which Mr. Mally had been convicted in the past, among the more recent of which was one of employing threats or violence to instigate collective refusal to pay taxes, for which he was sentenced on 28 June 1950 to four months' imprisonment and a fine of 1,200 francs. He was committed for trial on a similar offence on 26 August 1952, and sentenced on 29 October to two years' imprisonment and a fine of 30,000 francs. He has appealed. He is also suspected of having illegally practised the profession of business agent.

<sup>29</sup> These arrests are briefly adverted to in the special report of the Visiting Mission (T/1034, pages 145 and 146).

4. The Administering Authority also states that the allegations concerning his treatment in prison are pure invention and that he is in normal health.

5. The petition was examined and discussed at the 66th, 67th and 82nd meetings of the Standing Committee (T/C.2/SR.66, 67, and 82).

6. The representative of France stated that Mr. Mally's appeal against his sentence was still pending.

7. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Committee at its 480th meeting, see resolution 804 (XII).*

#### SECTION IV. PETITION FROM MR. PAUL Y. AGBETÉTÉ, PRESIDENT OF THE CONSEIL DE CIRCONSCRIPTION OF AKPOSSO (T/PET.7/318 AND ADD.1)

1. This petition, which consists of a brief cablegram dated 4 December and of a detailed letter of confirmation dated 6 December 1952, relates to the appointment of the senior chief of the Canton of Litimé.

2. The petitioner gives a detailed account of the succession to the chieftainship tending to show that Mr. Appeti, now in prison at Lomé, is the legitimate chief. The Administration nominee, Mr. Eglomassé, was imposed on the persons who traditionally elect the chief by the Administrator of the District as a result of imprisonment and torture. Nevertheless, they subsequently telegraphed a protest to the Governor. The Administration might impose their nominee as "*chef administratif*", but in attempting to do so at the ceremonies of 7 December it was risking a serious incident. In any case, the people of the area were determined to recognize only Mr. Appeti as their traditional and customary chief.

3. In its observations (T/OBS.7/3, section 10, and Add.1), the Administering Authority reiterates that Mr. Appeti was never appointed customary chief and describes the alleged persecutions as sheer invention.

4. The petition was examined and discussed at the 66th, 67th, and 82nd meetings of the Standing Committee (T/C.2/SR.66, 67, and 82).

5. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting see resolution 806 (XII).*

#### SECTION V. PETITION FROM MR. PAUL Y. AGBETÉTÉ, PRESIDENT OF THE CONSEIL DE CIRCONSCRIPTION OF AKPOSSO (T/PET.7/320)

1. The petition, which is in the form of a letter dated 4 December, contains the complaint that the whole Akposso area has suffered persecution since the departure of the Visiting Mission and that leaders and persons sympathizing with the Comité de l'Unité Togolaise (CUT) have been sought by the Administration for having the intention of submitting petitions to the Mission. Some of these persons are still sought and are forced to remain in exile in the

Gold Coast away from their families. He names, amongst others, Mr. Kwami Thomas (see section II, paragraph 4 above) and himself, who is subject to particular danger as the French wish to find pretexts to remove him from his position as President of the council, because that body is supposed to approve the proposals of the Administration without raising objections.

2. The petitioner states that those who remain lead a miserable existence because of Administration pressure, since the majority are adherents of the CUT. Most of the chiefs expect to be ousted in the near future and to be replaced by "progressistes" as in Badou.

3. The Administering Authority in its observations (T/OBS.7/5) states that no judicial proceedings of any kind are being instituted against any of the persons referred to in the petition, including the petitioner, and if they moved to Togoland under British administration or to the Gold Coast they did so of their own free will. Further, there have been no arbitrary arrests in Akposso.

4. As regards the Conseil de circonscription, the Administration has made every effort to consider its proposals (particularly in matters of the rates of taxation) as actual decisions.

5. The petition was examined and discussed at the 66th, 67th and 82nd meetings of the Standing Committee (T/C.2/SR.66, 67 and 82).

6. The representative of France confirmed that no judicial proceedings had been instituted against the persons referred to in the petition who had left the Territory for the Gold Coast, and gave an assurance that no such proceedings would be instituted if any of them returned to Togoland under French administration.

7. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 808 (XII).*

#### SECTION VI. PETITIONS CONCERNING THE CHIEFTAINSHIP OF AKÉPÉ FROM MR. BERNARD Y. AMEVIN (T/PET.7/332) AND MR. EDMOND ADOMEY (T/PET.7/333)

1. Two petitions addressed to the 1952 Visiting Mission contain protests against the continued rule of Chief Dorkenoo of Aképé (Tsévié district).

2. Mr. Bernard Y. Amevin (T/PET.7/332) claims to speak on behalf of about 75 per cent of the Aképé people who he states have migrated to the Gold Coast as a result of the misrule of their chief. Chief Dorkenoo was deposed customarily in 1948, but the government did not recognize the ceremony and, in fact, arrested the persons who participated in it. Their release was obtained only with the assistance of Mr. Nicholas Grunitzky, the present Deputy of Togoland.

3. Mr. Edmond Adomey (T/PET.7/333), who is the Aképé representative on the Conseil de circonscription, complains that Chief Dorkenoo, because he is a member of the Comité de l'Unité Togolaise (CUT), creates disorder in the town and ill-treats the inhabitants by imposing forced farm labour; by charging excessive fees for



marriages, divorces and burials; by claiming his subjects' wives to be his; and by refusing to build schools in the town.

4. Mr. Adomey also describes the attempt made to depose Chief Dorkenoo in 1948 and his protection by the French authorities. He requests the Visiting Mission to intercede with the government in order to confirm the deposition of the chief.

5. In a petition dated 20 January 1953 from the President of Juvento (T/PET.7/325—see the thirty-fifth report) it is charged that Chief Dorkenoo of Aképé, among others, has been removed because of his political opinions and been replaced by a "progressiste" after twenty-six years in office.

6. In its observations on that petition, the Administering Authority states that Chief Aké Amenyo of Aképé has been officially recognized as chief of his canton after having been almost unanimously designated as such by the members of the Conseil coutumier and the population.

7. The petitions were examined and discussed at the 67th and 82nd meetings of the Standing Committee (T/C.2/SR.67 and 82).

8. The representative of France stated that the removal of Chief Dorkenoo was recognized by the Administration on 5 July 1952, and that a new chief, Mr. Aké Amenyo, was elected on 5 January 1953 and recognized by the Administration by a decree dated 20 February 1953.

9. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 820 (XII).*

#### SECTION VII. PETITIONS CONCERNING THE CHIEFTAINSHIP OF KPÉLÉ FROM MR. EMMANUEL ADJAHO (T/PET.7/334) AND MR. NICOLAS AKOU (T/PET.7/335)

1. Two petitions addressed to the 1952 Visiting Mission deal with the claims of Mr. Emmanuel Adjaho to be chief of Kpélé (Klouto District).

2. Mr. Adjaho (T/PET.7/334) claims to be the rightful Chef de Canton of Kpélé (and at the same time chief of the village of Goudévé) and states that although he was regularly elected by the Conseil Coutumier and recognized by the French Administration in 1945, the Administration in 1948 withdrew its recognition of him as chief. He requests the Visiting Mission to intervene with the Administering Authority to right the wrong done to him.

3. In a report attached to the petition which outlines in some detail the dispute, it is stated that the petitioner was appointed chief, according to ancestral customs, by the chefs de village and the notables, and the population and Administration subsequently endorsed their choice.

4. Following his opposition in 1946 to anti-French activities in the Klouto region (particularly in the Canton of Agou), anti-French elements set up a member of the rival Agbokou family as chief. Those leading this campaign were given prison sentences, but the opposition to Chief Adjaho continued in an underground manner

with the support of Mr. Attiogbe, leader of the Comité de l'Unité Togolaise (CUT) at Palimé. Finally, it is charged that the Commandant de cercle at Klouto at that time gave his support to the opposition, despite the loyal collaboration of Chief Adjaho with the French authorities. Following an investigation in December 1948, he found that the Agbokou family was in a majority and that their claim was therefore the rightful one. This conclusion was mistaken, since the traditional chief by custom is appointed not by the mass of the people but by the subordinate chiefs and by the notables.

5. Mr. Nicolas Akou (T/PET.7/335), who is the representative of Kpélé on the Conseil de circonscription of Klouto, gives a similar account of the removal from office of Chief Adjaho. He ascribes this to the opposition of the leaders of the CUT and he regards it as a great injustice, since Chief Adjaho has the support of the great majority of the notables and of the people.

6. More generally, Mr. Akou considers that the evolution of the Territory will be promoted not by the agitation and disorder created by the CUT but by a policy of collaboration with the Administering Authority. The people have need of further schools, dispensaries, roads, etc. and they hope that the prices of export products will not again collapse as they have at present.

7. In a petition from the President of Juvento (T/PET.7/325, see thirty-fifth report, section XIII), it is charged that Chief Agbokou V of Kpélé has, among others, been removed from office because of his political opinions and been replaced by a "progressiste".

8. In its observations on that petition the Administering Authority states that Chief Adjaho of Kpélé Goudévé has been officially recognized as chief of his Canton after having been almost unanimously designated as such by the members of the Conseil coutumier and the population.

9. The petitions were examined and discussed at the 67th and 82nd meetings of the Standing Committee (T/C.2/SR.67 and 82).

10. The representative of France stated that the customary council of Kpélé had reinstated in office the former canton chief Mr. Adjaho. This act was recognized by the Administration by decree dated 17 December 1952.

11. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 821 (XII).*

#### SECTION VIII. PETITION FROM MR. KOUMAYOH AGBOYI (T/PET.7/349)

1. The petitioner, the "traditional regent and chief of the royal family" of the village of Agou-Apégamé (Klouto district), protests that Mr. Jules Apetse, appointed by the Administration in January 1953 to succeed the late Alessou II as chief of the village, is not eligible to hold this position. The petitioner states that according to Ewe custom a village chief cannot be designated without a debate of the ruling family and the village council. Moreover, no one in the family of Mr. Jules Apetse has in the past either ruled or even acted as regent. His



election can, therefore, only excite popular indignation and disturb the peace in the village.

2. The petitioner also complains that after he and various councillors and notables of the village had written a letter to the Administrator of the Territory in which they registered their protests they were called by the police of Palimé and interrogated for four days. On the day following their release the new chief was solemnly installed.

3. The petitioner requests the intervention of the Trusteeship Council in order that local custom may be observed and the rightful heir appointed as chief.

4. With regard to this petition, as also in the case of the previous two groups of petitions, the Administering Authority in its observations (T/OBS.7/8) on T/PET.7/325 states that Chief Apetse of Agou-Apégamé has been officially recognized as chief of his canton after having been almost unanimously designated as such by the members of the Conseil coutumier and the population.

5. The petition was examined and discussed at the 67th and 82nd meetings of the Standing Committee (T/C.2/SR.67, and 82).

6. The representative of France stated that Mr. Alessou was one of three descendants of the former chief of the village who might have succeeded to the chieftainship under customary law. He did all within his power to keep the chieftainship in his family but could not command a majority in the customary council which chose Mr. Apetse as chief. On 6 March 1953, the choice of the customary council was recognized by administrative decree. On the day of Chief Apetse's inauguration, the petitioner changed his mind and signed a statement approving the new chief.

7. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 834 (XII).*

#### SECTION IX. PETITION FROM MESDAMES ADJOAVI EDOH, ATISSOU AMOUZOU AND OTHERS (T/PET.7/336)

1. At its eleventh session the Trusteeship Council dealt with two petitions concerning an incident which took place on 10 August 1951 at the village of Agbétiko (Anécho District). Mr. John Amate Atayi, President of the Parti Togolais du Progrès (T/PET.7/269) and Messrs. Ata Quam Dessou, Fio Agbano II and Sebastien D. Mlapa IV (T/PET.7/265 and Add.1) described the incident in widely differing terms. From the information given by the petitioners and the observations of the Administering Authority (T/999 and T/C.2/SP. 33) however, it emerges that the incident was the result of a dispute as to the succession to the chieftainship lasting over three years. In 1948, when the traditional chief of the village of Agbétiko died, there were two rival claimants to the chieftainship, Grégoire Amouzou, supported by the Comité de l'Unité Togolaise (CUT), and Ayité Hounouvi, supported by the Parti Togolais du Progrès. Feeling in the matter ran high in the village and the inhabitants were divided into hostile camps. During a preliminary customary consultation the village chiefs decided that the chieftainship should belong to Hounouvi. Subsequently the case was brought

before an arbitration commission of six chiefs, set up under administrative order, which ruled in favour of Amouzou. The matter then went before the customary court, which reversed the decision of the arbitration commission, and finally before the court of second instance, which upheld the decision of the customary court. The Administering Authority stated that in view of the threats of disturbance by the leaders of the CUT, it had sought to postpone the application of the decision of the customary court and had provisionally tolerated a division of the village. On 10 August 1951, after the official enthronement of Hounouvi, whom the Administering Authority had finally approved as chief, a scuffle ensued between the two factions and one man who supported the new chief was killed. The Administering Authority stated that it believed that the matter had been settled regularly with full respect for custom and law and that the new chief, Hounouvi, was recognized by the great majority of the population. Since the incident peace and order had prevailed in the village.

2. In its resolution (633 XI) on the petition the Trusteeship Council drew the attention of the petitioners to the observations of the Administering Authority and decided that under the circumstances no recommendation by the Council was necessary regarding the Agbétiko incident.

3. In the present petition Mesdames Adjoavi Edoh, Atissou Amouzou and others, on behalf of the grandmothers, mothers and wives of the village of Agbétiko, present information on the dispute which largely duplicates that contained in the previous petitions. It is their contention that Amouzou is the rightful chief and that the violence which broke out was the result of the interference of the Administration in the appointment of a traditional chief and of the deliberate provocation of the villagers by a neighbouring chief. The village of Agbétiko will not accept this type of coercion.

4. In contrast to the statement of the Administering Authority that peace and order had prevailed in the village since the incident the petitioners complain that "for some time our village has been in a very sorry state and the woeful cries of the men (notables) continue daily, but the ears of those who should allay the sufferings of the unfortunate (notables) are deaf". The petitioners request that the matter be decided in order that it may no longer serve as a cause of dissension and division among them. Several previous letters addressed to the Administration have not received any attention.

5. In addition the petitioners request unification and independence for the better solution of their various problems.

6. The petition was examined and discussed at the 67th and 82nd meetings of the Standing Committee (T/C.2/SR.67 and 82).

7. The representative of France stated that, contrary to the petitioners' insinuations that there might be further disturbances, the situation in the village was quite calm. He had no direct knowledge of any letters from the petitioners addressed to the Administration and assumed that the Commandant de Cercle, finding that there were no disorders in the village, as stated by the petitioners, had disregarded their letters to him.

8. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 822 (XII).*

SECTION X. PETITION FROM MR. AKOUÉTÉ A. AGLÉBEY  
(T/PET.7/345)

1. The petitioner claims to be the rightful chief of the Akagnipé quarter of the village of Afangnan-Bléta (Anécho district). His father had been chief since the time of the Germans, and after his death, and the temporary occupation of the throne by his adviser, the question of succession became a struggle between another son of the old chief, Souati, and the petitioner. The petitioner is a member of the Unité Togolaise and Souati is a member of the Parti Togolais du Progrès. Consequently, the petitioner maintains, the Administrator gave what was his by right to Souati, and he is now chief.

2. The petitioner states moreover: "I am always wrong in the eyes of Souati and the French administration." All the small boys in his family are made to pay the head tax prematurely, and the chief is always looking for a pretext to harm the family. "Thus I have no peace, because this state of affairs preys upon my mind."

3. The petitioner hopes that the Mission's visit to Togoland will lead to his reinstatement as chief.

4. The petition was examined and discussed at the 68th and 82nd meetings of the Standing Committee (T/C.2/SR.68 and 82).

5. The representative of France pointed to various contradictions and anomalies in the petition. The petitioner claimed that he should succeed his father as village chief, whereas his father had been only *chef de quartier*. Moreover, he alleged that he had been deprived of the chieftainship in 1941 because he was a member of the Comité de l'Unité Togolaise, which had not been in existence in 1941. Lastly, the succession to the previous chief, who had been in office since 1906, had been open in 1941 and the petitioner had not presented his claim until eleven years later.

6. The Administration had investigated the assertion that the small boys of the petitioner's family had paid the head tax before reaching the statutory age and had found it to be baseless.

7. At its 82nd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 830 (XII).*

SECTION XI. PETITION FROM MR. GBOGAN TOUDEKA  
(T/PET.7/347)

1. The petitioner asserts that he is the rightful chief of the village of Akoumapé (Anécho district). The chieftainship, he states, was passed on from father to son in his family through several generations until the coming

of the Germans. At this time the title passed to the Agbossou-Mondé family since the petitioner did not have at his command the £5 sterling needed to "buy" the crown. In 1945, however, after several complaints, the petitioner received the crown only to be deposed in 1951. He claims that the reason for the action taken against him was that he was a member and president of the Comité de l'Unité Togolaise.

2. The petitioner states that Michel Agbossou-Mondé, who was appointed chief in his place, does not come from Akoumapé. His grandfather came to the town originally seeking refuge after having committed a murder. Agbossou-Mondé therefore cannot rightfully claim to be chief.

3. The petitioner asks the assistance of the Visiting Mission in recovering his position.

4. The petition was examined and discussed at the 68th and 82nd meetings of the Standing Committee (T/C.2/SR.68 and 82).

5. The representative of France stated that if the petitioner's family had ever held the chieftainship, it was so long ago that it would be impossible to ascertain the facts. Agbossou-Mondé, the petitioner's rival, had been appointed chief in 1936 in succession to his father, who had been chief since 1900. In 1944, Agbossou-Mondé had shown so obvious an unwillingness to provide the palm-trees needed for the war effort that he had been summoned before the court at Anécho and, on 11 September, sentenced to six months' imprisonment under the article of the native criminal code that had been in force. Since the village could not be left without a chief, the Administration had appointed Toudeka. Of the 1,136 taxpayers in the village, only 164 had voted for Toudeka. Many protests against the appointment had been sent to the chief of the Territory.

6. Toudeka had had to be suspended from his office on 6 September 1949 for wrongful collection of taxes. Some time later, however, he had been reinstated.

7. After the war, on 16 August 1946, the Administration had declared an amnesty. Agbossou-Mondé had asked that it should apply to him.

8. The Administration, both for reasons of prudence and out of respect for custom and for the rule of democracy, which required that a chief should not be imposed on the people but chosen by it, had granted an amnesty only after the customary court had declared that "According to custom Agbossou-Mondé alone was entitled to exercise the functions of chief of the village of Akoumapé-Assiko". Furthermore, at meeting held on 26 June 1951, of which a record had been kept, the people of the village had voted for the return of Agbossou-Mondé. Only after the court had pronounced judgment and the people of the village had been consulted had Agbossou-Mondé been reinstated as chief, on 29 June 1951.

9. Toudeka had not been deposed for political reasons.

10. At its 82nd meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 832 (XII).*

SECTION XII. PETITIONS CONCERNING THE CHIEFTAINSHIP OF KOUVÉ-LOGOTOMÉ FROM MR. SÉPÉDON DOTCHÉ (T/PET.7/340) and MESSRS. AGLAGO LOLO AND DOUAYÉ AMÉGNO (T/PET.7/341)

1. Two petitions deal with a dispute over the chieftainship of Kouvé-Logotomé between the claimant, Sépédon Dotché, and the ruling chief, Michel Ayassou.

2. Mr. Sépédon Dotché (T/PET.7/340) states that he is the son of the chief of the village under the German administration. The father, being old, entrusted his office to the petitioner, who was, however, removed from office when the French arrived. Since then he has written to the Administration several times asking them to instal him as chief, but it has not seen fit to do so. He asks the Visiting Mission to consider his case.

3. Messrs. Aglago Lolo and Douayé Amégno (T/PET.7/341) complain that the inhabitants of Kouvé-Logotomé do not wish to continue to live under the authority of Michel Ayassou, chief of Kouvé, "because he treats us like savage animals". He has taken property by force and planted coffee shrubs and oil palms on the petitioners' land. He has closed the footpaths by which they go to their fields and has cut down the trees around their houses. They charge: "On August 12 1952 he authorized the police to fire on us. It is only thanks to the gendarmerie at Anécho that we were not shot." One person was slashed with a razor, another was roughly handled. Finally they complain that their people have all left for the British zone (Gold Coast).

4. The petitioners add that: "We have a chief called Sépédon Dotché."

5. The petitions were examined and discussed at the 68th and 82nd meetings of the Standing Committee (documents T/C.2/SR.68 and 82).

6. The representative of France explained that these two petitions, as well as that in section XIII below, all pertained to the same chiefdom. The entire region is known as Kouvé, and Kouvé-Dafor, Kouvé-Logotomé and Kouvé-Atchavé are all sections of this region. These many sections were formerly administered by separate village chiefs, but now have been brought together under one head, Michel Ayassou. The former village chiefs have now become chefs de quartier.

7. With regard to the first of these petitions, the representative of France stated that Sépédon Dotché was merely the head of a family, and not a village chief. His claims to the chiefdom are not supported by any proof.

8. As regards the complaints against Michel Ayassou contained in the second petition, the representative of France stated that Mr. Ayassou was the owner of the land which he is alleged to have taken by force and that he had chosen to close it off and to plant trees on it, as was his right.

9. The Administering Authority had no information regarding any threats to fire on the petitioners. On 12 August 1952 the gendarmerie had been called out in order to ensure that the Comité de l'Unité Togolaise could

hold a meeting which the people of the village wished to disturb. There had been no incident and no bloodshed, and the intervention of the police had been only for the purpose of guaranteeing the right of assembly.

10. With regard to the complaint that the petitioner's people had all left for the Gold Coast, the representative of France stated that in the Anécho district, due to the density of population, there was a seasonal shift of population with people moving to other areas in order to earn more money. The movement of population which took place in this area was no more than normal.

11. At its 82nd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 826 (XII).*

SECTION XIII. PETITION FROM MR. KODJO GBEDEKE SEDJRO (T/PET.7/342)

1. The petitioner states that in 1942 he succeeded his father as chief of the village of Kouvé-Dafor but that in 1945 he was removed from office by the Administration. The notables wrote several times to the Administration on his behalf, but the petitioner's chiefdom was placed under Mr. Michel Ayassou, chief of Kouvé-Atchavé. The inhabitants of Mr. Sedjro's village have several times asked the Commandant de cercle at Anécho that the petitioner be reinstated.

2. A number of these communications are attached to the petition.

3. It will be noted that complaints against Chief Michel Ayassou appear in the petitions dealt with in section XII above.

4. The petition was examined and discussed at the 68th and 82nd meetings of the Standing Committee (T/C.2/SR.68 and 82).

5. The representative of France confirmed that Mr. Sedjro was chief of Kouvé-Dafor, as his father had been before him. However, Kouvé-Dafor, which had formerly been an independent village, had been joined with others to make one village of Kouvé, under the chieftainship of Mr. Michel Ayassou. The former village chiefs had now become chefs de quartier.

6. The representative of France was not aware of any complaints from the village of Kouvé against the election of Michel Ayassou as chief and the customary council of the village had not registered any protest with the Administration regarding the legality of Ayassou's election.

7. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 827 (XII).*

## DOCUMENT T/L.360

## Thirty-seventh report of the Standing Committee on Petitions: petitions concerning Togoland under French administration

[Original text: English]  
[7 July 1953]

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## INTRODUCTION

1. At its 69th, 70th, 82nd and 83rd meetings on 12, 15 and 30 June and 1 July 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, China,<sup>30</sup> El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the fourteen petitions concerning the Trust Territory of Togoland under French administration which are listed above.

2. Mr. Georges Apedo-Amah participated in the examination as the representative of the Administering Authority concerned.

3. The Standing Committee submits herewith to the Council its report on these petitions—which relate to various problems of an economic and social nature—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 draft resolutions referred to in sections I and III to XIV inclusive.

SECTION I. PETITION FROM MR. A. K. HANOO  
(T/PET.7/321 and Rev.1)

1. The petitioner, writing as representative of the Hanoo family, submits for examination by the United Nations a petition previously submitted by members of the family to the president of the Representative Assembly of Togoland.

2. The petitioners stated that a piece of land called by the French Administration "Ahanoukopé", but by themselves "Hanukope", was owned by the founder of the family, who settled in Lomé in 1885. As this man was illiterate he made no effort to register his title, especially as the Administration recognized him as the owner, and none of his children were present in Lomé at the time of his death to claim the land, which the Administration appropriated and put up for auction. They now claim back, not the whole of the land, but that portion assigned to them at the auction.

3. In its observations (T/OBS.7/4, section 1), the Administration observes that prior to 1949, when the land was auctioned, no member of the Hanoo family had attempted to prove that the land belonged to it. The family then bought lot No. 11 of Ahanoukopé for a sum of 307,000 francs, but has asked that it should be exempted from paying this sum. The Administering Authority states that it is possible to make such an exemption only if the family presents proof of the facts referred to in their petition.

4. The petition was examined and discussed at the 69th and 82nd meetings of the Standing Committee (T/C.2/SR.69 and 82).

5. The representative of France stated that he was fully aware that the course open to the members of the petitioner's family was to bring proofs including testimony to the effect that the land had belonged to their father or grandfather; such testimony would be given before the official of the Administration responsible for the public domain.

6. If they could successfully prove their claim to the land, they would then be at liberty to seek compensation for any losses they had incurred, by normal recourse to the courts. Such recourse to the courts on a claim for

<sup>30</sup> In accordance with the decision taken by the Trusteeship Council at its 455th meeting, the Dominican Republic replaced China at the 71st meeting of the Committee on 16 June 1953—the date of commencement of the twelfth session of the Council.

damages was entirely separate and distinct from the question of the remission of a sum due for purchase of land belonging to the public domain.

7. At its 82nd meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 809 (XII).*

#### SECTION II. PETITION FROM CHIEF KEDJEANYI EFON (T/PET.7/322)

1. The petitioner, who is chief of the village of Alavagnon (Atakpamé District), begins with a request for unification and independence and a general attack on the French Administration. As an example, he states that the chief of the Department of Waterways and Forests came to his village and asked for permission to fell some trees on his land. A few days later he returned and surveyed the land. Subsequently, the petitioner states that he was strictly forbidden by the Administrator of the District to set foot on his own land. He asks how can he provide food for his large family, which includes thirty-four sons.

2. The petitioner attacks the report of the survey describing the boundaries of the village, which is stated to have an area of 2.60 hectares within the registered forest of Agbonou-Nord.

3. In its observations (T/OBS.7/4, section 2), the Administering Authority states that the petitioner has given an account of the matter quite contrary to reality. The survey was carried out for the purpose of reserving, as an exceptional measure in favour of the petitioner, a piece of land planted in palm trees, within a registered forest.

4. The petition was examined and discussed at the 69th and 82nd meetings of the Standing Committee (T/C.2/SR.69 and 82).

5. The representative of France explained that the necessity of preserving the scanty forest resources of the Territory was a matter not well understood by the indigenous inhabitants. It is the practice of the Department of Waterways and Forests to register parcels of land as forest reserve; this is done initially at the recommendation of a registration commission and is subject to approval by the Territorial Assembly. Registration does not affect the ownership of the land concerned, nor is the owner denied access to the land, but he is not allowed to cultivate it or to start fires.

6. In the registration of forests due regard is paid to the needs of the particular person holding the land; his entire holding is never registered, and the land chosen for registration is, in most cases, on mountain slopes. In any case where the land registered is effectively cultivated and is the source of livelihood of its owner the Administration gives adequate compensation.

7. The forest in question was registered in 1945. At that time a decision of the registration commission allowed the petitioner to retain an enclave in the reserve. This area is not registered and the petitioner can do with it as he pleases.

8. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 810 (XII).*

#### SECTION III. PETITION FROM THE CHIEF OF THE LOCAL INHABITANTS OF AGNAGAN VILLAGE (T/PET.7/323)

1. The petitioner complains that the plantations and crops of his village are continually being damaged by herds of elephants. It is against the law to kill these beasts, which cause great destruction, without the advance permission of the authorities. As a result of repeated complaints, the authorities finally gave the people permission to shoot one elephant from each raiding herd. Since a single shot is not sufficient to kill an elephant, considerable expense is required, which might be offset by the value of the tusks. These are, however, invariably confiscated by the Administrator, and the killers of the elephant remain heavily in debt, many of them leaving the Territory for Togoland under British administration. The petitioner considers that they should be allowed to keep at least one of the tusks as a recompense for expenses and for the damages to their fields.

2. The Administering Authority points out (T/OBS.7/4, section 3) that elephant hunting is regulated by a decree dated 18 November 1947 applicable to all French Territories in Tropical Africa and aimed at preserving a species which is becoming increasingly rare. Holders of regular hunting permits may kill one to four elephants a year and may retain the ivory. Killing of elephants is permitted otherwise only when they are harmful or dangerous, and the hunter is then required to hand over the tusks to the authorities in return for a payment of one-third of the current market value of the ivory. Such persons could, however, retain the ivory for sale by taking out a hunting permit in advance.

3. The petition was examined and discussed at the 69th and 82nd meetings of the Standing Committee (T/C.2/SR.69 and 82).

4. The representative of France stated that an ordinary hunting permit costs 2,000 francs C. F. A.<sup>31</sup> a year for a resident and 4,000 francs for a non-resident. Licences to shoot big game cost 10,000 francs and 13,000 francs respectively, and for elephant shooting there is a fee of 2,000 francs for the first elephant killed, 4,000 for the second and 8,000 for the third.

5. In cases where elephants caused damage to crops, the farmers were assisted by the Administration.

6. At its 82nd meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 811 (XII).*

<sup>31</sup> 2,000 francs C. F. A. (*Colonies Françaises d'Afrique*) = 4,000 Metropolitan French francs.

SECTION IV. PETITION FROM THE CHAIRMAN OF THE REPRESENTATIVES OF THE COMMUNITY OF BÉ (T/PET.7/324)

1. The petition, apart from a brief request for unification and independence, concerns a piece of land which was occupied before the First World War by a German firm. Although the firm registered the land in the German *Grundbuch*, the petitioner states that it held the land under a temporary lease from the community of Bé and that this fact was common knowledge. The petitioner states that he is in possession of a recent letter from a representative of the German firm to this effect. As a result of the war the plantation came into the hands of the Custodian of Enemy Property who, in the name of the French Administration, had it registered in 1924 in the French land register and immediately thereafter sold it by auction to Mr. Augustino de Souza. Similar plantations, the registration of which had been deferred, were returned in 1948 to their legitimate owners.

2. The petitioners state that they were unaware of the proceedings for the registration of the land in 1924. Subsequently, when Mr. de Souza proposed to subdivide the plantation, the community wrote to the Registrar of Land Titles asking for a copy of the temporary lease between it and the German firm, but the Registrar declined to produce any documents, stating that the present title was final and unassailable.

3. In the circumstances the community of Bé claims, as a recompense for the damage suffered by the erroneous registration of the land, that a mortgage of 5 million francs be placed on the title. In default of payment, the plantation should be put up for auction and the community, as the expropriated owner, should then have preference.

4. The Administering Authority states (T/OBS.7/4, section 4) that registration of the title in the *Grundbuch* shows that the German firm was owner not only of the coconut trees, but also of the land. The Custodian of Enemy Property, who must not be confused with the French Administration, took all necessary legal steps, including the posting of notices at the beginning of a three months' waiting period, to have the title properly registered in the French register and the transfer of title to Mr. de Souza was properly carried out. No right of the community of Bé to the land in question can therefore be recognized, but it is open to it to claim damages before the civil courts from Mr. de Souza if it can prove that it suffered loss from his acquisition of the land.

5. The petition was examined and discussed at the 69th and 82nd meetings of the Standing Committee (T/C.2/SR.69 and 82).

6. At its 82nd meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 812 (XII).*

SECTION V. PETITION FROM CHIEF WILLIAM KEMAVO HOUNKPETOR AND OTHERS (T/PET.7/329)

1. The petitioners request the Visiting Mission to urge the French Administration to give the question of water supplies priority over all other questions. In particular

they ask that pumping stations be provided at Sagnrako and at Légbassito, which suffer greatly from lack of water.

2. They also request that Sanguéra and the surrounding villages be formed into a canton separate from Agouévé, as they used to be until recently. Since Sanguéra has been placed under the authority of the chef de canton at Agouévé the situation is unsatisfactory, because the people of Sanguéra "have to go to Agouévé for every little thing" and because, furthermore, the Administration's greatest efforts are devoted to the chief village in a canton.

3. The petition was examined and discussed at the 69th and 82nd meetings of the Standing Committee (T/C.2/SR.69 and 82).

4. The representative of France stated that the digging of a well at Sagnrako, which was to have been begun in July 1952 had had to be postponed for a year due to unforeseen difficulties. The pumping station there was laid out in December 1952 and the work did not seem to present any special problem. Another pumping station is to be established at Légbassito at a later date, when the knowledge gained from the Sagnrako operation can be put to use.

5. The establishment of a separate canton of Sanguéra is under study and will be carried out as soon as the principal elders and customary authorities of the present canton of Agouévé have been consulted and have given their consent.

6. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 817 (XII).*

SECTION VI. PETITION FROM CHIEF PASA ANO AMENYAGLO AHIABO (T/PET.7/330)

1. The petitioners claim that a very extensive parcel of land belonging to the Amenyaglo clan (about 800 persons), has been taken by force by the Government and given to one man, a "stranger", who is a member of the Parti Togolais du Progrès. The loss of this land will deprive members of the clan of their farms and palm plantations upon which they solely depend, and has already caused some to go to the Gold Coast to earn a living as labourers.

2. The petitioners beseech the Visiting Mission to urge the Government to inquire into the case and return the land to them, and declare: "Such behaviours of the Government are the reasons for our strong demand for independence."

3. The petition was examined and discussed at the 69th and 82nd meetings of the Standing Committee (T/C.2/SR.69 and 82).

4. The representative of France stated that the "stranger" referred to in the petition bought the land in question in 1945 from its several owners; the petitioner was not among them. In 1948, the purchase of the land was contested by the petitioner, who claimed that the land was sacred ground and therefore inalienable. The tribunal

of the first degree of Tsévié in 1948 dismissed the petitioner's claim for the following reasons: (1) the land had not belonged to the petitioner and he did not act on behalf of those who had owned it; (2) the land before it was sold had been planted with oil palms and therefore could not be considered as sacred; and (3) the remaining land, which had not been sold, was large enough for customary ceremonies. This judgment was upheld by the tribunal of the second degree in October 1949.

5. At its 82nd meeting the Committee adopted, by 4 votes to one, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 818 (XII).*

#### SECTION VII. PETITION FROM CHIEF AHOTO AND HIS ELDERS (T/PET.7/331)

1. The petitioner states that there is "a very high cliff of a kind of rock" on his land and that since 1923 "the French Government has been breaking it" and selling the stone "without compensating me or asking me even a single word about it." He once wrote to the Government on this matter, but has received no reply.

2. He asks the Visiting Mission to see that justice is done immediately, and also to "help us to achieve independence so as to be free from such treatments".

3. The petition was examined and discussed at the 69th and 82nd meetings of the Standing Committee (T/C.2/SR.69 and 82).

4. The representative of France stated that between 1923 and 1924 the railway administration had a quarry on the land referred to in the petition. Soon after, however, the owners of the land on which this quarry is located sold it to a Mr. Robert Kpellé, who now receives rent from the Baudon Company, which is exploiting the quarry.

5. At its 82nd meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 819 (XII).*

#### SECTION VIII. PETITION FROM MR. BRUCE MONSAVI SAMUEL (T/PET.7/337)

1. The petitioner, a jeweller, complains that he cannot obtain gold and silver with which to pursue his trade; that in consequence he is having great difficulty in supporting his family. The Government, he charges, is well aware of his difficulties but nevertheless levies such heavy taxes and licence fees that he may be forced to leave the country.

2. He concludes by requesting unification of the two Togolands and immediate independence. He also asks that, pending the final disposition of the Territory, a United Nations High Commissioner be appointed.

3. The petition was examined and discussed at the 69th and 82nd meetings of the Standing Committee (T/C.2/SR.69 and 82).

4. The representative of France stated that gold and silver are generally available in the Territory in sufficient amounts and that jewellers should be adequately supplied. The metals were scarce during the war and were therefore provided by the Government from 1942 on. The Administering Authority would again provide them if such action should prove necessary.

5. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 823 (XII).*

#### SECTION IX. PETITION FROM MR. EMMANUEL NUBUKPO (T/PET.7/339)

1. The petitioner complains that, on goods imported into Togoland and then sold in Dahomey, a second set of customs duties is levied at the border of Dahomey—in addition to the duty already paid in French Togoland. On 5 August 1952 a lorry coming from Lomé and bound for Malanville was stopped at Tchaourou, Dahomey, by a gendarme who requested documents for the fabrics contained in the load and, when the documents were not forthcoming, seized the fabrics. The case was settled on 18 September upon payment of a fine of 300,000 francs.

2. The petitioner charges that commercial travellers residing in Togoland are being subjected to legal trickery, since this procedure has never been followed in the past and since dutiable merchandise passing from Dahomey to Togoland has not been subject to the same treatment.

3. The petitioner requests unification as a solution to this and other problems.

4. The petition was examined and discussed at the 69th and 82nd meetings of the Standing Committee (T/C.2/SR.69, and 82).

5. The representative of France stated that the affair did not concern an infraction of the customs regulations of Togoland, but involves the breaking of customs regulations of French West Africa by the person mentioned in the petition.

6. Togoland is regarded as a foreign State so far as Dahomey is concerned, and the second set of customs duties of which the petitioner complains is required by law. The difficulty mentioned in the petition doubtless resulted from the inconvenience of the lack of a customs barrier at the border between Togoland and Dahomey. Persons bringing merchandise from Togoland to Dahomey must pay the duty at the office in Dahomey nearest to the entry point. The lorry which contained the confiscated goods had been released, but the goods were still being held. The owner must attend in person and pay the customs duty before they could be released.

7. Merchandise passing in the opposite direction, into Togoland, must also be declared in the same way. However, with regard to goods passing from Dahomey to Togoland the same degree of vigilance was not exercised by the customs authorities as for goods going into Dahomey. The customs authorities of Togoland did not have sufficient means in either money or personnel to



maintain patrols the length of the border, and moreover it was considered that such repressive measures were better avoided. The petitioner was therefore right in saying that merchandise passing from Dahomey to Togoland was not subject to the same treatment as that going in the opposite direction, but the reason for this situation was not that the regulations did not exist but that the authorities did not enforce the regulations.

8. Importers and traders in Togoland formerly were not fully aware of the fact that they would have to pay duty on goods imported into Dahomey, but several recent incidents had given the matter publicity, and in addition the Administering Authority had tried to disseminate information on this matter.

9. At its 82nd meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 825 (XII).*

#### SECTION X. PETITION FROM A GROUP OF WOMEN BAKERS OF LOMÉ (T/PET.7/344)

1. The petitioners represent a group of women whose only trade is the baking of bread. They claim, however, that the French Government brought European bakers into the Territory, and since their arrival the petitioners have been unable to earn any money. The Government grants a reduction in the price of flour to the European bakers which enables them to undersell the indigenous bakers. Consequently, the bread made by the petitioners is not sold. They request an end to the system, "which brings no happiness to the country".

2. In addition, they ask for independence and unification for Togoland.

3. The petition was examined and discussed at the 70th and 82nd meetings of the Standing Committee (T/C.2/SR.70 and 82).

4. The representative of France stated that the European bakers came to the Territory on their own initiative and paid their own passage. They were not allowed any special reduction in the price of the flour they bought, although it was possible that some of them may have bought up large stocks of flour at wholesale prices. They are certainly not undermining the indigenous bakers since they bake European bread, while the majority of Togoland prefer Togoland bread, which is lower in price and of a different composition. Moreover, in view of the fact that the European bakers pay taxes, whereas the indigenous retailers are subject to little if any taxation, the situation tends to favour the indigenous bakers rather than the contrary.

5. At its 82nd meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 829 (XII).*

#### SECTION XI. PETITION FROM MR. C. T. KOFIMENSAH (T/PET.7/338)

1. The petitioner states that the French are introducing a new law in Togoland which provides that government employees shall receive allowances for their wives and children. He charges that this act encourages polygamy since the employee is encouraged to marry three or four wives in order to be able to get more money. He complains that in its encouragement of polygamy the law is against the law of God and is therefore unjust. Moreover it necessitates heavy taxation.

2. To illustrate his contention that citizens are heavily taxed the petitioner cites his own case. He has a wife and seven children and is retired at 56 years of age because of ill health. His head-tax amounts to 1,400 francs, and the tax on his house to 4,500 francs.

3. This situation provides another reason for the demand for unification.

4. The petition was examined and discussed at the 70th and 82nd meetings of the Standing Committee (T/C.2/SR.70 and 82).

5. The representative of France stated that the law Lamine-Gueye of which the petitioner complains was applicable to all French territories in tropical Africa. It is certainly not intended to encourage polygamy, but since polygamy is sanctioned by Togoland custom and religion the Administering Authority does not wish to penalize Togoland for what is in accordance with their traditions. The Administration has, however, tried to eliminate any abuses.

6. The representative of France considered that any attempt on the part of the Committee to send a reply to the petitioner would be futile since the Administering Authority had been unable, through an examination of both the tax register and the address given by the petitioner, to trace anyone of his name.

7. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 824 (XII).*

#### SECTION XII. PETITION FROM MR. ABASSA DOTCHÉ (T/PET.7/343)

1. The petitioner claims custody of his ten-year-old daughter who, he charges, "has been forcibly taken away by the Administration". Although he has the child's birth certificate, his claim to her was contested last year by a Mr. Ahn Kautchi. Mr. Kautchi had the petitioner summoned by the President of the Court of First Instance at Anécho, judgment was passed, and the child was entrusted to Mr. Kautchi. The petitioner appealed against the judgment and the child was sent by the Administration to the home of the chief of Ahépé-Apédomé, pending the outcome of the case. Mr. Kautchi, however, gave the chief 10,000 francs and the child was handed over to him. The petitioner has appointed a lawyer to defend him, but so far there has been no judgment.



2. The petitioner states that he is a member of the Unité Togolaise and Mr. Kautchi of the Parti Togolais du Progrès; he implies that this situation has influenced the outcome of the case. He asks that his case be considered and that justice be done. He concludes: "For several months past I have not seen my child and I weep ceaselessly night and day."

3. The petition was examined and discussed at the 70th and 82nd meetings of the Standing Committee (T/C.2/SR.70 and 82).

4. The representative of France explained that the child claimed by Mr. Dotché, the petitioner, was in fact the daughter of Mr. Kautchi, who was the first husband of Mr. Dotché's wife and who established his paternity before the village chief at the time when the woman left him to go to Mr. Dotché. Since, however, it is the custom for the child to be left with the mother for the first seven years of its life, Mr. Kautchi's daughter remained with her mother, who had by then married Mr. Dotché.

5. On 21 July 1951, the Court of First Instance of Anécho awarded Mr. Kautchi custody of the child but ordered him to pay Mr. Dotché 10,000 francs for the child's maintenance until she reached the age of seven. The mother had since left Mr. Dotché and was living with her third or fourth husband. In any event, the representative of France stated, the case was in the hands of one of the ablest lawyers in Togoland, and the petitioner would undoubtedly receive satisfaction if his claim proved to be correct.

6. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 828 (XII).*

#### SECTION XIII. PETITION FROM THE EX-SERVICEMEN (BRITISH) ASSOCIATION (T/PET.7/346)

1. The petitioners, British ex-servicemen living in French Togoland, make the following complaints:

(a) Many of them are unable to obtain employment in Togoland under French administration and, as a result, their families have undergone severe social and economic hardships;

(b) Although they have affiliated with the de Gaullist movement, and have been "voted" a "grant in aid" to build a social welfare centre for disabled soldiers, "every now and then our demands have been turned down", and the Authorities have continued to discriminate against them;

(c) They have been cut off from their friends in the British Trust Territory who, they charge, are constantly afraid to enter the French zone.

2. The petition was examined and discussed at the 70th and 82nd meetings of the Standing Committee (T/C.2/SR.70 and 82).

3. The representative of France stated that the special case of French Togoland who joined the British forces during the Second World War was at present being studied by the French authorities in co-operation with the United

Kingdom Government. The question was particularly complex in view of the fact that most Togolanders serving in the British army did not serve overseas or in combat. The confusion in the minds of the petitioners resulted from the fact that British soldiers are considered as ex-servicemen whether they actually fought or not.

4. In spite of this confusion, however, the Administering Authority had tried whenever possible to reserve jobs for Togoland ex-servicemen in recognition of their military service while awaiting a definite ruling in the matter as a result of the conversations now being held.

5. The representative of France explained that the legislation of metropolitan France on ex-servicemen applied to Togoland under French administration as well.

6. At its 82nd meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 831 (XII).*

#### SECTION XIV. PETITION FROM MR. ALBERT ESSIEU (T/PET.7/348)

1. The petitioner charges that each month the French Government allows the importation of millions of cases of alcoholic drinks and perfumes into Togoland, "although their consumption is highly dangerous to human life" and adds: "This in fact is to get the means of our destruction". Other articles must be purchased from the British zone, and there are difficulties in bringing them into the territory through the French customs.

2. The petitioner also raises various general questions such as those of the development of self-government, representative political parties, education, public health, labour and marketing of crops. He charges that there are unlawful arrests and a lack of freedom of the Press, maintains that "French colonization is pure slavery" and requests unification and independence.

3. The petition was examined and discussed at the 70th, 82nd and 83rd meetings of the Standing Committee (T/C.2/SR.70, 82 and 83).

4. The representative of France stated that the Administration was doing everything possible to solve the problem of alcoholism in the territory. The solution lay not so much in prohibiting the importation of alcoholic beverages as in educating the population. The Administration was taking measures to that end and had undertaken a campaign to demonstrate to the population the evils of alcoholism. The religious associations had co-operated in this campaign.

5. There was no restriction on the consumption of imported alcoholic beverages. Since their importation was in the hands of private enterprise the only way in which the Government could decrease consumption was by increasing the taxes on the importation and sale of alcohol. These taxes had recently been substantially raised.

6. With regard to the petitioner's remarks concerning education, the representative of France stated that boys who were unable to meet the requirements for graduation

from primary school by the age of sixteen were dismissed from school in order to make room for others. Such students could, however, enter trade schools and were in fact encouraged to do so. Furthermore, evening courses for adults were conducted in many villages and a student who has been dismissed from primary school could attend these courses.

7. At its 83rd meeting the Committee adopted, by 3 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 833 (XII).*

### DOCUMENT T/L.365

**Letter dated 7 July 1953 from Mr. N. K. Japhet, representative of the Wa-Meru Citizens' Union, to the President of the Trusteeship Council**

[Original text: English]  
[7 July 1953]

*Note by the Secretary-General:* At the request of the President of the Trusteeship Council, the Secretary-General has the honour to circulate the following letter to the members of the Trusteeship Council:

"You will remember that my people, the Wa-Meru of Tanganyika, sent me before the Trusteeship Council and the General Assembly last year to ask you to helps us to get back the land from which we were driven away.

"I have been asked by my people to try to come

before you once again to explain to you what has happened to us since then and to see if you can do anything more to help us.

"I am only in New York for a few days. I must leave for London on July the 9th, Thursday. I hope your Council will kindly let me make a brief statement on the Wa-Meru case on Wednesday. I will not take too much of your time, and you will please my people very much, if you will let me make this oral petition."

(Signed) N. K. JAPHET

### DOCUMENT T/L.367

**Thirty-eighth report of the Standing Committee on Petitions: petitions concerning Togoland under British administration and Togoland under French administration**

[Original text: English]  
[9 July 1953]

1. At its 81st and 86th meetings, on 29 June and 8 July 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the following three petitions concerning Togoland under British and Togoland under French administration which are on the provisional agenda for the twelfth session of the Trusteeship Council:

Petitions from Mr. Gerald O. Awuma (T/PET.6 and 7/1), Messrs. Sylvanus Olympio and Senyo Antor (T/PET.6 and 7/2), and Messrs. Mensan Aithson and Ben Apaloo (T/PET.6 and 7/3).

2. All three petitions raise the question of the unification of the two Trust Territories. The first raises also the questions of the integration of the British-administered Territory into the Gold Coast and the development of the Volta River Basin.

3. Since the petitions were received, the Council and the General Assembly have considered once more the Ewe and

Togoland unification problem as well as the special report of the 1952 Visiting Mission. The Volta River project has also been the subject of a recommendation by the Council, and is referred to also in the report of the 1952 Visiting Mission on Togoland under British administration. The Secretariat has already, in another connexion, sent to the petitioners General Assembly resolution 555 (VI), Trusteeship Council resolution 643 (XI), the special report of the 1952 Visiting Mission (T/1034) and other relevant documents on the Ewe and Togoland unification problem.

4. These petitions were examined and discussed at the 81st and 86th meetings of the Standing Committee (T/C.2/SR.81 and 86).

5. At its 86th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 793 (XII).*

## DOCUMENT T/L.368

## Thirty-ninth report of the Standing Committee on Petitions: general petitions

[Original text: English]

[15 July 1953]

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## INTRODUCTION

1. At its 81st, 86th and 87th meetings on 29 June, 8 and 9 July 1953, the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the two general petitions listed above.

2. 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 draft resolution referred to in section II.

## SECTION I. PETITION FROM THE INTERNATIONAL ABOLITIONIST FEDERATION (T/PET.GENERAL/21)

1. The petition concerns all Trust Territories except Somaliland under Italian administration.

2. The International Abolitionist Federation has for its object the abolition of prostitution, specially regarded as a legal or tolerated institution. The Federation observes that in most Trust Territories one or more of the international instruments on the subject of the traffic in persons and the exploitation of the prostitution of others is not in force. It states that the purpose of the petition is to ask the Trusteeship Council to address to the Administering Authorities of the Trust Territories a request not that they should ratify the Conventions concerned—though, in the opinion of the Federation, that would be the best solution—but that they should at least apply their provisions in the Trust Territories without exception. (The reason the petition does not concern Somaliland under Italian administration is that article 3 of the trusteeship agreement for the Territory provides that the Administering Authority will “apply existing international conventions concerning prostitution”.)

3. The international instruments concerned are as follows:

(1) International Arrangement of 18 May 1904 for the Suppression of the White Slave Traffic, as amended by the Protocol approved by the General Assembly of the United Nations on 3 December 1948;

(2) International Convention of 4 May 1910 for the Suppression of the White Slave Traffic, as amended by the aforesaid Protocol;

(3) International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children, as amended by the Protocol approved by the General Assembly of the United Nations on 20 October 1947;

(4) International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age, as amended by the aforesaid Protocol;

(5) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, approved by the General Assembly of the United Nations on 2 December 1949.

4. As the petitioners point out, the 1949 Convention, which is intended to replace all preceding instruments, categorically prohibits anyone from procuring, enticing or leading away for purposes of prostitution, another person, even with his or her consent and irrespective of his or her age or sex, or from exploiting the prostitution of another; it prohibits also the keeping of brothels and the registration of prostitutes.

5. The Government of New Zealand, as the Administering Authority for the Trust Territory of Western Samoa, points out (T/OBS.GENERAL/1) that it has undertaken, in the Trusteeship Agreement for the Territory, to apply the provisions of any international conventions and recommendations drawn up by the United Nations or its Specialized Agencies which are, in its opinion, appropriate to the Territory's needs. The practices with which the petitioners are concerned are unknown in the Territory, and the Administering Authority does not think it necessary or desirable to recommend to the Samoan authorities that they should make any legislative provision for controlling the practices additional to that already contained in the Samoa Act. Should the need arise, the attention of the Samoan Government would be drawn to the desirability of further preventive legislation.

6. The Government of the United Kingdom, as the Administering Authority for the Trust Territories of Tanganyika, Cameroons under United Kingdom administration and Togoland under United Kingdom administration, first refers (T/OBS.GENERAL/1/Add.1) to the reasons why it has been unable to ratify the Convention of 1949 in its present form. Briefly these are: (a) it contends that article I of the convention, which prohibits procuring, is so widely drafted that it would be impracticable to translate its provisions into law; and (b) there is no provision in the convention for allowing Non-Self-Governing and Trust Territories to adhere to it of their own free will—as the Convention now stands, a Member State which ratifies it automatically ratifies it on behalf of all the territories for whose foreign relations it is responsible. Nevertheless, the text of the convention has been communicated to the Administrations of the three Trust Territories concerned, with an intimation that the United Kingdom Government is anxious that the desirable

features of the convention should be applied in them. The resulting examination of legislation has revealed that existing legislation of the three Territories under United Kingdom administration does in fact reflect the principles of the convention.

7. The petition was examined and discussed at the 81st, 86th and 87th meetings of the Standing Committee (T/C.2/SR.81, 86 and 87).

8. The representative of the United States, as representative of the Administering Authority for the Trust Territory of the Pacific Islands, pointed out that the United States did not sign the Convention of 1949 because the convention did not include any federal state clause. In the absence of such a clause the Federal Government would be responsible for the application of the convention in the states, a matter which was, however, traditionally the responsibility of the states. The representative of the United States believed that the principles of the convention were being applied in the Trust Territory of the Pacific Islands.

9. The representative of Belgium, as representative of the Administering Authority for the Trust Territory of Ruanda-Urundi, stated that there was no need to apply to Ruanda-Urundi the international conventions in question since the practices which it was the object of the conventions to abolish did not exist in the Territory. Moreover, the application of the conventions to the Territory would oblige the Administration to undertake a number of measures of enforcement which would be pointless since, as stated above, the practices in question did not exist there.

10. At its 87th meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 482nd meeting, see resolution 864 (XII).*

#### SECTION II. PETITION FROM ST. JOAN'S INTERNATIONAL SOCIAL AND POLITICAL ALLIANCE (T/PET.GENERAL/22)

1. The petition concerns all Trust Territories. The petitioners express satisfaction at the inclusion, in the Questionnaire, of a question regarding the violation of the physical integrity of women. They trust that the Council, in collaboration with the Administering Authorities, will immediately take measures to promote the progressive abolition of the custom in all Trust Territories.

2. The petition was examined and discussed at the 81st and 87th meetings of the Standing Committee (T/C.2/SR.81 and 87).

3. At its 81st meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

4. At its 87th meeting, the Committee was informed by the representative of Belgium, as the representative of the Administering Authority for the Trust Territory of Ruanda-Urundi, that cases of violation of the physical integrity of women were unknown in that Territory; even if cases were to occur according to custom, such a custom would be considered to be contrary to public order and hence the acts committed would fall within the scope of the provisions of the Penal Code.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 482nd meeting, see resolution 865 (XII).*

### DOCUMENT T/L.369

#### Fortieth report of the Standing Committee on Petitions: petitions concerning the Trust Territory of the Pacific Islands

[Original text: English]  
[8 July 1953]

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## INTRODUCTION

1. At its 80th, 83rd and 86th meetings on 26 June and 1 and 8 July 1953, the Standing Committee on petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the eighteen petitions concerning the Trust Territory of the Pacific Islands which are listed above.

2. Mr. James A. McConnell participated in the examination as the special representative of the Administering Authority concerned.

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 draft resolutions in sections I-VI, IX-XI, XIII, and XV-XVI inclusive.

4. The signatories of the six petitions (T/PET.10/8, 10, 13, 14, 15 and 23) examined in sections I-VI below are anxious for, *inter alia*, compensation in respect of damages sustained as a result of the Second World War. Such damages comprise loss of life or property, spoliation of land as the result of military operations, loss of land due to the obliteration of boundary marks, and the non-redemption of Japanese currency, postal savings and war bonds.

5. Similar claims for compensation were put forward in three petitions, T/PET.10/2, 6 and 7, which were examined by the Council at its eighth session. The Council then noted that war damage claims were under study by the Administering Authority and that claims regarding the expropriation of lands were being actively processed (resolution 314 (VIII)), and it adopted a recommendation in which, taking note of the problem concerning the redemption of Japanese currency and postal savings, it expressed the hope that the Administering Authority would find an equitable solution to the problem as soon as possible.

6. The United Nations Visiting Mission to Trust Territories in the Pacific, 1953, states in its report (T/1055, para. 82) that the problem of land ownership among the Micronesians is principally a legacy of the Second World War. The whole problem is discussed in paragraphs 81 to 90 of the report, and in paragraph 86 the Visiting Mission expresses the opinion that the Administering Authority should give high priority to the settlement of claims against it for land destroyed or otherwise taken from the local inhabitants after United States occupation. The question of the unredeemed Japanese bonds, savings and currency in the hands of the Islanders is discussed by the Visiting Mission in paragraphs 66-71 of its report; and in paragraph 71 the Mission, though fully appreciating

that the claims for redemption do not represent a legal responsibility incurred by the Administering Authority, believes that some final action should be taken, and that every effort should be made to conclude with the Japanese Government arrangements which would assure to the Islanders a certain measure of satisfaction.

7. The observations of the Administering Authority on the subject of claims for war damage are contained in T/OBS.10/1, section 1, and are written in relation to the petition from representatives of the people of Saipan (T/PET.10/8). In so far as the observations are of general application to all claims for war damage, they will be summarized here.

8. The Administration states that it is highly conscious of the problem of restoring war-damaged lands to their former productive capacity, but that the removal of debris, coral, etc., is a long-range undertaking, dependent upon the availability of labour and equipment. In order to provide some relief from the distressed conditions on Saipan, the Administration has provided free of charge 454 homes and building materials to construct an estimated 370 additional homes.

9. The question of compensation for the use of private or public lands in the Trust Territory by the armed forces of the United States is under consideration by the Administering Authority. Information needed for the payment of compensation and settlement of land claims is being compiled. The compilation proceeds slowly, however, since many land records and survey markers were destroyed during the war years, and the records that remain have to be translated from Japanese.

10. Responsibility for examining claims to public lands of the Trust Territory lies with the Land and Claims Administrator, whose determination in any case may be appealed to the High Court of the Trust Territory. If no appeal is entered within one year, his findings become final. Until 1 January 1953 the activities of the Land and Claims Administrator were confined for the greatest part to Saipan. On that date his headquarters were transferred to Truk, where operations are being reorganized to facilitate consideration of claims in the Caroline and Marshall Islands. Of the 1,080 claims for the return of land entered at Saipan, 433 have been settled.

11. Reference is made in T/PET.10/8 to claims arising from the actions of Japan prior to and during the war. On this, the Administering Authority observes that Article 4 (a) of the Treaty of Peace with Japan provides, in part, that claims of the residents and administering authorities of certain areas, including the Trust Territory of the Pacific Islands, against Japan and its nationals shall be the subject of special arrangements between Japan and such authorities. The Administering Authority is currently giving consideration to the type of claims which may be appropriately included in any special arrangements

to be negotiated with Japan on behalf of the residents of the Trust Territory pursuant to the provisions of Article 4 (a) of the Treaty. The problems raised by these claims are numerous and complex, but the Administering Authority is acutely conscious of the importance of them to the people and plans are under study for disposing of the claims.

12. Following the cessation of hostilities, yen holdings of the inhabitants of the Trust Territory were collected and receipts were given for all sums in excess of Y1000 held by individuals. Each yen holder received dollars, at the rate of Y20 to \$1, in exchange for Y1,000 or less. The Administering Authority is aware of the difficult situation resulting from the partial redemption of yen currency and hopes that a satisfactory solution will be found for it.

#### SECTION I. PETITION FROM REPRESENTATIVES OF THE PEOPLE OF SAIPAN (T/PET.10/8)

1. The petitioners raise the following issues:

(a) They request compensation for war damages. Occupation by the Japanese armed forces, and the American invasion of 1944 and subsequent occupation, resulted in great loss of life and property for which the petitioners feel they should receive compensation. Damages have been paid by Japan for destruction in the Philippines, Guam and Ponape, and the petitioners believe that their claims fall into the same category. They also seek compensation for the use of the land occupied by the American army from 10 July 1944 to 30 June 1949.

(b) In addition, they ask that land damaged by wartime operations should be restored to a condition suitable for farming. The armed forces left behind them land covered with coral and other debris, or made uneven with holes and parapets. Such land cannot be used for farming and grazing until it is levelled and the debris removed.

(c) Boundary marks were destroyed during the war and the people do not know where the boundaries of their lands are.

(d) The petitioners were asked to turn in their Japanese money to be exchanged for American money; they hold receipts for it, but up to the present they have not received the American money.

(e) An organic Act for the Trust Territory would, the petitioners say, "do much to determine the political and economic status of the peoples of the Trust Territory". (The Visiting Mission was informed that a revised draft of an Organic Act had been submitted to Congress on 17 January 1953 (T/1055, paragraph 47).)

2. Attention is drawn to the observations of the Administering Authority reproduced in paragraphs 8-12 of the introduction to this report.

3. The reference in the petition to the compensation for war losses on Guam no doubt arises, says the Administering Authority (T/OBS.10/1, section 1), from the implementation of the Guam Meritorious Claims Act, 1945, providing relief for the population of Guam following the war. Relief under the Act was limited to claims arising in Guam and filed by 1 December 1946 by permanent residents of Guam. This legislation was, of course, enacted prior to the assumption of responsibility by the United States for the administration of the Trust Territory under the Trusteeship Agreement.

4. The Administering Authority adds that no person or group of persons on Ponape has received compensation from Japan for war damages.

5. The Administering Authority confirms (T/OBS.10/1, section 1) that proposed organic legislation for the Trust Territory has been reintroduced in the present Congress and states that hearings are planned on this legislation in the near future by the appropriate committee of the House of Representatives.

6. The petition was examined and discussed at the 80th, 83rd and 86th meetings of the Standing Committee (T/C.2/SR.80, 83 and 86).

7. The special representative informed the Committee that the most important question covered by this petition was that of land now considered to be public domain. In Saipan, where the inhabitable area was 119 square miles, ninety-eight square miles were considered to be public domain, twelve square miles were in private ownership and six square miles were in dispute. The Administration itself occupied only half a square mile.

8. The special representative informed the Committee that the Japanese assets of the population of Saipan amounted to about 50,000 yen in unredeemed currency, 24,000 yen in postal savings and 34,000 yen in bonds. Similar figures for other areas are not available. The special representative stated that the Administration hoped to find funds to redeem the currency and to achieve progress in negotiations with Japan on the savings and bonds within the coming year.

9. At its 86th meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 848 (XII).*

#### SECTION II. PETITION FROM MR. ALFONSO (T/PET.10/10)

1. The petitioner and the others on whose behalf he writes—for he writes as "we"—first inquire why no action has been taken on claims which were submitted in respect of food seized by the Japanese army. They then request the following compensation for war damages: \$25,556.75 for each death; \$2,876.80 for each bomb dropped on a man's land or trees; and \$5,578.65 for each house destroyed.

2. The petitioners raise also several economic questions. They wish to establish their own prices for their local produce; they complain of the high passenger rates between the Truk Islands and Ponape; and they question the Island Trading Company's practice of determining the weight of copra in a bag by deducting one and a half pounds for the weight of the bag itself—when, in their view, a bag weighs a pound at the most.

3. As regards the requests in paragraph 1, attention is drawn to the observations of the Administering Authority reproduced in paragraphs 8-11 of the introduction to this report.

4. The Administering Authority states (T/OBS.10/2, section 1) that no local products, except copra, are subject to price controls, and a seller is free to ask whatever price he wishes. It is not, of course, possible to guarantee that

purchasers can always be found who will pay the price that is asked. This fact has been explained to Mr. Alfonso since the petition was received.

5. Surface transportation in the Trust Territory is provided by Government-owned vessels operated under contract by Pacific Micronesia Lines, Inc., a private operator. The tariff schedules of the company are subject to the approval of the High Commissioner. Effort has been made to provide low-cost transportation and yet to maintain tariff rates which would be comparable to those charged if it were possible to run the operation on a purely commercial basis. At the present time, the Trust Territory Government is bearing a large portion of the cost of the operation, the remainder being accounted for by passenger and cargo revenues, including those tariffs paid by the Island Trading Company for the shipment of its cargo. Deck passage from Truk to Ponape via Pacific Micronesia Lines vessels costs \$11.55 (385 miles at \$.03 per tariff mile), and cabin passage \$15.40 (385 miles at \$.04 per tariff mile). Freight rates in the Territory, as elsewhere, vary according to the types of commodities transported. There is no transportation tax in the Trust Territory.

6. The average weight of copra bags used in the Trust Territory has been determined to be 1.5 pounds. The Island Trading Company established this as the average weight by weighing representative samples of bags to be used to contain copra. Since it is an average, it is possible that some bags used weigh 1 pound, but these are offset by the use of heavier bags which sometimes exceed 2 pounds in weight.

7. The petition was examined and discussed at the 80th, 83rd and 86th meetings of the Standing Committee (T/C.2/SR.80, 83 and 86).

8. At its 86th meeting the Committee adopted, by 2 votes to 1 with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 850 (XII).*

#### SECTION III. PETITION FROM MR. L. HENRY (T/PET.10/13)

1. The petitioner raises in a general way the question of compensation for war damage and the exchange of Japanese money, postal savings and war bonds. He states that the American Military Government exchanged up to 1,000 yen with every holder of Japanese money, and inquires what will be done about Japanese money in excess of that value.

2. The petitioner concludes with an expression of satisfaction at the manner in which Ponape is administered, and singles out the hospital and schools for special mention.

3. Attention is drawn to the observations of the Administering Authority reproduced in paragraphs 8-12 of the introduction to this report.

4. The petition was examined and discussed at the 80th, 83rd and 86th meetings of the Standing Committee (T/C.2/SR.80, 83 and 86).

5. At its 86th meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 852 (XII).*

#### SECTION IV. PETITION FROM MR. F. RODRIGUEZ (T/PET.10/14)

1. Mr. Rodriguez raises in a general manner the questions of compensation for war damage and the exchange of Japanese postal savings and money for U.S. currency.

2. Attention is drawn to the observations of the Administering Authority reproduced in paragraphs 8-12 of the introduction to this report.

3. The petition was examined and discussed at the 80th, 83rd and 86th meetings of the Standing Committee (T/C.2/SR.80, 83, and 86).

4. At its 86th meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 853 (XII).*

#### SECTION V. PETITION FROM OFFICIALS OF THE KITI DISTRICT (T/PET.10/15)

1. These petitioners raise the question of the exchange by the American Military Government of Japanese currency and postal savings.

2. Attention is drawn to the observations of the Administering Authority reproduced in paragraph 12 of the introduction to this report.

3. The petition was examined and discussed at the 80th, 83rd, and 86th meetings of the Standing Committee (T/C.2/SR.80, 83, and 86).

4. At its 86th meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 854 (XII).*

#### SECTION VI. PETITION FROM MR. AIESEA DAVID AND OTHERS (T/PET.10/23)

1. The 288 petitioners seek payment of war damage claims and rent for lands occupied now and in the past by the United States Government.

2. Land which has been "destroyed" has been surveyed (presumably to ascertain the extent of the damage done), but the petitioners are sceptical of the value of such a survey since it will not enable the Administration to find out how many coconut trees were destroyed. The Japanese, on the other hand, when they destroyed "places", paid the compensation demanded, without any survey.

3. If the Administration delays payment, the petitioners would like to be given food, or goods, in advance, the value thereof to be deducted from the final settlement of their claims.

4. Attention is drawn to the observations of the Administering Authority reproduced in paragraphs 8-11 of the introduction to this report.

5. The petition was examined and discussed at the 80th, 83rd, and 86th meetings of the Standing Committee (T/C.2/SR.80, 83, and 86).

6. At its 86th meeting the Committee adopted, by 2 votes to 1 with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 861 (XII).*

#### SECTION VII. PETITION FROM MRS. A. EMAIMELEI ON BEHALF OF THE WOMEN OF PALAU (T/PET.10/9)

1. The petitioner requests that women be appointed to the judiciary in Palau. There is, she says, a good deal of immorality and drunkenness in the Island, and she considers that women magistrates would have more influence with women delinquents. She claims, too, that when a husband dies there is often delay in enforcing the custom that requires his widow to be provided for—and this she ascribes to the fault of male magistrates. Finally, the petitioner considers that the admission of women to the judiciary would pave the way to their participation in local government. She states that women have as yet little share in formulating local government policy; although there are women members of the Palau Congress, the Congress's sole function is to make recommendations to the District Administrator.

2. The 1953 Visiting Mission felt that due consideration should be given to the petitioner's request (T/1055, para. 131). The Mission had noted earlier (T/1055, para. 31) that all magistrates in the Palau District are now elected to office.

3. (The petitioner was the author of (T/PET.10/3—a plea for the prohibition on the manufacture of alcoholic beverages, on which the Council, by resolution 315 [VIII], drew her attention to the fact that prohibition was within the power of each municipality.)

4. The Administering Authority states (T/OBS.10/1, section 2) that there is no restriction on the participation of women in the courts of the Trust Territory. The only requirement for appointment as a judge is that the appointee shall be reasonably well qualified in a knowledge of the laws under which the people live, particularly with reference to local customs and traditions. Community court judges are appointed, by the District Administrator of the district in which the municipality is located, upon nominations either by popular vote or otherwise as the District Administrator deems most in accord with the wishes of the people of the municipality or community and consistent with the proper administration of justice. District court judges are appointed by the High Commissioner, in consultation with the Chief Justice of the Trust Territory, upon nomination by the District Administrator, who solicits recommendations from groups of civic-minded islanders of the district in which the court is located.

5. Apart from the direct influence which women have on the morals of Palauan society, women are eligible for and actually participate in the Palau Congress where they

can bring to the Administration's attention such changes in laws as may be desired. Furthermore, the Administration is attempting to lead the way towards a democratic treatment of women by following a policy of non-discrimination in its own activities, such as in employment, and by encouraging women to engage in civic activities which were formerly considered the province of men only. Section 7 of the code of the Trust Territory provides that no law shall be enacted in the Trust Territory which discriminates against any person on account of sex and also that the equal application of laws shall not be denied.

6. The Palau Congress has functioned as an advisory body on island affairs since 4 July 1947. It is composed of the magistrates of the various municipalities (popularly-elected officials), sitting as *ex-officio* members, and other members elected for a two-year term from each municipality on a representative basis. The Congress contains two elected congresswomen. It meets at least once a year and usually discusses and passes resolutions on economic and related subjects, such as taxes, land questions, regulations for trochus fishing, and others. These resolutions are passed to the District Administrator who forwards them to the High Commissioner with his comments. Wherever possible, and where the resolutions of the Congress do not contravene policies of the Administering Authority or the objectives of trusteeship, they are adopted as local or territorial regulations or incorporated into local district administration policy.

7. The recently organized Palau Community Centre has as one of its major purposes the development of a wholesome community spirit and a body of constructive interests which would develop civic responsibility, increase self-reliance and revitalize the cultural aspects of Palauan society. The community centre is expected to play a significant role in alleviating those problems touched upon by Mrs. Emaimelei. The 1950 Alcoholic Beverage Control Regulation of the Palau District is now under review, with consideration being given to promulgation of a revised statute.

8. The petition was examined and discussed at the 83rd and 86th meetings of the Standing Committee (T/C.2/SR.83 and 86).

9. At its 86th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 849 (XII).*

#### SECTION VIII. PETITIONS RELATING TO THE ENTRY OF JAPANESE NATIONALS INTO THE TRUST TERRITORY, FROM MADAM ANA (T/PET.10/11) AND MR. M. IRIARTE (T/PET.10/12).

1. The entry of Japanese nationals into the Territory was among the questions raised in T/PET.10/2. In its resolution 314 (VIII) on that petition, the Council noted that the then policy did not permit the entry of Japanese nationals as residents, but that every opportunity had been extended for the families of repatriated Japanese to be joined in Japan; and the Council invited the Administering Authority to include, in its next annual report, information on the return of Japanese nationals to their families in the Territory.



2. The question is discussed in paragraphs 136-137 of the report of the 1953 Visiting Mission. The Mission was informed that no re-entry permits had been granted to Japanese nationals.

3. The question is the subject of two petitions now before the Council. In T/PET.10/11, Madam Ana pleads for the return to her at Ponape of her two children now in Japan. In T/PET.10/12, Mr. M. Iriarte asks that permission to enter the Trust Territory be granted to the following categories of Japanese, provided that they intend to become citizens of the Territory:

(a) Those married in the church to Ponapean women who have not subsequently remarried and are waiting for their husbands to return;

(b) Those born of Ponapean women;

(c) Those who married Ponapean women and had children by them.

4. The Administering Authority states (T/OBS.10/1, section 3) that the return *en bloc* of former Japanese or any other foreign residents is undesirable for social and economic reasons. Nevertheless, subject to appropriate security clearance, the Administering Authority would consider the entry for permanent residence of Japanese spouses and children of mixed unions where the members of the family concerned agree to the return, and when prior investigation reveals in each case that the returnees are acceptable to the particular Micronesian community and that their return would not create serious social and economic problems.

5. The father of Madam Ana's children was a Japanese national, and the children returned to Japan with him when he was repatriated in 1946. General sentiment expressed by Ponape islanders appears to be opposed to any large-scale return of the Japanese, but does favour return of Japanese husbands of local women as well as part-Ponapean children of such mixed unions. The cases presented in both petitions, as well as all other requests for repatriation, will be reviewed in the light of the policy stated above.

6. These petitions were examined and discussed at the 83rd and 86th meetings of the Standing Committee (T/C.2/SR.83 and 86).

7. At its 86th meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 851 (XII).*

#### SECTION IX. PETITIONS RELATING TO THE "REMAINDER OF THE DISTRICTS", FROM MR. CARL KOHLER, CHAIRMAN, PEOPLE'S HOUSE, PONAPE CONGRESS (T/PET.10/16) AND MR. M. IRIARTE (T/PET.10/17)

1. There are now to be examined two petitions of which the common concern is with the "Remainder of the Districts"—a term which originated under German rule and means tribal land which was uncultivated at the time when the Germans arrived and is now public domain. Land problems are discussed by the 1953 Visiting Mission in paragraphs 81-90 of its report (T/1055), and in paragraph 90 the Mission concludes that the Islanders' interests

in public domain can best be safeguarded through their active participation in the District Land Advisory Boards, and that steps should be taken to ensure such participation by explaining to the people the provisions of the Land Law and the uses to which public land will be put.

2. In T/PET.10/17, Mr. M. Iriarte states that under Japanese rule the "Remainder of the Districts", which under German rule had been recognized in the deeds to be parts of the Ponapeans' own land, were redesignated as "government land". This change remained in force under American rule. It is asked that this injustice be remedied and that the profits from these lands be returned to the various districts.

3. In T/PET.10/16, Mr. Carl Kohler, Chairman, People's House, Ponape Congress, requests that the "Remainder of the Districts" be regarded as their own property and not merely leased to them. In addition, Mr. Kohler states that the Ponapeans seek compensation for war damage and redemption of Japanese postal savings (see sections I to VI of this report), and that they ask that those who have acquired skills abroad should receive good wages as well.

4. As regards the questions of war damage and Japanese postal savings, attention is drawn to the observations of the Administering Authority reproduced in paragraphs 8-12 of the introduction to this report.

5. The Administering Authority states (T/OBS.10/1, section 5) that the districts referred to in these petitions are the five local districts, or *weby*, representing the major political divisions on Ponape Island. In the years 1912-1914, deeds to all native lands being worked by individuals on Ponape Islands were issued by the German Administration. The deeds contain a comprehensive code of land tenure and political organization comprising eleven articles, of which article 6 reads: "All land for which no title document is issued belongs to the 'tribe', also called 'state' on Ponape, within whose boundaries it lies. It may be given away only by the *nanmarki* jointly with the Governor." The *nanmarki* is the titular head of the *weby* and the German Governor corresponded to the present District Administrator.

6. Article 6 is assumed to mean that title to the "Remainder of the Districts" was vested in each of the five districts of the island as corporate entities, and that the *nanmarki* functioned as a type of trustee whose actions in this case were subject to the approval of the Governor. Upon assumption of authority in the islands, the Japanese administration adopted the position that these uncultivated lands constituted public domain and were, therefore, the property of the South Seas Government. Title to the lands is now vested in the Trust Territory Government, and they are considered to be public domain. It is the intention of the Trust Territory Government to utilize lands within the public domain under a programme of planned homesteading. Pending the necessary settlement of land titles before the homesteading programme can be initiated, certain parcels of this land have been leased to various individuals on a revocable, rent-free basis.

7. As regards the question of wages raised in T/PET.10/16, the Administering Authority states that the Trust Territory Government is the largest single employer in the Territory. A wage classification survey covering all districts was made during the early summer of 1952, along

with a cost-of-living analysis. As a result, new wage schedules were established in the fall of 1952, since when complaints about wages have subsided.

8. These petitions were examined and discussed at the 83rd and 86th meetings of the Standing Committee (T/C.2/SR.83 and 86).

9. At its 86th meeting the Committee adopted, by 2 votes to 1 with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 855 (XII).*

#### SECTION X. PETITION FROM MR. ENERICO MALLARMÉ (T/PET.10/18)

1. Because of the poverty of the people, and the difficulty which they have in buying American goods, the petitioner requests that there be free trading channels between Japan and the Trust Territory, since Japanese goods are so much cheaper.

2. The Administering Authority states (T/OBS.10/1, section 6) that the Island Trading Company and Micronesian companies have traded with Japan for some years and that a very considerable amount of goods has been purchased from Japan. The Island Trading Company purchases trade goods at the most advantageous price delivered to the consumers in the Territory regardless of origin of the goods, and a like policy is followed in marketing copra and other products of the Trust Territory. Whenever a better price can be obtained in Japan than elsewhere, copra and other products of the Territory are directed to that market. There are no legal restrictions to hamper such trade and any person or firm may make purchases in Japan for delivery to any point in the Territory. The only barrier which does exist is that of transportation. While Trust Territory vessels have called occasionally at Japanese ports, there may have been times when, due to lack of shipping, it would have been difficult for Trust Territory merchants to purchase supplies in Japan.

3. The petition was examined and discussed at the 83rd and 86th meetings of the Standing Committee (T/C.2/SR.83 and 86).

4. The special representative stated that trade between the Trust Territory and Japan was not carried on exclusively by the Island Trading Company; fifty to sixty per cent of all trading was done by local wholesale firms and a considerable portion of it was with Japan. A Japanese trade mission was being sent to Guam, and the Administering Authority had so informed the local trading organizations.

5. At its 86th meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 856 (XII).*

#### SECTION XI. PETITION FROM MR. J. IRIARTE (T/PET.10/19)

1. Mr. Iriarte protests against the Copra Stabilization Fund. The people do not want the money for the fund to be taken from the price of their copra, for they "have not learned anything about the disposition of this fund as yet".

2. Copra is the subject of paragraphs 97-104 of the report of the 1953 Visiting Mission (T/1055). Copra, says the Mission, is subject to extreme fluctuations of demand in world markets. For this reason, the price stabilization fund was created (para. 97) and every effort should be made to explain to the people the reasons for price fluctuations and the purpose of the stabilization fund (para. 104).

3. The Administering Authority states (T/OBS.10/1, section 7) that although many efforts have been made to explain the operation of the Copra Stabilization Fund to the Ponapeans, many of them understandably find it hard to appreciate. The price of copra in world markets fluctuates frequently and over a wide range. In 1952, for example, the price c.i.f. San Francisco fluctuated between \$110 and \$225 a short ton. As few of the costs of collecting copra in the islands and getting it to market (freight, port charges, bags, warehousing and supervisory costs) fluctuate with change in the market price, almost the whole of a market price reduction comes out of the funds available to pay the producer. Since copra is the main source of cash income for the people of the Trust Territory, the incomes of the inhabitants would be subject to violent fluctuations if payments to copra producers were directly tied to world market fluctuations.

4. The Copra Stabilization Fund operates through the maintenance of an official buying price. When world prices are high, and copra is sold for more money than is necessary to pay the official price plus marketing costs, the excess money is put into the fund. When world prices are low, and insufficient revenue is derived to cover the official price plus marketing costs, the deficit is made up by payments out of the fund. No attempt is made to hold the official price absolutely constant, but changes are infrequent and are held within tolerable bounds which do not disrupt the island economy. Between 31 August 1951 and 21 December 1952 the fund paid to Trust Territory copra producers \$334,860.43. During this period, the world price of copra went as low as \$110 a short ton. If there had been no fund, the buying price would have been about \$38 a short ton. Instead, because of the existence of the fund, it was possible to keep the price from going below \$70 per short ton for No.1 grade copra.

5. The principle of the fund has been explained repeatedly, and much publicity has been given to its objects. The Administering Authority, however, is aware of the need for continuing its campaign to explain the operations of the fund.

6. The petition was examined and discussed at the 83rd and 86th meetings of the Standing Committee (T/C.2/SR.83 and 86).

7. At its 86th meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 857 (XII).*

SECTION XII. PETITION FROM MR. LIANTER ELIAS  
(T/PET.10/20)

1. The petitioner asks for a settlement of a claim concerning coconut trees which he owned, and which were destroyed by "government work".

2. He does not understand whether the land he occupies is really his, and he cannot understand the documents which he has concerning it. He states that "many Ponapeans do not understand the truth about their lands".

3. Finally, he asks for assistance for the Ponapeans to establish their right of ownership to recently developed lands.

4. The Administering Authority states (T/OBS.10/1, section 8) that the claim concerning the coconut trees is under investigation and that, if it is determined to be valid, settlement will be made.

5. The land discussed by the petitioner apparently consists of a parcel of land in Matalanim *Weby* on Ponape Island which he has been working under a temporary use permit. These permits have been issued since 1947 as a means of making available, on an interim basis, agricultural lands needed by landless islanders for subsistence purposes. A territorial land programme initiated in December 1952 has established machinery whereby landless persons may obtain title to territorial lands under an orderly system of homesteading. Public domain lands will become available for homesteading as the Land and Claims Administrator is able to survey and clear title to the various parcels. Delay in formalizing land transfers has been due to the difficulty, created by incomplete land records, of determining legal title which must be made prior to transfer. The Island Affairs Office at Ponape is in a position to assist the petitioner in his desire to acquire title to the land he has been developing or, if this is not possible, to a similar parcel of public domain land.

6. The petition was examined and discussed at the 83rd and 86th meetings of the Standing Committee (T/C.2/SR.83 and 86).

7. The special representative stated that a preliminary investigation of the petitioner's complaint had led to the conclusion that, in the course of salvaging a sugar plant, damage had been done to the petitioner's plantation. If the final investigation of the matter confirmed that the petitioner had suffered damages he would be duly compensated.

8. At its 86th meeting the Committee adopted, by 2 votes to 1 with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 858 (XII).*

SECTION XIII. PETITION FROM REPRESENTATIVES OF THE  
STOREKEEPERS, MAGISTRATES AND PEOPLE OF THE MARSHALL  
ISLANDS (T/PET.10/21)

1. The 120 signatories to the petition are anxious that the Marshall Islands Import-Export Company (MIECO)

shall receive protection from competition. MIECO, they say, belongs to the Marshallese people, and its capital represents the "investments of hundreds of Marshallese people from every atoll in the Marshall Islands".

2. In a very short time, the petitioners say, MIECO will be able to place an order for a three months' supply of staple trade goods, and the aim is to build it up to the stage where it will be able to import all the islands' needs from world markets, thereby keeping in the islands, for the benefit of the Marshallese, all the profits derived from wholesale trading. Until that goal is reached, the petitioners are content that the Island Trading Company shall continue its wholesale trading operations, but they protest against any other trading company being allowed to import goods for sale in the Marshallese Islands. In particular, they object to the attempts being made by Mr. Etschreit of Ponape to obtain an outlet in the group for his company's goods. If he is allowed to gain a foothold in the group, the chances of the Marshallese people being able to stand on their own feet economically will be seriously impaired—if not completely wrecked.

3. The petitioners are aware that there is no law which prohibits citizens of the Trust Territory from trading in districts other than their own—unless such trading would be detrimental to the best interests of the inhabitants of such islands; and they claim that, in this instance, such trading is contrary to the best interests of the Marshallese. Therefore a Committee of the Marshallese Congress has resolved that legislation be enacted to prohibit such trading.

4. The petitioners conclude by saying that, while they understand and appreciate the American ideal of "One People", they prefer to keep their own customs, culture and language, and have no desire to become merged with other groups of Micronesian people.

5. In paragraphs 72 to 80 of its report, the 1953 Visiting Mission discusses, *inter alia*, the situation which will be created when the Island Trading Company ceases its operations on 31 December 1953. The Mission notes the existence of several indigenous trading companies, but is of the opinion that they would require substantial additions of capital if they were to operate on a scale commensurate with the needs of the districts (T/1055, para. 76). MIECO, the Mission states (T/1055, para. 76), has reached a fair level of efficiency, but possesses only a fraction of the capital that would be required to fill the districts' needs.

6. The Administering Authority states (T/OBS.10/1, section 9) that Mr. Leo Etschreit is a Belgian citizen, and that the Trust Territory Code provides that the High Commissioner may licence, upon such reasonable conditions as he may prescribe, non-citizen individuals or companies to engage in economic activity within the Trust Territory—provided that such activity is not deemed to restrict the opportunities for economic development of citizens of the Trust Territory. A Marshallese employee of Mr. Etschreit's, residing on Ponape, has on several occasions accompanied shipments of goods to the Marshalls for sale to retail stores there on a commission basis, and a Japanese-Marshallese resident of Majuro has been receiving goods on credit from Mr. Etschreit's brother.

7. The petition was based entirely on fears resulting from rumours that the Etscheit brothers planned to establish a trading business in the Marshall Islands to the possible disadvantage of local enterprises. In so far as is known, neither has proposed the establishment of an actual branch store in the Marshalls. The Marshall Islands Import-Export Company has been receiving, and will continue to receive, technical co-operation and guidance from the staff of the local District Administration.

8. The Administering Authority states that the petition is one more manifestation of the localistic feeling which separates the several cultures of Micronesia.

9. The petition was examined and discussed at the 83rd and 86th meetings of the Standing Committee (T/C.2/SR.83 and 86).

10. At its 86th meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 859 (XII).*

#### SECTION XIV. PETITION FROM MR. GORDON MADDISON AND OTHERS (T/PET.10/22)

1. The petitioners claim to have been dispossessed of their lands on the island of Uliga in Majuro Atoll, in the Marshall Islands. They say that the island was used by the United States Navy from February 1944 until July 1952, and that it has been used by the Department of the Interior since. The petitioners ask the Trusteeship Council to "make a just arrangement for a monthly payment lease". Without some such payment, they claim to be destitute.

2. The petitioners claim also that they are unable to receive any medical care, for they are without money to pay their medical bills.

3. As regards the question of compensation for the use of land by the armed forces, attention is drawn to the observations of the Administering Authority reproduced in paragraphs 9 and 10 of the introduction to this report.

4. The Administering Authority states (T/OBS.10/1, section 10) that when land is required for administrative purposes public domain is selected to the greatest extent practicable. Owners of private lands required for public purposes are compensated. Delay in making compensation for lands so used has been due to the difficulty, created by incomplete land records, of determining legal title which must be established before compensation claims are paid. Settlement of such claims is one aspect of the Land Claims Examiner's work. On Uliga Island in Majuro discussions have been in progress for some months with the owners of land occupied by the district headquarters. The claims were established in 1952; in April 1953 a committee of the Marshallese claimants undertook to propose a fair rental value for the use of the occupied land. As yet there has been no agreement between the Administration and the claimants on the amount of compensation. This agreement, however, will be the last step to the settlement of this problem at Majuro.

5. On the subject of medical care, section 617 of the Trust Territory Code provides in part that no one in need of it shall be denied it because of inability to pay all or any part of the fee established. Further, there is no distinction in treatment or care based upon non-payment or the amount of payment.

6. The petition was examined and discussed at the 83rd and 86th meetings of the Standing Committee (T/C.2/SR.83 and 86).

7. The special representative stated that the determination of the ownership of the land had already been made and that the only matter remaining to be negotiated was the question of an equitable rental. The Administering Authority wished to be fair in determining this amount but could not accede to requests for rent which went beyond the potential value of the land if put to its normal use. The petitioner has been in touch with the District Administration and the special representative believed that a solution agreeable to both parties could certainly be reached within the coming year. If agreement could not be reached, the owners of the land could apply to the courts.

8. At its 86th meeting the Committee adopted, by 2 votes to 1 with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 860 (XII).*

#### SECTION XV. PETITION FROM MR. TAKESHI HADLEY (T/PET.10/24)

1. The petitioner requests:

(a) The return to the Territory of Japanese fathers, brothers and sisters;

(b) Further provisions for higher education enabling the inhabitants to manage their own affairs;

(c) A better price for copra; and

(d) Markets for products such as trochus shell, hibiscus fibre, coconut leaf fibre, ivory nuts, coconut shell, coconut husk fibre, fish and shellfish.

2. The question of the re-entry into the Territory of Japanese nationals is the subject of section VIII above. The question of higher education is discussed in paragraph 159 of the report of the 1953 Visiting Mission (T/1055), where it is noted that facilities are open in Fiji, Hawaii and the United States, and that one outstanding citizen has been awarded a United Nations fellowship in public administration.

3. As regards (a), the return to the Territory of Japanese nationals, and (c), the price of copra, the Administering Authority (T/OBS.10/2, section 2) invites reference to its observations on, respectively, T/PET.10/11 and 19—presented in sections VIII and XI, respectively, of this report.

4. As regards (b), the Administering Authority (T/OBS.10/2, section 2) states that it is its policy to develop the people of the Trust Territory to the point where it can assume full responsibility for its governmental and economic affairs. The educational system and training programme established in the Territory is specifically

designed to carry out this policy, and a detailed description of it is contained in the annual report on the Territory for the fiscal year 1952. In particular the sub-sections of the report entitled: "Advanced Education", "Advanced Education Outside Trust Territory", "Vocational Training", and "Adult Education" (pp. 56-58) describe the opportunities for higher education.

5. As regards (d), the district administration at Ponape is investigating the possibility of exporting certain agricultural and marine products to other areas in the Trust Territory and to Guam. The Island Trading Company in 1952 purchased trochus shell, handicrafts, seashells and other locally produced articles at a cost of \$150,000 for resale on world markets, and has constantly examined world markets to find outlets for locally-produced items. The district administration further purchases fish for use in the hospital, school and hotel. A small quantity of fish is also purchased from Ponape for the hospital at Truk. Although the economy of the Trust Territory is basically one of subsistence agriculture, the problem of diversifying it and of providing additional sources of cash income is one of continuing concern to the Administering Authority. Every effort is being made to improve economic conditions in the Trust Territory.

6. The petition was examined and discussed at the 83rd and 86th meetings of the Standing Committee (T/C.2/SR.83 and 86).

7. At its 86th meeting the Committee adopted, by 2 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 862 (XII).*

#### SECTION XVI. PETITION FROM THE CHIEFS AND PEOPLE OF KITI (T/PET.10/25)

##### 1. The petitioners request:

(a) Assistance in education in order that they may eventually be fit for self-government; in particular they request that those whose families are able to pay should have the opportunity to go to school abroad;

(b) Permission to join the Red Cross;

(c) The continued services of the present "Governor" (i.e., District Administrator), who is very popular with the Ponapeans;

(d) An increase in the price of copra to 10 cents per pound. The petitioners say that they receive 3.5 cents a pound for grade I copra, that two pounds is deducted from the weight to meet the weight of the bag, and that they are required to buy the bags for 24 cents a piece.

2. The question of higher education was the subject also of T/PET.10/24, which is dealt with in section XV above and attention is drawn to the observations of the Administering Authority reproduced in paragraph 4 of that section. The Administering Authority comments further (T/OBS.10/2, section 3) that the present request favours bolstering the traditional chiefs by ensuring them priority in education. There is some popular support for their view, but it is markedly stronger among the persons native to Ponape than among the immigrants from other islands, who form about a fifth of the population of the island of Ponape. Educational opportunities in the Trust Territory are available to all on a non-discriminatory basis.

3. The Administering Authority states that the American Red Cross does not operate directly in the Trust Territory although its organization and the Junior Red Cross have contributed educational material for the schools and Christmas gifts for Micronesian children. The American Red Cross sent a home nursing instructor to the Trust Territory during the summer of 1952 to give courses to interested persons in various district centres.

4. The Administering Authority points out that, in the selection of public officials, it is rarely possible that everyone will approve of the choice that is made. The Administering Authority is gratified, however, that the petitioners like the present District Administrator.

5. As regards the price of copra, the Administering Authority invites references to its observations on T/PET.10/19 (see section XI, paragraphs 3 and 4, above). It adds that, if the price were raised to 10 cents a pound, or \$200 a short ton, nothing would be left to pay for shipping, handling and other overhead expenses. As regards deductions for the weight of a copra bag, the Administering Authority invites reference to its observations on T/PET.10/10 (see section II, paragraph 6, above). As regards the cost of the bags, producers purchase their initial supplies at an average cost of 13.6 cents each; replacements, when required, are given free of charge—the cost being met from the copra stabilization fund.

6. The petition was examined and discussed at the 83rd and 86th meetings of the Standing Committee (T/C.2/SR.83 and 86).

7. At its 86th meeting the Committee adopted, by 2 votes to 1 with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 863 (XII).*

## DOCUMENT T/L.370

## Forty-first report of the Standing Committee on Petitions: petitions concerning Tanganyika

[Original text: English]  
[9 July 1953]

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## INTRODUCTION

1. At its 78th and 86th meetings on 24 June and 8 July 1953 the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the six petitions concerning the Trust Territory of Tanganyika under British administration which are listed above.

2. Mr. W. A. C. Mathieson participated in the examination as representative of the Administering Authority concerned.

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 rules of procedure, that the Council decide that no special information is required concerning the action taken on the draft resolutions referred to in sections I to VI inclusive.

SECTION I. PETITION FROM MR. PAUL FINGER  
(T/PET.2/157)

1. The petitioner was born in Tanganyika in 1915 of German parentage. On the outbreak of war in 1939 he was interned, and in 1940 was repatriated to Germany. His mother still lives in Tanganyika, and he is anxious to return to the Territory. His several requests to that end, however, have all been refused.

2. In the course of its observations (T/OBS.2/3) the Administering Authority states that the petitioner did fourteen months' military service in Germany between 1935 and 1937, became a member of the Nazi party and of Ritter von Epp's Colonial League, applied to be repatriated to Germany in 1939 and served with the German forces during the war. His applications are refused, therefore, on the grounds that he participated in anti-Allied or pro-Nazi activities.

3. The Administering Authority mentions also that it is its policy to review individual cases from time to time in the light of changed circumstances, taking into account humanitarian and compassionate considerations. The case of the petitioner has been so reviewed.

4. The Committee recalls that the policy of the Administering Authority concerning the readmission of German nationals to Tanganyika was explained to the Council during its first session, and that the following passage occurs in the Council's resolution 5(I):

"The Trusteeship Council noted the United Kingdom assurance that no German is to be repatriated solely on account of his nationality. Those who are to be repatriated on grounds of enemy activities or sympathies are: persons associated with enemy espionage, sabotage or similar activities; persons who participated in anti-Allied or pro-Nazi activities, such as propaganda or the organization of local German nationalistic associations; and persons whose activities served to maintain German commercial or national interests or influence, whether or not such persons worked directly against Allied interests."

5. The petition was examined and discussed at the 78th and 86th meetings of the Standing Committee (T/C.2/SR.78 and 86).

6. The representative of the Administering Authority informed the Committee that the last review of the petitioner's case had entailed no change in the decision of the Administering Authority. The case would, however, continue to be reviewed periodically.

7. At its 86th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 649 (XII).*

SECTION II. PETITION FROM CHIEF SHABANI OF WILWANA  
(T/PET.2/158)

1. The petitioner states that on 28 August 1951 he was appointed chief of Wilwana by the District Commissioner of Singida District, who subsequently removed him from that office. He does not understand why he was removed, for he did his best to look after his people and had previously served with satisfaction in the Agricultural Department for ten years.

2. The Administering Authority states (T/OBS.2/2, section I) that in May 1952 the Provincial Commissioner reported that the petitioner lacked the qualities required

of a chief and was habitually drinking to excess. He took no steps to encourage measures for improving agriculture in his area, and his conduct was complained of by local representatives of government departments and by other chiefs in Singida District, as well as by the local populace. For these reasons the petitioner's provisional appointment could not be confirmed.

3. The petition was examined and discussed at the 78th and 86th meetings of the Standing Committee (T/C.2/SR.78 and 86).

4. At its 86th meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 650 (XII).*

### SECTION III. PETITION FROM MR. E. F. BYRNE (T/PET.2/159)

1. The petitioner begins with the charge that "there is no such thing as law in Tanganyika", and goes on to recount the following circumstances.

2. In August 1951 he appeared before a magistrate's court to answer a charge of having deserted his wife and child. He states that he told the court that, although he had prepared everything against their joining him, his wife had refused to join him in Tanganyika. In April 1952, he was again summoned to appear before the court—this time to show cause why he should not be committed to prison in default of payment—and learned that in November 1951, "during my absence and without any notification, my wife had been awarded a decree and an allowance of £35 a month". Being told that he could appeal against the judgment, he engaged an advocate to prepare the necessary papers for him. The advocate took so long to prepare them that they were not ready until the day when they were due to be lodged in court. The advocate then discovered that he had been struck off the register, so that another one had to be found to sign them.

3. When the papers were presented to the court, the petitioner was informed that his appeal (or application for revision, since the time-limit for lodging an appeal had expired) could not be heard unless he lodged the full costs of the case. This he declined to do, and in terms which drew from the magistrate references to contempt of court. A few days later he was committed to prison for contempt "for not paying the money as commanded". When he emerged from prison he presented his appeal to the High Court and the judge refused to hear it. In the meantime, all his money had been frozen by order of the court and he was left with only £140, of which he owed £70.

4. Among the petitioners comments are: "...it was evident that I was not going to get a fair hearing..." (in the magistrate's court); "...inference... is that the magistrate of the lower court is in the employ of the... Advocates Union"; and "...Tanganyika is now being run by the Hotel Keepers' Association..."

5. The Administering Authority states (T/OBS.2/4) that the petition is essentially an appeal against the

judgments of the competent courts of the Territory, and suggests that it be found inadmissible under rule 81 of the Council's rules of procedure. It adds that the petitioners' other allegations are without foundation.

6. The petition was examined and discussed at the 78th and 86th meetings of the Standing Committee (T/C.2/SR.78 and 86).

7. At its 86th meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 651 (XII).*

### SECTION IV. PETITION FROM MR. KIBWANA CHANZI (T/PET.2/160 AND ADD.1)

1. The petitioner raises two questions, both of which stem from his claim that he is the grandson of Sultan Pazi Killama Lukali Mwingamkamba who, he states, was the "Sultan of Tanganyika Territory".

2. His first request is that he be appointed "Sultan of my countries in the Eastern Province". He bases his claim on his descent from Sultan Pazi, and recounts what he believes to be the history of part of Eastern Tanganyika. He claims that one of the earliest German Governors gave Sultan Pazi two maps—one of the area which he ruled, and one of fifteen plots which he owned at Temeke near Dar es Salaam—but that they were burned during the campaign in the First World War. In the absence of any documentary proof, therefore, the incoming British Administration would not recognize the claims of Sultan Pazi's descendants.

3. The Administering Authority (T/OBS.2/2, section 2) states that the petitioner's claim is so fantastic that it has not been possible to give it serious consideration. The petitioner, about whom nothing was known until 1951, appears to be quite rational except that he is obsessed with his vision of an imaginary "Kingdom of the Eastern Province". Asked in an interview whether the people would recognize him as their chief, he replied that he did not know. Nor did he have any reply to the question why he had not presented his claim earlier—particularly at the time of the recent reorganization of the Uzaramo native administration.

4. The petitioner's second claim, put forward in the addendum to the petition, is in respect of the land at Temeke, near Dar es Salaam, which, as was noted above, is said to have been granted to Sultan Pazi by the German Government. He does not now describe it as fifteen plots, however, but as "this field takes five miles" in which there are "fifteen plots of coconut trees". He claims that the land is wrongfully in the possession of the Government, that he began to prosecute his claim for it in November 1950, but that "nothing has been offered to me". Moreover, the Government has cut down his coconut trees to make way for houses. All he can obtain from the Government is advice to the effect that he should make first registration of the land, or apply to the courts to protect any rights that he may have over the land.

5. The Administering Authority (T/OBS.2/2/Add.1, section 2) states that the petitioner's claim to any land



at Temeke is extremely vague. Asked what evidence he could adduce in support of it, he produced a plan of a piece of land known as Plot I, Temeke. That plot, however, has had a complicated history of ownership. The Government believes it to be Crown land, but recently two persons "bought" parts of it from a third party and applied for first registration of their interests. The Government, in accordance with the provisions of the relevant ordinance, thereupon opposed the applications, and the petitioner did the same. The objections will not be heard unless one or other of the "purchasers" should decide to proceed with his claim, and the petitioner has been advised that, if he wishes to establish his own claim to the land, he too should lodge an application for first registration.

6. The position has been fully explained to the petitioner. On the information available, the Administering Authority considers that there is little prospect of the petitioner's establishing any claim to land at Temeke. The German records show Plot I as having been held by eight persons, none of whom is the petitioner or his grandfather.

7. The petition was examined and discussed at the 78th and 86th meetings of the Standing Committee (T/C.2/SR.78 and 86).

8. At its 86th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 652 (XII).*

#### SECTION V. PETITION FROM DR. HEINZ LANGGUTH ON BEHALF OF MR. GUSTAV VON HEYER (T/PET.2/161 AND ADD.1)

1. The main petition, together with its voluminous appendices, is on behalf of a Mr. Gustav von Heyer who, divested of his property in Tanganyika in 1939 on the grounds that he was an enemy alien, pleads for its restitution on the grounds that he was, on 1 September 1939, not a German but a citizen of the Free City of Danzig. In a letter to the Colonial Office, London, the petitioner states that his client has been a citizen of Danzig since 1921 and that he went to Tanganyika in 1924 (appendix 6). Independent evidence on these points is furnished by a certification of citizenship for travel abroad issued to him by the Danzig authorities in 1924 (appendix 2), and a Danzig passport issued to him in 1933 (appendix 4). The petitioner contends that persons of German origin who assumed Danzig nationality should not be considered to be enemy aliens, and much of the petition, and several of the appendices, are devoted to legal discussion of the status of the Free City, and of its nationality in international law.

2. The grounds stated by the Tanganyika authorities on which the petitioner's client was and is held to be an "enemy" for the purposes of the relevant Territorial legislation are that he resided in Germany during the war (appendix 8). That he returned to Germany in 1940 is clear; whether he returned voluntarily, or against his wishes, is not clear: while a photostat copy of an order deporting him from the Territory in January 1940 is appended to the petition (appendix 5), it is stated by the

Tanganyika authorities in a letter to the petitioner that his client was repatriated at his own request (appendix 7).

3. The addendum to the petition is a commentary by the petitioner on a further letter from the Tanganyika authorities to the effect that the point at issue is whether or not the petitioner's client is a German national within the meaning of section 2 (1) of Chapter 258 of the Tanganyika Laws, and that the onus is on him to prove that he is not. The relevant part of the section of the law quoted reads as follows:

"German National" means any of the following:

(i) Any individual who is a subject or citizen of Germany, or who having at any time been such a subject or citizen has not been naturalized in any part of the British Commonwealth or, before the date of the coming into force of this Ordinance, in any foreign state in accordance with the laws thereof and when actually resident therein, and does not retain according to the law of his state of origin the nationality of that state.

4. The gist of the petitioner's commentary is that his client had lost his German nationality on 10 January 1920 by virtue of the coming into force on that day of the Treaty of Versailles, article 105 of which reads as follows:

"On the coming into force of the present treaty, German nationals ordinarily resident in the Territory described in article 100, will *ipso facto* lose their German nationality in order to become nationals of the Free City of Danzig."

5. The petitioner states that his client lived in the Territory of the Free City on 10 January 1920, that he had told the Member for Lands and Mines so in a letter dated 1 September 1951 and that it is to be gathered from the Member's reply of 14 January 1952 (appendix 8 to the main petition) that he had knowledge of that letter.

6. The petition was examined and discussed at the 78th and 86th meetings of the Standing Committee (T/C.2/SR.78 and 86).

7. The representative of the Administering Authority stated that the petition raised a complicated point of international law. The petitioner's client entered the Territory in 1924 as a national of the Free City of Danzig. In 1934 he joined the Nazi Party and at the outbreak of the war he was still a member of it. The question was whether he was a German national on 3 September 1939. There was considerable doubt in the matter, and the Administering Authority was making further inquiries.

8. At its 86th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 653 (XII).*

#### SECTION VI. PETITION FROM THE MERU CITIZENS' UNION (T/PET.2/L.1)

1. Most of this petition is concerned with general problems to which the attention of the Council has already been called and on which the Council has made recommendations. The Standing Committee decided, however, that the established procedure should be applied



to the request contained in the last paragraph of the petition (T/C.2/SR.43).

2. The petitioners complain that nowadays the Meru chiefs are dependent upon wages, and follow only the bidding of the Administration—and “sell secretly whatever lands they can”. Their request is that the traditional Meru custom may be reverted to, whereby the people elected a chief—and deposed him if he failed to govern in accordance with the customary laws.

3. The Administering Authority states (T/OBS.2/5) that in 1945 a former chief of the Meru, who had been deposed, was reinstated with the support of the majority of the tribe. His reinstatement, however, led eventually to such opposition that, towards the end of 1952 and early in 1953, a number of *barazas* were held to ascertain the real views of the people. As a result, the Chief accepted the District Commissioner's advice that he should resign.

4. In the meantime, a Constitutional Committee, under the chairmanship of the District Commissioner and with the Government's Senior Sociologist and fifteen representative Wameru as members, had been sitting to consider a new constitution for the Meru tribe. The Committee's recommendations, which have proved acceptable to the tribe and to the Government, provide for the election of a tribal council, consisting of fifty members, to be followed by the election of a new chief.

5. Each village will have the right to nominate one candidate for the chiefship. The list of nominations will then be reviewed at a full meeting of the traditional clan leaders and their assistants, and a small panel will be selected. A secret ballot by the tribe, all registered taxpayers being eligible to vote, will then be held to elect the chief from the panel. The chief will be the first president of the tribal council; but every two years the council will elect its president. If the chief is not re-elected

president it will be taken as a vote of “no confidence” in him as chief, and he will be asked to resign so that a new election for the chiefship can be held. This procedure will ensure that the loss of the confidence of his people by the chief will be clearly shown at an early stage and that a replacement can be effected smoothly and without the factional disruptions from which the Meru Tribe has suffered in the past.

6. In the past the chief could be selected from one clan only. Under the new constitution—which is expected to come into effect shortly—the chief may be a member of any clan.

7. The petition was examined and discussed at the 78th and 86th meetings of the Standing Committee (T/C.2/SR:78 and 86).

8. The representative of the Administering Authority stated that, for some time past, dissatisfaction had been apparent among the Meru with the arrangements for appointing their chief, and that, as a result, the Administering Authority had initiated the discussions which had led to the new arrangements described by the Administering Authority in its observations. The Meru had co-operated well with the Constitutional Committee, had welcomed the new and more democratic arrangements, and appeared to be completely satisfied. The petition had been submitted before the discussions referred to by the Administering Authority had been initiated. Since the Administering Authority had submitted its observations, the new constitution had come into effect, and a new chief had recently been elected in accordance with it.

9. At its 86th meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 654 (XII).*

## DOCUMENT T/L.371

### Forty-second report of the Standing Committee on Petitions: petitions concerning Togoland under British administration

[Original text: English]  
[9 July 1953]

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#### INTRODUCTION

1. At its 78th, 79th, 80th and 86th meetings on 24, 25 and 26 June and 8 July 1953 the Standing Committee on Petitions, composed of the representatives of Belgium,

the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics, and the United States of America, examined the eight petitions concerning the Trust Territory of Togoland under British administration which are listed above.

2. Mr. W. A. C. Mathieson participated in the examination as representative of the Administering Authority concerned.

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 draft resolution referred to in sections I and III to VI inclusive.

4. Three of the petitions raise matters wholly related to the Ewe and Togoland unification question. The other five petitions are individual or personal complaints not related to any of the foregoing or to each other. One deals with a chieftainship dispute, another with a difference concerning boundaries and land rights; the third is a request for a scholarship; the fourth asks for various administrative, economic and educational improvements, while the last petition questions the application of a law dealing with alienation of land to non-natives.

SECTION 1. PETITIONS RELATING TO THE EWE AND TOGOLAND UNIFICATION PROBLEM FROM THE NA OF BIMBILLA, PARAMOUNT CHIEF OF THE NANUMBAS (T/PET.6/317), THE MAMPRUSI NATIVE AUTHORITY (T/PET.6/318) AND KOMLA TENGE II (T/PET.6/319)

1. The Na of Bimbilla (T/PET.6/317) states that he, his subdivisional chiefs and elders and the people of Nanumba State wish to become part of the Northern Territories of the Gold Coast rather than to be annexed to Southern Togoland. They will not send any representative to the Joint Council of Togoland "for we shall not have any say in the Council even if the law binds us".

2. The Mamprusi Native Authority (T/PET.6/318) wishes closer integration with the Northern Territories of the Gold Coast and with the rest of Mamprusi District, which is within the borders of the Gold Coast.

3. A third petitioner, Komla Tenge II (T/PET.6/319) presents an opposing viewpoint. He states that the Administering Authority has repeatedly rejected the wishes of the indigenous population in their warnings to the Gold Coast premier to cease forcing a "foreign" political party on Togoland. Togoland has been turned into a police state and terrorism is rife; Kwame Nkrumah declared at a Convention People's Party rally that, if Togoland persisted in its fight for unification and independence, he would "invade" Hohoe.

4. Communications raising questions similar to these were dealt with by the Visiting Mission in its special report on the Ewe and Togoland unification problem, and these petitions were before the Trusteeship Council and the General Assembly at the time the report was considered. The Secretariat has already sent to the petitioners General Assembly resolution 652 (VII) of 20 December 1952, Trusteeship Council resolution 643 (XI) of 25 November 1952, the special report of the Visiting Mission and other relevant documents on the Ewe and Togoland unification problem.

5. The petitions were examined and discussed at the 78th and 86th meetings of the Standing Committee (T/C.2/SR.78 and 86).

6. At its 86th meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 787 (XII).*

SECTION II. PETITION FROM MR. KWASI AMPIM (T/PET.6/320)

1. The petitioner, head of the Besiakou royal family of Kpandu Gabi, brings to the attention of the Visiting Mission a dispute, which has gone on since 1948, over who is the rightful chief of the Kpandu division. Of the two rival claimants, Mr. D. Y. Nyavor and Mr. G. Y. Howusu, the petitioner supports Mr. Nyavor. He states that Mr. Nyavor's candidacy has been three times endorsed—by the Akpini State Council, by an independent body of arbitrators and by a Commission of Inquiry—and is in addition supported by the majority of Kpandu. The Administering Authority, however, is not prepared to accept the decisions of any of these bodies, and has asked the members of the royal family to find a new candidate for the stool. The petitioner requests the Visiting Mission to tell the Administering Authority "to give voice to our words" and comply with the wishes of the majority.

2. Finally, the petitioner states that his family favours independence and is opposed to any form of annexation of Togoland to the Gold Coast.

3. The Administering Authority states (T/OBS.6/2) that both contestants claim to have been installed as chief according to custom. In 1948 the dispute came before the Akpini State Council, which decided the case in favour of Mr. Nyavor. The matter was appealed and, since "it was apparent that the State Council's judgment was, in the light of the evidence adduced before it, manifestly wrong", the Governor decided to set it aside—a decision which by law was final. In July 1950 a Committee of Inquiry was set up, and its report in 1951 found that the manner of Howusu's election and installation was unconstitutional and that Nyavor had been "properly elected" and installed. An examination of the Committee's report, however, showed that six important questions of customary law relating to the election and installation of a divisional chief of Kpandu had been only vaguely or inconclusively touched upon, and before deciding what action should be taken on the report the Governor ruled that these points should be referred to the divisional sub-chiefs of Kpandu for clarification. The six questions were put to nine sub-chiefs and a representative of the Stool family, persons including supporters of both claimants to the chieftaincy. Their evidence can be assumed to be the most expert available in matters of customary law. The answers given to the questions confirmed that Howusu had not been properly elected, but also made it clear that Nyavor's installation had not been carried out in accordance with custom. The Governor accordingly varied the findings of the Committee of Inquiry to the effect that "neither Mr. G. Y. Howusu nor Mr. D. Y. Nyavor had been properly installed as Divisional Chief of Kpandu in accordance with custom".

4. The Administering Authority states that the dispute has been dealt with throughout in accordance with the

law governing the determination of constitutional matters of this nature. The division is split in the matter: Nyavor has the backing of the majority of the chiefs, and Howusu that of the majority of the people. It is up to the chiefs and people to reconcile themselves to one or the other of the candidates and regularize his installation, or to agree upon a third candidate.

5. The petition was examined and discussed at the 79th and 86th meetings of the Standing Committee (T/C.2/SR.79 and 86).

6. The representative of the Administering Authority stated that the matter was the subject of considerable dissension, and that the Administering Authority was carefully considering it and attempting to reach a settlement; it was not prepared however, to impose either candidate on the population unless there were a substantial majority in his favour. As the functions of the divisional chief were mostly of a ceremonial nature, the dispute was not impeding the administration of the division.

7. At its 86th meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 788 (XII).*

#### SECTION III. PETITION FROM THE DIVISIONAL CHIEF OF BOWIRI (T/PET.6/321)

1. The petitioner complains that without his knowledge the Chief of Amanfro—a subordinate of his—the people of Nkonya and the Government agent of Kpandu have engaged a surveyor to lay the boundary between Bowiri and Nkonya, and in doing so have encroached on his land. Several cocoa farms belonging to his subjects have been thereby transferred to Nkonya, and he calls for immediate correction of the error.

2. He also states that the forest reserve between Bowiri and Borada is the land of Bowiri. He requests that any grants of permission to take timber from the reserve be given to Bowiri alone and not to the Omanhene of Borada. He also asks that permission to take timber from the forest be granted to his subjects "when the need arises".

3. The petition was examined and discussed at the 79th and 86th meetings of the Standing Committee (T/C.2/SR.79 and 86).

4. The representative of the Administering Authority stated that it was not clear whether this was a boundary dispute or a land dispute, but in either case there was judicial machinery of which the petitioner could avail himself. Further, he pointed out that the constitution of a forest reserve did not, *per se*, affect the customary rights of the indigenous inhabitants on the land, nor did it affect the ownership of the land; it merely meant that cutting timber in the forest reserve was managed by the Forestry Department and that the rights of the indigenous population were regulated under the supervision of a Forest Officer.

5. At its 86th meeting the Committee adopted, by 4 votes to one, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 789 (XII).*

#### SECTION IV. PETITION FROM REVEREND E. K. PAKU (T/PET.6/322)

1. The petitioner, the principal of a secondary school known as the Togo Academy, requests a scholarship for further studies. He states that he can speak, write and teach English, French, German, Spanish and Esperanto and, in addition, can read and understand Latin and Italian. He holds certificates and diplomas in these subjects, but is not a graduate, and wishes to study further—either towards graduation "or for a brush-up course for efficiency".

2. He also requests scholarships for other promising members of the school staff who have not graduated.

3. The Administering Authority states (T/OBS.6/2) that the Reverend Paku, who is 54 years of age, is principal of a small private secondary school for boys. There is no record of his ever having applied for a scholarship from the Gold Coast Government and, even if he were to do so, the fact that he is approaching the normal retiring age for teachers would disqualify him from obtaining one.

4. Of the four other members of the staff only two have school certificates. It is not known if they have ever applied for scholarship entrance to any post-primary institution. If they have applied, they presumably failed to reach the standard required. If they have not applied, they are at liberty to apply. From time to time advertisements appear in the Government Gazette inviting applications for United Nations and UNESCO scholarships. As far as is at present known they have not applied.

5. The petition was examined and discussed at the 79th and 86th meetings of the Standing Committee (T/C.2/SR.79 and 86).

6. The representative of the Administering Authority stated that as much publicity as possible was given in the Trust Territory concerning the scholarships available to its inhabitants. There was no discrimination between government schools and private schools: the scholarships were awarded to the applicants who appeared best suited to benefit by them—and after formal applications had been made.

7. At its 86th meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 790 (XII).*

#### SECTION V. PETITION FROM REPRESENTATIVES OF THE KRACHI MOSLEM COMMUNITY (T/PET.6/323)

1. The petitioners request:

- (a) A mixed school at Kete where Arabic and English could both be taught;
- (b) Tarring of the main street in Kete;
- (c) A government agent at Krachi; and
- (d) A Moslem court for the Moslem community.

2. They also state that they do not wish any change in administration such as would be entailed by Togoland unification since they prefer to have a close relationship and administrative union with the Gold Coast.

3. As regards the petitioners' requests, the Administering Authority states (T/OBS.6/3, section 1) that there is no objection to the opening of a private school where Arabic would be taught, or alternatively to arrangements being made by leaders of the Moslem community for an extra course in Arabic to be given to pupils whose parents desire it. There are already three primary and two middle schools in Kete Krachi.

4. The Government Agent stationed at Jasikan, which is a more convenient centre from which to administer this district, visits Kete Krachi regularly. An administrative officer cannot at present be made available for posting to Kete Krachi, but a senior executive officer is stationed there.

5. There are no courts in the Territory for religious groups, nor would the Moslem community in Kete Krachi be large enough to justify one. Steps are being taken to ensure that the Moslem community is adequately represented on the panel of existing native courts for this area.

6. The petition was examined and discussed at the 80th and 86th meetings of the Standing Committee (T/C.2/SR.80 and 86).

7. The representative of the Administering Authority stated that:

(a) Although the Krachi Moslem community was not of a size to justify special schools, if the community could provide a teacher of Arabic the Administration could provide the accommodation for the classes;

(b) Although no action has been taken as yet, the Administration was hoping to improve the condition of the main street in Kete, as well as that of other roads in the area in the near future;

(c) Owing to the Administration's policy of Africanization, the recruitment of British administrative officers for the Gold Coast and Togoland has ceased; Africans were being trained to take over the functions of these officers, and the problem was one of deploying the available reduced staff in the best possible manner.

8. At its 86th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 791 (XII).*

#### SECTION VI. PETITION FROM MR. CODJOE ADEDJE (T/PET.6/324)

1. The petitioner, who claims to represent several thousand persons from Togoland under French administration residing in British-administered Togoland, protests against the application of a law relating to the transfer of native lands. Ordinance No. 15 of 1940 provides that, neither in the northern nor in the southern sections of Togoland, may native land be alienated to any person not a native of that section without the consent of the Governor.

The petitioner protests that this law is now being applied in a discriminatory fashion against persons who emigrated from French Togoland to British Togoland in order to escape "oppression". These people acquired forest lands from British Togoland in order to grow cocoa, cleared the land and, after much time-consuming labour, now own sizeable cocoa plantations. The ordinance in question has now been invoked, largely in the Akan section of Buem State, in order to seize their lands. The petitioner complains that to apply the law in such a way is selfish, that the persons who have been dispossessed were not aware of the existence of the law—being mostly illiterate—and that there is no similar legislation imposed by the French administration regarding immigrants from Togoland under British administration.

2. The petitioner requests the Visiting Mission to intervene with the Administration in order that the law may not be applied further against French Togoland.

3. The Administering Authority confirms (T/OBS.6/3, section 2) the existence of legislation to prohibit the alienation of land to non-natives without the previous consent of the public authorities. The relevant law was enacted in implementation of paragraph 2 of article V of the former Mandate and continues to be enforced in implementation of article 8 of the Trusteeship Agreement. The prohibition has been in force since 1924 and is widely known in the Territory.

4. The non-enforcement of the law against the inhabitants of Togoland under French Trusteeship was considered as a result of representations made in the former Standing Consultative Commission for Togoland Affairs (*vide* document T/931/Add.1, p. 31). In reply to those representations the Administration has stated in a paper circulated to the Joint Council for Togoland Affairs:

"It is regretted that such an arrangement would be contrary to the provisions of the Trusteeship Agreement which are strictly enforced as regards the acquisition of land by all non-natives of Togoland under United Kingdom Trusteeship including Gold Coast. Applications made by natives of Togoland under French Trusteeship to acquire rights in land in Togoland under United Kingdom Trusteeship will in general be given favourable consideration."

5. It is not therefore possible, the Administering Authority states, to meet the petitioner's request that the operation of the law should be suspended.

6. The petition was examined and discussed at the 80th and 86th meetings of the Standing Committee (T/C.2/SR.80 and 86).

7. The representative of the Administering Authority stated that the law prohibiting the alienation of land to persons who were not natives of the Territory had been enacted to ensure that the land remained in the hands of the indigenous population. However, it was the policy of the Administration to grant favourable consideration to applications to acquire rights in land in Togoland under United Kingdom Trusteeship made by persons coming from French-administered Togoland. Certain French Togoland residents in the Territory had never formally applied for title to their land, and if their rights

to ownership or occupancy were contested by persons native of the Territory the Administration was obliged to apply the law. In cases of this kind it was open to the actual possessor to apply to the Registrar of Titles for confirmation of his title, and if his application were opposed the matter was subjected to judicial inquiry. If he were dispossessed after such judicial inquiry, he was entitled to compensation, payable by the new owner, for the improvements which he had put into the land. Tolerance

of the occupancy of land by French Togoland was growing on the part of British Togoland.

8. At its 86th meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 480th meeting, see resolution 792 (XII).*

## DOCUMENT T/L.375

### Forty-third report of the Standing Committee on Petitions: special information required relating to the action taken on certain petitions

[Original text: English]  
[10 July 1953]

1. At its 79th meeting on 25 June 1953 the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, took note of the fact that special information had been requested by the Trusteeship Council on seven resolutions which it had adopted at its eleventh session on petitions from the Trust Territory of Somaliland under Italian administration.

2. Mr. P. Spinelli, the special representative of the Administering Authority concerned, was present.

3. The resolutions in question, the nature of the special information requested, and the report of the Committee in each case, are as follows:

(i) In resolution 497 (XI), on T/PET.11/41, information was requested concerning the representation of the Hamar Youth Club on the Territorial Council.

The special representative of the Administering Authority stated that the Hamar Youth Club had changed its name to the Benadir Youth Club, and that it was represented on the Territorial Council.

(ii) In resolution 557 (XI), on T/PET.11/138, the Administering Authority was requested to submit special information on action taken on pending compensation claims of ex-soldiers, particularly in the two unsettled cases mentioned in the petition.

The Committee observes that the information requested is contained in paragraph 272, sub-paragraph (a), of the annual report of the Administering Authority for 1952.

(iii) In resolution 560 (XI), on T/PET.11/142, in resolution 606 (XI), on T/PET.11/238, and in resolution 609 (XI), on T/PET.11/241, information was requested on the outcome of the examination of claims for

compensation for damages suffered as a result of the Baidoa incident which had not been submitted to the appropriate commission prior to July 1952.

The Committee observes that the information requested is contained in paragraph 272, sub-paragraph (c), of the annual report of the Administering Authority for 1952.

(iv) In resolution 592 (XI), on T/PET.11/222 and Add.1, information was requested on the Administration's sympathetic consideration of the petitioner's reinstatement if the case arises when he returns from Egypt.

The special representative of the Administering Authority stated that the petitioner was still residing in Egypt.

(v) In resolution 610 (XI), on T/PET.11/242, information was requested on a settlement, agreeable to the local population, of the land disputes involving the Società Agricola Italo-Somala.

The Committee observes that the information requested is contained in paragraph 272, sub-paragraph (d), of the annual report of the Administering Authority for 1952. It draws attention also to section I of its thirty-first report.

4. At its 87th meeting, on 9 July 1953, the Committee took note of the fact that, in its resolution 428 (X), the Council had requested the Government of Australia, as the Administering Authority of the Trust Territory of New Guinea, to inform it of the results of its examination of the questions raised in the petition from the New Guinea Chinese Union, Rabaul, and from the Overseas Chinese Association, Kavieng (T/PET.8/4, and Add.1 and 2).

The questions were related to the position of Chinese residents of, and immigrants into, the Trust Territory, and the Committee observes that the information requested has been submitted by the Government of Australia and has been circulated in document T/OBS.8/3.

## DOCUMENT T/L.376

## Forty-fourth report of the Standing Committee on Petitions: petitions concerning Nauru

[Original text: English]  
[10 July 1953]

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## INTRODUCTION

1. At its 84th, 85th and 88th meetings on 2, 7 and 10 July 1953 the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics, and the United States of America, examined the six petitions concerning Nauru which are listed above.

2. Mr. J. D. Petherbridge participated in the examination as the representative of the Administering Authority concerned.

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 draft resolutions referred to in sections I, III and V inclusive.

## SECTION I. PETITION FROM THE NAURU LOCAL GOVERNMENT COUNCIL (T/PET.9/8)

1. The petitioners are concerned with three matters: the Land Agreements and phosphate royalties; Nauruan education and training of Nauruans for participation in key posts in the Administration; and participation by indigenous inhabitants in the work of the Trusteeship Council. They are dealt with in separate subsections.

*Land Agreements and phosphate royalties*

2. In December 1952 the Local Government Council, on behalf of the Nauruan landowners, requested the Administering Authority to undertake an over-all review of the existing Land Agreements. The object of the petition is to seek the assistance of the Visiting Mission in having the review carried out.

3. The petitioners desire that the revised Agreements should give more say to landowners in matters concerning their lands and should provide for a regular review at a shorter time interval than under the existing agreements. A special court, presided over by independent judges, should be established to settle the disputes arising out of the agreements.

4. The petitioners request that the present royalty rate of 1s. 4d. a ton paid to or in respect of Nauruans should

be increased. The royalties should be made more elastic within certain limits in relation to the cost of living. The royalties for current expenses—namely, the royalty of 6d. a ton to Nauruan landowners and of 3d. per ton to the Nauruan Royalty Trust Fund—have not been adjusted since the present agreement was reached in 1947, despite the enormous increase in the cost of living. The Local Government Council, which is financed from the Royalty Trust Fund, has not yet functioned smoothly from lack of funds and the petitioners attribute the poor state of their roads and the unavailability of electric power in their homes and districts to that cause. As regards the royalty of 2d. per ton to the Landowners' Long Term Royalty Trust Fund and of 5d. per ton to the Nauruan Community Long Term Investment Fund, the petitioners ask that these should be reviewed with a view to making them more realistic.

5. In support of their request for an increase of royalties in general they point to a statement made to them by a prominent New Zealand agriculturist to the effect that Nauru phosphate is the life blood of his country's agriculture, to the high salaries paid to the European staff of the British Phosphate Commission and to the large quantities of costly capital equipment owned by the Commission. They say that their phosphate means everything to them and that, when it is exhausted, they will have nothing to barter for their livelihood. Nauruans have been taught to look up to living at European standards, yet the means of doing so has been denied to them for lack of money.

6. With respect to non-phosphate lands, they request that provisions should be made whereby the rental would be modified according to certain stipulated conditions.

7. The petitioners request a number of other modifications of detail to the existing agreements.

8. In its observations on the petition (T/OBS.9/1, section I) the Administering Authority states that the questions raised by the petitioners are currently under examination by the Administering Authority in connexion with a review of the payments made by the British Phosphate Commissioners to the Administration of Nauru and to the Nauruan landowners. The views expressed in the petition and all other aspects of the questions are receiving consideration.

9. In a petition (T/PET.9/6) examined at the eighth session, the Nauruan Council of Chiefs requested higher phosphate royalties. On this question the Council noted with approval the increase of 2d. to 5d. in the royalty rate for the Nauruan Community Long Term Investment Fund effected in July 1950 and requested the Administering Authority to consider further increasing the royalties for the benefit of the inhabitants (resolution 324 (VIII)).

10. The 1953 Visiting Mission discusses the question of land and phosphate royalties in paragraphs 36-53 of its report (T/1054). The Mission is of the opinion that the Local Government Council's request that the royalty rate should increase in proportion to the cost of living is basically legitimate. The Mission is not, however, in a position to determine whether the cost of living has in fact risen since the royalty rate was last adjusted.

11. With regard to the general question of the benefits which the Nauruans derive from the phosphate industry, the Mission feels that the primary responsibility of the industry is to provide for the future welfare of the Nauruans after the mining of phosphate has apparently made necessary their resettlement elsewhere. The Mission believes that it will be incumbent upon the industry to assist the people whose lands will be made useless and to aid them in re-establishing themselves outside their island by purchasing land and contributing to their other needs. The Mission is of the opinion that consideration should be given at an early date to the establishment of a capital fund to be used for the resettlement of individuals or groups of the Nauruan community in accordance with the plan of gradual resettlement which it has suggested. The Mission feels that the existing Nauruan Long-Term Investment Fund may not be sufficient to meet the requirements of such a plan.

#### *Nauruan education*

12. In July 1952 a comprehensive report (see T/COM.9/L.1) on Nauruan education was drawn up by the Local Government Council for transmission to the Administering Authority. As the result of discussions in December 1952 a committee composed of three Councillors, the Administrator and the Secretary to the Department of Territories agreed upon various proposals concerning primary, secondary, adult, vocational and overseas education. The petitioners' complaint is of the delay which is taking place in implementing the proposals. They recall that in 1950 they petitioned (T/PET.9/6) the previous Visiting Mission on the subject of education, and they complain now, as they did then, that it is owing to "their dilatory way of handling our education" that, after thirty years of compulsory education, there is still only one responsible post in the Administration that is held by a Nauruan. They ask that progressive steps be taken to ensure that, within a period to be stipulated, most of the key positions in the Administration, and some of the responsible positions in the British Phosphate Commission, shall be held by Nauruans.

13. In its written observations on the petition (T/OBS.9/1, section 1) the Administering Authority states that the previous representations made by the Nauru Local Government Council were considered in the course of a review of the education system of Nauru, but it was decided that no changes should be made until the whole

system could be examined when a new Director of Education had been appointed. The new director took up duty in the Territory on 27 April 1953, and the Administrator has been asked to arrange that he examine the existing education system of the Territory and submit plans and recommendations thereon for consideration by the Administering Authority.

14. On that part of T/PET.9/6 which was concerned with the question of education, the Trusteeship Council, in its resolution 324 (VIII), noted the assurance of the Administering Authority that the advancement of Nauruan education was the subject of its constant concern, and drew the petitioner's attention to the recommendation on educational advancement which the Council had adopted at its eighth session.

15. The 1953 Visiting Mission deals with the questions of Nauruan education and participation in the administration in paragraphs 25-28 and 82-92 of its report. The Mission considers that the principles outlined in the Nauruan Local Government Council's petition are basically sound, and is of the opinion that the Administration should take all possible steps to implement them in the near future. In this connexion greater emphasis should be given to the training of qualified teachers as well as to the expansion of vocational training programmes.

16. Quite apart from the need for improving education generally in the Territory, the Mission believes that it is imperative to devise a training programme designed to satisfy the special demands which may be made on the Nauruans in the future as a result of the inevitable exhaustion of the island's phosphate deposits. As an integral part of the resettlement plan suggested by the Mission, it feels that Nauruans should be provided with educational and vocational training which would enable them to obtain employment or otherwise maintain themselves outside their island. Hence the Mission attaches great importance to the training of students abroad not only in skills which are specially required within the Territory.

17. The Mission, while noting the observations of the previous Mission concerning the difficulty of finding suitable persons who could occupy high positions in government service, is of the opinion that the Administration should continue its efforts with a view to ensuring to Nauruans greater participation in government activities and, to that end, intensify its programme of training Nauruan officials to fill higher positions.

#### *Participation by indigenous inhabitants of Trust Territories in the work of the Trusteeship Council*

18. The Local Government Council proposes that one or two indigenous inhabitants of a Trust Territory should be attached to the delegations of its Administering Authority at sessions of the Trusteeship Council. It considers that, even when a Territory other than the participant's is under consideration, the experience and knowledge which the latter will gain will help him to promote in his own Territory the aims and objects of the International Trusteeship System.

19. The cost could be shared by the Trusteeship Council, the Administering Authority and the Territorial Administration concerned.



20. The Administering Authority states (T/OBS.9/1, section 1) that it has noted the proposal made by the Local Government Council.

21. The Administering Authority is in full accord with any proposal that gives indigenous inhabitants of Trust Territories opportunity to develop their preparation in public affairs, but does not consider that such an objective would be advanced by the acceptance at this stage of the proposal of the Local Government Council. While maintaining the position that each Member of the United Nations has an unrestricted right to determine the composition of its delegations, the Administering Authority will be cognizant of the representations that have been made by the Local Government Council when the composition of delegations to the Trusteeship Council is determined.

22. The 1953 Visiting Mission deals with this question in paragraphs 29-30 of its report. It states that it informed the Local Government Council of the resolution of the General Assembly (554 (VI)) on this matter and the Trusteeship Council's subsequent recommendation (Trusteeship Council resolution 466 (XI)) to the effect that the Administering Authorities associate suitably qualified indigenous inhabitants of the Trust Territories in the work of the Council as part of their delegations or in any other manner which they deemed desirable. It explained that no provision, however, had been made for separate indigenous representation or for financial contributions to meet the expenses involved.

23. The petition was examined and discussed at the 84th and 88th meetings of the Standing Committee (T/C.2/SR.84 and 88).

24. At its 88th meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 842 (XII).*

#### SECTION 11. PETITION FROM THE REPRESENTATIVES OF THE PEOPLE OF BOE AND YARREN DISTRICTS (T/PET.9/9)

1. The petitioners, who number more than a hundred, seek the assistance of the 1953 Visiting Mission in returning to them the land on which the airfield was constructed by the Japanese.

2. It will be recalled that a petition on the same subject was submitted to the 1950 Visiting Mission by two chiefs on behalf of the people of Boe and Yarren districts. In its resolution 325 (VIII) on that petition (T/PET.9/7), the Trusteeship Council accepted the necessity for an airfield in the Territory and the desirability of retaining the existing one—rather than returning to the petitioners the land on which it was built—provided that just compensation was made. The Council noted that the Administration was taking steps to reach a settlement with the then Council of Chiefs, and recommended that the settlement be implemented without delay.

3. In addition to repeating the former arguments against retaining the airfield where it is, the present petitioners query the argument that an airfield is necessary for defence purposes as well as the opinion of the Trusteeship Council that the existence of an airfield is in the interests of the population of Nauru as a whole. They contend that the

airfield serves the interests of the European community only, and in illustration cite the case of a Nauruan youth who died of tetanus when the vaccine which might have saved his life could have been but was not flown in. On the other hand a doctor was flown from Australia to attend a European who had an attack of asthma.

4. The petitioners say that when the matter was reviewed recently by the Local Government Council only four councillors were in favour of the airfield, three being opposed and two absent. It is their view that a consensus of all Nauruans should be obtained.

5. The petitioners enclose a copy of Ordinance No. 6 of 1952, enacted on 7 October 1952, which legalizes the acquisition of the land in question, and invite attention to those sections of it which govern the award of compensation to the dispossessed landowners. Sections 6, 7 and 8 provide for the following compensation:

(a) An annuity in perpetuity equal to twice the annual rent payable by law for non-phosphate land;<sup>32</sup>

(b) The value, at rates prescribed by law, of fruit trees, and the fair value of any buildings;

(c) Rent at the rate of £6 per annum in respect of the area occupied by the airfield from 1 November 1945 to 30 June 1951, and at the rate of £9 per annum from 1 July 1951 to the date of acquisition.

6. The petitioners say that they do not clearly understand the proposals for compensation, and that they think that the rates laid down are unfair. Referring to the proposed perpetual annuity of £9 per annum, they say that the former Council of Chiefs had asked for £12 per annum.

7. In its written observations (T/OBS.9/1, section 2) on this petition the Administering Authority states that the acquisition of the land in question is covered by the Aerodrome (Acquisition of Land) Ordinance 1952.

8. The Administering Authority has noted the representation of the petitioners and has nothing to add to the advice conveyed in its letter of 13 February 1953 to Councillor Appi D, which is annexed to the petition, and in which it maintains that the compensation paid is fair and reasonable having regard to the use value of the land and the use to which the holders have put it.

9. The 1953 Visiting Mission discussed the question of the airstrip in paragraphs 54-59 of its report. The Mission, while taking note of all the claims raised in connexion with the airstrip, agrees with the findings of the last Mission that an airport is now a necessity even if it is not frequently used. The Mission gained the impression that the people of Boes and Yarren would be ready to negotiate with the Administration to arrive at a fair solution provided that the rate of compensation was raised. The Mission is of the opinion that the people who are most affected by the establishment of the airstrip should be encouraged to resettle in other areas, particularly in the abandoned east coast.

10. The petition was examined and discussed at the 84th and 88th meetings of the Standing Committee (T/C.2/SR.84 and 88).

<sup>32</sup> At present the rent payable for non-phosphate land is £4 10s. per acre.



11. The representative of the Administering Authority stated that when considering the award of compensation the Administering Authority always kept in mind the need to strike a fair balance between augmenting the personal wealth of individuals and using the money available to improve general services to the community as a whole—such as housing schemes, water supplies and electricity. He explained that, for technical reasons, it had been decided to enlarge the airfield.

12. At its 88th meeting the Committee adopted, by 5 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 843 (XII).*

#### SECTION III. PETITION FROM MR. ROY DEGROBORE ON BEHALF OF THE PEOPLE OF NAURU (T/PET.9/10)

1. The petitioner submitted to the 1953 Visiting Mission for consideration a copy of a petition dated 10 November 1951 to the Prime Minister of Australia, signed by 148 persons, on the subject of compensation for war damages. The petitioners protest against the Administration's decision to pay the money allotted for war damage compensation into a fund for the purchase of furniture for any Nauruan who has a house under the Nauruan housing scheme. They contend that the decision is not just since, on the one hand, there are persons owning houses under the present scheme who did not suffer damages during the war, while, on the other hand, there are persons not owning housing scheme houses who did suffer damages. They ask that this method of payment of claims be stopped and that the whole question be reconsidered with a view to compensating each individual directly. To justify their claim the petitioners cite the fact that Europeans on the island have been compensated and that the inhabitants of New Guinea were liberally compensated by the Australian Government for war damages.

2. The Administering Authority in its observations (T/OBS.9/1, section 3) on this petition transmits a copy of the reply sent to the 148 Nauruans by the Department of Territories in Canberra. The Australian Government, it is stated, has concluded that there is no legal liability to individual Nauruans for war damage compensation, that reasonable assessment of individual claims is quite impracticable, and that any money which the Government makes available would be better applied to the carrying out of general community betterment schemes, such as housing and provision of furniture, than in attempting to compensate individual Nauruans, and would be more in keeping with its responsibilities as the Administering Authority. The Government has accordingly decided not to meet requests for compensation from individual Nauruans. This policy was submitted to the Council of Chiefs on 13 December 1950 and was endorsed by a majority of nine to one. The £15,000 paid into the furniture fund was not a settlement of individual claims but in conformity with the Government's policy of expending its money in general betterment schemes.

3. The question of war damages is dealt with in paragraphs 60-62 of the 1953 Visiting Mission's report, but the Mission draws no conclusions.

4. The petition was examined and discussed at the 84th, 85th and 88th meetings of the Standing Committee (T/C.2/SR.84, 85 and 88).

5. Explaining the different approach by the Administering Authority to the satisfaction of war damage claims in New Guinea and Nauru the representative of the Administering Authority stated that the claims made by the people of New Guinea had been easier to establish. In Nauru, on the other hand, it had been impossible to establish individual claims. Moreover, it had been the experience of the Administering Authority that the money paid out as compensation to individuals in New Guinea had not always been used to the best advantage.

6. At its 88th meeting the Committee adopted, by 5 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 844 (XII).*

#### SECTION IV. PETITION FROM MR. J. AROI (T/PET.9/12)

1. This is another claim for war damages. The petitioner, who is the Superintendent of Nauruan Primary Schools, claims to have lost during the Japanese occupation property valued at £1,100, including a house and a car. He did not make application for one of the houses that were built for the Nauruan people because the house he had owned before had been a European-type house; he had been led to believe by the Administration that some European-type dwellings were to be built and that he would be eligible for one. During the intervening three years he has had considerable correspondence with the Administration on the subject and has received "indefinite promises" that the materials necessary to build a suitable house would be made available. Members of his family are prepared to build the house, but there seems little likelihood that the materials will be forthcoming. In the meantime, his present home, constructed of salvaged materials, is falling into a state of disrepair. He requests action to see that the necessary materials are made available to him.

2. The Administering Authority states (T/OBS.9/1), section 5) that it has decided, with the support of the Nauru Local Government Council, not to meet requests for *ex gratia* payments as compensation for war damage to individual Nauruans. Mr. Aroi's claim is of this nature.

3. A review is being made of the existing Nauruan housing scheme and consideration is being given to the question of the construction of further houses when the present programme of 350 houses has been completed. The provision of a house for Mr. Aroi will be considered in the light of the result of that review.

4. The petition was examined and discussed at the 85th and 88th meetings of the Standing Committee (T/C.2/SR.85 and 88).

5. At its 88th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 845 (XII).*

## SECTION V. PETITION FROM MR. THOMA Q. (T/PET.9/13)

1. Mr. Thoma Q. requests review of his application for remuneration for his services when he was Chief of the District of Aiwo. Since January 1949 he has been carrying on correspondence with the Administration claiming compensation for his services retroactive to 10 August 1946, the date on which he assumed the chieftainship. Of the Nauruan chiefs, exclusive of the Head Chief, eight chiefs did and three did not receive any pay as chiefs. One of the explanations for this discrepancy, the petitioner states, is that the former did not work for the Administration while the latter—among them Mr. Thoma—did. The basis of his claim for compensation, however, lies in the fact that his work for the Administration (as a senior medical orderly) was carried on exclusively at night and he thus did not need to take time off from his work in order to perform his duties as chief. Since his two unpaid colleagues performed their chief's duties during the time when they were normally working for the Administration and there was no consequent deduction from their salaries, Mr. Thoma claims that they were in reality receiving a type of pay for their services. He accordingly requests remuneration for his.

2. In its observations on this petition (T/OBS.9/1, section 6) the Administering Authority states that the representations made in the petition have been noted. The Administering Authority refers to a letter dated 17 January 1952 addressed to the petitioner and annexed to the petition in which it states that the special privilege given to the other unpaid chiefs—time off from their normal working hours in order to attend weekly and monthly meetings which are a part of their duties as chiefs—would also have been given to Mr. Thoma, had he chosen to avail himself of it. Instead, however, he preferred to work on night duty. His request for additional remuneration can not therefore be allowed.

3. The 1953 Visiting Mission discusses this case in paragraph 72 of its report but states that it is unable to determine the right of the petitioner to receive the payments requested in his petition.

4. The petition was examined and discussed at the 85th and 88th meetings of the Standing Committee (T/C.2/SR.85 and 88).

5. The representative of the Administering Authority explained that the chiefs who were not employed by the Administration were paid to perform their duties as chiefs, whereas those chiefs who worked for the Administration were given time off to attend to these duties.

6. At its 88th meeting the Committee adopted, by 5 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 846 (XII).*

## SECTION VI. PETITION FROM MR. VICTOR (T/PET.9/14)

1. Mr. Victor, a senior laboratory assistant at the Nauru hospital, states that he is temporarily on a salary of £17 a month which will be reviewed later. He complains that it is inadequate and requests that it be increased to £25 per month. He has been employed by the Medical Department of the Administration for twelve years and works thirty-six-and-a-half hours a week. He is married, has three children and occupies a Nauruan Housing Scheme house for which he will be required to pay 6/- a week if draft regulations now under consideration are implemented.

2. In its observations on the petition (T/OBS.9/1, section 7), the Administering Authority states that effective from 1 July 1952 the minimum wage for an adult male Nauruan employed by the Administration was increased from £126 per annum plus 7/6d. per month for each dependant to £191 per annum plus 7/6d. per month for each dependent child. (The new minimum wage has been assessed on the basis of the needs of a man and wife.) The petitioner's former salary was £168 per annum, comprising the £126 adult minimum wage plus a margin for skill of £24 per annum and dependants' allowances of £18 per annum. His present salary is £228 10d. 0d. per annum, comprising the new £191 adult minimum wage, the £24 margin for skill and dependants' allowances of £13 10s. 0d. His increase in salary under the revised rates is £60 10s. 0d. per annum.

3. Approval of the new wage scale was given prior to the date of the petition. In calculating his present salary at £17 per month Mr. Victor has apparently taken the new minimum wage of £191 plus the dependants' allowance of £13 10s. 0d. but has neglected to include the £24 margin for skill which would still be payable to him. Mr. Victor's salary, therefore, is not £17 but £19 0s. 10d. per month.

4. The increase in wages established so far relates only to the adult male minimum wage for Nauruans. Separate investigations have been made into the existing wage margins for skill and responsibility, and it is expected that decisions with regard to any variation of those rates will be taken at an early date.

5. The petition was examined and discussed at the 85th and 88th meetings of the Standing Committee (T/C.2/SR.85 and 88).

6. The representative of the Administering Authority stated that the petition had been submitted after the approval of the new wage scale, but before it had been brought into effect retroactively as from 1 July 1952.

7. At its 88th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 479th meeting, see resolution 847 (XII).*

## DOCUMENT T/L.377

## Forty-fifth report of the Standing Committee on Petitions: petitions concerning New Guinea

[Original text: English]  
[13 July 1953]

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## INTRODUCTION

1. At its 85th and 88th meetings on 7 and 10 July 1953 the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the three petitions concerning the Trust Territory of New Guinea which are listed above.

2. Mr. J. H. Jones participated in the examination as the special representative of the Administering Authority concerned.

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 special information is required concerning the action on the draft resolutions referred to in sections I to III.

SECTION I. PETITION FROM THE TAVUIIU COMMITTEE  
(T/PET.8/7)

1. Although the meaning of this petition is not clear, the petitioners appear to oppose the establishment of a village council stating that they do not have the intelligence, the experience or the money to undertake the formation of such a body. They are very anxious to "stay under the control of the Administration".

2. They point out that they have a small amount of money and seek the establishment of a co-operative. They also wish to pay a tax to the Administration if allowed.

3. The petitioners charge that the village council has closed the schools, hospitals and "everything".

4. Finally the petitioners complain that alcohol is harmful.

5. The Administering Authority states (T/OBS.8/2, section 1) that the petitioners imply, without explicitly stating so, that certain villages are unwilling to enter the village council system. There is a minority group which is opposing the establishment of village councils in certain areas of the New Britain District, despite the fact that the group has been frequently and clearly informed that the establishment of such councils is an integral part of Administration policy.

6. With regard to the petitioners' statement that they have neither the intelligence nor the experience to enter the village council system, the Administering Authority emphasizes that these people have been repeatedly informed

that the Administration will train them to take their part in the council system, as other people have been trained, and that their education and culture is the same as that of their neighbours who are successfully operating councils. With regard to the petitioners' contention that they lack money, it is stated that the Tavuiiu people and other opposing groups are in no way different in economic status from the rest of the Tolai people who are working under the Council system.

7. Schools, hospitals and other facilities conducted by village councils are available only to natives who are members of such Councils, but Administration schools and hospitals are still available to the Tavuiiu people.

8. For information relating to the system of Native Village Councils the Administering Authority refers to pages 37-43 of the Annual Report for 1951-52.

9. The 1953 Visiting Mission discusses the village councils in paragraphs 17-31 of its report (T/1056). The Mission was much interested in the immediate possibility of establishing additional Councils. Administrative officers, however, pointed out that such an extension of Councils was dependent first on training the people to conduct them along prescribed lines, and also on teaching them simple bookkeeping in order that they might be able to handle their financial affairs.

10. The Mission believes that the training in representative government is a task which should be prosecuted with all possible speed, and that in this process use might be made of indigenous inhabitants from those villages in which councils have been successfully established and who are already familiar with the purposes and procedures of representative institutions.

11. The Mission is firmly convinced that a speedy development of the village council system will do much to hasten the political advancement of the Trust Territory.

12. The petition was examined and discussed at the 85th and 88th meetings of the Standing Committee (T/C.2/SR.85 and 88).

13. With reference to the statement reproduced in paragraph 7 above, the special representative stated that the facilities conducted by village councils were available only to members of the villages concerned because the facilities were financed partly by taxation imposed upon the inhabitants by the village councils. He stated also that it was the policy of the Administering Authority, as a part of the economic development of the Territory, to

give every assistance to persons desiring to establish co-operatives.

14. At its 88th meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as amended by the Trusteeship Council at its 482nd meeting, see resolution 839 (XII).*

## SECTION II. PETITION FROM THE PARAMOUNT Luluai OF THE BIANGA PEOPLE (T/PET.8/8)

1. The petitioner stated to the Visiting Mission that he received no pay for serving as *luluai* and that his official position prevented him from seeking employment at Wau. He requested some compensation for serving as *luluai*.

2. He stated that he made the same request to the Visiting Mission in 1950.

3. The Administering Authority states (T/OBS.8/2, section 2) that the petitioner is eligible to receive an annual payment of £3 from the Administration while holding the appointment of Paramount *Luluai*. This payment is not a salary or wage but an honorarium paid in respect of the position. Action is being taken to effect payment of any amount that may be due to the petitioner.

4. Appointment as Paramount *Luluai* is in effect official recognition of the position of authority which the native concerned occupies in his community. Should any Paramount *Luluai* or other village official wish to relinquish his position in order to enter employment he would be relieved of his appointment either temporarily or permanently as he wished. The petitioner is being advised accordingly.

5. The petition was examined and discussed at the 85th and 88th meetings of the Standing Committee (T/C.2/SR.85 and 88).

6. At its 88th meeting the Committee adopted, by 4 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 482nd meeting, see resolution 840 (XII).*

## SECTION III. PETITION FROM MR. KANABI (T/PET.8/9)

1. The petitioner stated to the Visiting Mission that he received £6 10s. per month in wages from the Administration. He requested that his wages be increased to £10.

2. The Administering Authority states (T/OBS.8/2, section 3) that the petitioner is employed by the Administration as a foreman in charge of fourteen general labourers. The wages of natives employed by the Administration are prescribed in the Administration Servants Approved Wage Scale, which provides that the minimum wage for a foreman supervising between eleven and twenty men, the category in which the petitioner belongs, is £4 10s. per month. This increases with three annual increments of ten shillings to a maximum of £6 per month. In addition to the cash wage native employees are provided with rations, clothing, housing, medical attention and transport to their village on termination of employment.

3. The petitioner is receiving ten shillings per month more than the wage prescribed for the position he occupies.

4. The petition was examined and discussed at the 85th and 88th meetings of the Standing Committee (T/C.2/SR.85 and 88).

5. The special representative stated that the payment of native employees in kind rather than in cash—rations, clothing, housing, medical attention and transport to their village on termination of their employment—was made in the interests of the workers themselves. The value of rations and clothing came to between £5 5s. and £5 10s. a month. However, permission could be given under the Native Labour Ordinance for the payment of money in lieu of rations if the officials were satisfied that the employee in question would spend the money wisely. There was a further condition that there must be a store within a reasonable distance of the place of work at which the worker could obtain his requirements—particularly food.

The conditions laid down by the legislation for wages and rations were minima only. There was nothing to prevent a labourer earning more if his work were worth more to his employer. In fact this was often the case.

6. At its 88th meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 482nd meeting, see resolution 841 (XII).*

## DOCUMENT T/L.391

### Forty-sixth report of the Standing Committee on Petitions

[Original text: English]  
[17 July 1953]

1. The Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, reports that it has submitted reports on all the petitions listed in the

annex to the agenda for the twelfth session,<sup>33</sup> with the

<sup>33</sup> See *Official Records of the Trusteeship Council, Twelfth Session, Preliminary Fascicule*.

exception of those petitions which are dealt with in the present report.

2. At its 93rd meeting the Standing Committee decided, by 5 votes to none with one abstention, to recommend that the Council postpone until its thirteenth session the examination of certain petitions.<sup>34</sup> These petitions fall into the following three groups.

3. In the first group are petitions (T/PET.5/163 and Add.1, T/PET.5/211 and 212, T/PET.7/350 and T/PET.11/358-364) which were received by the Administering Authority concerned less than two months prior to the opening of the council's twelfth session, and which the Administering Authority concerned was not prepared to consider.

4. The petitions in the second and third groups were received by the Administering Authority concerned two months or more before the opening of the Council's twelfth

session. The second group includes those petitions on which the Administering Authority concerned had not submitted written observations, and on which the representative of the Administering Authority stated that he was not in a position to make oral statements.<sup>35</sup>

5. In the third group are petitions (T/PET.4/90 and T/PET.9/11) on which the Standing Committee has asked for information to supplement the written observations of the Administering Authority concerned, and in connexion with which the supplementary information had not been given at the date of this report.

6. The Standing Committee, recalling the terms of rule 86, paragraph 4, of the rules of procedure of the Trusteeship Council, wishes to remark that its deliberations—and those of the Council—are facilitated considerably when an Administering Authority submits written observations on a petition well in advance of the Committee's examination of it.

<sup>34</sup> The petitions whose examination was postponed have been marked with two asterisks in the annex to the agenda for the twelfth session.

<sup>35</sup> The petitions in this group are: T/PET.3/61, T/PET.4/93, T/PET.5/126-130, 132-150, 152-162 and 164-210, T/PET.5/L.1, T/PET.5/R.5 and T/PET.11/351 and 356.

## DOCUMENT T/L.393

### Forty-eighth report of the Standing Committee on Petitions: petitions concerning Ruanda-Urundi

[Original text: English]  
[20 July 1953]

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#### INTRODUCTION

1. At its 87th, 89th and 95th meetings on 9, 13 and 20 July 1953 the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the nine petitions concerning the Trust Territory of Ruanda-Urundi under Belgian administration which are listed above.

2. The Standing Committee on Petitions received additional information on certain of these petitions at its 76th and 77th meetings on 22 and 23 June 1953, during its examination of the requests presented by the petitioners concerned for a hearing before the Council.

3. Mr. Robert Scheyven participated in the examination as the special representative of the Administering Authority concerned.

4. The Standing Committee submits herewith to the Council its report on these petitions and recommends, in accordance with rule 90, paragraph 6, of the rules of procedure of the Trusteeship Council, that the Council decide that no special information is required concerning the action taken on the draft resolutions referred to in sections I-IX.

5. The petitions are dealt with in the report not in numerical order, but according to the type of complaint contained in them.

#### SECTION I. PETITION FROM MR. RAHEMTULLAH MÉRALI (T/PET.3/59)

1. The petitioner, whose father was of Indian nationality but who was born in the District of Albertville (Belgian Congo) in 1930, explains that he has lived all his life in the Belgian Congo and Ruanda-Urundi and that he is at present employed in the Trust Territory. In

January 1951 he was sentenced by the Court of First Instance of Elisabethville to five months and ten days' penal servitude for fraud and in December of the same year the Governor-General of the Belgian Congo took the decision to expel him from that territory and from Ruanda-Urundi. He asks the Council to recommend that the order of expulsion should be rescinded.

2. The Administering Authority states in its observations on Mr. Mérali's petition (T/OBS.3/2, section 1) that the petitioner had not lived in Ruanda-Urundi before 1949 and did not return there until he had served his term of penal servitude at Elisabethville.

3. Notwithstanding the sentences which led to the order of expulsion, it has been decided to withdraw it in view of the petitioner's special circumstances. Hence the Administering Authority considers that the petition calls for no action on the part of the Trusteeship Council.

4. The petition was examined and discussed at the 87th and 95th meetings of the Standing Committee (T/C.2/SR.87 and 95).

5. At its 95th meeting the Committee adopted, by 3 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 655 (XII).*

#### SECTION II. PETITION FROM MR. ANGELOS MAZIS (T/PET.3/60 AND ADD.1 TO 5)

1. This petition from several members of the Mazis family concerns the case of Mr. Konstantinos Mazis, a Greek subject living at Usumbura, who on 7 December 1944 was attacked with a weapon by an African of Portuguese nationality called Jose Maria Do Rego. Following this attack Mr. Mazis was detained in hospital for ten days and he is still suffering from incurable epilepsy as a result of which, according to the certificates of the Administration doctors, he has had to go to hospital on a number of occasions, the last being in August 1952.

2. The case was heard by the Court of First Instance at Usumbura which in January 1945, sentenced Mr. Do Rego to a fine of 1,000 francs and awarded Mr. Mazis 3,000 francs for damages. Mr. Mazis appealed and in May of that year the appeal was dismissed.

3. The petitioners' first complaint is that the sentences allowed the aggressor to go practically unpunished and failed to give satisfaction to the victim, although the latter was obliged to exhaust his own resources to pay for medical care.

4. In its observations (T/OBS.3/2, section 2, and T/OBS.3/2/Add. 1-3) on the petition the Administering Authority explains that Mr. Mazis had given provocation to his assailant both by word and action and that the judge of the Court of First Instance took that fact into account when pronouncing sentence. Mr. Mazis was the tenant of a house which he sublet to Mr. Do Rego. Their relations, which were friendly to begin with, became more and more strained. Finally, Mrs. Do Rego went to the Commissioner of Police and complained of Mr. Mazis' "provocative behaviour". Not long after that, Mr. Mazis

went to Mr. Do Rego's house and began shouting insults; Mrs. Do Rego tried to turn him out but he resisted. At this point Mr. Do Rego arrived and a fight took place during which all three participants were injured, Mr. Mazis more seriously than the others.

5. The Administering Authority adds that, contrary to the petitioners' allegations, the case was heard by the regularly constituted courts. Mr. Mazis' appeal was dismissed because, instead of claiming further damages as he could have done, he applied for a heavier penalty to be inflicted on the grounds of "attempted assassination".

6. The petitioners' second complaint is that Mr. Mazis was afforded no protection or medical care by the local authorities; that immediately after the incident fifty sacks of flour, valued at 18,750 Belgian francs, were stolen from his bakery; and that subsequently his attorney abused his trust by embezzling twenty-five cheques amounting to a total of 23,231 francs. His family states that he spent over 300,000 francs for medical care. Thus he lost all his capital, estimated at 700,000 francs (T/PET.3/60/Add.3), and as he is unable to work he lives on help from charitable institutions.

7. The Administering Authority replies that the Administration was under no obligation to furnish medical care free of charge; as Mr. Mazis was not a pauper it was for Mr. Mazis to claim adequate compensation from Mr. Do Rego. With reference to the sacks of flour, there is no record of any complaint on the subject having been lodged in court by Mr. Mazis at the time. It is, therefore, no longer possible to ascertain whether the event ever actually occurred. If Mr. Mazis has any dispute with his legal counsel, he can either report the matter to the disciplinary authorities or institute proceedings before the courts.

8. Lastly, the petitioners assert that the Belgian authorities approached the Greek Consul at Stanleyville with a view to forcing Mr. Mazis to leave the Territory. The Administering Authority denies having taken any action of the kind. It did suggest that, in view of his state of health, Mr. Mazis should return to Greece at the expense of the Belgian Government, but he replied that he would come to a decision in the spring. So long as he does not become a burden on the State he may remain in the Territory.

9. At its 76th meeting the Committee received clarification of the subject matter of the petition from the representative and special representative of Belgium, in connexion with its consideration of the application of the petitioner for a hearing before the Council. The petition itself was examined and considered by the Committee at its 87th and 95th meetings (T/C.2/SR.87 and 95).

10. At its 95th meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution, which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 656 (XII).*

#### SECTION III. PETITION FROM MR. E. RABAUD (T/PET.3/63)

1. Writing in his capacity as secretary of the Committee of the League for the Rights of Man, Mr. Rabaud states

that the 1951 Visiting Mission informed the members of the committee that persons of foreign origin living and working permanently in Ruanda-Urundi enjoyed the same "status as inhabitants" and, in theory, the same rights as the indigenous inhabitants. The Committee has received no reply to a question its president asked the Governor of the Territory on the subject.

2. The members of the committee would welcome confirmation by the United Nations of their status as inhabitants and ask to be previously informed of and consulted on any final decisions with regard to their country's future.

3. The petition was examined and discussed at the 87th and 95th meetings of the Standing Committee (T/C.2/SR.87 and 95).

4. The special representative informed the Committee that, from the legal point of view, it seemed somewhat difficult at the present time to establish a single status for all the inhabitants of Ruanda-Urundi. In the first place, in the matter of labour legislation it was essential to maintain certain protective laws applicable to indigenous workers only. Secondly, the indigenous inhabitants were still governed by customary law, which it would be difficult to apply to Europeans. The status of inhabitants of Ruanda-Urundi would therefore be a legal concept which it would be difficult to apply in the Territory at the present time.

5. At its 95th meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 658 (XII).*

#### SECTION IV. PETITION FROM EX-CHIEF BIGIRANEZA (T/PET.3/62 and Add.I and 2)

1. Mr. Bigiraneza is the author of a previous petition (T/PET.3/41) in which he complained, *inter alia*, that Kaushi, the chief who succeeded him, had stolen twenty cows and eleven banana groves from him. The Trusteeship Council in its resolution 440 (X) of 31 March 1952 drew the attention of the petitioner to the observations of the Administering Authority on his grievances and decided that no further action by the Council was called for.

2. In his letter of 24 June 1952 (T/PET.3/62) Mr. Bigiraneza comments on those observations and asserts that, contrary to the statement of the Administering Authority, the matter of the cows has never been before a court and, furthermore, that he claims the banana groves but not the land on which they are planted. According to him, the essence of the matter is that the Belgian administrators are not protecting him from those who wish to seize his property.

3. The Administering Authority, in its observations on this letter (T/OBS.3/3, section I), explains that there was a mistake in its previous observations concerning the matter of the cows, owing to the fact that Mr. Ntunguka (see section V below), an ex-chief, like Bigiraneza, and living in the same district, had also accused Kaushi of misappropriating twenty cows, that he had been sentenced

for defamation and that a copy of the judgment had been placed in Bigiraneza's file. Bigiraneza's petition, which is within the competence of the courts, concerns two cows that he asserts to sent to Kaushi and which, with the natural increase over a period of ten years, would by now amount to twenty head of cattle. The Administering Authority has nothing further to say on the subject of the banana groves.

4. In letters dated 25 September and 10 November 1951 (T/PET.3/62/Add.I), posted in April 1952 and received by the Secretariat on 14 August, Bigiraneza gives additional information in support of his earlier petition and produces two new grievances: (a) the alleged refusal to return twenty cows kept for him by one Vyambambi, who has just died; (b) the alleged theft by a Belgian official of his watch, valued at 1,500 francs, which he had taken to an Indian watchmaker to be repaired.

5. The Administering Authority observes that the first question falls within the jurisdiction of the Chief's Court, before which Bigiraneza has not so far seen fit to appear. With regard to the watch, the Administering Authority comments that Bigiraneza, in a letter to the Government in 1951, "supposed" that the Belgian official had stolen his watch, whereas now he formally accuses him. The watch apparently disappeared between the time of the death of the Indian and the time when the official took the first measures of conservation; these events took place over ten years ago. The official or the *Service de la justice* probably paid Bigiraneza 500 francs as compensation, although there was no obligation to do so, and by accepting that sum he acquiesced in the arrangement. It is hardly likely that the official was guilty of the theft.

6. The Administering Authority concludes its observations by stating that Bigiraneza is opposed to any progress or any reform which might threaten what he regards as his privileges and is an obstacle to the healthy development of the circles in which he moves, and that only the services he was able to render earlier and the kindness of the Administration have preserved him from an expulsion order that might become necessary for the maintenance of order.

7. Lastly, in a letter dated 10 November 1952, Bigiraneza disputes the statements of the Administering Authority regarding his previous position and raises several general questions, including that of the amount of taxes the indigenous inhabitants have to pay and the discrepancy between the salaries paid to Belgian officials and those of the indigenous inhabitants.

8. At its 77th meeting the Committee received clarification of the subject matter of the petition from the representative and special representative of Belgium, in connexion with its consideration of the application of the petitioner for a hearing before the Council. The petition itself was examined and considered by the Committee at its 89th and 95th meetings (T/C.2/SR. 89 and 95).

9. At its 95th meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 657 (XII).*



SECTION V. PETITION FROM EX-CHIEF BARNABÉ NTUNGUKA  
(T/PET.3/65 AND ADD.1 AND 2)

1. Mr. Ntunguka, like Bigiraneza (see section IV above), is the author of a previous petition (T/PET.3/42 and Add.1) relating chiefly to questions concerning cattle. The Trusteeship Council, in its resolution 441 (X) of 31 March, drew the attention of the petitioner to the observations of the Administering Authority and to the recommendation adopted by the Council on the general subject of cattle, and decided that as far as the disputes which came within the competence of the courts of the Territory were concerned the petition called for no action on its part.

2. In letters dated 17 June and 18 July 1952 (T/COM.3/L.1 and Add.1)<sup>36</sup> Mr. Ntunguka commented on the observations and stated that they contained inaccuracies.

3. In two letters dated 9 August 1951 and 15 January 1952, posted in April 1952 and received by the Secretariat on 14 August, Ntunguka accuses the Resident of Urundi of having refused to act on his complaints and those of Bigiraneza. He refers to a number of cases of refusal to restore cows he claimed as his and says that "there is only a court of injustice here". He states that Bigiraneza, another petitioner called Nzamwita and he himself are persecuted and asks that they should be allowed to carry arms in order to protect themselves.

4. Ntunguka also accuses a Belgian Administrator of having said to him: "You may die because you have spoken evil against us."

5. In its observations on this petition (T/OBS.3/3, section 2), the Administering Authority remarks "Ntunguka is of a quarrelsome nature". Since 1940 he has started ninety-two lawsuits, forty-six of which were settled to his entire satisfaction and only twenty-one of which he lost completely. With regard to the other matters he is holding in reserve, and with which he is importuning the Trusteeship Council, he has the choice of several jurisdictions, but in the opinion of the Administering Authority even the International Court of Justice would soon become suspect in his eyes.

6. As for the allegations of persecution, the Administering Authority states that neither Bigiraneza nor Nzamwita nor Ntunguka is threatened by anybody, but that they should not consider themselves safe from the law, especially the law concerning prejudicial accusations and abuse.

7. The Administering Authority adds that it would be surprising if the Belgian official had uttered the words Ntunguka accuses him of.

8. In subsequent letters dated 26 April and 25 May 1953 (T/PET.3/65/Add.1 and 2) Mr. Ntunguka reiterates the request for a hearing contained in his petition and states that he is being persecuted and has even been sentenced recently to five days' imprisonment without cause by the Belgian authorities.

9. At its 77th meeting the Committee received clarification of the subject matter of the petition from the representative and special representative of Belgium, in connexion with its consideration of the application of the petitioner for a hearing before the Council. The petition itself was examined and considered by the Committee at its 89th and 95th meetings (T/C.2/SR.89 and 95).

10. The special representative of the Administering Authority informed the Committee that the petitioner had been imprisoned recently for refusing to have his cattle inoculated.

11. At its 95th meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 660 (XII).*

SECTION VI. PETITION FROM MR. GASTON JOVITE NZAMWITA  
(T/PET.3/64)

1. Mr. Nzamwita, who resigned from a position as clerk with the Administration, is, like the two preceding petitioners (see sections IV and V above), the author of a previous petition (T/PET.3/44), in which he made general criticisms of the Administration's policy and asked to be transferred to the region of Kisenyi, where he was born. He described in detail (T/PET.3/44/Add.1) the alleged persecutions inflicted on him by his superiors in the Administration after he had submitted his petition, as a result of which he resigned. In resolution 492 (XI) of 10 July 1952 the Council drew the attention of the petitioner to the observations of the Administering Authority, which made it clear that Nzamwita's request for a transfer had been granted before his resignation was definitely accepted, and that his allegation that he was persecuted by his superiors was unfounded.

2. In a letter dated 17 March 1952, posted in April and received by the Secretariat on 14 August 1952, Mr. Nzamwita complains of incessant persecution by officials. After his resignation he was driven out of his dwelling without a travel pass, for the lack of which, at Usumbura, he was followed into private dwellings, arrested, ill-treated by the police and made to pay a fine of fifty francs, for which he encloses a receipt. Wherever he goes he is followed by the police and he has difficulty in earning a living.

3. In its observations on this petition (T/OBS.3/4) the Administering Authority states that it has taken no proceedings against Nzamwita, that he has not been ill-treated, that he is not the subject of any special attention and that he may come and go as he pleases, like all the indigenous inhabitants. The petitioner completely lacks objectivity and takes pride in posing as a victim.

4. He complains, moreover, that he has been refused a civic merit certificate because of his "misconduct". In that connexion the Administering Authority states that his application was considered on 7 November 1951 by the Committee on civic merit certificates and that an examination of his petitions is enough to show that he is deficient in respect for truth and understanding of the civic virtues.

<sup>36</sup> At its 41st meeting the Standing Committee on Petitions decided to take these communications into consideration when examining the present petition.



5. Thirdly, he complains that his father was relieved in 1941 of his duties as sub-chief for unknown reasons owing to the intrigues of Belgian officials. Another official re-engaged him to supervise roadmenders and told him there was no black mark in his dossier. Later on his father was imprisoned through the same intrigues.

6. The Administering Authority states that Nzamwita's father was dismissed because of his utter inaction and fundamental inability to carry out his duties, and that, furthermore, he had in the past been given three police court sentences. At his own request, he was given a position of much less importance, but twice received a prison sentence for using the workers placed under his charge for his own personal benefit.

7. At its 77th meeting the Committee received clarification of the subject matter of the petition from the representative and special representative of Belgium, in connexion with its consideration of the application of the petitioner for a hearing before the Council. The petition itself was examined and considered by the Committee at its 89th and 95th meetings (T/C.2/SR.89 and 95).

8. The representative and special representative of the Administering Authority confirmed that no persecution was being directed against Mr. Nzamwita, whose address had not even been known to the authorities until the receipt of the present petition. He had been obliged to leave his dwelling provided by the Administration upon his resignation and if he had no travel pass it was because he had not applied for one. The fine imposed upon him was an *amende transactionnelle*, that is to say a fine he had agreed to pay rather than contest the case in the appropriate court.

9. At its 95th meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 659 (XII).*

#### SECTION VII. PETITION FROM EX-CHIEF BARNABÉ NTUNGUKA (T/PET.3/66)

1. Mr. Ntunguka refers here to the case of an ex-chief called Rwasha who in 1917 was transported from Urundi to the Belgian Congo, "accompanied by 1,174 cows, 600 men, 400 women, 200 boys and 300 girls". Ntunguka says he does not know why this was done. In view of the fact that Rwasha is now dead, he asks that the others shall be allowed to return to Urundi with their property.

2. Ntunguka also reiterates some of the complaints contained in his previous petitions.

3. In its observations on this petition (T/OBS.3/3, section 3), the Administering Authority states that Rwasha was an agitator who tried to supplant Mwami Mwambutsa. He was exiled in 1920 and was accompanied by his supporters and their families, about 200 in all, who followed him voluntarily. Every time Rwasha's followers returned to Urundi there were disturbances and brawls, particularly in 1943, when military intervention proved necessary. After Rwasha's death the few followers who had still been with him asked permission to return to

Urundi, but both the European and the indigenous authorities thought their return would be a constant threat to public order. The Administering Authority does not know on what grounds Ntunguka sets himself up as an advocate for these people.

4. At its 77th meeting, the Committee received clarification of the subject matter of the petition from the representative and special representative of Belgium, in connexion with its consideration of the application of the petitioner for a hearing before the Council. The petition itself was examined and considered at its 89th and 95th meetings (T/C.2/SR.89 and 95).

5. The representative of Belgium informed the Committee that Rwasha's father had entered the Territory from the Belgian Congo during the German regime and his father and he had tried then and later to supplant the Mwami of Urundi. It had therefore been necessary for the Belgian authorities to order his return to the Belgian Congo. The representative had, in 1920, personally supervised the departure of Rwasha and those of his followers who had voluntarily accompanied him.

6. At its 95th meeting the Committee adopted, by 4 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 661 (XII).*

#### SECTION VIII. PETITION FROM EX-CHIEF BARNABÉ NTUNGUKA AND OTHERS (T/PET.3/67 AND Add.1)

1. This petition, from Mr. Ntunguka and seventeen others, including Mr. Bigiraneza, concerns the use of land. The petitioners state that they, and their ancestors before them, pastured their cattle in a remote forest near Ruzizi. In 1939 the Administration took four hills from them without further ado, and also a canal they maintained for watering the cattle, and gave the land to "a host of farmers" whom it brought "from all parts of Urundi". Later the Administration seized three more of their hills. Since 1939, 139 of their cows have died of starvation and thirst and the only hill that is left to them barely suffices for their cattle. Now the Belgian authorities have "literally" compelled the peasants to leave their own lands in order to "overrun" this hill, although there is plenty of uncultivated land.

2. In a subsequent letter dated 26 October 1952 (T/PET.3/67/Add.1) Mr. Ntunguka states that many men, with their cows, have come to settle on his land.

3. Finally, Mr. Ntunguka complains that the Secretariat's letter of 25 August acknowledging receipt of his petitions T/PET.3/65 and 66 did not arrive until 24 October, although a letter can go by air mail from New York to Usumbura in a few days. In this connexion the Secretariat is in a position to state that the letter, like the majority of acknowledgements of the receipt of petitions, was sent by ordinary mail.

4. In its observations on the petition (T/OBS.3/5, section I) the Administering Authority states that this petition is a result of its policy, which was approved by the 1951 Visiting Mission, of developing sparsely inhabited parts of the Territory and reducing the number of cattle.

For several years the Administration has been constructing irrigation canals in the Ruzizi plain, to the north of Usumbura, and encouraging the settlement of farmers in the region. However, enough pasture land unsuitable for cultivation remains on the Ruzizi plain to satisfy the needs of the indigenous inhabitants who have formed the habit of pasturing their cattle there.

5. At its 77th meeting the Committee received clarification of the subject matter of the petition from the representative and special representative of Belgium, in connexion with its consideration of the application of the petitioner for a hearing before the Council. The petition itself was examined and considered at its 89th and 95th meetings (T/C.2/SR.89 and 95).

6. The special representative of the Administering Authority informed the Committee that an investigation of land rights in the area carried out by the Mwami of Urundi and a head chief thoroughly familiar with local customs showed that Ntunguka and his followers held a customary right to the land on which their houses and cattle enclosures stood and to the land under cultivation by them, but that the several thousand hectares of land on which they pastured their cattle and of which they claimed ownership were in fact communal land. Part of this land had been utilized for a settlement scheme for indigenous farmers, but the rest was reserved for communal grazing.

7. At its 95th meeting the Committee adopted, by 4 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 662 (XII).*

#### SECTION IX. PETITION FROM EX-CHIEF BARNABÉ NTUNGUKA (T/PET.3/68)

1. The petitioner alleges that twenty people died as a result of "pentamidine" injections; that it is not yet known whether another sixty suffering from the disease caused by these injections will die or not, and that some four to five hundred children in the "territory" of Usumbura have their legs paralysed as a result of the injections, although no European or Asian children are seen suffering in this way. He asks that the injections shall be stopped.

2. In its observations on this petition (T/OBS.3/5, section 2) the Administering Authority states that between October 1951 and October 1952, 243,033 pentamidine

injections against sleeping sickness were given in the district round Bubanza.

3. The decrease in the incidence of that disease was so marked (0.90 per cent in 1950; 0.19 per cent in 1952) that on 6 November 1952 the chief medical officer ordered the temporary suspension of injections.

4. It may be noted that some Europeans have been given prophylactic injections of pentamidine at their own request.

5. As there were rumours attributing several cases of paralysis in children to the pentamidine, the Governor of Ruanda-Urundi held an investigation, the conclusions of which were that they were cases either of neuritis or polyneuritis through avitaminosis or of paralysis from poliomyelitis.

6. Mr. Ntunguka adds that the patients in the hospital for indigenous inhabitants at Usumbura are given clean sheets and blankets only when an important visitor is coming to the hospital. The Administering Authority denies that allegation.

7. The petition was examined and discussed at the 89th and 95th meetings of the Standing Committee (T/C.2/SR.89 and 95).

8. The representative and special representative of the Administering Authority informed the Committee that in the course of the 243,033 pentamidine injections given in the district round Bubanza, thirteen cases of fainting, seven fatalities and five cases of abscess had been noted. The petitioner appears to insinuate that Europeans were not given the same treatment, but in point of fact some Europeans had been given such prophylactic injections at their own request, and others, who had contracted sleeping sickness, had been treated with the same drug.

9. The representative stated that the medical authorities had reported that in a relatively short time their success had been such that practically no new cases of sleeping sickness had occurred. Since the disease had practically disappeared in the area it had been decided, in view of the fact that accidents did occur in rare cases, to discontinue pentamidine injections.

10. At its 95th meeting the Committee adopted, by 4 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 663 (XII).*

### DOCUMENT T/L.394

#### Forty-ninth report of the Standing Committee on Petitions: petitions concerning the Cameroons under French administration

[Original text: English]  
[20 July 1953]

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### INTRODUCTION

1. At its 89th, 90th, 91st, 92nd, 95th and 96th meetings on 13, 14, 15, 16, and 20 July 1953 the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics, and the United States of America, examined the twelve petitions concerning the Trust Territory of the Cameroons under French administration which are listed above. These petitions refer to political and administrative matters and have been further classified according to the type of questions raised.

2. Mr. Léon Pignon participated in the examination as the representative of the Administering Authority concerned.

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 draft resolutions referred to in sections I-V and VII-XI inclusive.

### SECTION I. PETITION FROM MESSRS. OUSMAN MUISSE AND FÉLIX-ROLAND MOUMIE (T/PET.5/110)

1. This petition is signed by five petitioners, of whom at least four were unsuccessful candidates in the elections in the Bamoun region for the Territorial Assembly in March 1952 and who complain of numerous irregularities in the conduct of these elections.

2. They state that many persons were denied registration on the electoral rolls and that only those who could be relied upon to vote for Sultan Seidou, the candidate favoured by the Administrative Authorities, were able to obtain electoral cards. On the other hand persons, including children and former convicted criminals, who did not possess the necessary qualifications obtained cards without difficulty.

3. They further state that there were irregularities in the manner in which electoral cards were distributed and that the chairmen of two electoral committees were not the persons officially designated. The candidate favoured by the authorities had more agents than the regulations

permitted and several of them were convicted criminals who had been deprived of their civil rights. Some of the voters used false credentials. Many electors were unable to find out at what polling station they were to vote and there were mistakes in the distribution of ballot forms.

4. The petitioners cite instances of interference in the election meetings of certain candidates, illegal campaigning, acts of provocation, intimidation and bribing of electors.

5. Finally, the petitioners state that "only 3,500 out of nearly 14,000 registered electors voted and no people can be represented by 2,400 mutilated votes".

6. The Administering Authority in its observations (T/OBS.5/7, section 2) states that Mr. Moumie sent a copy of the petition to the president of the *Conseil du Contentieux* and that the *Conseil* on 6 August 1952 decreed that the appeal be rejected on the following grounds:

(a) As regards his complaint that the names of many persons were taken off the electoral lists, on the grounds of incompetence of the Court;

(b) As regards his complaints of the distribution of electoral cards, of the difficulties caused the plaintiff in his electoral campaign, of fraud in the elections, of the qualifications of Seidou's agents, of reasons for abstention from voting, of the illegal electoral campaigning of Sultan Seidou and of the use of false electoral cards by the electors, on the grounds of insufficient evidence brought forward by the plaintiff.

7. The petition was examined and discussed at the 89th, 90th, and 95th meetings of the Standing Committee (T/C.2/SR.89, 90, and 95).

8. The representative of the Administering Authority stated that it had been open to the petitioners to lodge a complaint with the *Juge de Paix* if they were of the opinion that names had unlawfully been taken off the electoral lists.

9. At its 95th meeting the Committee adopted, by 4 votes to 1 with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 770 (XII).*

SECTION II. PETITION FROM THE REGIONAL COMMITTEE OF THE UNION DES POPULATIONS DU CAMEROUN OF THE NYONG-ET-SANAGA REGION (T/PET.5/121 [IN PART])

1. The petition, which was written by Mr. N'Koudou Abessolo, on behalf of the Regional Committee of the Union des Populations du Cameroun (UPC) of the Nyong-et-Sanaga region, begins with a complaint that elections are not conducted freely in the territory. It states that Mr. Louis Aujoulat, at that time a Minister of the French Government, received the support of the authorities during his election campaign for the Territorial Assembly in March 1952, that Mr. Aujoulat wrongfully issued permits for the purchase of arms to those chiefs who promised to vote for him, and that some of his supporters even used force to obtain votes and many persons were illegally excluded from the electoral rolls. The petitioner claims that numerous complaints were made to the *Conseil du Contentieux* by various candidates who are still awaiting the decision of the *Conseil*.

2. The petitioner further charges that the European or French population is greatly over-represented in the Territorial Assembly. Such abuses have led politically-minded men in the Cameroons to mistrust the Trusteeship System and to desire a revision of the Trusteeship Agreement.

3. The petitioner also claims that the local administration has imposed Chief Sébastien Essomba on the floating population of Yaoundé, which wishes to elect a chief from among its number.

4. Further complaints contained in this petition are dealt with in section V below, in connexion with similar complaints in other petitions (T/PET.5/113, 115 and Add.1), from the UPC branches in that region.

5. The Administering Authority in its observations (T/OBS.5/7, section 6) states that Mr. Abessolo on 5 May 1952 appealed to the *Conseil du Contentieux* for an annulment of the elections. The complaints brought forward by him were the same as those contained in the petition with some additional ones. The *Conseil* has a time-limit of three months to deliver its verdict. Twenty-seven appeals were made and examined within the time-limit. On 30 July the *Conseil* decreed that Mr. Abessolo's appeal should be rejected as regards procedure for not respecting the time-limit and as regards the substance of the case for lack of supporting evidence. No valid inscription on the electoral rolls was refused. If Mr. Abessolo felt that such inscription had been illegally refused, it was open to him to appeal, without costs, even to the *Cour de Cassation*.

6. The Administering Authority states that the majority of the non-Yaoundé indigenous inhabitants are prepared to accept Sébastien Essomba as chief, although no doubt some of them, such as the Bamiléké of Yaoundé, would prefer to have a blood-brother as chief.

7. The petition was examined and discussed at the 90th and 95th meetings of the Standing Committee (T/C.2/SR.90 and 95).

8. The representative of the Administering Authority stated that at Yaoundé (as also at Douala), where the floating population is now more numerous than the original

inhabitants, it is no longer possible to elect chiefs according to the traditional rules. In the present intermediary stage before Yaoundé becomes a municipality, at which time the chiefs will be replaced by municipal authorities, the Administering Authority has been obliged to appoint a chief for the floating population who would be acceptable to the majority of the non-Yaoundé inhabitants. The chief was appointed after consultations with the various groups within the floating population and on their recommendation. The majority of the population agreed to the appointment of Essomba.

9. At its 95th meeting the Committee adopted, by 4 votes to 1 with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 780 (XII).*

SECTION III. PETITION FROM THE COMITÉ RÉGIONAL DE L'UNION DES POPULATIONS DU CAMEROUN, FOUMBAN (T/PET.5/114)

1. The petitioners repeat a protest contained in earlier petitions<sup>87</sup> from this area, namely, that the paramount chiefs were appointed by the French authorities and were not chosen from among the traditional chiefs in accordance with custom, and that these chiefs, with the authorization of the French authorities, seize land and alienate it to European settlers without the consent of the owners. In its observations (T/OBS.5/3, section I) the Administering Authority reaffirms that it appointed the paramount chiefs precisely to contend with the feudal landlords and that they are not permitted to appropriate or alienate land.

2. In addition the petitioners claim that it is the wish of the indigenous inhabitants that the councils of notables be replaced by regional councils. To this the Administering Authority replies that at its last session the Territorial Assembly expressed an unfavourable opinion about the proposed regional councils. Rural *communes-mixtes* are being established in the Cameroons, and in the opinion of the Administering Authority these are distinctly more advanced politically than the regional councils.

3. The establishment of regional councils is the subject of recommendations adopted by the Trusteeship Council at its ninth and eleventh sessions. The 1952 Visiting Mission discusses the establishment of rural *communes-mixtes* in paragraphs 34 to 41 of its report. It notes that the communications which it had received showed the satisfaction of the people of the three regions where the reform had been introduced and the desire of the people of other regions of the south and west of the Territory (including the Bamoun region) that the reform should be extended to those regions. The Mission considers that it would be appropriate to do this as quickly as possible.

4. The petition was examined and discussed at the 90th and 95th meetings of the Standing Committee (T/C.2/SR.90 and 95).

<sup>87</sup> T/PET.5/87 and resolution 388 (IX) and T/PET.5/108 and resolution 628 (XI), by which the Council decided that no recommendation was called for.

5. At its 95th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 774 (XII).*

#### SECTION IV. PETITION FROM MR. MFOUBOUN AMADOU (T/PET.5/120)

1. The petitioner complains that the authorities imposed Chief Njikouotou Issa on an unwilling population as paramount chief of the Foubot group<sup>38</sup> in the Bamoun region.

2. In February 1951 the death took place of Chief Njikouotou's father, Chief Njikouotou Ousmanou. The latter had so antagonized the population that they did not wish to see his son succeed to the chieftainship. However, Njikouotou Issa and chiefs who favoured his candidature, aided and abetted also by the head of the subdivision, sought by bribery and pressure to prevail upon the villagers to give him their support. This finally led to an unfortunate incident on 17 May 1951, which the petitioner claims was planned by the head of the subdivision himself to give him an excuse for again meting out exemplary penalties and for having Njikouotou declared chief. Twenty persons were imprisoned without justification. Finally, the petitioner states that the incident involved the presence of the inspector of Administrative Affairs, a lieutenant of the police, a number of European officers and 150 Cameroonian guards. The latter stayed for two weeks so that Foubot was more or less in a state of siege.

3. In its observations (T/OBS.5/5, section 2) the Administering Authority states that on the death of the former chief the population found itself divided into two groups supporting two rival claimants. In accordance with present laws and custom his successor was elected by the village chiefs on 20 February 1951 and his son, Nsangou Issa (known later as Njikouotou Issa) obtained the majority of the votes. It is thus apparent that the Administration did not "impose" Chief Njikouotou on the population. Charges were made later of illegal procedures during the election but they were all dismissed for lack of evidence.

4. The Administering Authority was well aware of the opposition that the newly elected chief would encounter and postponed the official notification of his appointment until 27 April 1951, hoping that in the interval a calmer atmosphere might prevail. Chief Njikouotou Issa was presented to the population on 17 May 1951 and the Administering Authority states that the presentation itself caused no disturbance. After the ceremony, however, when Chief Njikouotou had already left with his followers, a group led by the petitioner appeared on the scene and protested against the appointment.

5. It is correct that in the following days Cameroonian guards were sent to Fouban to prevent further incidents. At no time, however, were there more than a hundred or

so and most of them left after a few days, while the others remained in their camp area. There was therefore nothing corresponding to a state of siege. Seventeen persons (not twenty) were imprisoned as a result of the disturbance, and their sentences ranged from three to twenty months according to the gravity of the charges against them.

6. The Administering Authority stresses that steps have been taken to avoid further friction between the two rivalling clans. Thus, Chief Njikouotou's opponents have been removed from his sphere of authority. No disturbances have taken place at Foubot since 17 May 1951.

7. The petition was examined and discussed at the 90th and 95th meetings of the Standing Committee (T/C.2/SR.90 and 95).

8. At its 95th meeting the Committee adopted, by 4 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 779 (XII).*

#### SECTION V. PETITIONS FROM THE UNION DES POPULATIONS DU CAMEROUN, BRANCHES IN THE NYONG-ET-SANAGA REGION (T/PET.5/113, 115 AND ADD.1, AND T/PET.5/121 [IN PART])

1. The following petitions from various branches and officers of the Union des Populations du Cameroun (UPC) in the Nyong-et-Sanaga Region form a closely related series of complaints, and as they overlap it has been found useful to consider them all (except for part of T/PET.5/121 dealt with in section II above) in a single section.

(a) Cablegram dated 1 May 1952 from the Regional Committee of the UPC, Yaoundé (T/PET.5/113);

(b) Letter dated 26 May 1952 from Mr. N'Koudou Abessolo, General Secretary, for the Regional Committee of the UPC, Nyong-et-Sanaga Region (T/PET.5/115);

(c) Letter dated 8 July 1952 from Mr. N'Koudou Abessolo, also for the Regional Committee (T/PET.5/121);

(d) Letter dated 2 November 1952 addressed to the Visiting Mission by Mr. N'Koudou Abessolo, General Secretary, for the UPC Central Committee of Mbalmayo (T/PET.5/115/Add.1).

2. The first line of complaint is that the local administration is using "anti-democratic" methods against the local population, in particular against members of the UPC, and is subjecting them to cruel and unjust treatment, while Europeans commit offences with impunity or receive minor punishments.

3. As instances of such treatment the petitioners:

(a) Give details of alleged assaults by police officers on Mr. Hermann Yéné—T/PET.5/113 and 115—(this case is dealt with in section VI below, on the petition from Mr. Yéné) and on Mr. N'Koudou Abessolo.

(b) Cite the case of four Africans who they claim were wrongfully accused of the murder of a Mrs. Cozzens in 1949. They charge that one of these, named Awong, was killed by the police and that the other three, Efimba, Médou and Akoa, were cruelly tortured. Although they were found to be innocent of the murder they are still

<sup>38</sup> This incident was referred to briefly in T/PET.5/108 (resolution 628 (XI)), in which connexion the Council merely noted in general terms the observations of the Administering Authority, which were not as detailed as are the present ones.

held in prison on a trumped-up charge of burglary. In the case of Akoa the petitioners assert that it was established before the criminal court at Douala that the judge had made a mistake in sentencing him to five years' imprisonment (T/PET.5/115 and Add.1). Indeed, in another place, they even state that the judge concerned himself admitted the mistake.

(c) Charge that proceedings were taken against Mr. Abessolo himself, first for complaining to the United Nations, and secondly for complaining to the High Commissioner about certain officials. The Supreme Court of Appeal in the Cameroons acquitted him on the first charge—on the ground that he was covered by the statute of limitations—but he was convicted on the second charge without a hearing. It is alleged that at the time of writing (2 November 1952) this conviction has just been confirmed by the court of appeal, which has sentenced Abessolo to a suspended term of six months' imprisonment and fined him 20,000 francs (T/PET.5/115/Add.1).

(d) Refer to the case of Mr. Essono Onambele who, they state, was executed for killing in a fit of anger an administration official who had berated him (T/PET.5/115/Add.1).

(e) Contrast these cases with those of three Europeans whom they accuse of killing Africans. Two of these persons have escaped prosecution, while a third, a Mr. Perny (T/PET.5/115 and Add.1) who, they charge, murdered an African named Obama, was after a delay of two years convicted of assault and battery and sentenced to a suspended term of two years' imprisonment and to pay 20,000 francs damages.

4. In its observations on the above petitions (T/OBS.5/7, sections 4, 5 and 6 on T/PET.5/113, 115, 121) the Administering Authority states that:

(a) It was open to Mr. Abessolo to lodge a complaint had he been subjected to violence at the hands of a guard. Mr. Abessolo, having himself been sentenced to a term of prison in 1946 for using violence, could not have been ignorant of this recourse. As regards the Administering Authority's observations on the case of Mr. Yené, these will be found in section VI below (T/OBS.5/7, sections 4 and 5).

(b) The case of Awong was raised in T/PET.5/98 disposed of by the Trusteeship Council in resolution 459 (X). Efemba was accused of robbing a Mrs. Exarcos and arrested in December 1949. He pleaded guilty and denounced Médou as his accomplice. The latter was consequently also arrested. When interrogated, Efemba admitted participation in the murder of Mrs. Cozzens in 1949 and accused Médou and Akoa of complicity in the crime. They at first pleaded guilty, but later retracted their confessions, as did also Efemba. In September 1951 the Criminal Court of the Cameroons, according them the benefit of the doubt, released Akoa. Efemba and Médou, however, having been sentenced in September 1950 to five years' imprisonment for the robbery mentioned above, and also for robbing Médou's employer, were detained in prison. Médou has appealed, and his appeal is still pending. The petitioners' allegation that the prisoners were cruelly tortured is pure imagination (T/OBS.5/7, section 5).

(c) The Administering Authority has not yet commented on this conviction of Mr. Abessolo.

(d) The Administering Authority has not yet commented on the case in question.

(e) The Administering Authority gives a detailed report on the three cases of alleged murders of Africans by Europeans. In two of the cases it concludes that there was no reason to suspect murder. The third case, that of Obama, was raised previously in T/PET.5/98, and in its resolution 459 (X) the Trusteeship Council drew the attention of the petitioners to the observations of the Administering Authority, namely, that the case had been investigated and judged in accordance with the normal procedure. Since that time, the case having run its normal course, Mr. Perny has been sentenced to a suspended term of two years' imprisonment (T/OBS.5/7, section 5).

5. The above petitions also contain several other complaints of a general nature. The petitioners object to the policy of alienating land to European settlers (T/PET.5/115 and Add.1) and claim that forced labour still exists in the French Cameroons under a variety of names. At Akonolinga, for instance, they state that it is practised under the name of "Kong", which consists of work without pay on public works in the subdivision (T/PET.5/115).

6. The petitioners complain that the local administrator breaks the rules of the health service in the Cameroons. Under article 1 of the decree of 1 October 1937 public health measures are applicable only in urban centres. In spite of this he imposes fines on people living in rural areas for offences against regulations of which they have never heard. They claim that he also imposes heavy fines for offences which have nothing to do with the health service (T/PET.5/115 and 121).

7. Finally (T/PET.5/121), the petitioners charge that discrimination is practised against African traders, who do not enjoy the same privileges as their European colleagues; for instance they are not allowed to remain open for longer than half the day, whereas the European traders, who also have the benefit of bank loans, are permitted to remain open from 7 a.m. to 9 p.m.; moreover, they are constantly subjected to ill-treatment at the hands of the local authorities in centres such as Douala, Yaoundé, Ebolowa, etc; at Ebolowa the European police are notorious for their arbitrary imposition of penalties on the African traders.

8. Replying to these complaints the Administering Authority maintains that forced labour is forbidden in the Territory and does not exist. It states also that the fines imposed by agents of the Health Service in rural areas were legal. Their imposition merely proves that the activities of the Public Health Service are extended to distant villages in the best interests of the population (T/OBS.5/7, Section 5). In T/OBS.5/7, Section 6, the Administering Authority affirms that no complaints have been received previously that fines are imposed by the Health Service for offences which have nothing to do with that service, but states that it will take action if the petitioners can give further particulars of their complaints and these are found to be justified.

9. Finally, replying to the charges that discrimination is practised against African traders, the Administering Authority (T/OBS.5/7, Section 6) asserts that these charges are unfounded. The same rights are accorded to Africans as to Europeans, also as regards working

hours. African and European traders keep their stores open morning and evening except for those traders, of either race, who have stalls within the precincts of the market and who are allowed to remain open in the morning only.

10. The petition was examined and discussed at the 90th and 95th meetings of the Standing Committee (T/C.2/SR.90 and 95).

11. The representative of the Administering Authority stated that the meaning of the word "Kong" was unknown to him, but that forced labour was prohibited in the Territory by the *code du travail*.

12. As regards the publicity given to the public health regulation, the representative stated that official notices were both published in the official journal of the Territory and posted in places where the local population was accustomed to look for them.

13. At its 95th meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 773 (XII).*

#### SECTION VI. PETITION FROM MR. HERMANN YENÉ (T/PET.5/131 AND ADD.1)

1. The petitioner states that on 26 April 1952 his grandson, Laurent Yené, a child of about six, was knocked down and killed by a lorry driven by a European, Mr. Baez. The driver fought to escape from the petitioner and a gathering crowd which, moreover, was infuriated by the interference of another European armed with a jack.

2. Mr. Yené charges that because of this incident the police authorities sent a punitive expedition to the Awaé quarter of Yaoundé the same evening and arrested hundreds of persons, he among them. (T/PET.5/115 contains a complaint that 500 indigenous inhabitants were arrested and tortured for three days at the Yaoundé police station.) The following day he was subjected to brutal beatings by three police officers. He encloses a photograph of himself taken a day later to prove this charge. During the night the policemen became worried about his condition and fearing that they would have to account for their treatment of the prisoner they drove him to the hospital. Since the head physician was absent, and his assistant unable to administer the necessary treatment, the police officers drove the petitioner back to their office where they tried to give him first-aid themselves. Early in the morning Mr. Aujoulat, who had been apprised by Mr. Yené's family of his situation, arrived at police headquarters and ordered him taken to the hospital, where, however, the head physician refused to admit him. Mr. Yené complains that at the same time he admitted Mr. Baez, whose condition was in no way critical. The petitioner was now dismissed by the police and his family immediately took him to a private doctor, where he obtained a medical certificate describing the serious nature of his wounds. This certificate is lodged with the Court of First Instance at Yaoundé.

3. On 29 April the police learned that Mr. Yené was to be treated by a private physician and arrested him for the second time. In the magistrate's court he was sent to prison without any formalities. The following day, after the Union des Populations du Cameroun (UPC) had appealed to the *Haut-Commissariat* at Yaoundé, he was moved from the prison to the hospital. Ten days later he was transferred to the prison infirmary.

4. Mr. Yené states that while he was in prison two of the officers who had been guilty of beating him obtained medical certificates attesting injuries which they claimed they had suffered while questioning the prisoner. On the basis of these certificates the Yaoundé Court on 4 August 1952 sentenced Mr. Yené to three month's imprisonment for alleged breach of the peace and assaulting the police. This sentence was later upheld by the Cameroons Court of Appeal, which added a fine of 5,000 francs.

5. The petitioner requests the reopening of his restaurant which the authorities closed down while he was in prison, the annulment of his sentence and the prosecution of Mr. Baez, as responsible for the death of Mr. Yené's grandson, and of the three police officers who maltreated the petitioner.

6. In a later communication dated 7 November 1952 (T/PET.5/131/Add.1) the petitioner reiterates the above charges and adds that he has just been sentenced, on a charge of assaulting Mr. Baez, to four months' imprisonment, 10,000 francs in fines and 200,000 francs damages. He protests that he merely held Mr. Baez by the belt to prevent him from fleeing after the fatal accident. He compares his sentence with that of a European, Mr. Perny (see section V above), and protests that obviously racial discrimination is still prevalent in the Territory.

7. In its observations on T/PET.5/115 (T/OBS.5/7, Section 5) the Administering Authority states that on 26 April 1952 Mr. Yené's grandson was knocked down and killed by a vehicle when he heedlessly crossed the road. The driver, Mr. Baez, who immediately tried to help the victim, was attacked by Africans who had witnessed the accident and who, moreover, were urged on by Mr. Yené.

8. Consequently Mr. Yené was arrested and taken to the *Commissariat de police* for interrogation. He tried to escape through an open window and, when restrained by two police officers, he fought violently and wounded the two officers who, in their turn, were obliged to use violence to hold him.

9. Mr. Yené has been sentenced to three months' imprisonment for assaulting the police. On appeal, he found his sentence increased by a fine of 3,000 francs. For his attack on Mr. Baez he was sentenced to four months' imprisonment and 10,000 francs fine. Both sentences have been appealed by Mr. Yené and are pending.

10. As a large number of persons took part in the attack on Mr. Baez on 26 April, the police checked the identification papers of four hundred persons the same day between 5 p.m. and 7 p.m. Fifteen persons who had no identification papers, or who admitted participating in the attack, spent the night at the police station. Only four of them were held back the following day. No one was subjected to violence of any kind.



11. The Administering Authority declares that the claim of the UPC that 500 indigenous persons were arrested and tortured for three days is a product of their imagination.

12. The petition was examined and discussed at the 91st and 95th meetings of the Standing Committee (T/C.2/SR.91 and 95).

13. The representative of the Administering Authority stated that the petitioner had lost his appeal against the judgment on the charge of assaulting the policemen but that the case had now been appealed to the Court of Cassation. There an appeal on the charge of assaulting the driver was still pending. He also stated that there was no question of racial discrimination in determination of the case and that racial discrimination did not exist in the Territory.

14. The representative of France explained that there was no grounds for criminal action against the driver since the inquest had shown that he was not criminally responsible for the accident. The family of the deceased child could of course have recourse to the courts for any civil action they might wish to bring against him.

15. At its 95th meeting the Committee adopted, by 5 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 785 (XII).*

SECTION VII. PETITION FROM THE COMITÉ REGIONAL DE L'UNION DES POPULATIONS DU CAMEROUN, N'KONGSAMBA (T/PET.5/117)

1. The petitioners, in a brief cablegram dated 24 June 1952, protest that the police have used violence against an unarmed population at Loumchantiers, causing deaths and injuries.

2. In its observations (T/OBS.5/6, section 2) the Administering Authority states that the incident referred to took place in May 1952, when the village of Loum was ravaged by a fire caused by the carelessness of a housewife. The villagers, seeking a scapegoat, found him in the person of Mr. Lucas Nana, who had a reputation for practising witchcraft. Mr. Nana sought the protection of the authorities but the excited mob resented the peaceful intervention of the Administrator and stoned his escort, which was unarmed, and wounded three guards. The local Administrator, returning next day with more guards, found the Bamiléké quarter evacuated except for the corpse of one of the villagers, who had died of a head wound, and for his family who had remained behind.

3. The Administering Authority explains that the whole affair was the result of accusations of witchcraft among people of the same race (only Bamilékés were involved); the rest of the population stayed quietly at home. It regrets that the intervention of the authorities to save an innocent person should have served as pretext for the bloody riot, but points out that the leaders of the UPC (Union des Populations du Cameroun) went to Loum a few days before the skirmish and returned there the day after. They have later attempted to exaggerate the incident, but calm has long since descended on the village.

4. The petition was examined and discussed at the 91st and 95th meetings of the Standing Committee (T/C.2/SR.91 and 95).

5. The representative of the Administering Authority stated that since the introduction of the Metropolitan Penal Code into the Territory it had not been possible to prosecute persons for acts of witchcraft as such. Prosecution was therefore possible only through indirect action.

6. He expressed the view that, although the eradication of witchcraft was a difficult sociological problem, with the continual influence of western civilization and education on the indigenous population witchcraft, with all its practices, would disappear at an increasing rate.

7. At its 95th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 776 (XII).*

SECTION VIII. PETITION FROM THE BUREAU DU COMITÉ CENTRAL DE L'UNION DES POPULATIONS DU CAMEROUN (T/PET.5/125)

1. The petitioners, by a motion adopted at a meeting of the Union des Populations du Cameroun (UPC) held at N'Kongsamba on 30 November 1952, protest

(a) That Mr. Abel Kingué, Vice-President of the UPC, was illegally arrested on 27 November 1952 by the local authorities of Dschang;

(b) That the home of Mr. Jacques Ndamé, Chairman of the Mbourokou branch of the UPC, was illegally searched by the local authorities of N'Kongsamba;

(c) That Senior Chief Njimofira of Foumban is prosecuted for petitions sent to the United Nations to give a free expression of his views.<sup>39</sup>

2. The petitioners describe these actions as contrary to the Charter and to resolutions of the General Assembly and request that the charges against chief Njimofira be dropped and that the other two actions should be inquired into.

3. They further charge that freedom of association and of petition is being officially violated.

4. In its observations (T/OBS.5/7, Section 8) the Administering Authority states:

(a) That on 27 November 1952 at 8.30 p.m. the police questioned two persons, of whom one was being watched by the police. The other, Mr. Kingué, who was not known to them, was also asked to accompany them to the police station to verify his identity. As soon as this

<sup>39</sup> The petition in question is presumably a cablegram sent to the United Nations on 12 November 1952 and is worded as follows:

"Traditional chiefs and notables Bamoun region request you consider Um Nyobe spokesman people Cameroons stop All messages to the contrary drafted by Administering Authorities or corrupt persons in name of population of the Cameroons kept in ignorance stop Traditional Chief Njimofira." (The case of Chief Njimofira is dealt with in greater detail in T/PET.5/110, on which observations have not yet been received.)



was done, at 9 p.m., both Mr. Kingué and his companion were allowed to leave the police station. Accordingly there was no "arrest" and no "illegality".

(b) That on several occasions the authorities had received complaints that, in order to assemble as many persons as possible for meetings of the UPC at Mbouroukou, Mr. Ndamé would announce that he had been ordered by the authorities to summon the villagers to give them certain information. On 21 November a messenger came from the village chief to request confirmation of a report spread by Mr. Ndamé that a reunion of the villagers had been ordered by the *Chef de région*. The report was absolutely false. An investigation followed in the course of which the *Juge de Paix* issued a warrant for search of the home of Mr. Ndamé. This affair was consequently quite legal.

(c) That Chief Njimofira was not prosecuted for addressing petitions to the United Nations "to give a free expression of his views", but for addressing a petition to the international authority using signatures of persons who knew nothing of the steps he had taken, and who subsequently complained.

5. The petition was examined and discussed at the 91st and 95th meetings of the Standing Committee (T/C.2/SR.91 and 95).

6. The representative of the Administering Authority stated that Chief Njimofira was being prosecuted as a result of legal action taken against him by certain chiefs and notables of the Bamoun Region who complained that he had claimed to speak on their behalf without authorization and that he had made a defamatory statement about them.

7. At its 95th meeting the Committee adopted, by 3 votes to 2 with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 784 (XII).*

#### SECTION IX. PETITION

FROM MR. JEAN-BAPTISTE-HÉLÈNE ONDOUA (T/PET.5/109)

1. The petitioner, formerly a treasury accountant in charge of a public bank in the locality of Abong-Mbong, states that in 1951 he was sentenced to nine years' imprisonment and a fine of 175,000 francs on a charge of misappropriation of public funds.

2. He claims that Mr. Joseph Mballah Noah, a wealthy timber dealer, had prevailed upon the petitioner to lend him a sum of 350,000 francs, and later to make an advance against cheques totalling 1,350,000 francs, for which Mr. Noah did not have sufficient funds at the time but which, he asserted, he would be able to cover in the very near future. The bank auditor, however, discovered the deficit before the amount had been repaid, and the petitioner and Mr. Noah were arrested in December 1948 and sentenced by the Cameroons Criminal Court in June 1951. They both appealed, claiming that instead of being tried on a charge of misappropriating public funds, they should have been charged with issuing cheques without funds to meet them. Their appeals are still pending before the *Cour de Cassation* in Paris.

3. The petitioner feels that neither he nor Mr. Noah should have been imprisoned, as they did not act with fraudulent intent, and Mr. Noah is in a position to pay back the whole sum owed to the bank. As concerns himself, the petitioner feels that he is being dealt with too severely in view of his previous excellent record during eleven years' service in the French Administration, and that his offence merited only disciplinary sanctions.

4. He complains that his wife, who is totally dependent on him, is dying of "starvation and poverty", as he is not even allowed the one half of his salary, to which he claims he is entitled while in custody.

5. He further complains of discrimination, charging that European employees have been involved in cases of "Cheques and deficits of funds" without being imprisoned.

6. He appeals to the United Nations to consider his petition, with a view to having him released from prison, where he has already spent more than three years.

7. In its observations (T/OBS.5/7, Section 1) the Administering Authority states that Mr. Ondoua was convicted of accepting cheques totalling 1,350,000 francs without the funds to meet them and for misappropriating public funds totalling 300,000 francs (50,000 of the 350,000 francs mentioned in the petition were paid back from Mr. Ondoua's personal funds). Consequently on 27 June 1951 the Cameroons Criminal Court sentenced him to nine years' imprisonment and a fine of 175,000 francs for accepting cheques knowing that the drawer had no funds to meet them and for misappropriating public funds totalling more than 3,000 francs.

8. Mr. Ondoua appealed against his sentence, and the conviction was quashed by the *Cour de Cassation* on 10 July 1952. The case was then brought before the Criminal Court at Douala on 25 October 1952 where Mr. Ondoua was sentenced to four years' imprisonment and a fine of 150,000 francs.

9. Mr. Ondoua, who in 1948 had been a special officer (treasury accountant) for several years, cannot have been unaware, says the Administering Authority, that he was guilty of very serious irregularities in accepting cheques without the funds to meet them and in misappropriating the cash for which he was responsible.

10. The petition was examined and discussed at the 92nd and 95th meetings of the Standing Committee (T/C.2/SR.92 and 95).

11. The representative of the Administering Authority explained that the charge against the petitioner for misappropriating public funds had been struck out by the *Cour de cassation* and that his subsequent sentence of four years' imprisonment was for accepting cheques knowing that the drawer had no funds to meet them. The petitioner should certainly have completed his sentence and been released.

12. At its 95th meeting, the Committee unanimously adopted the following draft resolution, which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 769 (XII).*

SECTION X. PETITION FROM THE UNION DES POPULATIONS DU CAMEROUN AND MRS. CHRISTINE ESSOMBA (T/PET.5/119 and Add.1-4)

1. This petition begins with a letter dated 11 November 1951 (T/PET.5/119) addressed by Mrs. Christine Essomba to the United Nations through the President of the Union des Populations du Cameroun (UPC), asking for the release of her husband from prison. Mr. Um Nyobé, Secretary-General of the UPC, in forwarding her letter on 14 August 1952 (T/PET.5/119), made certain criticisms of the postal services in the Cameroons, criticisms which he amplifies in three further letters (T/PET.5/119/Add.1 to 3). Finally Mrs. Essomba, writing on 26 January 1953 (T/PET.5/119/Add.4), withdraws many of the complaints against conditions in the prison in which her husband is detained. This present account begins with the complaints raised by the UPC.

*Complaints of the UPC*

2. Mr. Um Nyobé states that he does not wish to comment on the reasons for Mr. Essomba's arrest but wishes to protest against the racial discrimination practised in the prisons of the French Cameroons where, he claims, the indigenous population is subjected to brutal treatment. Moreover, he contends that Cameroonians are often imprisoned for trifling offences.

3. As regards this complaint the Administering Authority in its observations (T/OBS.5/8) states that European and African prisoners are treated alike except as regards food. The Europeans received the rations used in the prisons of France while the rations of the Africans are adapted to their usual nourishment.

4. Further, Mr. Um Nyobé complains that the Administering Authority interferes with private correspondence and that there is, in fact, no freedom of communication in his country. He asserts that the reason Mrs. Essomba's first letter to the United Nations was so much delayed was that it had to be sent by a circuitous route to avoid interference by the authorities. He encloses several envelopes which, he claims, either have been tampered with or have taken an inordinately long time to reach their destination. One of the envelopes addressed to Mr. Nyobé from United Nations Headquarters and postmarked 22 August by the post-office of origin but with no postmark of the post-office of destination, was found in the UPC post office box at Douala on 11 October (Add.2); another, addressed to Mrs. Essomba from United Nations Headquarters and postmarked 29 August at the post office of origin, was sent by her to the UPC with a letter in which she stated that the United Nations communication took two months and three days to reach her (Add.3).

5. As regards the letter of 22 August, Mr. Nyobé claims that he asked for a process-server to draw up an affidavit regarding the condition of the envelope, which had no post-mark of arrival. However, the process-server from the *Palais de Justice* refused to draw up an affidavit, on the pretext that he too often received correspondence without post-mark of arrival (Add.3). He also mentions the case of a delayed telegram (Add.1). He claims that complaints to the postal authorities have brought no result.

6. In connexion with these charges the Secretariat points out that the letters referred to were sent by sea-mail. According to the United States Post Office in New York sea-mail for the Cameroons leaves New York irregularly, varying as much as from two weeks to one month between departures.

7. The Administering Authority, replying to the charges, states that in the cases of the letters complained of the delays were perfectly normal. Mr. Nyobé refers to a number of minor incidents in order to persuade the Council that the Administering Authority is continuously interfering with private correspondence. It is significant, however, that he shows no willingness to co-operate with the postal authorities to throw light on the cases he complains of and that he has not replied to the requests for further information on the subject addressed to him. Referring to the process-server mentioned by Mr. Nyobé the Administering Authority contends that he was requested by Mr. Nyobé to draw up an affidavit to the effect that the envelope in question had been opened by the postal authorities, which he was naturally not in a position to do for lack of evidence. As regards the telegram Mr. Nyobé refers to, it was dispatched on 24 September at 9.20 a.m. and received by the addressee between 10.55 and 11.30 on the same day, as shown by the postal receipts.

8. With regard to his contention that there is no freedom of communication in the French Cameroons, Mr. Nyobé (T/PET.5/119) claims that the UPC was forced to send a delegation to the Director of Posts and Telecommunications to protest against the non-delivery to subscribers by postal officials of an issue of the UPC publication *La Voix du Cameroun* which gave an account of the elections of 13 March 1952. Mr. Nyobé claims that the postal service in the Eséka subdivision is literally controlled by the central administration. He cites the case of Mr. Pouhé Ngué Anselme, an employee of the company *Les Bois du Cameroun*, who was sent for by the local *gendarmerie* to collect the trade union and democratic publications sent to him from France. Mr. Nyobé states that Mr. Pouhé's mail was handed to him by a person who had no connexion with the postal service and that, at the same time, he was subjected to all kinds of threats (loss of employment, administrative sanctions, etc.). Further, Mr. Nyobé complains "that the transfer of officials in a technical service such as the postal service is left to the whims of the repressive policy adopted by the French Administration against any persons who may show themselves favourable towards the national movement in the Cameroons".

9. The Administering Authority, replying to these complaints, states that so far as concerns *La Voix du Cameroun* the Director of the Postal Services has written to the Secretary-General of the UPC requesting further information on this subject, but has received no reply to date. With regard to Mr. Pouhé, he was called to the local *gendarmerie* to fetch a parcel of newspapers addressed to him which had been picked up on the road. An enclosed letter from Mr. Pouhé testifies to the fact that he was not threatened in any way. Finally, political considerations do not play any part in the transfer of officials in the postal service.

*Complaints of Mrs. Essomba*

10. The petitioner, at present residing in Mokolo, requests the immediate release from prison of her husband, Mr. Ndo Nicolas Essomba, formerly a first-class clerk of the Civil and Finance Service working in the M'Balmayo subdivision, who was sentenced in 1947 and 1948 to a total of five years' imprisonment for assaulting an official in the exercise of his duties and for forgery and collusion.

11. The petitioner, to support herself and her children while her husband was in prison, resorted to selling alcoholic beverages, but not having obtained a licence she was apprehended and imprisoned. Mr. Essomba, however, assumed full responsibility with the result that she was released while her husband received a further sentence of eighteen months' imprisonment.

12. She states that various head wardens, whose confidence Mr. Essomba had gained, appealed to the authorities for his conditional release, and that one year's remission of sentence was granted to him in April 1951. In March 1951, however, a theft had taken place in the shop of the *Société Indigène de Prévoyance*, where Mr. Essomba worked as part of his prison duties. A former prisoner, Mr. Mathieu Fouda, who was convicted of the theft claimed that the goods had been given him by Mr. Essomba; consequently, the latter received a further sentence of three years in prison. Mr. Fouda later wrote to Mr. Essomba and to the President, confessing that he alone was guilty of the theft. These communications, however, were destroyed by the chief of the sub-division. Thereupon Mr. Essomba lost heart and attempted to commit suicide. He was accordingly transferred to the prison at Mokolo, of which prison the petitioner gives a detailed description claiming that it is "a very evil spot and much feared throughout the Cameroons". She contends that her husband complained to the authorities with the result that the warden was questioned and later vented his anger on Mr. Essomba. Some improvements were made, however, in the prison conditions.

13. In a later petition (Add.4) Mrs. Essomba admits that she had exaggerated her complaints concerning the prison. She states that at the time of writing she believed conditions to be as she described them, but on arriving in Mokolo she found her husband in good health and prison conditions very different from what she expected. In her first letter Mrs. Essomba stated that her husband was afflicted with an eye disease and was in danger of losing his sight entirely through lack of care in the prison at Mokolo. In her second communication she relates that her husband had received treatment from an eye specialist in this prison. The oculist having, however, since gone back to France, Mr. Essomba will have to wait for his release to be treated by a specialist again.

14. With regard to the complaints of Mrs. Essomba, the Administering Authority states that on 10 September 1948 Mr. Essomba was sentenced to three years' imprisonment for forgery and collusion, on 11 September 1948 to two years' imprisonment for assaulting an official in the exercise of his duties, on 14 January 1949 to eighteen months' imprisonment for selling alcoholic beverages and on 24 October 1951 to two years' imprisonment for the theft of materials.

15. Mr. Essomba, who was imprisoned on 5 December 1946, should therefore be due for release on 5 June 1955 after eight and a half years in prison. Having benefited by two reductions of sentence in 1949 and 1951 he will, however, become eligible for release on 5 December 1953. Because of unsatisfactory conduct in prison he did not benefit by a general pardon given in 1951. He was transferred to Mokolo for disciplinary reasons.

16. It is up to the prisoner or his family to appeal for a conditional release. This has not been done.

17. As regards Mrs. Essomba's complaints of the sentence given her husband for the theft of materials, this sentence was reduced to two years by the *Tribunal supérieur d'appel* in 1951. The prisoner had, moreover, confessed.

18. Replying to Mrs. Essomba's criticism of the prison at Mokolo, the Administering Authority points out that Mrs. Essomba herself has retracted the accusations, and states that they are in fact completely unfounded, although understandable because of the petitioner's natural anxiety for her husband's welfare. Like all other prisons in the Territory, it is regularly visited by a Commission, which includes the *Chef de région* and the head doctor of the region.

19. The Administering Authority is of the opinion that neither of the letters purporting to have been written by Mrs. Essomba has, in fact, been written by her. The writer of the letters has at first deemed it advisable to appeal to the sympathy of the Council members in giving a frightening description of prison life at Mokolo. Later he has felt that it would be wiser to flatter the prison authorities.

20. The petition was examined and discussed at the 92nd and 96th meetings of the Standing Committee (T/C.2/SR.92 and 96).

21. The representative of the Administering Authority stated that air-mail to the Territory regularly took three to four days, but that sea-mail was very irregular.

22. At its 96th meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 778 (XII).*

#### SECTION XI. PETITION FROM MR. ETIENNE MATIP AND THIRTY-FOUR OTHER VILLAGE CHIEFS (T/PET.5/123)

1. The petition purports to come from thirty-five village chiefs of Ndogbessol, in the Eseka subdivision of the region of Sanaga Maritime, and contains a long series of requests which are set forth below under items (a)—(i):

(a) That village chiefs should receive higher pay for their services as tax collectors. They claim that they receive only 3 per cent if the taxes are collected by the first quarter, 2 per cent if the taxes are collected by the second quarter, and 1 per cent from that time until the taxes are fully paid, whereas the canton chiefs, who are paid monthly, also receive fees for birth, death and marriage returns and at the end of the year they also

receive 10 per cent of the taxes that the village chiefs have the trouble of collecting from each person;

(b) That the visits to their villages of the subdivision chiefs and canton chiefs be discontinued. The village chief is obliged to house and feed them and their retainers;

(c) That the village chiefs be permitted to carry out certain duties now performed by the canton chiefs, such as taking the census and recording births, deaths and marriages;

(d) That the indigenous welfare society be suppressed, since for twenty-five years it has served only the interests of officials without thought for the indigenous population which has no official school, no dispensary and no road passable for vehicles;

(e) That they receive higher prices for their products since they claim that taxes increase from year to year;

(f) That they be permitted to purchase guns for hunting;

(g) That alienation of so-called vacant and ownerless land be discontinued;

(h) That trees should not be felled in their forests without the consent of the owners;

(i) That young Africans be permitted to continue their studies regardless of age.

2. In its observations (T/OBS.5/6, section 3), the Administering Authority states that on being interrogated Mr. Etienne Matip, who signed the petition, was unable to supply the name of any other chief whom he professed to represent, and that he has admitted that he alone was responsible for the petition. In fact, the other chiefs in Ndogbessol knew nothing about it. The Administering Authority characterizes this as a procedure which is fairly common among the members of the Union des Populations du Cameroun, to which party the petitioner belongs. Answering the charges made by Mr. Matip, the Administering Authority states:

(a) That the figures submitted are not correct. Eight per cent is paid if the taxes are paid within three months, five per cent if paid within six months;

(b) That this is the only way in which the chiefs mentioned can get to know the population and maintain an administration which is humane and practical;

(c) That the Administration is attempting to establish more branch registries and is entrusting them to the village chiefs. However, it is necessary that the population understand their use and that the chiefs be sufficiently educated to run them;

(d) That the purpose of indigenous welfare societies is not to build schools, roads and dispensaries, but to improve agriculture and to assist the local population to sell its products. No European has ever been guilty of misappropriation of funds of the society of Sanaga Maritime. As regards dispensaries there is in fact no dispensary at Ndogbessol, but Eseka has an important medical post and the village of Etouka, not far distant, has a dispensary. It is proposed to establish a school this year in the nearby village of Massondo.

(e) That the prices paid to the indigenous inhabitants closely follow world rates. The high prices paid after the war were followed by a substantial decrease, but the taxes paid by the indigenous population have in no way increased in proportion to their income.

(f) That it is necessary to limit the purchase of arms. Too liberal an issue of permits has always been accompanied by a large-scale slaughter of game. However, permits are always granted when essential for protection against wild or predatory animals.

(g) That areas which are vacant and ownerless belong to the community. The indigenous population is afforded every opportunity to establish its property rights.

(h) That exploitation of forest land is strictly regulated. However, according to local custom the forests have always served the whole community, and private ownership must be established through clearing and cultivation of plantations.

(i) That it is not practical to permit a child who shows no special aptitude to continue his studies past a certain age limit. However, after completing his school courses he has the opportunity to attend evening classes.

3. The petition was examined and discussed at the 92nd and 96th meetings of the Standing Committee (T/C.2/SR.92 and 96).

4. At its 96th meeting the Committee adopted, by 3 votes to none with 2 abstentions, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 782 (XII).*

#### SECTION XII. PETITION FROM THE AFRICAN VETERANS ASSOCIATION OF THE BAMILÉKÉ REGION (T/PET.5/124)

1. The petitioners protest against the "illegal" dismissal from the Civil and Financial Service of assistant clerk Etienne Goune, an ex-sergeant of the Colonial Infantry and Radiotelegraphic section who fought with the Free French forces in several major campaigns.

2. They state that Mr. Goune was employed in the Civil and Financial Service from 14 May 1947 to his dismissal on 28 October 1952. During this time he was once transferred from one post to another as the result of an unfounded accusation that he was a member of a political party. He was terminated because of an unjust charge that he had not forwarded urgent mail on time.

3. The petitioners feel that the dismissal of Mr. Goune, who has three wives and seven children to provide for, is a very serious matter, and request his immediate reinstatement.

4. The Administering Authority in its observations (T/OBS.5/5, Section 3) affirms that the regular procedure was adhered to in this case and that the dismissal of Mr. Goune followed the decision of a *Conseil d'enquête*. It was open to him to appeal had he so wished.

5. However, because of the petitioner's military service and also because of his family situation, the Director of Posts and Telecommunications was requested to consider the possibility of finding employment for Mr. Goune as a post office supervisor or as an assistant radiotelegrapher.

6. The petition was examined and discussed at the 92nd and 96th meetings of the Standing Committee (T/C.2/SR.92 and 96).

7. At its 96th meeting the Committee adopted, by 4 votes to none with 1 abstention the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 783 (XII).*

## DOCUMENT T/L.395

### Fiftieth report of the Standing Committee on Petitions: petitions concerning the Cameroons under French administration

[Original text: English]  
[20 July 1953]

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#### INTRODUCTION

1. At its 92nd, 93rd and 96th meetings on 16 and 20 July 1953 the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, the Union of Soviet Socialist Republics and the United States of America, examined the six petitions concerning the Trust Territory of the Cameroons under French administration which are listed above. All of these petitions concern land matters and have been classified according to region.

2. Mr. Léon Pignon participated in the examination as the representative of the Administering Authority concerned.

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 rules of procedure of the Trusteeship Council, that the Council decide that no special information is required concerning the action taken on the draft resolution referred to in sections I and III-VI.

#### SECTION I. PETITION FROM MR. THOMAS-FRANÇOIS OMOG (T/PET.5/122)

1. Mr. Omog and two others, who state that they represent the Bakoko-Adié, complain that lands which are situated on the perimeter of the township of Edéa (Sanaga Maritime), and which are their ancestral property, are regarded by the French Administration as unoccupied and ownerless because the indigenous population was turned off them, and that permission is granted to all comers to build on these lands without consulting the population.

2. They state that in September 1951 the French High Commissioner, the Cameroons Representative Assembly, the Director of Political and Administrative Affairs and

the French Public Attorney were asked to settle the matter, but without result. In October 1951 representatives of the group asked the Minister for Overseas France to intervene in the case, but despite his reply, in January 1952, assuring them that the High Commissioner would settle the case in accordance with the regulations in force, it is still pending.

3. The petitioners contend that the French Administration is setting aside and violating customary law on the pretext that the Germans had classified the lands in question as private State property. The petitioners maintain that at no time did the Germans classify these lands as State property. In all other regions of the Territory the Administration has indemnified the indigenous population for the expropriation of land, despite the original occupation by the Germans.

4. In its observations (T/OBS.5/7, section 7) the Administering Authority states that in 1951 the authors of this petition presented, in the name of the Bakoko-Adié community, five applications for the recognition of property rights situated within the urban perimeter of the town. The Administering Authority contends that one section of the town which extends over the greater part of these lands is inhabited not by the Bakoko-Adié but by foreigners. As the claim was therefore liable to alarm a large population which has lived there for several decades, the claimants were asked whether they were really able to supply the necessary proof in support of their claim. On their reaffirming this, the normal procedure of publication and statutory verification was initiated. The case will be decided by the competent authorities, namely, the Edéa court of second degree and, if there is an appeal, the *chambre d'homologation* of the Court of Appeal at Yaoundé.

5. The petitioners cite another case of land expropriation which they feel is even more outrageous. They state that both the German authorities and the French authorities

had always recognized the customary rights of the Adié to the Island of Edéa. When the French Administration entered into negotiations with members of the Adié group for cession of the land to the ENC (*Energie électrique du Cameroun*), and for its classification as private property of the Territory, the Adié asked for 60,300,000 francs in indemnification for an area of 187 hectares, "exclusive of 30 hectares of experimental garden and the Railway Administration's quarry". In accordance with palavers held in August and September 1948 notices were posted without eliciting any objections from other communities of the Edéa subdivision.

6. On June 1950 a lump sum of 10 millions francs was granted by ARCAM to the persons entitled to claim indemnity. This sum remained in the hands of the French administration which, the petitioners affirm, encouraged other communities everywhere to put in unfounded claims. In spite of all the evidence against these communities the *chef de région* of Edéa refused to pay the sum to the petitioners, unless he was given authority to administer the sum (allegedly the local administration claimed it for social projects) on the pretext that no rightful claimant had been found.

7. The petitioners complain that the *chef de région* is also the civil court judge and that the appeal lodged in the Edéa Court of Second Degree on 28 October 1951 is still pending.

8. The Administering Authority in its observations confirms that, by resolution of 25 April 1950, the Representative Assembly classified the Island of Edéa as private State property and awarded an indemnity of 10 million francs to the rightful owners. In the course of a palaver it was decided that a sum of approximately 500,000 francs should be granted to the few actual inhabitants of the island, but with regard to the remaining sum the communities concerned refused to come to a friendly agreement, each claiming to be the legitimate owner. In the circumstances the Administering Authority felt it necessary to deposit the sum with the *Caisse des dépôts et consignations*. There is, however, no question of the Administration's withholding the money.

9. Before the judicial settlement the Administering Authority proposed to the interested parties that they should settle the dispute by using the money for the construction of a building of communal and social value. This proposal was rejected by almost all the parties concerned.

10. One of the communities then took the case to the Edéa court of first degree, which declared that the island was part of the private property of the Territory, "considering the settlement of the Germans on this island and the public works undertaken by them and since continued by the Administering Authority". The Bakoko-Adié community appealed to the court of second degree which upheld the above judgment and has now appealed to the *chambre d'homologation*.

11. The indemnity in question should therefore be returned to the Territory, which has been declared the rightful owner, if the *chambre d'homologation* upholds the previous judgment. In view of the circumstances, however, the Administering Authority intends to allocate the money for the improvement of the social services of

the urban centre of Edéa and its periphery (the construction of a school, medical stations, etc.) (T/PET.5/151, dealt with in section II below, also deals with this question).

12. The petition was examined and discussed at the 92nd and 96th meetings of the Standing Committee (T/C.2/SR.92 and 96).

13. At its 96th meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 781 (XII).*

#### SECTION II. PETITION FROM CHIEF VINCENT YOMBA AND OTHER CHIEFS OF THE EDÉA REGION (T/PET.5/151)

1. The petitioners claim that they have never received any compensation for their lands—the urban centre of Edéa (Sanaga Maritime) and the island of the same name—either formerly from the Germans or now from the French.

2. They state that the SAH (*Société Anonyme Hersent*), which operates on the island, granted ten million francs in compensation without asking the owners, i.e. the petitioners, for their consent. The petitioners raised no objection, but as soon as this money had been placed in the hands of the *chef de région* he summoned all the neighbouring tribes to contest the island. The petitioners maintain that they won the case, but that they were given nothing, in spite of the evidence. In 1951 all reports concerning the case were sent to the Minister in France who replied that the discussions should be brought to an end quickly. But nothing was done. The petitioners contend that the then *chef de région* was trying to seize their money and give it to others.

3. The petitioners go on to relate how they sent three representatives, who have been in charge of the case since 1949, to see Mr. Aujoulat, who told them that he would come to Edéa shortly; but as the petitioners now hear that he has left for France, they appeal to the Visiting Mission to put an end to the discussions.

4. Further, they complain of wild elephants which are terrorizing their district and destroying their homes and lands. They have appealed to the *chef de région* for help, but in vain.

5. Finally, they complain that while the prices of all imported goods have gone up, as well as the taxes, the prices that the indigenous population receives for its products have gone down, causing much misery and anxiety.

6. The petition was examined and discussed at the 92nd and 96th meetings of the Standing Committee (T/C.2/SR.92 and 96).

7. The representative of France stated that the present petitioners, like the authors of the preceding petition (see section I above), belonged to the Bakoko-Adié community.

8. On the complaint of the petitioners concerning damage caused by wild elephants to their land and crops, the representative of France stated that there was no

statutory obligation for the Administration to compensate the people for such damage, which he said was not as common as the petitioners claimed. It was, however, the practice for the Administration to give *ex gratia* assistance in cases of serious damage.

9. The representative of France agreed that prices for exported products had fallen considerably from their post-war peaks and that there had been a substantial increase in the price of imported goods. Taxes, however, had risen little, if at all.

10. At its 96th meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 786 (XII).*

### SECTION III. PETITION FROM MESSRS. BONIFACE MBOUNA AND BENOÎT MELATEJI (T/PET.5/116)

1. The petitioners, planters in the Lala Subdivision of N'Kongsamba (Mungo), state that in 1945 they purchased a plot of land from Salomon Ntougoua, chief of the indigenous village of Lala, cleared and planted the land with permanent crops and spent more than 200,000 francs on its upkeep. Then, in 1952, the local administrative authorities destroyed all their crops, charging that the land was really protected forest land. They claim either that the land was not forest reserve or, if it was, that no consultation took place with the owners before the authorities declared it to be so. They demand action by the Trusteeship Council to ensure that they receive compensation for the losses sustained.

2. In its observations (T/OBS.5/6, section I) the Administering Authority states that the crops mentioned were in fact destroyed in May 1952 in the classified forest of Bekaka, a subdivision of N'Kongsamba. It points out, however, that the petitioners were charged in September and October 1951 with having felled protected trees on an area of land which was so steep that trees were necessary to prevent soil erosion. The petitioners refused to take the measures suggested to them and were therefore convicted by the *juge de paix* at N'Kongsamba in February 1952. As they still refused to replant the clearing with trees and instead increased their crops the administration of the Department of Water and Forestry found itself obliged to destroy the crops and to proceed to the planting of trees. The clearing was made quite recently and the petitioners must have been aware that it was in protected forest land.

3. Finally, Mr. Salomon Ntougoua, from whom the petitioners claim that they bought the land, is not the chief of the village of Lala, but a notable residing several kilometres from the village. He has never asked for recognition of his property rights over the land in question nor lived there, and has no right to dispose of it.

4. The petition was examined and discussed at the 92nd, 93rd and 96th meetings of the Standing Committee (T/C.2/SR.92, 93 and 96).

5. The representative of the Administering Authority stated that the land in question was classified as a forest reserve in 1947 while the petitioners did not begin to clear

it and to plant crops until 1951. The petitioners must have known that they were planting in a forest reserve because their clearing was surrounded by a fringe of trees in an attempt to conceal it.

6. Although no individual notifications are sent when land is classified as a forest reserve, the community concerned is fully informed and is well aware of that fact through the palavers which precede the classification.

7. He stated that the legitimate interests of the people and their means of subsistence are fully protected.

8. At its 96th meeting the Committee adopted, by 4 votes to 1, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 775 (XII).*

### SECTION IV. PETITION FROM THE GENERAL ASSEMBLY OF THE CENTRAL COMMITTEE OF THE UNION DES POPULATIONS DU CAMEROUN (T/PET.5/118)

1. The petitioners, who write from N'Kongsamba (Mungo), protest against the alienation of land from the indigenous population. They claim:

(a) that the Catholic fathers, who came to Bayangam in April 1953 (apparently an error for 1951), have expropriated land belonging to Tazieguem Ngongo and Maurice Simo and destroyed their crops and many of their huts, leaving the owners in poverty;

(b) that rights over grazing lands which rightfully belong to the indigenous inhabitants of Mouanguel have been granted by the Administration to two Europeans, Messrs. Cholier and Cuillère, and that their livestock is causing damage to the crops and the springs in the village.

2. As regards the first complaint the Administering Authority, in its observations (T/OBS.5/3, section 2), refers to a previous petition from the Union des Populations du Cameroun (UPC) regarding this case and to its observations thereon (T/PET.5/102—see T/973, section 3). Finding that valid objections had been raised by the owners of the land the Administration invited the Catholic mission to drop the matter if it should fail to reach an amicable settlement with the opposing parties, and with regard to damage done to Mr. Simo's crops it suggested that this matter be brought before the competent courts. The Council drew the attention of the petitioners to these observations and decided that no further action was called for (resolution 461 (X)).

3. As for the second complaint the Administering Authority states that the lands referred to have been used by cattle since 1928 and that the presence of the herds has never caused any difficulty between the local population and the cattle owners. Most of the fields are fenced in, and where the cattle have in fact caused damage to the crops Messrs. Cholier and Couhert (referred to as Messrs. Cholier and Cuillère by the petitioners) have always been willing to pay damages. The presence of the cattle is actually of advantage to the villagers, since it is their only supply of fresh meat.

4. The Administering Authority admits that it is possible that the cattle may have contributed to the



pollution of the water supply of Mwanguel village. However, the two streams which water the village flow through forests where they are continuously contaminated by animal and vegetable waste and, as is the case everywhere else in Africa, the water must always be filtered to be fit for drinking. Moreover, it is extremely difficult to prevent the villagers from using the streams for bathing as well as for washing their clothes and dishes.

5. Finally, the Administering Authority wishes to point out that the list of names submitted, 81 names (only 54 signatures) is in no way representative of the community. The majority of the persons named have no traditional rights to the land concerned. UPC members are the only ones to raise this matter, and they are apparently trying to stir up trouble.

6. The petition was examined and discussed at the 93rd and 96th meetings of the Standing Committee (T/C.2/SR.93 and 96).

7. The representative of France stated that the Catholic fathers had now given up their project to establish a station at Bayangam and that the question of damages to the property of Mr. Simo was now being dealt with in court.

8. He stated that there was an abundance of water in the Mwanguel area but that there were serious practical obstacles to establishing a pure supply.

9. At its 96th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 777 (XII).*

#### SECTION V. PETITION FROM THE PRESIDENT OF THE COMITÉ RÉGIONAL DE L'UNION DES POPULATIONS DU CAMEROUN, FOUMBAN (T/PET.5/111)

1. The petitioner complains that Ousmanou Njikam, paramount chief of the Foyouon group (subdivision of Fouban), is expropriating other people's land for his own use, asserting (incorrectly, in the petitioner's view) that he has been authorized by the French authorities to do so. The petitioner cites as an example the case of a head of family, named Tambansie, whose land was seized by Chief Njikam. He claims that the case was first brought before the customary court at Fouban and that a judgment was delivered on 18 January 1952. However, Chief Njikam later appealed to the court of second instance at Fouban, where his brother, Paramount Chief Njimoulion, is assessor. The petitioner contends that Njimoulion himself was the first chief to expropriate land, considers therefore that he is not fitted to deal with this case and is of the opinion that he should be removed from the court of second instance at Fouban.

2. The Administering Authority in its observations (T/OBS.5/7, section 3) points out that this petition calls for the same general observations as do the complaints in petition T/PET.5/108 (see T/1016 and resolution 628 (XI)) also from the UPC at Fouban. It states, further, that the Administering Authority has never given the chiefs authority to appropriate land. It is the chiefs

themselves who strive to retain the advantages which they enjoyed previously.

3. The petition offers another example of petty disputes between individuals. In 1924 the Tambansie family emigrated and Chief Njikam claimed the land vacated by them. In 1937, however, the family returned to the country and settled on its old lands. Disputes then arose between the Tambansies, who claimed to have retained their right, and Chief Njikam, who upheld his right to the land in question. The dispute remained dormant until 1951, when Chief Njikam tried to evict the Tambansie family. The matter was then taken to the customary court and judgment was passed against Njikam; he appealed to the court of second instance which, in July 1952, pronounced judgment in favour of the Tambansie family. Njikam has not brought this case before the *chambre d'homologation*.

4. As regards the assessor whom the petitioners want removed, it is for the plaintiff to ask the court to challenge the assessor if he suspects him of bias.

5. The petition was examined and discussed at the 93rd and 96th meetings of the Standing Committee (T/C.2/SR.93 and 96).

6. The representative of the Administering Authority stated that the right of the Tambansie family to the land in question had now been finally confirmed, as Chief Njikam had not appealed to the *chambre d'homologation* within the time limit prescribed.

7. At its 96th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 771 (XII).*

#### SECTION VI. PETITION FROM MESSRS. OUSMAN MUISSE AND FÉLIX-ROLAND MOUMIE (T/PET.5/112 AND ADD.1)

1. The petitioners, who claim to represent the communities of Kouden and Koudja (Fouban subdivision), complain that adequate compensation has not been granted for two areas of land at Kouden and Koudja, totalling approximately 4,350 and 114 hectares respectively, which are being expropriated for public use with the consent of the communities concerned.

2. They state that under the law (legislative decree of 8 August-30 August 1935) a committee should have been convened to assess the amount of the compensation to be paid to the landowners. However, the petitioners complain, they have been offered a compensatory lump sum of 15 million francs for both areas of land without having been shown the topographical survey of the land or having been invited to attend a committee of arbitration to examine their estimate. They do not understand why a lump sum is being offered for the two areas of land since the two cases were discussed separately at separate palavers and moreover, they draw attention to the statement on page 85 of the Administering Authority's annual report for 1950 on the administration of the Territory that the compensation for such lands varies from 500 to 4,000 francs per square metre. According to that



statement the minimum compensation to which they are entitled should be approximately 100 million francs.

3. Attached to the petition are copies of two letters from the petitioners to the High Commissioner, the President of the Cameroons National Assembly and the District Officer for Bamoun concerning the above matter.

4. In T/PET.5/112/Add.1, Mr. Muisse transmits a copy of a letter addressed to the High Commissioner in which he complains that several persons who have never owned land in these areas are claiming a share in the compensation for the Kouden and Koudja lands, and that Sultan Seidou, who is himself entitled to only a part of the compensation, has been entrusted with its distribution and intends to give preference to his friends and to retain a large sum for the repair of his palace.

5. The petitioners also complain that in the past many French settlers obtained land concessions without the consent and sometimes against the wishes of the indigenous landowners. They request that these lands be returned to their original African owners and that the settlers thus expelled be compensated by the Administration.

6. The Administering Authority in its observations (T/OBS.5/4) states that this matter was settled, to the general satisfaction, in the court of second instance on 27 June 1952. It points out, however, that neither of the petitioners was recognized as a rightful claimant by the court, although both allege in their petition that they represent the communities concerned. The traditional representatives of these communities had appealed to the competent courts, and both of them, Njiasse and Njimofira, were recognized as rightful claimants.

7. As for the procedure which the petitioners criticize, it was perfectly regular. Classification of the lands was

preceded by the usual palavers. One of these palavers in May 1950 was held precisely to meet the objections raised by one of the petitioners, Mr. Ousman Muisse.

8. As regards the protest against the payment of a lump sum as compensation for the two pieces of land, the Administering Authority points out that this decision was taken by the Representative Assembly and that the amount of compensation paid is entirely reasonable. The petitioners' demand for compensation is based on the highest prices paid for territory at Douala which can in no way be compared to the barren, uninhabited savannah at Kouden and Koudja.

9. The Administering Authority considers that the setting aside of part of the compensation to rebuild the sultan's palace was not irregular, since this sum was part of the amount which rightfully was due to the sultan, and not an additional allocation.

10. Finally, as regards the complaints of the petitioners of the alleged illegal settlement of Europeans in their territory, the Administering Authority points out that any such settlement was always preceded by a regular palaver.

11. The petition was examined and discussed at the 93rd and 96th meetings of the Standing Committee (T/C.2/SR.93 and 96).

12. At its 96th meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 772 (XII).*

## DOCUMENT T/L.396

### Fifty-first report of the Standing Committee on Petitions: petitions concerning Western Samoa

[Original text: English]  
[17 July 1953]

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#### INTRODUCTION

1. At its 93rd and 94th meetings on 16 and 17 July 1953 the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the three petitions concerning Western Samoa which are listed above.

2. Mr. F. J. H. Grattan participated in the examination as the special representative of the Administering Authority concerned.

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 draft resolution referred to in section III.

#### SECTION I. PETITION FROM MR. A. SCHAAFHAUSEN (T/PET.1/4)

1. The petitioner retired in 1949 from his position as officer in charge of the Samoan Government Public Works

Department after twenty years of service under the New Zealand Administration and fourteen years with the German regime. On retirement he was granted a retainer of £25 a month, which was satisfactory at the time but is no longer so due to the rise in the cost of living. Between 1949 and 1953 all government officials were given substantial increases in salaries but his retainer has remained the same in spite of promises on the part of the Samoan Government to reconsider it.

2. The petitioner complains that the retainer is wholly insufficient for even a modest living and believes that, since he has spent his whole life in the service of Samoa, he is entitled to more consideration.

3. The Administering Authority states (T/OBS.1/1, section 1) that no request had been received by the Samoan Government for an increase in the petitioner's retainer. Now that the request has been received it will receive consideration at an early date.

4. The petition was examined and discussed at the 93rd and 94th meetings of the Standing Committee (T/C.2/SR.93 and 94).

5. At its 94th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 482nd meeting, see resolution 836 (XII).*

## SECTION II. PETITION FROM THE PROGRESSIVE COMMITTEE OF THE LOCAL GOVERNMENT OF MATAUTU (T/PET.1/5)

1. The petitioners request:

- (a) the completion of their hospital buildings;
- (b) improvement in their water supply;
- (c) European teachers for the district's school;
- (d) the construction of "proper" roads through the bush to assist the development of the economy through the cultivation of land;
- (e) official recognition by the central government of local government control.

2. The 1953 Visiting Mission discusses the question of medical and health services in paragraphs 68-71 of its report (T/1057). The Mission states that in general the medical facilities appear to be adequate. There is still, however, a need for additional facilities on the island of Savai'i and the Mission felt that additional improvements to some existing facilities might be desired. It was therefore with satisfaction that the Mission learned of the Health Department's intention to build the nucleus of a cottage hospital in each district as the necessary funds become available.

3. Educational advancement is dealt with in paragraphs 72-77 of the Mission's report. The principal need at the present time is, in the Mission's opinion, to improve the housing and staff of the village primary schools. The majority of these schools are staffed by Samoan teachers, many of whom are uncertificated and most of whom have only an elementary education. The Mission was informed

that the Education Department is fully aware of this problem and that every effort is being made to improve the qualifications of the staff as new teachers become trained.

4. The Mission's comments on local government are contained in paragraphs 32-37 of its report. The Mission considered that the advantage of the plan for arranging for legal recognition of village councils through the proposed Local Government Board lies in its flexibility, since it would enable each district or village to select a form of local government organization most suitable to its needs and to the level of advancement achieved. The Mission found in some districts, among them the Sale'aula-Matautu area, a noticeable movement towards forms of local government that are based on European models.

5. The Administering Authority states (T/OBS.1/1, section 2) that all the petitioners' requests are receiving attention through the appropriate government departments or the district affairs section of the secretariat. Its detailed comments are as follows:

(a) Hospital buildings will be completed, and nurses' quarters will be improved as well, as soon as other work claiming a higher priority has received attention.

(b) There are other districts in the Island of Savai'i which are at present without piped water supplies. Steady progress is being made with the Government scheme for extending piped water supplies as rapidly as possible, and in the meantime applications for the improvement of existing supplies will be required to take lower priority.

(c) The Samoan Legislative Assembly has not always been prepared to increase European staff in the past. Moreover, the posting of a European teacher to the Matautu district school would require similar treatment to be accorded to the three other district schools and to a further four or six when these are established as proposed. Questions of accommodation would also call for consideration. It is anticipated that the development and staffing of district schools will be one of the points studied by the New Zealand Director of Education when he visits the Territory later this year.

(d) Roads in this area are in fact at present being constructed as requested by the District.

(e) The question of the recognition of village councils will receive attention when the Legislative Assembly has considered the report of the Select Committee on Village and District Government, and has dealt with the draft legislation on the subject which will be submitted to the Assembly in August 1953.

6. The petition was examined and discussed at the 93rd and 94th meetings of the Standing Committee (T/C.2/SR.93 and 94).

7. With regard to the request concerning the completion of hospital buildings, the special representative stated that no major work might be undertaken in the Territory until the estimate of its cost had been approved by the Legislative Assembly. With regard to the request for European teachers for the district school, the special representative stated that the Legislative Assembly always examined carefully the budgetary considerations involved in the appointment of persons recruited overseas.

8. At its 94th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 482nd meeting, see resolution 837 (XII).*

### SECTION III. PETITION FROM MR. AH KUOI (T/PET.1/6)

1. The petitioner's grievance is that the New Zealand Reparation Estates has declined to renew the lease of land which he occupied until the end of 1951, and the circumstances are as follows.

2. With effect from 1 January 1940 the petitioner obtained from the lessors a lease of some 197 acres of land for a period of five years, with the option of renewal for a further period of five years. Thirty-two acres of the land had been planted with cocoa by a previous lessee; but, according to the petitioner, the land had been abandoned so far as cocoa planting was concerned, and he cites figures of his own cocoa production to show how he improved the estate.

3. In the first half of 1942 the petitioner was ordered to quit the land since it was required for defence purposes, and he was told that compensation would be paid for his loss. Negotiations then ensued between the petitioner and the Samoan Government, and in the meanwhile a number of Samoans moved into the land and reaped his crop of cocoa.

4. As a result of the negotiations between the petitioner and the Samoan Government, the petitioner was given a lease of some sixty-six acres of cocoa land belonging to the New Zealand Reparation Estates. To quote the petitioner: "The said lease .... was to be in all respects similar in terms to the lease the petitioner had previously held .... that is, with one right of renewal for a further term of five years from the first day of January, 1946".

5. The petitioner goes on to say that, in accepting the new lease, he did not foresee any difficulty in obtaining further renewals of it from time to time. He therefore set to work at considerable expense to improve his new concession. He piped water on to the land; he built a house and a cement tank; and he re-erected there the cocoa-drier which he had been permitted to remove from his former concession. He rehabilitated the cocoa blocks and replanted where necessary. Nevertheless on 31 December 1950 he was advised that he would not obtain a further renewal of his lease. Yet he continued in occupation of the land until the end of 1951, when the lessor re-entered the property.

6. The petitioner states, in support of his claim for the further renewal of his lease, that in February 1952 the Minister of Island Territories publicly announced in Western Samoa that "a possible future policy of the

New Zealand Government might be to grant present lessees of New Zealand Reparation Estates lands terms of twenty-five years with the right of renewal for a further term of twenty-five years".

7. In anticipation of charges that he had neglected an area which was abandoned when he first occupied it in 1942, the petitioner details his cocoa production over the years 1942-1951 (the total is nearly 149 tons).

8. The Administering Authority states (T/OBS.1/2) that the petitioner was given a ten-year lease with no right of renewal. The lease expired and the lessor repossessed the property, since it desired to resume control of an area forming an integral part of the main cocoa plantation area. The petitioner would appear to have no legal claim for compensation in respect of the termination of his lease, and has not thus far resorted to the courts.

9. Before the petitioner accepted the transfer it was pointed out to him expressly that the lease contained no right of renewal, and that renewal could not be considered in respect of this area of land. In 1950 the solicitor for the Estates advised him that the lessor intended to re-enter the property upon the expiry of the lease. In fact, the petitioner was allowed to remain for an additional twelve months on a quarterly basis, which circumstance should counter any suggestion of harshness of treatment.

10. In the opinion of the lessor the property was in a neglected condition when the lease finally expired. The area when repossessed was weed-covered and contained large patches of wild pineapple. *Erythrina* (a plant commonly introduced into cocoa plantations to assist growth of the crop) was little in evidence, and nearly 2,000 seedlings were re-established in gaps (to replace "misses"), in addition to the numerous replacements of diseased trees which were required. It is estimated that the cost of rehabilitation work necessary to bring the property to the level of the standard of maintenance of the rest of the plantation exceeded £900.

11. The petition was examined and discussed at the 93rd and 94th meetings of the Standing Committee (T/C.2/SR.93 and 94).

12. The special representative drew the Committee's attention to the fact that the petitioner had been allowed to occupy the land in question for one year after the expiration of his lease and that during that year he had marketed twenty-three tons of cocoa. The petitioner had never presented any claim in the courts regarding his complaint.

13. At its 94th meeting the Committee adopted, by 4 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 482nd meeting, see resolution 838 (XII).*

## DOCUMENT T/L.397

## Fifty-second report of the Standing Committee on Petitions: petitions concerning the Cameroons under British administration

*[Original text: English]**[20 July 1953]*

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## INTRODUCTION

1. At its 93rd and 95th meetings on 16, 17 and 20 July 1953 the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, examined the six petitions concerning the Cameroons under British administration which are listed above.

2. Mr. W. A. C. Mathieson participated in the examination as the representative of the Administering Authority concerned.

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 draft resolution referred to in sections I-VI inclusive.

SECTION I. PETITION FROM MR. S. T. ARREY  
(T/PET.4/84 AND CORR.1)

1. The petitioner discusses the questions of unifying with the native administration and the Government, has been dismissed from his post of teacher in the education department, and the essence of his plea is that he be either reinstated or permitted to retire voluntarily and enjoy retirement rights. The incident which entailed his dismissal was his conviction in the court on a charge of misappropriating a sum of two pounds fifteen shillings<sup>40</sup> from a school private fund contributed to by the pupils. Knowing that the conviction would entail the petitioner's dismissal from the service, the court merely bound him over to be of good behaviour for two years (i.e., he was put on two years' probation).

2. The petitioner states that he borrowed the money out of the fund, but that he would never have been prosecuted judicially had it not been for the malice which his superior officer—the provincial education officer—had borne towards him over a period of two years. An

officer more kindly disposed towards him, he contends, would have had him punished administratively. He cites a series of incidents which have led him to think that the provincial education officer bore ill-will towards him.

3. The Administering Authority (T/OBS.4/) states that the petitioner was an inefficient teacher and was recurringly recalcitrant in regard to the organization and discipline of the education department. His conviction for theft of the money entailed his dismissal from the service, and his dismissal deprived him of all his rights as a government official—including retirement rights. He received his own contributions to the provident fund, together with the interest accrued, but no bonus.

4. The petition was examined and discussed at the 93rd and 95th meetings of the Standing Committee (T/C.2/SR.93 and 95).

5. Referring to the statement by the Administering Authority that the petitioner had been recurringly recalcitrant, the representative of the Administering Authority stated that he had been consistently warned of his shortcomings and that he had ignored each warning.

6. At its 95th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 755 (XII).*

SECTION II. PETITION FROM MR. D. O. OJONG  
(T/PET.4/88)

1. The petitioner, formerly a field worker with medical field units in Nigeria and the Trust Territory, complains that after three years of faithful and diligent service his appointment was terminated in July 1951, without reason.

2. He claims a sum of some £57 representing six months' salary in lieu of notice and various allowances which his department owes him but has withheld. He asks also for a certificate of service to enable him to find employment elsewhere.

<sup>40</sup> £1 = \$ (US) 2.80; one shilling = 14 cents.

3. The Administering Authority states (T/OBS.4/5, section 1) that the petitioner received during his three years' service four warning notices, the last of which concerned a complaint of serious misbehaviour which had aroused such local feeling against him that it was necessary to suspend him from duty. His appointment was later terminated. His claims for money said to be due to him will be investigated if he will submit them to the Department concerned, but he has not done so during the long period which has elapsed since his appointment was terminated. But he was not entitled to six months' notice, or to a bicycle allowance, or to an increment—all of which figure among his claims.

4. The petition was examined and discussed at the 93rd and 95th meetings of the Standing Committee (T/C.2/SR.93 and 95).

5. At its 95th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 759 (XII).*

#### SECTION III. PETITION FROM MR. S. M. EFESOA (T/PET.4/91)

1. The petitioner states that since 1938 he has been employed by the Victoria native administration as a sanitary inspector, and complains that in 1945 this title was changed to that of sanitary overseer, which meant that he did not benefit, to the extent to which he felt entitled, from salary increases granted at that time. He claims that by the education and training he has received, as well as by the length of his service, he should now be a sanitary inspector grade IV.

2. His appeals to the District Officer, the Chief Commissioner, Eastern Provinces, and the Labour Office on the subject have brought no result and he, therefore, now appeals to the United Nations in order "to bring pressure to bear on the Authority to clear off the numerous red tapes on my way to seek redress".

3. The Administering Authority states (T/OBS.4/11, section 1) that, when the petitioner joined the native administration health service in 1939, its personnel was known as "native administration sanitary inspectors". The personnel, however, held lower qualifications than those required of the government sanitary inspectors, and by 1941 it had become customary to refer to them as "sanitary overseers"—to distinguish them from the government sanitary inspectors.

4. In 1942 the salary grades of the native administration health service, the points of entry into the grades, and the qualifications for entry into the grades, were regularized. Grade V comprised, in the first place, sanitary inspectors on the annual scale £36 by £3 to £48, and entry at the £36 point was conditional on the employee's having passed the two-year course at the Sanitary School in Lagos. Secondly, grade V comprised sanitary overseers on the scale £24 by £3 to £30, £36 by £3 to £48, and was reserved for those who had passed the nine-month sanitary course at Ibadan.

5. The petitioner, not having passed the two-year course at Lagos, is not qualified to enter the grade of sanitary inspector and is correctly graded as a sanitary overseer.

6. The petition was examined and discussed at the 93rd and 95th meetings of the Standing Committee (T/C.2/SR.93 and 95).

7. The representative of the Administering Authority stated that every year a certain number of the courses for sanitary inspectors at the Sanitary School at Lagos were made available for persons who showed promise. If the petitioner applied to enter such a course, and if he could demonstrate that he possessed the ability to profit from one, his application would be considered in conjunction with those from other applicants.

8. At its 95th meeting the Committee adopted, by 5 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 761 (XII).*

#### SECTION IV. PETITION FROM MR. SAMA NDI (T/PET.4/85)

1. The petitioner, in a communication dated 8 March 1952, complains that the Administration is not taking adequate steps to settle the land dispute between the Bali and the Widekum people and is still favouring one side.

2. He implies that the dispute has entailed houses' being set on fire and persons' being wounded and fears that further incidents may occur. He states that for this reason he has offered his services as mediator at a conference which is to be held on 8 May 1952, but that he has received no encouragement from the authorities.

3. The Committee recalls that this land dispute was first brought to the attention of the Trusteeship Council at its sixth session (T/PET.4/5 and Add.1, 2 and 3) by the Mengen Community and the Widekum Community League, and that, in its resolution 185 (VI), the Council noted that the petition was a case with which the courts had competence to deal and drew the petitioners' attention to an assurance given by the special representative of the Administering Authority that, if the petitioners were dissatisfied with the court of first instance, a request for the transfer of their case to the supreme court would be freely granted.

4. At the eleventh session of the Trusteeship Council the matter was again taken up (T/PET.4/82) by the Bamenda Improvement Association. In its resolution 620 (XI) the Council took note that "the petition relates to a dispute of long standing concerning land which the Bali tribe took by conquest from a group of clans known as the Widekum Migration about 1860, and recently the people of Mengen (a branch of the Widekum) submitted an appeal to the Supreme Court claiming virtually the whole of the area subject to the jurisdiction of the Bali Native Authority and £10,000 damages for trespass; the claim was dismissed on 25 February 1952 because the plaintiffs had not pleaded a title to the land under the Land and Native Rights Ordinance and the Bali defendants

were awarded 150 guineas<sup>41</sup> costs. Subsequently a concerted attack was made on Bali territory by persons from Mengen and allied communities during which the attackers burned some 2,000 homes, looted crops, cattle and property and destroyed bridges on the roads; in this and subsequent minor affrays four Balis and three Widekums were killed and forty-eight persons injured; order was, however, restored without the use of force". Moreover, the Council noted that "a Commission of Inquiry has been appointed to investigate the rival claims of the disputants to the land in question and to make recommendations touching the exercise of any powers conferred upon the Governor by the Land and Native Rights Ordinance".

5. The Trusteeship Council requested the Administering Authority to inform the Council of the results of the above-mentioned inquiry, and considered that pending the outcome of the inquiry no recommendation by it was necessary.

6. The petition was examined and discussed at the 93rd and 95th meetings of the Standing Committee (T/C.2/SR.93 and 95).

7. The representative of the Administering Authority stated that a Special Commissioner had been appointed to inquire into the Bali-Widekum dispute, and that his very detailed report had been published on 8 June 1953 in a *Nigeria Gazette Extraordinary* (volume 40, No. 37), copies of which would later be forwarded to the Secretary-General for circulation to members of the Trusteeship Council. All the evidence at present available to the Administering Authority indicated that the parties to the dispute were satisfied with the outcome of the inquiry.

8. At its 95th meeting the Committee adopted, by 5 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 756 (XII).*

#### SECTION V. PETITION FROM MR. S. T. BAIYEE (T/PET.4/87)

1. The petitioner states that he was unlawfully arrested, without a warrant, for an offence against section 419 of the criminal code of Nigeria (obtaining goods by false pretences), and that he was tried by the court and found not guilty. He then brought an action in the court for false arrest and imprisonment against the police officer responsible for his arrest, but lost it. He claims that he lost his action because the magistrate was biased in favour of his brother official, the police officer.

2. The Administering Authority states (T/OBS.4/3) that the petitioner's arrest without a warrant was lawful since the arrest was made on a charge under section 390 of the code (stealing). At the same time, in accordance with normal practice when more than one section of the code appears to be applicable, he was charged also under section 419 as well as under section 404 (demanding property). The Administering Authority regards the petitioner's allegation against the magistrate as most

serious and improper, and states that the action was lost because the magistrate found that the police, in arresting the petitioner, had been acting in good faith.

3. The petitioner was at liberty to appeal to the supreme court of Nigeria. He did not do so, he says, because he could not afford the court fees. In that event, the Administering Authority states, he was at liberty to apply for the fees to be waived.

4. The petition was examined and discussed at the 93rd and 95th meetings of the Standing Committee (T/C.2/SR.93 and 95).

5. At its 95th meeting the Committee adopted, by 5 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 758 (XII).*

#### SECTION VI. PETITION FROM THE BAKWERI YOUTH ASSOCIATION (T/PET.4/95)

1. The primary purpose of the petitioners is to furnish the 1952 Visiting Mission with further evidence in support of the Association's contention that the Man o' War Bay Scheme should be abolished. The Visiting Mission has transmitted the petition for consideration by the Trusteeship Council and has referred in paragraph 114 of the report (T/1042) on its visit to the Territory to the events which have evoked the petition.

2. The petitioners support their contention with an account of a climb of Cameroons Mountain, organized by the training centre, in the course of which two young men died of exposure to cold. It emerged *inter alia* at the coroner's inquest on one of them (Mr. Francis Ekema) that, owing to his having joined the course late, he had not been medically examined as to his physical fitness for such strenuous training, and post-mortem examination suggested that he had eaten nothing for at least four hours before death. A copy of the record of the inquest is annexed to the petition.

3. The petitioners underline these two considerations, and state that the deceased had "offered to resign" from the course but that the authorities at the training centre had refused his offer. They claim that insufficient publicity was accorded to the intention to hold the inquest and that the deceased's relatives were not informed, so that it was not possible for arrangements to be made "for the services of a counsel or for the calling of material witnesses". It is a grievance with them that none of the Africans who participated in the climb were called upon to give evidence, and that requests for reopening the inquest have not been acceded to.

4. The secondary purpose of the petition is to obtain compensation for the deceased's widow, child and other dependants.

5. The observations of the Administering Authority are contained in T/OBS.4/11, section 2, and are to the following effect.

6. No particular significance was attached to Ekema's having missed the usual medical examination prior to

<sup>41</sup> A guinea (21 shillings) = \$ (US) 3.00.

entering the training centre, since he had recently been medically examined by the corporation's medical staff in order to enter the service of the Cameroons Development Corporation. The deceased, with the other climbers, had eaten a warm breakfast early in the morning, and every student had been in possession of adequate haversack-rations to be eaten on the climb. The suggestion that the authorities at the training centre had refused to accept Ekema's resignation from the course is totally without foundation: it was open to him, as to any other student, to leave the centre whenever he wished.

7. As regards insufficient publicity having been accorded to the inquest, the Administering Authority states that the incident had been thoroughly well-known locally, and an inquest was known to be legally necessary. No special announcement was therefore called for. All material witnesses were available at the coroner's court, and every African concerned with the tragedy was present. In the case of Hyacinth Nnaji—the second deceased—evidence was given by the African physical training instructor. The court proceedings appear to have been fully adequate to establish the cause of death, and the holding of fresh inquests could serve no useful purpose. The question of compensation for the deceased's dependants is one, the Administering Authority suggests, which should be taken up with the deceased's employers—the Cameroons Development Corporation.

8. The Administering Authority annexes to its observations a copy of the record of the inquest on the second deceased, Nnaji.

9. As the primary purpose of the petition is to advocate the abolition of the Man o' War Bay Scheme, the concluding passage in the observations of the Administering Authority is here reproduced in full:

"The Man o' War Bay Character Training Scheme was, as the Council is aware, originally devised as a

measure to assist the rehabilitation of the Bakweri people. Like other measures to this end it has not yet commanded popular support among the Bakweri. Nevertheless certain Bakweri entrants have acquitted themselves with distinction at the courses and more responsible Bakweri opinion has endorsed the policy. The two House of Assembly Members of the Victoria Division (Doctor the Honourable E. M. L. Endeley and Mr. Motombi Woletae), both of whom are Bakweris, have visited the Centre, addressed the students and declared themselves to be in favour of the scheme."

10. The petition was examined and discussed at the 94th and 95th meetings of the Standing Committee (T/C.2/SR.94 and 95).

11. The representative of the Administering Authority stated that the Man o' War Bay Scheme was started in 1950 for the youth of the Cameroons as a measure for community development. The scheme sought to interest young men in their duties as citizens and to develop leadership and self-reliance. Participation in the scheme was voluntary, and it was open to any student to resign from the course should he so wish.

12. The Administering Authority regarded the scheme as useful and intended to continue it. It deeply regretted the incident of the death of the two young men, but no such incident had occurred since and steps had been taken to see that such an occurrence would not again take place.

13. At its 95th meeting the Committee adopted, by 5 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting. see resolution 765 (XII).*

## DOCUMENT T/L.398

### Fifty-third report of the Standing Committee on Petitions: petitions concerning the Cameroons under British administration

[Original text: English]  
[20 July 1953]

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## INTRODUCTION

1. At its 94th and 95th meetings on 17 and 20 July 1953 the Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand the Union of Soviet Socialist Republics and the United States of America, examined the eight petitions concerning the Cameroons under British administration which are listed above.

2. Mr. W. A. C. Mathieson participated in the examination as the representative of the Administering Authority concerned.

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 draft resolutions referred to in sections I-IV and VI-VIII inclusive.

## SECTION I. PETITION FROM MR. SAMA NDI (T/PET.4/86)

1. The petitioner is concerned over the expropriation of land for a leper colony and farm project in the village of Kom. He protests that the authorities are taking over more land than the Fon had originally agreed to cede to them; he states that the population does not favour the establishment in its midst of a leper colony to serve the whole Cameroons territory, and feels deceived because it had originally been promised a hospital.

2. The petitioner complains of the rapid rate at which land is being alienated which, he alleges, is causing great unrest in the region. He considers that the indigenous population has not been adequately informed of the regulations concerning land alienation and, in the particular case of the leper colony and farm project, he regrets that neither were the proposals publicly discussed nor was the Kom Improvement Association consulted. He asks to what extent the leper colony and farm project will be operated together.

3. The Administering Authority states (T/OBS.4/2) that the leper settlement will fulfil a long-felt want in the Bamenda Province. The site in question was selected as being the most suitable by the Resident, the Field Superintendent of the mission and agricultural and veterinary officers. It is on land in the occupation of the Kom clan. The Resident then put the proposal to the Fon of Bikom and the Kom council, explaining in detail the objects and nature of the scheme, and they agreed that the land should be made available to the Mission for the purpose of establishing a leper settlement. The petitioner did not take part in the discussions and his allegations have been referred to the Fon and council who have repudiated them. That the people of Kom were hostile to the scheme is an allegation which was examined and rejected by the executive council of the Eastern Region—a body with a large majority of elected African members.

4. The Administering Authority states also that the petitioner has the right to pursue in the supreme court his objection to the grant of the land.

5. The petition was examined and discussed at the

94th and 95th meetings of the Standing Committee (T/C.2/SR.94 and 95).

6. The representative of the Administering Authority stated that it was not correct to say that land was being rapidly alienated. There was comparatively little alienation of land in the British-administered Cameroons and whatever alienation took place was largely for projects for public benefit. The land used for the leper colony and farm had had few occupants, and those who had been disturbed had received compensation in accordance with the terms of the Land and Native Rights Ordinance.

7. At its 95th meeting the Committee adopted, by 5 votes to none with one abstention, the following resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 757 (XII).*

SECTION II. PETITION  
FROM THE BWINGA NATIVE COMMUNITY (T/PET.4/98)

1. This petition, which was received by the 1952 Visiting Mission, is the third which the Bwinda Native Community has presented on the subject of an estate occupied by a subsidiary of the United Africa Company. The two previous petitions were T/PET.4/7 and 81, and on the latter the Council adopted its resolution 619 (XI), in which it noted a statement by the special representative of the Administering Authority to the effect, *inter alia*, that a sum equivalent to the rent paid for the property by the company is paid to the Victoria native administration.

2. The new matter in the latest petition is as follows. From what the petitioners say, the company has paid rent for the property from some date in 1931, and it is their contention that rent is due from some date in 1886—forty-five years earlier. Secondly, they claim that the Administration has done nothing for the Bwinda people with the rents which have been derived from the property: for the Bwinda people are under the Bakweri native administration. Thirdly, they wish to return to the Victoria native administration—to which they once belonged—but their request to this effect has been refused by the local authorities.

3. The observations of the Administering Authority (T/OBS.4/10) are to the following effect. The estate which the company occupies was the freehold property of its predecessor up to 31 December 1930. Section 22 of the Land and Native Rights Ordinance required, however, that, in what is now the Trust Territory, titles to land granted prior to 4 February 1927 should be proved to the satisfaction of the Governor before 31 December 1930. This the company's predecessor neglected to do, and its title lapsed therefore on 31 December 1930. Nevertheless, it was not until 1951 that the company abandoned its claim to freehold title of the land, and agreed to accept instead a certificate of occupancy of it for a period of sixty years from 1 January 1931. As regards the years prior to 1931, there is little doubt that the company has succeeded in establishing a title in equity to the estate which it occupies, and has traced the title



back to its original grant by the former German Government.

4. The Administration considered that, had a certificate of occupancy been taken out in 1931, two shillings an acre would have been a fair rent, but that the certificate would almost certainly have provided for a revision of the rent at the end of twenty years. Accordingly, the certificate of occupancy provides for a rent of two shillings an acre for the twenty years 1931-1950 and four shillings an acre for the twenty years 1951-1970 (when the rent will again be subject to revision).

5. The Administering Authority states that the terms of the certificate of occupancy are very favourable to the Governor as trustee for the indigenous inhabitants—including, as they do, the payment of £2,300 by way of arrears to the end of 1950 and thereafter the payment of a rental of £230 annually. The equivalent of the sums thus accruing to the Governor as trustee has been deposited in the Victoria native administration treasury.

6. The questions of which native authority the Bwinga community will ultimately join and of what is to be done with the money are under discussion with the people. The District Officer recently found that about sixty per cent of the Bwinga people wanted to remain with the Bakeri native authority and forty per cent wanted to return to the Victoria native authority. While this question is under discussion the funds in question remain on deposit. It has been decided that they should be spent largely on projects of direct benefit to the Bwinga people and, as the petitioners observe, suggestions by the Bwinga people are under examination.

7. The petition was examined and discussed at the 94th and 95th meetings of the Standing Committee (T/C.2/SR.94 and 95).

8. The representative of the Administering Authority, referring to the intention of the Administering Authority that the rent derived from the company's occupancy of the land would be spent largely on projects of direct benefit to the Bwinga people, stated that this intention might not have been known to the people at the time when they had submitted their petition. The intention had now been made known to them and they had been consulted on the projects in which they might be interested—but, the representative emphasized, the money would be expended through the usual channel of a native administration, and none of it could be spent until it had been decided which native administration the Bwinga people should join. The Administering Authority was doing everything possible to bring about agreement on this latter question.

9. The representative confirmed that recent investigations had shown that the company's title to the freehold of the land was clear down to 31 December 1930, and that this was the reason why the company was not being required to pay rent prior to 1 January 1931.

10. At its 95th meeting the Committee adopted, by 5 votes to one, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting see resolution 767 (XII).*

### SECTION III. PETITION FROM MR. MBELE WOKA (T/PET.4/92)

1. The petitioners (the villagers of Bokwaongo, Membea, for whom Mr. Mbele Woka writes) complain that the Administering Authority sends prisoners to destroy their farms at the Cameroons mountain and that during 1951 several villagers starved as a result. The petitioners claimed from the Administering Authority £107 18s. compensation for damage done, but all they received in reply was a summons to appear before the officer in charge of the prison who "threatened" them.

2. It is not clear from the petition what precisely has happened to give rise to the petitioners' grievances. It refers, however, to a letter which they addressed to the Director of Prisons, Lagos, on 29 December 1951, of which a copy was circulated as T/COM.4/L.1. From that communication it appears that gangs of prisoners from the prison at Buea are sent out to collect firewood, and the complaints are that the felled trees fall on and damage the petitioners' trees and crops, and that the prisoners uproot the petitioners' cocoyams for their own use. The petitioners set a watch on several occasions and observed prisoners uprooting their crops, but the prison authorities would take no action against them. It was in their letter to the Director of Prisons that the petitioners put forward their claim for £107 18s.

3. The Administering Authority observes (T/OBS.4/5, section 2) that the land where the occurrences took place is government-occupied and that a number of persons, including members of Mr. Mbele Woka's village, had encroached on it without permission and without applying for a temporary certificate of occupancy. It has been a long-established practice for gangs of prisoners to cut and collect firewood on the land.

4. The complaint was originally made in August 1949 by Mr. Muamba—one of the signatories of T/COM.4/L.1—and on investigation it was found that in several cases trees had fallen across farms and had broken the stems of cocoyams. Mr. Muamba, however, later said that he would withdraw his complaint if the wood-cutting gangs were removed elsewhere. The gangs were sent further up the mountain, away from any farms, and for the time being no more was heard of the matter. In 1950, however, a lawyer retained by Mr. Muamba submitted the claim for £107 18s. and received the reply that, so far as was known the matter had been settled. There the matter rested until the submission some two years later of T/COM.4/L.1 and the present petition. If Mr. Mbele Woka considers that he has just cause for complaint against prisoners or warders, he still has his legal remedy.

5. It is untrue, says the Administering Authority, that the petitioners have been threatened by the Administration.

6. The petition was examined and discussed at the 94th and 95th meetings of the Standing Committee (T/C.2/SR.94 and 95).

7. At its 95th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 762 (XII).*

SECTION IV. PETITION FROM MR. JOHN KPUMIA  
(T/PET.4/89)

1. The petitioner ordered certain medicines from India by post. When the parcel arrived, the postal authorities at Bamenda refused to deliver it to him unless he obtained an import licence for the goods from the Director of Posts and Telegraphs. In reply to his application, he was informed that an import licence could not be issued to him. Accordingly, the parcel was returned to the sender.

2. The petitioner asks that the parcel be sent back to him and that he be issued with the necessary import licence. He has a subsidiary grievance, however, in that, if the kinds of medicine which he ordered (and he encloses a copy of the order) are not allowed to enter the Territory, then the catalogues of the firms which advertise them ought not to be allowed to enter it.

3. The Administering Authority states (T/OBS.4/7) that, in order to protect the health of the public against the unauthorized and illegal administration of medicines by unqualified persons, the entry or advertisement of medicines for certain purposes to the general public is forbidden by law. The medicines ordered from India by the petitioner were in the prohibited category, and the consignment was accordingly refused entry and returned to the sender in India. The petitioner's remedy would appear to be to request a refund of his payment from the sender, to whom the parcel has been returned.

4. Attempts to exploit the gullibility of indigenous inhabitants by firms overseas, by means of leaflets circulated undetected through the post, are not uncommon and the authorities endeavour to warn the public of the danger.

5. The petition was examined and discussed at the 94th and 95th meetings of the Standing Committee (T/C.2/SR.94 and 95).

6. At its 95th meeting the Committee adopted, by 5 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 760 (XII).*

SECTION V. PETITION FROM MR. R. N. AYUK  
(T/PET.4/97)

1. The petitioner is the manager of the community school at Sumbe, Mamfe, and on behalf of the school committee he seeks a grant-in-aid to keep the school running. He says, and he supports his statement with a quotation from what the Resident of the Cameroons once said, that the school is efficient and well-attended, but the question whether or not the school should receive a grant-in-aid turns on whether or not its committee has complied with the relevant legislation. Whenever the petitioner applies for a grant he is advised to register the land where it stands. His contention, however, is that, as a native of the Cameroons using or occupying land in accordance with native law or custom, his right of occupancy is protected by the relevant legislation and, therefore, that there should be no need for him to register the land as a prerequisite for receiving a grant-in-aid for the school.

2. The school was the subject of a previous petition from Mr. Ayuk. On that occasion his grievance was that the educational authorities had refused to allow the school to expand from standard II to standard III. (T/PET.4/49 and Council resolution 160 (VI)).

3. The Administering Authority states (T/OBS.4/6, section 2) that in order to become eligible for a grant-in-aid a school must first be recognized as an approved voluntary agency, and in order to secure such recognition the land where it stands must be registered under the Land (Perpetual Succession) Ordinance. The petitioner has taken steps towards registration, but his application has had to be returned to him several times in order to put it in proper form, and once registration has been effected his application for a grant-in-aid will go before the regional and central education boards. Inspecting officers have reported in appreciative terms on the efficiency and atmosphere of Mr. Ayuk's school, and it is to be supposed that he may await the outcome of his application with confidence.

4. The petition was examined and discussed at the 94th and 95th meetings of the Standing Committee (T/C.2/SR.94 and 95).

5. The representative of the Administering Authority stated that the Administering Authority was sympathetic to the petitioner's request and was anxious to respond to it, for he conducted an efficient school. The Administration was doing all it could to assist the petitioner to secure registration of the land on which the school stood.

6. At its 95th meeting the Committee unanimously adopted the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 766 (XII).*

SECTION VI. PETITION FROM MR. S. T. BAIYEE  
(T/PET.4/94)

1. The petitioner submitted to the 1952 Visiting Mission a copy of his petition T/PET.4/87, a copy of a petition which he addressed to the Minister for Land, Surveys and Land Development on 25 June 1952, and a copy of a petition which he addressed to the Provincial Engineer, Public Works Department, Victoria, on 28 October 1952.

2. In his petition to the Minister for Land, Surveys and Local Development, the petitioner writes on behalf of the Mfonjoh family (Tali) which, he claims, is the rightful owner of a piece of land situated on the bank of the river Mfi. The land is in the possession of the Administration which has leased it to the United Africa Company and pays the rent received from the company into the Nchemti native treasury. The petitioner desires that all the rent received from the company should be paid to the Mfonjoh family (Tali), and that the land should be returned to the family.

3. In his petition to the Provincial Engineer the petitioner's grievance is that whenever he applies to his employer—the Public Works Department—for leave he is told that he is a locally-recruited employee and that, while he may have leave, it "must not be farther than Victoria".

He, however, would like to take his leave at Mamfe, where his home is.

4. The Administering Authority observes as follows (T/OBS.4/6, section 1). The land to which the petitioner refers is a plot on which a trading station was established in the days of German rule. Together with other plots of land, it was scheduled in the Land and Native Rights Ordinance as land excluded from those lands in the Cameroons declared to be native lands. At the same time, in accordance with the usual practice in such cases, the rent received from the use of the land from the United Africa Company—£12 per annum—was remitted *ex gratia* by the Government to the treasury of the native authority within whose jurisdiction the land lies.

5. The petitioner is at liberty to take his leave where he likes: his complaint is in effect that departmental regulations preclude his receiving free transport when proceeding on leave. The concession is provided only between the place of employment and the place of engagement, and the petitioner was engaged and is still employed at Victoria.

6. The petition was examined and discussed at the 94th and 95th meetings of the Standing Committee (T/C.2/SR.94 and 95).

7. At its 95th meeting the Committee adopted, by 5 votes to none with one abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 764 (XII).*

#### SECTION VII. PETITION FROM THE REPRESENTATIVES OF THE BAMENDA NKWE PEOPLE (T/PET.4/96)

1. The eight signatories to the petition describe themselves as "Quarters Heads". Their first complaint is that they have to pay their taxes to "another Federation" whose headquarters is sixteen miles away, whereas they would prefer to pay them to the Bamenda station which is only one mile away. Secondly, they say that a greater part of their land is covered with forest but that the revenue derived therefrom does not accrue to them and that no rent is paid for the land. Their third grievance is somewhat obscure, but it seems to be that a number of Hausa people formerly within the petitioners' jurisdiction had been ordered to live at Abakpa.

2. The Administering Authority (T/OBS.4/9, section 1) explains that the petitioners' first grievance is that, since the establishment of the federated native authorities, taxes levied on people such as government servants in the Bamenda station have been paid to the south western, instead of to the south eastern, Federation. This has already been agreed to be anomalous, and it is being rectified.

3. The Administering Authority states that the petitioners' second request is that the proceeds of the native administration fuel plantations in the government station should be paid to them. The normal procedure is that proceeds from such plantations go to the native administrations which pay for their upkeep. It is considered that this practice is reasonable, and that it ought not to be varied.

4. It is true that the Hausa community, now settled in Abakpa once lived among the Bamenda Nkwe, and that it moved to the present improved settlement, in the early days of British administration, on the District Officer's advice. The Hausas are content where they are, and the Administering Authority sees no reason to interfere with them.

5. The petition was examined and discussed at the 94th and 95th meetings of the Standing Committee (T/C.2/SR.94 and 95).

6. At its 95th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 763 (XII).*

#### SECTION VIII. PETITION FROM MR. P. C. MAFIAMBA (T/PET.4/99)

1. The petitioner, who has over twenty years' service the Cameroons and of a customs union between the two Territories—both of which are general problems which have been considered by the Council in the past. In addition, he raises two other questions.

2. In the first place, he complains that the Cameroons Development Corporation wastes a lot of money on the high salaries and ancillary expenses of supervisory staff recruited in Britain who, he charges, do not earn their pay. He says that, among their other emoluments, the staff recruited overseas receive free petrol.

3. Secondly, the petitioner has a grievance in that he has been refused a university scholarship by the Cameroons Development Corporation on the grounds that he and his parents were born in French-administered Cameroons and that his primary and secondary education were received in Calabar and not in the Cameroons. He considers that the refusal of a scholarship on those grounds is unfair, since he quotes the case of a man, awarded a scholarship by the Corporation, whose parents hailed from Nigeria and the Gold Coast respectively.

4. On the several general questions raised by the petitioner the Administering Authority (T/OBS.4/9, section 2) invites reference to the following paragraphs of the relevant report (T/1042) of the United Nations Visiting Mission to Trust Territories in West Africa, 1952: paragraphs 75-80 on the question of unification; paragraphs 86-90 on customs regulations at the common frontier; and paragraphs 136-166 on the affairs of the Cameroons Development Corporation.

5. The Administering Authority explains that the scholarships awarded by the Cameroons Development Corporation are primarily intended for the indigenous inhabitants of the British-administered Territory. At the same time, for the benefit of the not inconsiderable number of persons who come from the French-administered Territory to settle, the conditions under which the scholarships are awarded have been widened to include a child whose parents have been resident in the British-administered Territory throughout the period of his primary and secondary education, provided that the child's primary education has been taken in the Trust Territory and that

his secondary education has been taken either in the Trust Territory or in Nigeria. Unfortunately the petitioner did not fulfil the requirements, for his parents were settled, and he received his primary education in Nigeria. Nevertheless, the petitioner's personal problem has been solved by the award to him of a scholarship by the Government of India.

6. The petition was examined and discussed at the 94th and 95th meetings of the Standing Committee (T/C.2/SR.94 and 95).

7. The representative of the Administering Authority stated that the annual report on the administration of the Territory for 1952 would deal with various aspects of the

operation of the Cameroons Development Corporation. It might or might not shed some light on the question of the salaries paid to the Corporation's European staff; but, if not, the Administering Authority would ensure that its special representative would come to the Council equipped with the necessary information.

8. At its 95th meeting the Committee adopted, by 5 votes to none with 1 abstention, the following draft resolution which it recommends that the Council adopt.

*For the text of the draft resolution, as adopted without change by the Trusteeship Council at its 483rd meeting, see resolution 768 (XII).*

### CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations and references
A/C.4/225	Communication from the President of the Assemblée Traditionnelle du Peuple Douala		Mimeographed document only
T/1043	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Cameroons under French administration		This document will be printed later if a decision to that effect is taken by the Trusteeship Council
T/1066	Petitions received by the Secretary-General which were considered as manifestly inconsequential		Mimeographed document only
T/L.336	Requests for oral hearings: note by the Secretary-General . . .	1	
T/L.337	Twenty-third report of the Standing Committee on Petitions: petitions circulated under rule 85, paragraph 2, and communications circulated under rule 24 . . . . .	3	
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T/L.340	Twenty-fifth report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration . . . . .	10	
T/L.341	Twenty-sixth report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration . . . . .	27	
T/L.342	Twenty-seventh report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration . . . . .	28	
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T/L.348	Thirty-third report of the Standing Committee on Petitions: petitions concerning Somaliland under Italian administration . . . . .	53	
T/L.356	Thirty-fourth report of the Standing Committee on Petitions: requests for oral hearings concerning petitions from Ruanda-Urundi . . . . .	56	
T/L.358	Thirty-fifth report of the Standing Committee on Petitions: petitions concerning Togoland under French administration . . . . .	57	
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<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references</i>
T/L.360	Thirty-seventh report of the Standing Committee on Petitions: petitions concerning Togoland under French administration . . . . .	75	
T/L.365	Letter dated 7 July 1953 from Mr. N. K. Japhet, representative of the Meru Citizens' Union, to the President of the Trusteeship Council . . . . .	81	
T/L.367	Thirty-eighth report of the Standing Committee on Petitions: petitions concerning Togoland under British administration and Togoland under French administration . . . . .	81	
T/L.368	Thirty-ninth report of the Standing Committee on Petitions: general petitions . . . . .	82	
T/L.369	Fortieth report of the Standing Committee on Petitions: petitions concerning the Trust Territory of the Pacific Islands . . . . .	83	
T/L.370	Forty-first report of the Standing Committee on Petitions: petitions concerning Tanganyika . . . . .	93	
T/L.371	Forty-second report of the Standing Committee on Petitions: petitions concerning Togoland under British administration . . . . .	96	
T/L.375	Forty-third report of the Standing Committee on Petitions: special information required relating to the action taken on certain petitions . . . . .	100	
T/L.376	Forty-fourth report of the Standing Committee on Petitions: petitions concerning Nauru . . . . .	101	
T/L.377	Forty-fifth report of the Standing Committee on Petitions: petitions concerning New Guinea . . . . .	106	
T/L.391	Forty-sixth report of the Standing Committee on Petitions . . . . .	107	
T/L.392	Forty-seventh report of the Standing Committee on Petitions: general procedure of the Trusteeship Council		See <i>Annexes</i> , agenda item 9
T/L.393	Forty-eighth report of the Standing Committee on Petitions: petitions concerning Ruanda-Urundi . . . . .	108	
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T/L.397	Fifty-second report of the Standing Committee on Petitions: petitions concerning the Cameroons under British administration . . . . .	131	
T/L.398	Fifty-third report of the Standing Committee on Petitions: petitions concerning the Cameroons under British administration . . . . .	139	
T/Com.11/L.50	Communication from the Central Committee of the Somali Youth League concerning Somaliland under Italian administration		Mimeographed document only
T/Obs.3/3	Petition from Ex-Chief Bigiraneza concerning Ruanda-Urundi: observations of the Administering Authority		<i>Ditto</i>
T/Obs.3/4	Petition from Mr. Gaston Jovite Nzamwita concerning Ruanda-Urundi: observations of the Administering Authority		<i>Ditto</i>
T/Pet.3/60 and Add.1 to 4	Petition from M. Mazis concerning Ruanda-Urundi		<i>Ditto</i>
T/Pet.3/62 and Add.1 and 2	Petition from Ex-Chief Bigiraneza concerning Ruanda-Urundi		<i>Ditto</i>
T/Pet.3/64	Petition from M. Gaston Jovite Nzamwita concerning Ruanda-Urundi		<i>Ditto</i>
T/Pet.3/65 and Add.1 and 2	Petition from Ex-Chief Ntunguka concerning Ruanda-Urundi		<i>Ditto</i>
T/Pet.5/L.7	Petition from the Chairman of the Assemblée Traditionnelle du Peuple Douala (Ngondo) concerning the Cameroons under French administration		<i>Ditto</i>
T/Pet.5/L.9	Petition from the Executive Committee of the <i>Kumtse</i> , Assemblée Traditionnelle du Peuple Bamiléké, concerning Togoland under French administration		<i>Ditto</i>




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**Agenda item 6 : Reports of the United Nations Visiting Mission to Trust Territories in West Africa, 1952**


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**CHECK LIST OF DOCUMENTS**

<i>Document No.</i>	<i>Title</i>	<i>Observations</i>
T/1040	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on Togoland under British administration	This document will be printed later if a decision to that effect is taken by the Trusteeship Council.
T/1041	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on Togoland under French administration	Ditto.
T/1042	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Cameroons under British administration	Ditto.
T/1043	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Cameroons under French administration	Ditto.
T/1044 and Corr.1	United Nations Visiting Mission to Trust Territories in West Africa, 1952, on procedures of visiting missions	See <i>Annexes</i> , agenda item 9.
T/1068	Observations of the Administering Authority on the report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on Togoland under French administration	This document will be printed later if a decision to that effect is taken by the Trusteeship Council.
T/1069	Observations of the Administering Authority on the report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Cameroons under French administration	Ditto.
T/1070	Observations of the Administering Authority on the report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on Togoland under British administration	Ditto.



## TRUSTEESHIP COUNCIL

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TWELFTH SESSION

NEW YORK, 1953

## Agenda item 7 : Reports of the United Nations Visiting Mission to Trust Territories in the Pacific

## CHECK LIST OF DOCUMENTS

Document No.	Title	Observations
A/1306	Report of the Trusteeship Council covering its first special session, its second special session, and its sixth and seventh sessions	See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 4</i> .
A/2150	Report of the Trusteeship Council covering its fourth special session and its tenth and eleventh sessions	<i>Ibid.</i> , <i>Seventh Session, Supplement No. 4</i> .
S/2599	Report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands for the period from 17 March 1951 to 1 April 1952	Mimeographed document only.
T/439	Observations by the Director-General of the United Nations Educational, Scientific and Cultural Organization on the annual reports for 1948 for the Trust Territories in Africa	See <i>Official Records of the Trusteeship Council, Sixth Session, Annexes</i> , vol. I.
T/790	Report on Nauru submitted by the United Nations Visiting Mission to Trust Territories in the Pacific	<i>Ibid.</i> , <i>Eighth Session, Supplement No. 3</i> .
T/825	Observations of the Administering Authority on the report of the Visiting Mission	<i>Ibid.</i> , <i>Eighth Session, Supplement No. 5</i> .
T/903	Observations of the United Nations Educational, Scientific and Cultural Organization on the reports for 1949 on the six African Trust Territories	<i>Ibid.</i> , <i>Ninth Session, Annexes</i> , agenda item 4.
T/962	Observations of the United Nations Educational, Scientific and Cultural Organization on the reports for 1950-1951 on the Trust Territories of Western Samoa, New Guinea, Nauru and the Pacific Islands	<i>Ibid.</i> , <i>Tenth Session, Annexes</i> , agenda item 3.
T/1010	Questionnaire as approved by the Trusteeship Council at its 414th meeting, eleventh session, on 16 June 1952	<i>Ibid.</i> , <i>Eleventh Session, Special Supplement</i> .
T/1038	Note by the Secretary-General transmitting the report on the administration of Western Samoa for the year 1951	Mimeographed document only.
T/1045 and Add.1	Note by the Secretary-General transmitting the report on the administration of New Guinea for the year ended 30 June 1952	Mimeographed document only.
T/1046	Note by the Secretary-General transmitting the report on the administration of Nauru for the year ended 30 June 1952	Ditto.
T/1047	Note by the Secretary-General transmitting the report on the administration of the Trust Territory of the Pacific Islands for the year ended 30 June 1952	Ditto.
T/1054	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on Nauru	See <i>Official Records of the Trusteeship Council, Twelfth Session, Supplement No. 2</i> .
T/1055	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on the Trust Territory of the Pacific Islands	<i>Ibid.</i> , <i>Supplement No. 3</i> .
T/1056	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on New Guinea	<i>Ibid.</i> , <i>Supplement No. 4</i> .
T/1057	Report of the United Nations Visiting Mission to Trust Territories in the Pacific, 1953, on Western Samoa	<i>Ibid.</i> , <i>Supplement No. 5</i> .
T/1058	Note by the Secretary-General transmitting the report on the administration of Western Samoa for the year 1952	Mimeographed document only.
T/1062 and Add.1	Observations of the United Nations Educational, Scientific and Cultural Organization on the annual reports on the Trust Territories of Western Samoa (1951), New Guinea, Nauru and the Pacific Islands (1951-1952) and Somaliland under Italian administration (1952)	See <i>Annexes</i> , agenda item 4.

Document No.	Title	Observations
T/L.353 and Corr.1	Conditions in the Trust Territory of the Pacific Islands : working paper prepared by the Secretariat	These documents, together with documents T/L.366, T/L.382, T/L.387 and T/L.389, constitute the report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands for the year ended 30 June 1952.
T/L.355 and Corr.1	Conditions in the Trust Territory of Nauru : working paper prepared by the Secretariat	These documents together with document T/L.374 as amended at the 479th meeting, and documents T/L.383 and T/L.386, constitute the chapter on Nauru in the report of the Trusteeship Council to the General Assembly at its eighth session.
T/L.357 and Corr.1	Conditions in the Trust Territory of New Guinea : working paper prepared by the Secretariat	These documents, together with documents T/L.385 and Corr.1, the conclusions contained in paragraphs 5 and 6 of document T/L.388, document T/L.400 as amended at the 482nd meeting, and document T/L.402, constitute the chapter on New Guinea in the report of the Trusteeship Council to the General Assembly at its eighth session.
T/L.362	Union of Soviet Socialist Republics : draft resolution	Incorporated in the record of the 474th meeting, para. 9.
T/L.363 and Corr.1	Conditions in the Trust Territory of Western Samoa : working paper prepared by the Secretariat	These documents, together with documents T/L.390 and T/L.403, constitute the chapter on Western Samoa in the report of the Trusteeship Council to the General Assembly at its eighth session.
T/L.366	Report of the Drafting Committee	See <i>Annexes</i> , agenda item 4 (b).
T/L.374	Report of the Drafting Committee	See <i>Annexes</i> , agenda item 4 (d).
T/L.382	Amendments suggested by the Secretariat to the outline of conditions set forth in document T/L.353	See observation on documents T/L.353 and Corr.1.
T/L.383	Summary of the observations made by individual members of the Council during the general discussion, and of the comments of the special representative of the Administering Authority	See observation on documents T/L.355 and Corr.1.
T/L.384	China : draft resolution	Adopted without change; see resolution 648 (XII). <sup>1</sup>
T/L.385	Report of the Drafting Committee	See <i>Annexes</i> , agenda item 4 (c).
T/L.386	Amendments suggested by the Secretariat to the outline of conditions set forth in document T/L.355	See observation on documents T/L.355 and Corr.1.
T/L.387	Summary of the observations made by individual members of the Council during the general discussion, and of the comments of the special representative of the Administering Authority	See observation on documents T/L.353 and Corr.1.
T/L.388	Report of the Standing Committee on Administrative Unions	Mimeographed document only. See observation on documents T/L.357 and Corr.1.

<sup>1</sup> See *Official Records of the Trusteeship Council, Twelfth Session, Supplement No. 1.*



Document No.	Title	Observation
T/L.389	Draft report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands for the year ended 30 June 1952	See observation on documents T/L.353 and Corr.1.
T/L.390	Report of the Drafting Committee	See <i>Annexes</i> , agenda item 4 (e).
T/L.400	Syria : draft recommendations	See <i>Annexes</i> , agenda item 4 (c).
T/L.402	Summary of the observations made by individual members of the Council during the general discussion, and of the comments of the special representative and the representative of the Administering Authority	See observation on documents T/L.357 and Corr.1.
T/L.403	Summary of the observations made by individual members of the Council during the general discussion, and of the comments of the special representative of the Administering Authority	See observation on documents T/L.363 and Corr.1.
T/Com.9/L.1	Communication from the Nauru Local Government Council concerning Nauru	Mimeographed document only.
T/Pet.1/1	Petition of 18 November 1946 from leaders and representatives of Western Samoa	See <i>Official Records of the Trusteeship Council, First Session, Supplement</i> .
T/Pet.9/6	Petition from the Nauruan Council of Chiefs concerning Nauru	Mimeographed document only.
T/Pet.9/8	Petition from the Nauru Local Government Council concerning Nauru	Ditto.
T/Pet.9/9	Petition from the representatives of the people of Boe and Yarren districts concerning Nauru	Ditto.
T/Pet.10/16	Petition from Mr. Carl Kohler, Chairman, People's House, Ponape Congress, concerning the Trust Territory of the Pacific Islands	Ditto.
T/Pet.10/17	Petition from Mr. M. Iriarte concerning the Trust Territory of the Pacific Islands	Ditto.
UNESCO/ST/R.4/Rev.	Revised version of the report of the Experts Committee on Standardization of Educational Statistics	UNESCO working series document.



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## Agenda item 8 : Report of the Committee on Rural Economic Development of the Trust Territories

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## DOCUMENT T/1072

## Third progress report of the Committee on Rural Economic Development of the Trust Territories

[Original text : English]  
[16 July 1953]

1. The Committee on Rural Economic Development of the Trust Territories, established by Trusteeship Council resolution 305 (VIII), has submitted two progress reports to the Council. In its first progress report (T/926), presented at the ninth session, the Committee gave an account of its preliminary work. In a second progress report (T/1004), presented at its eleventh session, the Committee gave a further account of the progress it had achieved in its study on the rural economic development of the Trust Territories.

2. The Committee has had the assistance of the Food and Agriculture Organization (FAO), the World Health Organization (WHO) and of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in its study of land problems in the Trust Territories. FAO and WHO, on the invitation of the Committee, have submitted to it papers dealing respectively with land utilization and health problems in the Trust Territories which the Committee is sure will be of great assistance in the preparation of a final analysis of two important aspects of the land problem in the Trust Territories.

3. At its tenth meeting, the Committee approved in principle an outline of its report to the Council and asked the Secretariat to draft a study for the consideration of the Committee. This study is still in the preparatory stage.

4. In connexion with the preparation of a preliminary report, the Committee at its twelfth meeting noted that in several Trust Territories there are under consideration and in preparation special studies relating to land, which appear to be of basic importance to a comprehensive analysis of the land problem. The Committee believes that when these studies will be made available they will substantially assist in the preparation of a more conclusive study of the land problems in the Trust Territories. It also heard from the representative of UNESCO of certain studies being undertaken by that Organization which might have some bearing on the work of the Committee.

5. In these circumstances, the Committee is of the opinion that it is essential for the satisfactory conclusion of its work to postpone its report to a subsequent session of the Council.

## CHECK LIST OF DOCUMENTS

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T/1072	Third progress report of the Committee on Rural Economic Development of the Trust Territories.	1



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**Agenda item 9 : Trusteeship Council resolution 467 (XI) : general procedure of the Trusteeship Council**


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## DOCUMENT T/1044 and Corr.1

**Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on procedures of visiting missions**

[Original text : English]  
[16 March 1953]

LETTER DATED 5 MARCH 1953 FROM THE CHAIRMAN  
OF THE VISITING MISSION TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith in accordance with rule 99 of the rules of procedure of the Trusteeship Council, a special report on procedures con-

cerning visiting missions drawn up by the United Nations Visiting Mission to Trust Territories in West Africa, 1952.

I have pleasure in informing you that this report has been unanimously adopted by the members of the Visiting Mission.

(Signed) Roy A. PEACHEY

*General*

1. In addition to performing the tasks assigned to it by its terms of reference, the Visiting Mission has considered that it may make a further useful contribution to the future work of the Trusteeship Council by presenting, as did the Visiting Mission to Trust Territories in East Africa, 1951, some observations and suggestions of general application in respect of the organization and procedures of visiting missions in the field (T/954).
2. In doing so the Mission does not seek to re-examine in full the principles already established by the Council, as a result of its previous experience and of the work of the two Committees which it has established in the past for this purpose, but wishes rather to clarify, on the basis of its own experience, the practical application of some of these principles.

*Programmes in the field*

3. The need for a reasonable measure of flexibility in the itinerary and work programmes of visiting missions has been emphasized by the Council and its Committees in their discussions of the organization of mis-

sions. The present Mission would like to illustrate the need for more flexibility in this respect. It is aware that for many reasons, notably the difficulties which often have to be overcome in accommodating, catering and providing local transport for the mission, territorial authorities may normally find it convenient to lay down, in advance, relatively firm programmes for the mission in each locality to be visited. Definite appointments will be made for interviews, visits to schools, hospitals, etc.—as well as social events such as receptions and dinner parties—in such a manner as to commit not only the mission, but also the local officials, organizations, hospital and school staffs and so forth, to a fairly rigid programme.

4. In the experience of the present Mission, this programme tends in fact to be not only rigid but crowded, since there is a natural desire that the mission should see everything that can be fitted into its stay in the area. Thus, a normal working day for the greater part of the present Mission's visit was that, early in the morning, it would leave one centre for the next on its scheduled trip. It would arrive there about noon, often later. After the usual greetings by the local authorities and

chiefs, it would devote the afternoon or what remained of it to visiting the area, receiving communications and conducting oral hearings. When its programme of work was completed, it would be nearly if not completely dark, as darkness falls early in tropical Africa. The Mission would then be invited to attend a reception or a dinner party or both; and the party would end late at night. No time was therefore left for any adequate discussion, consideration or study of the Mission's work, which would in any case have been difficult as in most places there was no electric light. The next morning, the Mission would leave again for a further leg of its journey. Sometimes, the programme would be slightly different. On other occasions, though not very often, the Mission would stay in the same place for more than one night, but its programme would be so heavy that little time would be left for meetings and discussions by the Mission itself, including the examination of communications received.

5. While emphasizing again that it appreciates the problems faced by the authorities in this respect, the present Mission feels that it would be to the ultimate advantage of all concerned if a greater degree of latitude could be permitted to a mission by submitting to it, some days in advance, the programme proposed for a given locality. In this way it could, in the light of its experience, discuss and adjust its programme in such a manner as to avoid commitments which, because of its more important tasks, it might find desirable but difficult to decline. It would also be able, as will be suggested below, to set aside reasonable periods of time for meetings of the mission for the purpose of examining communications and discussing its work.

6. The present Mission wishes to record in this connexion that such difficulties which arose in its own experience were lightened by the excellent working relationship which it enjoyed with the liaison officers assigned to it by the territorial administrations. They showed an appreciation of the problems which the Mission encountered in this respect, and co-operated in cancelling tactfully some engagement which the Mission found it impossible to keep.

#### *Itinerary*

7. The Council is also aware, particularly from the report of the second of its Committees on the organization of visiting missions, of the possibility that each subsequent mission to a Territory might use its time more fruitfully were it to avoid, as far as possible, retracing the paths of the missions which visited the Territory before it. The present Visiting Mission wishes to associate itself with this view. It recognizes that any such practice should not and cannot be arbitrarily followed; but at the other extreme there may be a tendency on the part of both the local administrations and the populations to expect a mission to appear in all of the places visited by its predecessor as well as in places not previously visited. Both to ensure the most effective use of its time, and to avoid physical overstrain, a visiting mission must decide not to visit some areas which have been seen by earlier missions, and areas where no new major problems have arisen or important

developments taken place. The present Mission felt that too much was expected of it in the time at its disposal, and it was unable to meet this problem adequately even by dividing into two groups on seven or eight occasions out of ten.

#### *Communications*

8. Since the present Visiting Mission was the first to visit Trust Territories after the revision of the rules of procedure of the Trusteeship Council relating to petitions, and since, in addition, its problems in handling communications have been more difficult than those of other missions because of the great number of communications which it received, it has been thought desirable to devote particular attention to this subject.

9. Under the new rules of procedure, the Visiting Mission was to decide which of the communications it received were intended for its own information, and which of them were to be considered as petitions and forwarded to the Trusteeship Council for examination. In addition, under its terms of reference, the Mission was directed by the Trusteeship Council to investigate on the spot, in consultation with the local representatives of the Administering Authority concerned, such petitions as, in its opinion, warranted special investigation.

10. This involved the Mission first of all in screening all communications in order to determine what course of action it would take in each case, in accordance with the rules of procedure and its terms of reference. The communications which it considered were intended for its own information had to be studied, so that any additional information required for the proper understanding of the problems raised in them could be obtained. Such information would then be finally taken into account in the writing of its reports. Secondly, the communications which it classified as petitions had to be transmitted to the Secretary-General and, at the same time the Mission had to decide whether any of them was of such importance as to warrant its special investigation.

11. Unfortunately, the large number of communications received made it extremely difficult for the Mission to examine all the communications received by it or to carry out investigations on the spot. Although the abnormally large number of communications was obviously due to the special terms of reference of the Mission, it is not impossible that some future visiting missions—especially those to West Africa and East Africa—will be faced with similar difficulties. The Mission therefore considers that it should fully set forth the conditions in which it had to work, so that the Trusteeship Council may be in a position to review the manner in which communications addressed to future visiting missions should be handled.

12. During its visit, the Mission received 4,235 separate communications from organizations and individuals, consisting of:

2,794 communications from Togoland under French administration;

728 communications from the Cameroons under French administration;

645 communications from Togoland under United Kingdom administration;

68 communications from the Cameroons under United Kingdom administration.

It is necessary, of course, to explain that a very large number of these communications concerned the Ewe and Togoland unification problem. The Mission's task in disposing of these was facilitated first by the facts that many of them were extremely brief, and that many of them expressed similar opinions. Nevertheless, it remains true that as soon as the Mission arrived in Africa, it was flooded with communications. During the first four days, which it spent in Lomé, it received 425 communications. Later in both Togolands and also in the southern part of the Cameroons under French administration, communications continued to pour in at an unrelenting pace. On certain days, the Mission received more than 300 communications at a time.

13. To understand the formidable problems presented by this flood of communications, it is necessary to recall that the examination of such communications was not by any means the only task of the Mission. It had at the same time to accomplish its normal daily routine, which has been described earlier, of visiting as many establishments as possible and holding meetings with representatives of the Administering Authorities and with the people of the areas it visited, and its work schedules were therefore very crowded, leaving little time for the examination of these communications.

14. In these conditions—for the improvement of which the Mission has made some suggestions above—it was very difficult for the Mission to examine carefully on the spot the written communications which it had received. The Secretariat was instructed, and did its best, to summarize and classify these communications, but usually, by the time that summary and classification had been prepared, the Mission had left the place concerned far behind. In any case the Mission had little or no time to hold meetings. Thus, with the exception of those communications supported by oral hearings, the Mission could not, in spite of its earnest endeavour, study on the spot all the questions raised in the written communications which it had received, although in many cases it was able to secure written observations of the Administering Authorities subsequently.

15. Indeed, with the exception of the more important communications concerning the Ewe and Togoland unification problem, it was not until the Mission had arrived at Ngaoundéré in the Cameroons that it found time, from its busy schedule, to hold a meeting on the Togoland communications. As a result, it decided to transmit four communications which contained personal grievances from persons in Togoland under French administration, and three from persons in Togoland under British administration, to the Secretary-General for treatment as petitions under rule 85, and provisionally to regard the remaining 3,432 communications as addressed to the Mission for its own information. The great majority of those relating solely to the unification problem were taken into consideration in its special report (T/1034) and the views of the principal organizations are summarized therein. The Mission decided to take the remaining communications into consideration in preparing its reports on the two Togolands, and it

will be noted that the reports contain frequent references thereto. Finally, when the reports were adopted, the Mission carried out another review of the Togoland communications with a view to determining which communications raised questions of substance not adequately covered in the report. As a result, the Mission transmitted 22 further communications relating to Togoland under French administration and three relating to Togoland under British administration to the Secretary-General for treatment as petitions.

16. A similar procedure was followed in the case of communications concerning the two Cameroons. A total of 77 petitions containing specific requests from persons in the Cameroons under French administration and 11 from persons in the Cameroons under British administration were transmitted to the Secretary-General.

17. In following this procedure, the Mission felt it necessary to weigh the advantages of devoting a long period to examining petitions at Headquarters against the advantages of transmitting them to the Secretary-General and thus to the Standing Committee on Petitions. It saw greater advantages in the former course; it was obvious that the same team of Mission members and Secretariat which had just come from the Territories with first-hand knowledge would be in a better position to dispose quickly and efficiently of a large number of petitions. It was also aware of the likelihood that a situation may arise where no members of a mission may also be members of the Standing Committee on Petitions—a situation which did, in fact, arise during the examination of the large number of petitions which the first Visiting Mission to West Africa transmitted to the Secretary-General in 1949 and 1950.

18. In this sense the Mission's experience showed that the changes made by the Council in its procedure in this regard were timely. The handling of all the communications received in West Africa would have been an almost impossible task for the Council itself under the old procedure, and it would have been difficult to give satisfaction to those who submitted them. On the other hand, a visiting mission does not have unlimited time to spend at Headquarters on this task; one of the reasons for the long time needed by the present Mission to complete its reports was its desire to ensure that all the communications should be adequately dealt with, but even so it was inevitable that a number of them should have had to be transmitted as petitions.

19. While thus confirming, from its own experience the logic of the changes in the Council's procedure, the Mission believes that future missions—especially, at present, to the African Territories—will wish to take steps to ensure that the new procedure is most effectively applied. The Mission considers that the itineraries and work programmes of future missions should be arranged so as to ensure that definite periods of time should be set aside for the screening of communications and the examination and investigation of communications. It would not be practicable merely to set aside a single period for this purpose either at the beginning or at the end of the visit to the Territory. It is

true that, immediately upon arrival in a Territory, the mission will often be presented with a large number of communications which have been accumulated or collected in advance. The submission of petitions in advance might well be encouraged, and in any event, it would be profitable if the mission could immediately devote a day or two to screening these and deciding which should be investigated. Nevertheless, it is certain that the mission will receive more petitions—and probably many more—as it proceeds through the Territory. Thus the mission must be prepared to stop in the more important places long enough to be able to screen communications, examine and, if necessary, investigate petitions on the spot. Similarly, it would not be practicable to leave the disposal of communi-

cations and petitions until the very end of the visit.

20. The Mission therefore recommends that, in preparing the itinerary of future visiting missions, fixed periods should be set aside at regular intervals throughout the visit for the primary purpose of enabling each mission to review the communications and other information it has received, and to formulate appropriate inquiries and carry out necessary investigations into the more important petitions. It suggests also that the local administrations might be invited, as some of them have already been in the past, to announce publicly a date, in advance of that of the mission's arrival, by which persons should preferably send in their communications.

## DOCUMENT T/L.392

### Forty-seventh report of the Standing Committee on Petitions

[Original text: English]  
[17 July 1953]

1. At its 453rd meeting the Trusteeship Council invited the Standing Committee on Petitions to report to it at its twelfth session on the effectiveness of the new rules of procedure affecting the handling of petitions, which had been provisionally approved by the Council during its eleventh session.

2. The Standing Committee on Petitions, composed of the representatives of Belgium, the Dominican Republic, El Salvador, New Zealand, the Union of Soviet Socialist Republics and the United States of America, reports that it decided that it would devote its attention to the procedure concerning the handling of petitions after it had completed its examination of the petitions on the agenda for the Council's twelfth session. In this way, the Committee would approach its task with the maximum of experience in matters of procedure. Owing, however, to the time-limit set by the Council for the completion of the business before it, the Committee has been unable to

devote any attention to matters of procedure during the 49 meetings which it has held between 26 May and 16 July 1953.

3. Moreover, since the Council decided to invite the Committee to report to it on the effectiveness of the new rules of procedure affecting the handling of petitions, it has held only one session. In the opinion of the Committee, it will be advantageous to defer consideration of the procedural question until the new rules have been in operation for a period covering a full cycle of two sessions of the Council, in order that greater experience of their operation may be had.

4. At its 93rd meeting, therefore, the Committee unanimously decided to recommend to the Council that the time-limit for the submission of its report to the Council on the question be extended to the thirteenth session of the Council.

## CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations
T/951	Special report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951: observations on the organization and functioning of visiting missions		See <i>Official Records of the Trusteeship Council, Tenth Session, Annexes</i> , agenda item 11.
T/1044 and Corr.1	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on procedures of visiting missions .	1	
T/L.392	Forty-seventh report of the Standing Committee on Petitions .	4	



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NEW YORK, 1953

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**Agenda item 10 : General Assembly resolution 649 (VII) : administrative unions affecting Trust Territories**

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**CHECK LIST OF DOCUMENTS**

<i>Document No.</i>	<i>Title</i>	<i>Observations</i>
A/2151	Special report of the Trusteeship Council on administrative unions affecting Trust Territories and on the status of the Cameroons and Togoland under French administration arising out of their membership in the French Union	See <i>Official Records of the General Assembly, Seventh Session, Supplement No. 12</i> .
T/L.372	China, New Zealand, Thailand and United States of America : draft resolution	Adopted without change; see resolution 645 (XII). <sup>1</sup>

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<sup>1</sup> See *Official Records of the Trusteeship Council, Twelfth Session, Supplement No. 1*.



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## Agenda item 11 : General Assembly resolution 652 (VII) : the Ewe and Togoland unification problem

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T/1067/Rev.1	Text of an announcement made on 12 June 1953 in Togoland under British administration and in Togoland under French administration by the two Administering Authorities.	1
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## DOCUMENT T/1067/Rev.1

## Text of an announcement made on 12 June 1953 in Togoland under British administration and in Togoland under French administration by the two Administering Authorities

[Original text : English and French]  
[10 July 1953]

*Note by the Secretary-General :* The Secretary-General has the honour to circulate to the members of the Council the text of an announcement made on 12 June 1953 in Togoland under British administration and in Togoland under French administration by the two Administering Authorities.

The English text of this announcement was communicated to the Secretary-General by a letter dated 8 July 1953 from the United Kingdom Delegation and the French text by a note dated 9 July 1953 from the Permanent Delegation of France to the United Nations :

1. The United Nations General Assembly, in its resolution 652 (VII) of 20 December 1952 :

" 3. *Recommends* that the two Administering Authorities concerned carry on full and extensive consultations with the principal political parties in the two Territories and make every effort to bring about the re-establishment of the Joint Council for Togoland Affairs, or a similar body, on a basis which will enlist the co-operation of all major segments of the population so that it may be an effective and representative organ for the consideration of the common problems of the two Territories;

" 4. *Urges* all the principal parties in the two Territories to make every effort to assist constructively in these consultations; "

2. In accordance with the spirit of the General Assembly's resolution, the Administering Authorities invite all parties and sections of the population to make known their views on the principles on which should be based the reconstitution, the terms of reference, the method of election to, and the composition, of the Council. In order that such views can be directed to the practical requirements of the situation, the Administering Autho-

rities set out below the considerations by which they will be guided.

(a) *Terms of reference*

The basic need is to evolve terms of reference which will enable the Council to consider the common problems of the two Territories. Such terms can either be detailed and specific, directing the attention of the Council to particular matters, or generally worded on the lines of paragraph 5 of the Assembly's resolution and the existing terms of reference,<sup>1</sup> which read as follows :

" To discuss and advise the Administering Authorities on the co-ordination of development plans in frontier areas, the amelioration of conditions caused by the existence of the frontier, and other matters of common concern to the people of the two Trust Territories."

(b) *Method of election of members*

The principal objective must be to ensure that the Council is adequately representative of all sections of the population. This can probably be done by some form of direct election, based on wide suffrage, such as was recently utilized in each Territory. It is necessary to bear in mind the impracticability, in the time available, of establishing and operating extensive new machinery, as well as the cost of such a proceeding. Constructive comment can therefore best be directed to the possibility of utilizing existing electoral machinery.

(c) *Composition of the Council*

The problem here is that of reconciling the facts that the populations of the two Territories are to be ade-

<sup>1</sup> See *Official Records of the General Assembly, Sixth Session, Annexes*, agenda item 12, document A/C.4/198.



quately represented, that French Togoland is much the larger and more populous of the two, but that the interests of British Togoland must be adequately safeguarded both in the sense that its representatives must be numerous enough to play an effective part in the Council and to man the Council's committees, and also in the sense that, even though numerically in a minority of the full Council, they can nevertheless exercise some effective control over the taking of decisions by the Council. The Administering Authorities have examined the possibility of reconciling these factors and to that end have formulated the following principles:

(i) The total number of seats in the Council to be such as to ensure that the representatives of British Togoland are numerous enough to enable them to discharge the tasks which they will have to assume;

(ii) A voting rule to be established guaranteeing to the representatives of British Togoland that proposals which do not secure the approval of a majority of their number

cannot be adopted by the Council as a whole; for example, this rule might provide that decisions of the Council, to be effective, must not only receive the approval of, say, three-quarters of the total membership of the Council, but also the approval of a simple majority both of the representatives of British Togoland on the one hand and also of a simple majority of the representatives of French Togoland on the other.

3. The Administering Authorities invite comments and suggestions on the principles set forth above. The Administering Authorities wish to suggest, in addition, to the co-chairmen of the existing Joint Council that they might consult the members of the two sides of the Joint Council of which they are the respective leaders on the various issues set forth above. The views of each side of the Joint Council elicited in this way would receive full consideration by the Administering Authorities, in common with the views of other sections and parties of public opinion.

### CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations</i>
T/1034	Special report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Ewe and Togoland unification problem		This document will be printed later if a decision to that effect is taken by the Trusteeship Council.
T/1041	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on Togoland under French administration		Ditto.
T/1067/Rev.1	<b>Text of an announcement made on 12 June 1953 in Togoland under British administration and in Togoland under French administration by the two Administering Authorities . . .</b>	1	
T/1068	Observations of the Administering Authority on the report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on Togoland under French administration		This document will be printed later if a decision to that effect is taken by the Trusteeship Council.
T/L.399	Draft special report of the Trusteeship Council on the Ewe and Togoland unification problem		Same text as A/2424. The latter document will be printed in the <i>Official Records of the General Assembly, Eighth Session, Annexes</i> , agenda item 31.
T/Pet.6/L.1	Petition from Mr. Kofi Quarskie and other members of the Dzanku family concerning Togoland under British administration		Mimeographed document only.
T/Pet.6/L.2	Petition from Mr. Theophilus Dzitowu concerning Togoland under British administration		Ditto.
T/Pet.6/L.3	Petition from the Chairman of the Togoland Congress concerning Togoland under British administration		Ditto.
T/Pet.6/L.4	Petition from Mr. Vincent Zonyra concerning Togoland under British administration		Ditto.
T/Pet.6/L.5	Petition from Mr. W. C. Brekumi concerning Togoland under British administration		Ditto.
T/Pet.6/L.6	Petitions from chiefs and representatives of the people of the Southern Section of Togoland under British administration		Ditto.
T/Pet.6 and 7/L.4	Petition from the General Chairman of the Comité de l'Unité Togolaise concerning Togoland under British and Togoland under French administration		Mimeographed document only.
T/Pet.6 and 7/L.5	Petition from the representatives of Juvento, Ewe-Togo Youth Action Movement and Togoland Youth Association, concerning Togoland under British and Togoland under French administration		Ditto.

## Agenda item 11

<i>Document No.</i>	<i>Title</i>	<i>Observations</i>
T/Pet.6 and 7/L.6	Petition from the Secretary-General of the Joint Togoland Congress concerning Togoland under British and Togoland under French administration	Ditto.
T/Pet.7/L.2	Petition from Mr. Ben Apaloo, President of Juvento, concerning Togoland under French administration	Ditto.
T/Pet.7/L.3	Petition from the President of the Syndicat de la Confédération générale de l'Artisanat Togolais concerning Togoland under French administration	Ditto.



## TRUSTEESHIP COUNCIL

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**Agenda item 12 : General Assembly resolution 653 (VII) : participation of the indigenous inhabitants of the Trust Territories in the government of those Territories and in the work of the Trusteeship Council**

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T/L.381	Syria : draft resolution . . . . .	1
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## DOCUMENT T/L.381

## Syria : draft resolution

[Original text : English]  
[14 July 1953]

*The Trusteeship Council,*

Having considered General Assembly resolution 653 (VII) on the participation of the indigenous inhabitants of the Trust Territories in the government of those Territories and in the work of the Trusteeship Council,

Bearing in mind the various opinions expressed on this question in the course of the discussion during the seventh session of the General Assembly,

Noting that the question of participation of the indigenous inhabitants in the government of the Territories is regularly examined by the Council in connexion with

its examination of the annual reports on each Territory, the reports of visiting missions, and petitions concerning political development,

Considering, however, that the question of the participation of the indigenous inhabitants in the work of the Council necessitates further study to realize the aims of the above-mentioned resolution,

1. *Decides* to establish a Committee composed of the representatives of . . . . .  
to examine that question and to report to the Council at its next regular session.

## CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations
T/L.381	Syria : draft resolution . . . . .	1	
T/L.381/Rev.1	Syria : revised draft resolution		Adopted at the 381st meeting, at which time the members of the Committee were appointed by the Council. See resolution 647 (XII). <sup>1</sup>

<sup>1</sup> See *Official Records of the Trusteeship Council, Twelfth Session, Supplement No. 1.*



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Agenda item 13 : General Assembly resolution 654 (VII) : Report of the Trusteeship Council

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*No documents*



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TWELFTH SESSION

NEW YORK, 1953

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General Assembly resolution 655 (VII) : hearing of petitioners from the Trust Territory of the Cameroons under French administration

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## CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Observations</i>
T/1043	Report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Cameroons under French administration	This document will be printed later if a decision to that effect is taken by the Trusteeship Council.
T/1069	Observations of the Administering Authority on the report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952, on the Cameroons under French administration	Ditto.



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**Agenda item 15 : General Assembly resolution 656 (VII) : hearing of petitioners from the Trust Territory of Somaliland under Italian administration**


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## DOCUMENT T/L.364

## United Kingdom of Great Britain and Northern Ireland : draft resolution

[Original text : English]  
[7 July 1953]

*The Trusteeship Council,*

*Having considered* General Assembly resolution 656 (VII) on the hearing of petitioners from the Trust Territory of Somaliland under Italian administration,

*Having taken into consideration* during its examination of the annual report of the Administering Authority the observations made by the petitioners before the Fourth Committee, the comments of members of the Fourth Committee and the further observations made by two petitioners from the Trust Territory heard by the Council at its twelfth session,

*Having taken note* also of the observations of the petitioners in question in formulating its conclusions and recommendations on the Territory,

*Having examined* these questions with the co-operation of the members of the Advisory Council for Somaliland,

who are always available to aid and advise the Administering Authority in the Territory,

*Considering* that the annual report on Somaliland under Italian administration for the year 1952, based on the revised questionnaire, contains full information on all aspects of the administration,

*Considering further* that at its thirteenth session the Council will be examining the arrangements to be made for visits in 1954 to the Trust Territories in the East African group,

*Is of the opinion*

(a) That a special questionnaire for Somaliland under Italian administration is not required;

(b) That for the time being no decision is necessary to send a separate visiting mission to this Territory.

## DOCUMENT T/L.373

## Report of the Committee of Two

[Original text : English]  
[9 July 1953]

1. At its 476th meeting on 8 July 1953 the Trusteeship Council decided to establish a Committee composed of two of its members to examine General Assembly resolution 656 (VII) and the draft resolution submitted by the delegation of the United Kingdom (T/L.364) concerning the hearing by the General Assembly at its seventh

session of petitioners from the Trust Territory of Somaliland under Italian administration, in the light of the views which had been expressed on this question by members of the Council, and to report thereon at the current session.

2. The Council appointed the representatives of the

Dominican Republic and the United Kingdom as members of the Committee.

3. The Committee held two meetings on 8 July 1953.

4. The Committee noted that the General Assembly in its resolution made the following requests of the Council :

(a) To give special attention to the questions raised in the oral hearings by the Fourth Committee, particularly with respect to the application of past recommendations relating to these questions, in the light of the statements of the petitioners and of the observations made in the Fourth Committee, and to report on these matters to the General Assembly at its eighth session;

(b) To consider the desirability of preparing a special questionnaire for Somaliland;

(c) To consider the desirability of sending a separate visiting mission to that Territory; and

(d) To report further upon these last two questions in its next report to the General Assembly.

5. The Committee examined the foregoing points in the light of the views which had been expressed by members of the Council during its consideration of the annual report on Somaliland, both in the course of the general debate on conditions in the Territory and in the course of the discussions relating specifically to the General Assembly's resolution at its 475th and 476th meetings.

6. The Committee arrived at the following conclusions concerning each of the points raised in resolution 656 (VII) :

(a) In regard to the examination of the questions raised by the petitioners, the Committee considered, in the absence of expressions of contrary opinion, that it was the general view of the Council that these questions, covering the major aspects of all fields of development in the Trust Territory, had been adequately examined in the course of its examination of the annual report and also in the course of its examination of petitions concerning the Territory. The Committee also noted that the two petitioners who addressed the Council at its twelfth session presented views differing in some respects from those presented by spokesmen of the same interests before the Fourth Committee. In particular it took note of the fact that one of the petitioners invoked the changed circumstances in the Territory as a reason for not insisting on the full discussion of certain matters raised in previous petitions. Further, in following its normal procedures, the Council has taken into account previous recommendations relating to these questions;

(b) In regard to the question of a separate questionnaire for the Trust Territory, the Committee noted that, with one exception, those members of the Council who expressed themselves on this matter, were of the opinion that a number of factors weighed against the desirability of a separate questionnaire. These were (i) The comprehensive nature of the revised questionnaire, adopted by the Trusteeship Council, upon which the current annual report of the Administering Authority was based for the first time and which the Council had devised to cover all Territories within the scope of the Trusteeship System; (ii) The detailed information accordingly provided by the Administering Authority in its annual report; (iii) The additional information made available to the Council by the Administering Authority in the

form of observations upon the large number of petitions received from the Trust Territory; (iv) The further ample information made available to all members of the Council who desired to exercise their right to ask questions orally of the special representative from the Trust Territory. The Committee therefore concluded that in all these circumstances no particular advantage may be gained by drawing up a separate questionnaire for the Trust Territory;

(c) In regard to the question of a separate visiting mission to the Trust Territory, the Committee noted that most of the members of the Council who expressed themselves on the matter took the view that since, in any event, the Council was due to send a visiting mission to Somaliland in 1954, and since arrangements for the next visits to all of the East African Trust Territories might most conveniently be made at the thirteenth session of the Council scheduled for the beginning of that year, the most practicable course would be to postpone any decision until that time. The Committee noted that these members did not express any views as to the substance of the matter, i.e., the desirability or otherwise of sending a separate mission. However, one other member expressed the view that the despatch of a separate mission would be more appropriate at a time close to the year 1960, the date of termination of the existing trusteeship administration. One other member questioned the necessity for taking any decision of any kind at the present juncture.

7. The Committee accordingly considered that the draft resolution submitted by the United Kingdom delegation formed an appropriate basis for action by the Council as a whole. Having incorporated in that draft certain modifications proposed during the discussion in the Council, it therefore recommends that the Council adopt the following draft resolution :

GENERAL ASSEMBLY RESOLUTION 656 (VII) : HEARING OF PETITIONERS FROM THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

*The Trusteeship Council,*

*Having considered* General Assembly resolution 656 (VII) on the hearing of petitioners from the Trust Territory of Somaliland under Italian administration,

*Having taken into consideration* during its examination of the annual report of the Administering Authority the observations made by the petitioners before the Fourth Committee, the comments of members of the Fourth Committee and the further observations made by two petitioners from the Trust Territory heard by the Council at its twelfth session,

*Having taken note* also of the observations of the petitioners in question in formulating its conclusions and recommendations on the Territory,

*Having examined* the general issues raised by the petitioners in the light of the opinions expressed by the members of the Advisory Council for Somaliland, an organ constituted by the General Assembly to aid and advise the Administering Authority in the Territory,

Considering that the annual report on Somaliland under Italian administration for the year 1952, based on the revised questionnaire, contains full information on all aspects of the administration,

Considering further that at its thirteenth session the Council will be examining the arrangements to be made for visits in 1954 to the Trust Territories in the East African group,

Having received and considered the report of the Committee (T/L.373) which it appointed to examine these questions in the light of the observations of the members of the Council,

*Is of the opinion*

(a) That in the light of the considerations set out in the report of its Committee a special questionnaire for Somaliland under Italian administration is not required; and

(b) That as a regular visiting mission will be sent to the Territory in 1954 and as arrangements for this visit will be taken up by the Council at its thirteenth session no decision is required at the present time as to the desirability of despatching a separate visiting mission to the Territory.

CHECK LIST OF DOCUMENTS

Document No.	Title	Page	Observations
A/C.4/228	Letter dated 3 December 1952 from Mr. Abdullahi Issa, representative of the Somali Youth League, addressed to the Chairman of the Fourth Committee		Mimeographed document only.
A/C.4/L.270	Hearing of petitioners from the Trust Territory of Somaliland under Italian administration — El Salvador: draft resolution		See <i>Official Records of the General Assembly, Seventh Session, Annexes</i> , agenda item 12.
ST/TAA/K/ SOMALILAND/1	The Trust Territory of Somaliland under Italian Administration — Report prepared jointly for the Government of Italy by an expert appointed by the United Nations Technical Assistance Administration and by experts appointed respectively by the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, and the World Health Organization		<i>United Nations Publications, Sales Number: 1953.II: H.2.</i>
T/947	Report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951, on Somaliland under Italian administration		See <i>Official Records of the Trusteeship Council, Eleventh Session, Supplement No. 4.</i>
T/951	Special report of the United Nations Visiting Mission to Trust Territories in East Africa, 1951: observations on the organization and functioning of visiting missions		<i>Ibid.</i> , Tenth Session, Annexes, agenda item 11.
T/1010	Questionnaire as approved by the Trusteeship Council at its 414th meeting, eleventh session, on 16 June 1952		<i>Ibid.</i> , Eleventh Session, Special Supplement.
T/1048	Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration covering the period 1 April 1952 to 31 March 1953		See <i>Annexes</i> , agenda item 4 (a).
T/1061 and Add.1	Comments of the United Nations Educational, Scientific and Cultural Organization on the draft five-year plan for education in the Territory of Somaliland, 1953-1957		See <i>Annexes</i> , agenda item 4 (a).
T/1064	Note by the Secretary-General transmitting the third draft of the five-year plan for education in Somaliland		Mimeographed document only.
T/L.364	United Kingdom of Great Britain and Northern Ireland: draft resolution . . . . .	1	
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**Agenda item 16 : Educational advancement in Trust Territories : report of the Secretary-General on offers of fellowships, scholarships and internships for inhabitants of Trust Territories made in pursuance of General Assembly resolution 557 (VI)**

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T/1065/Add.2	Second addendum . . . . .	7
T/L.379	Syria : draft resolution . . . . .	7
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## DOCUMENT T/1065

## Report of the Secretary-General

[Original text : English]  
[3 July 1953]

## INTRODUCTION

1. By resolution 557 (VI) of 18 January 1952, the General Assembly invited Member States of the United Nations to make available to qualified students from Trust Territories fellowships, scholarships and internships; invited the Trusteeship Council to request the Secretary-General to make such arrangements as might be necessary to ensure the efficient administration of all such offers; and requested the Council to invite the Administering Authorities concerned to avail themselves of such fellowships, scholarships and internships and to give them full publicity in their respective Trust Territories.

2. During its tenth session, the Trusteeship Council approved a report submitted at its request by the Secretary-General (T/974) setting forth the procedure which he proposed for the administration of the new project. In this report, the Secretary-General concluded that, in the absence of alternative administrative machinery and resources, the efficient administration of the project must be primarily the responsibility of the Member States offering facilities on the one hand and the Administering Authorities providing candidates on the other hand, with the United Nations fulfilling a general supervisory function. The procedure set forth by the Secretary-General may be summarized as follows :

(a) *First step* : The Secretary-General to propose to all Member States that they give favourable consideration to including in each offer provision for travel

and subsistence costs and for the selection and care of the candidates.

(b) *Second step* : Offers to be notified in detail to the Secretary-General and transmitted by him to the Administering Authorities for their consideration and action and to the Trusteeship Council for its information.

(c) *Third step* : Each Administering Authority presenting candidates to communicate to the Secretary-General all necessary information concerning the availability of candidates and, where necessary, the availability of supplementary financial assistance; this information to be transmitted by him to the Member State offering the facilities and to the Trusteeship Council.

(d) *Fourth step* : The Member State offering facilities to select the candidate or candidates, to complete the arrangements with the Administering Authority or Authorities concerned, and to notify the Secretary-General accordingly for the information of the Trusteeship Council.

3. Copies of the General Assembly resolution and of the report on procedure were communicated by the Secretary-General to all Member States on 14 April 1952. The Secretary-General reported<sup>1</sup> to the eleventh session of the Council on the progress of the programme up to 15 July 1952; the present report reviews the programme from its inception up to 1 July 1953. The general position at that date was that a total of twenty-one

<sup>1</sup> See document T/1024.

specific fellowships, scholarships and internships, together with a number of other openings for which Trust Territory students might qualify, had been offered by six Member States; and candidates had been finally or provisionally selected for eight scholarships.

#### RESPONSE BY MEMBER STATES

4. As at the date of this memorandum, the Secretary-General has received from six Member States information as to the availability of scholarships, fellowships and/or internships to suitable candidates from Trust Territories.

##### (a) *Yugoslavia*

5. An offer by the Government of Yugoslavia was communicated to the Secretary-General by the permanent representative of the Federal People's Republic of Yugoslavia to the United Nations in notes dated 11 April 1952 and 17 June 1952. The Yugoslav Government offered five fellowships (six months to one year; specialized training for persons with university or technical school training) and five university scholarships. It offered further to pay candidates' travel expenses, both ways, from North Africa; being unable to bear the travel expenses of candidates from more distant places, it felt compelled to limit its offer to candidates from Trust Territories in Africa. The notes containing the offer were transmitted to the Administering Authorities of Trust Territories on, respectively, 25 April and 25 June 1952, and the Trusteeship Council was notified on 15 July 1952.<sup>2</sup> By a note dated 9 July 1952 in response to an inquiry made by the United Kingdom Government, the Government of Yugoslavia indicated that the language of instruction at the Universities of Belgrade and Zagreb was Serbo-Croat, but there were special language courses, guidance, consultations and other assistance for foreign students. This information was communicated to the Administering Authorities on 30 July 1952. By a note dated 9 February 1953, the Government of Yugoslavia renewed its offer for the academic year 1953-54, and this information was transmitted to the Administering Authorities concerned on 12 February 1953.

##### (b) *India*

6. An offer by the Government of India was communicated to the Secretary-General by the permanent representative of India to the United Nations in a note dated 16 June 1952. The Government of India offered four scholarships, one to be allotted to an African from Tanganyika, a second to an African from Ruanda-Urundi, a third preferably to a student from Somaliland and—if this were accepted—a fourth to a student from any other Trust Territory. It offered a scholarship of 200 rupees per month plus capitation, tuition and examination fees for each scholar. Travel charges to and from India were not included. The offer was communicated to the Administering Authorities of Trust Territories on 23 June 1952 and the Trusteeship

Council was notified on 15 July 1951.<sup>3</sup> Subsequently, by a note dated 6 January 1953, the Government of India renewed for the year 1953-54 its offer of four scholarships, of which one each would be made available to an African from Tanganyika and Togoland and the other two to suitable indigenous students from any of the Trust Territories (including Tanganyika and Togoland). The renewed offer was communicated to the Administering Authorities on 7 January 1953. By a note dated 19 February 1953 the closing date for applications for the Indian scholarships was extended from 15 February to 15 April 1953, and the Administering Authorities were so notified on 20 February 1953.

##### (c) *United States of America*

7. In a note dated 5 November 1952, the representative of the United States of America to the United Nations informed the Secretary-General of the availability of grants for study or training in the United States for which qualified students from Trust Territories are eligible. Five grants under Public Law 402, the Smith-Mundt Act, which include funds for travel, maintenance, orientation and tuition, were being made available for the academic year 1953-54 and would be for a period of one year or, if warranted, for a period permitting the accomplishment of a definite objective. In addition, various territories in Africa, including the Trust Territories, were eligible for aid under the Technical Assistance Programme of the Mutual Security Agency in response to requests from the Administering Authorities concerned; such technical assistance might be utilized, *inter alia*, to provide opportunities for advanced training and observation in the United States or elsewhere. The Government of the United States had furthermore entered into agreements with the various Administering Authorities under the Fulbright Programme of educational exchange, and under some of the agreements awards might be made, *inter alia*, to qualified students from Trust Territories. In all cases, the United States, in carrying out its own fellowship and training programme, would give due emphasis to qualified candidates from Trust Territories and would be glad to co-operate in providing information to the Trusteeship Council on the opportunities which it would make available under United States programmes, and on awards made to the inhabitants of Trust Territories. Finally, and as part of the United States effort to realize the objectives of General Assembly resolution 557 (VI), there were numerous privately sponsored scholarships and fellowships available in the United States to inhabitants of Trust Territories as well as to persons from many other parts of the world. This information was communicated to the Administering Authorities of Trust Territories by the Secretary-General on 10 November 1952.

##### (d) *Philippines*

8. In a note dated 2 December 1952, the permanent representative of the Philippines to the United Nations communicated to the Secretary-General a list of fellowships, scholarships and internships available in Philip-

<sup>2</sup> For more complete details, see document T/1024.

<sup>3</sup> *Ibid.*

piners institutions of higher learning, which may be summarized as follows :

(i) Adamson University, Manila : two scholarships in the form of free tuition for the complete four-year chemical engineering course.

(ii) University of San Carlos, Cebu City : two free scholarships in the Colleges of Engineering and Education; no limit to the length of time; preferably offered to Catholic students,

(iii) Rizal Memorial Colleges, Davao City : two students yearly, free tuition, including laboratory and other authorized fees except registration fee, in any of six courses (Junior Normal College, Education, Pre-Law, Law, Collegiate Commercial Course, Collegiate Secretarial Course).

(iv) Fr. Urios College, Butuan, Agusan : three full-year scholarships for one academic year each in the Normal course; free tuition and incidental fees and free use of books; may be extended eventually.

(v) Namei Polytechnic Institute, Manila : two scholarships for foreign students for each course; free tuition only, other fees to be defrayed by the students; scholarships are semestral, and extension depends upon scholastic standing.

(vi) Cebu Roosevelt Memorial Colleges, Bogo, Cebu : free scholarships for four years in the B.S.E. and B.S.E.E. courses.

This information was communicated by the Secretary-General to the Administering Authorities of the Trust Territories on 8 December 1952.

#### (e) Turkey

9. By a note dated 28 January 1953, the permanent representative of Turkey to the United Nations informed the Secretary-General that the Government of Turkey had decided to offer two scholarships to qualified students from Trust Territories. The Government of Turkey would assume responsibility for the costs of study and would grant to each scholarship-holder a sum of 100 Turkish pounds per month for his own use. Depending on the course and institution chosen, the scholar would be permitted to take advantage of boarding facilities accorded to Turkish students. In addition, a sum of 330 Turkish pounds for clothing, a sum of 100 Turkish pounds for books and papers and a sum of 50 Turkish pounds for college expenses, per annum, would be granted annually and medical attention would be provided. The Turkish authorities felt unable only to meet the cost of travel to Turkey; the financial assistance offered, however, was much greater than that accorded to Turkish scholarship-holders. This offer was communicated by the Secretary-General to the Administering Authorities on 3 and 4 February 1953. At the same time, the Secretary-General invited the permanent representative of Turkey to obtain further details of the offer, and by a note dated 1 May 1953 the latter transmitted information relating to all the courses available at the universities of Istanbul and Ankara and the Technical University of Istanbul, and other information including the qualifications required of students, the duration of the courses, and

the fact that the language of instruction was Turkish and that certain facilities were available to foreign students for the learning of that language. This information was transmitted in summary form by the Secretary-General to the Administering Authorities on 5 May 1953.

#### (f) Norway

10. By a note dated 4 June 1952, the Norwegian permanent delegation to the United Nations informed the Secretary-General that the Government of Norway was studying the invitation contained in the resolution of the General Assembly, and, by a note dated 23 February 1953, the permanent representative of Norway advised the Secretary-General that his Government was willing to grant a fellowship to a young qualified student from any of the Trust Territories for the fiscal year of 1953-54. The sum of 5,000 Norwegian kroner would be made available for the purpose; of this amount 3,600 kroner would cover the cost of living in Norway for one academic year (nine months), while the remaining 1,400 kroner could be used to cover part of the cost of travel. The student should be able to speak English fairly well, and his prior education should correspond to a matriculation degree (*examen artium*). He should select a course which could be pursued at a university or college (technical university) preferably at Oslo or Bergen. The Secretary-General communicated this offer to the Administering Authorities on 25 February 1953.

#### (g) Other responses

11. Apart from acknowledgments by Member States of receipt of the Secretary-General's communication of 14 April 1952, responses were received from two Member States indicating the decisions of their governments on the matter. By a note dated 2 July 1952, the Minister of External Affairs in Uruguay informed the Secretary-General to the effect that, while the Government of Uruguay viewed with considerable sympathy the conditions which had given rise to the resolution of the General Assembly, the lack of provision in its budget to meet the expenditure entailed precluded it for the time being from active participation. By a note dated 15 August 1952, the permanent delegation of Afghanistan to the United Nations intimated to the Secretary-General its regret that its economic position precluded it from participating.

#### SUBMISSION AND SELECTION OF CANDIDATES

12. On 1 July 1953, the Secretary-General had been notified of the submission of candidates by two of the Administering Authorities in respect of facilities offered by two of the six Member States which had made facilities available. Intimations had been given by certain other Administering Authorities to the effect that they were unable to provide candidates with suitable qualifications.

13. Some observations of general application to the programme were transmitted to the Secretary-General by the Government of the United Kingdom, which, as Administering Authority of the Trust Territories of

Tanganyika and the Cameroons and Togoland under British administration, has supplied all except one of the candidatures so far notified, under cover of a note dated 22 June 1953 from the permanent United Kingdom delegation to the United Nations. After expressing appreciation of the generosity of the Member States offering facilities, and stating that it had made every effort to encourage suitable candidates from the Trust Territories under its administration to put themselves forward, the United Kingdom Government stated :

" The response has, however, inevitably been slight. The number of inhabitants at present qualified for courses of higher education is still small, although rapidly increasing, and they are largely absorbed by the expanding local institutions. The candidates for post-graduate study of the kind most suitably undertaken abroad are, of course, still fewer. Moreover, the obstacles to profitable study overseas are increased where instruction is given in a language other than the student's own, and he has to devote a large proportion of what may be only a year's study to learning it. Most scholarships do not include provisions for the cost of travel to the country concerned, and before the local administrations can make grants for this purpose they must be quite sure that the facilities offered are not more profitably available elsewhere. "

14. The situation in respect of the facilities offered by each of the six Member States concerned is set out in the following paragraphs.

#### (a) *Facilities in Yugoslavia*

15. The Secretary-General has not been notified of the submission or selection of any candidates for the five fellowships and five scholarships offered by the Government of Yugoslavia to students in the African Trust Territories.

16. By a note dated 17 October 1952, the permanent representative of the United Kingdom to the United Nations informed the Secretary-General that the offer of the Government of Yugoslavia had not been made known to it in time to enable it to give sufficient publicity to the offer in the three Trust Territories under British administration and to complete the necessary arrangements by the dates on which the scholarships offered were due to commence (mid-September 1952 in the case of Yugoslavia). The United Kingdom Government expressed the hope that the Government of Yugoslavia would be prepared to keep its offer open so that it might be taken up if suitable candidates were found, either in the course of the 1952-53 academic year or alternatively at the beginning of the 1953-54 academic year.

17. These observations were communicated by the Secretary-General to the Government of Yugoslavia on 24 October 1952. As noted in paragraph 5 above, the Government of Yugoslavia on 9 February 1953 renewed its offer for the academic year 1953-54, indicating that this action had been taken in connexion with the hope expressed by the Government of the United Kingdom.

#### (b) *Facilities in India*

18. The Secretary-General has been notified that no candidates were forthcoming for the four scholarships offered by the Government of India for the academic year 1952-53, but that candidates have been provided by the Government of the United Kingdom (one candidate each from Tanganyika, the Cameroons and Togoland) for three of the four scholarships beginning in the academic year 1953-54.

19. Correspondence pertinent to this report in respect of the offer of the Government of India is outlined in chronological order in the following paragraphs.

20. By a note dated 26 July 1952, the Italian observer to the United Nations stated that indigenous students in Somaliland under Italian administration had, at the most, carried out courses corresponding to the first and second classes of an Indian Junior High School. He considered that the Territorial Administration would not be able to provide a student sufficiently qualified for university studies, and inquired as to the kind of school and the degree of education involved in the offer by the Government of India. This inquiry was transmitted by the Secretary-General to the latter Government on 12 August 1952.

21. By a note dated 20 November 1952, the permanent representative of India replied to the effect that the Government of India was considering an alternative plan, namely, that a student might be selected for a higher secondary course or for training in some arts and crafts.

22. By a note dated 20 June 1952, the permanent representative of India informed the Secretary-General that the Joint Togoland Congress in Togoland under British administration had approached the Government of India for the grant of one of the scholarships offered by that Government and had submitted the names of five persons. The Government of India had approached the Administering Authority of Togoland under British administration requesting that a panel of three names be forwarded to the Secretary-General immediately. The Secretary-General communicated this information to the Government of the United Kingdom of Great Britain and Northern Ireland, as the Administering Authority concerned, on 8 July 1952.

23. By a note dated 17 October 1952, the permanent representative of the United Kingdom to the United Nations informed the Secretary-General that the offer of the Government of India had not been made known to it in time to enable it to give sufficient publicity to the offer in the three Trust Territories under British administration and to complete the necessary arrangements by the dates on which the scholarships offered were due to commence : namely, July 1952. The United Kingdom Government expressed the hope that the Government of India would be prepared to keep its offer open, to be taken up, if suitable candidates were found, either in the course of the 1952-53 academic year or alternatively at the beginning of the 1953-54 academic year. These observations were communicated by the

Secretary-General to the Government of India on 24 October 1952.

24. By the note dated 6 January 1953, referred to in paragraph 6 above, renewing for 1953-54 the offer by the Government of India of four scholarships, the permanent representative of India to the United Nations expressed the regret of his Government that in the academic year 1952-53 the four scholarships had remained unutilized. He stated that, in addition to the replies made by the Governments of Italy and the United Kingdom, the Embassy of Belgium in New Delhi had informed the Ministry of External Affairs of India that the authorities of Ruanda-Urundi had regretted very much the absence of a suitable indigeneous scholar fulfilling the conditions of knowing English for pursuing his studies in India. The unlikelihood of a suitable candidate being forthcoming from Ruanda-Urundi or Somaliland for some time to come had led to the decision to allocate the second series of scholarships as set forth in paragraph 6 above.

25. By a note dated 16 March 1953, the permanent representative of Australia to the United Nations informed the Secretary-General that the Australian Government had advised that there were at present no students in the Territories under Australian administration able to comply with the conditions required, and that it was therefore regretted that advantage could not be taken of the generous offer of the Government of India. The Secretary-General so informed the latter Government on 19 March 1953.

26. By a letter dated 3 February 1953, the assistant National Secretary of Juvento (Togo Youth Movement), Togoland under French administration, informed the Secretary-General that his organization had learned of the offer by the Government of India in the course of an interview with the High Commissioner for India in East Africa, Mr. Pant, during the latter's visit to the Gold Coast. Up to that time, it had received no official notification of the offer from the Administering Authority of the Territory, and it asked for details of the scholarships available. A reply was sent on 25 March 1953 on behalf of the Secretary-General, explaining the origin of the offers of scholarships and the procedure adopted by the Trusteeship Council for their administration, including the fact that under this procedure the Administering Authority of each Trust Territory was responsible for securing candidates and that all inquiries should therefore be addressed to it.

27. By a note dated 31 March 1953, the permanent United Kingdom delegation to the United Nations informed the Secretary-General that arrangements had been made in the West African Trust Territories for publicizing the scholarships and for submitting the names of any candidates to the Indian Government. In the case of Tanganyika, the Territorial Government considered that the offer would most suitably be handled in the same way as certain cultural scholarships which had been offered by the Indian Government to students in East Africa for a number of years: the scholarships would be advertised by the Government of India and applicants would be chosen by a Selection Committee on which the Government of Tanganyika was represented.

By the same note, the Delegation advised that the Government of the Gold Coast had already been pleased to support an application for one of the scholarships by Mr. Julius Samuel Obianim of Togoland under British administration. This information was transmitted by the Secretary-General to the Government of India on 1 April 1953.

28. By a note dated 3 June 1953, the permanent representative of India to the United Nations informed the Secretary-General that applications had been received from indigenous students in Tanganyika, Togoland and the Cameroons, with the support of their governments. Mr. P. R. Jonga of Tanganyika had been selected for the award of a scholarship for the degree of MBBS; Messrs. J. S. Obianim of Togoland<sup>4</sup> and P. C. Mafiamba of the Cameroons<sup>5</sup> had been provisionally selected for the award of scholarships for the degree of B.Sc. Agriculture and I.Sc./MBBS respectively. In view of the inadequate response from the Administering Authorities in respect of applications from suitable candidates, the placements of those whose applications had been received late would present some difficulty. The Government of India regretted that it would now be too late to entertain any further applications, and consequently it would not be possible to utilize the fourth scholarship offered.

#### *(c) Facilities in the United States of America*

29. The Secretary-General has been notified of the submission of applications from four Trust Territories for the five grants for study or training in the United States of America which were offered by the United States Government for the academic year 1953-54.

30. By a telegram dated 16 February 1953 and a letter of the same date, the Kamerun United National Congress, in Cameroons under British administration, transmitted to the Secretary-General for his information copies of communications which it had addressed to the United States Consulate-General in Lagos, Nigeria, expressing appreciation of the offer and asking that the minimum qualifications should be lowered in view of the limited educational facilities in the Trust Territory and the very small number of Cameroons graduates who were available. A reply was sent on 2 March 1953 on behalf of the Secretary-General to the effect that the Secretary-General did not control the terms and conditions of the scholarships offered and that the Kamerun United National Congress had already, in addressing inquiries directly to the United States authorities in Lagos, followed the prescribed procedure.

31. By a note dated 16 March 1953, the permanent representative of Australia to the United Nations informed the Secretary-General that the Australian Govern-

<sup>4</sup> The Territory concerned is Togoland under British administration. See paragraph 27.

<sup>5</sup> The Territory concerned appears to be the Cameroons under British administration. Mr. P. C. Mafiamba is the author of a petition to the Trusteeship Council (T/Pet.4/99) in which he indicates that he is by origin from the Cameroons under French administration but has been educated and resides under United Kingdom administration.

ment had advised that there were at present no students in the Territories under Australian administration able to comply with the conditions required, and that it was therefore regretted that advantage could not be taken of the generous offer of the United States Government. The Secretary-General so informed the latter Government on 19 March 1953.

32. By a note dated 17 April 1953, the permanent representative of the United Kingdom to the United Nations informed the Secretary-General that the Government of Tanganyika had submitted to the United States Government, through the United States Consul in Dar-es-Salaam, the applications for scholarships of two candidates in that territory, Mr. Frank Omary and Mr. Mohamed Ali Thawer. The Secretary-General so informed the United States Government on 22 April 1953.

33. By a note dated 10 June 1953, the representative of the United States to the United Nations informed the Secretary-General that United States officials had received applications from inhabitants of the Cameroons under United Kingdom administration, Togoland under United Kingdom administration, Tanganyika (under United Kingdom administration) and Western Samoa (under New Zealand administration). After preliminary screening in the Territories, eight of these applications had been forwarded to the United States for consideration. The selection of candidates had reached a final stage and their applications were now being processed for the placement of the candidates in suitable United States educational institutions. A further communication would be sent to the Secretary-General in

the near future as to the recipients of these awards. The Secretary-General communicated this information to the Administering Authorities on 12 June 1953.

#### (d) *Facilities in the Philippines*

34. The Secretary-General has not been notified of the submission or selection of any candidates for the fellowships, scholarships and internships which the Government of the Philippines notified as being available.

35. By a note dated 16 March 1953, the permanent representative of Australia to the United Nations informed the Secretary-General that the Australian Government had advised that there were at present no students in the Territories under Australian administration able to comply with the conditions required and that it was therefore regretted that advantage could not be taken of the generous offer of the Government of the Philippines. The Secretary-General so informed the latter Government on 19 March 1953.

#### (e) *Facilities in Turkey*

36. The Secretary-General has not been notified of the submission or selection of any candidates for the two scholarships offered by the Government of Turkey.

#### (f) *Facilities in Norway*

37. The Secretary-General has not been notified of the submission or selection of any candidates for the fellowship offered by the Government of Norway.

### DOCUMENT T/1065/Add.1

#### First addendum

[Original text: English]  
[10 July 1953]

1. The Secretary-General has received, since the compilation of his report (T/1065) to the Trusteeship Council on the programme of fellowships, scholarships and internships offered under General Assembly resolution 557 (VI), details of an additional offer by a Member State.

2. By a note dated 30 June 1953, the Acting Permanent Representative of Indonesia to the United Nations transmitted to the Secretary-General a memorandum in which the Government of Indonesia recalled that at the 281st meeting of the Fourth Committee of the General Assembly (seventh session) the representative of Indonesia had announced that his Government had decided to make available six fellowships to qualified students from Trust Territories, the details of which would be communicated to the Secretary-General at a later date. The Indonesian Government was now pleased to confirm this offer, which comprised two categories of fellowships for the period 1953-54:

(a) Four fellowships for post-graduate studies for the

duration of one year at Indonesian universities in the following fields: (i) Indonesian or Javanese language; (ii) Archaeology; (iii) Social anthropology; (iv) Customary law of Indonesia.

(b) Two fellowships for post-graduate studies at universities outside Indonesia for the duration of one academic year in the technical, economic and social fields.

3. The following expenses would be borne by the Indonesian Government:

(a) All travel expenses, both ways, from the place of residence of the students to the places of study.

(b) Recipients of a fellowship at a university in Indonesia would receive the following allowances in Indonesian currency: (i) Rp.600 (six hundred rupiahs) monthly for board and lodging; (ii) Rp.1,500 (fifteen hundred rupiahs) for clothing; (iii) Tuition and examination fees would be paid by the Indonesian Government.

(c) Recipients of a fellowship at a university outside

of Indonesia would receive the following allowances in British currency : (i) £55 (fifty-five pounds) monthly for board and lodging; (ii) The equivalent of F.500 (Dutch florins) for clothing; (iii) £4 5s. (four pounds and five shillings) monthly for books and other study material.

4. The fellowships would be granted on the basis of the qualifications of the candidates and on the basis of the widest possible geographical distribution.

5. The Secretary-General communicated this information to the Administering Authorities of the Trust Territories on 8 July 1953.

#### ARRANGEMENTS WITH UNESCO

6. The procedure for the administration of the programme as adopted by the Trusteeship Council provided for the Secretary-General to make arrangements with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to include information on the offers of facilities in its periodical *Study Abroad*. The Secretary-General has accordingly kept UNESCO informed of the offers submitted, and UNESCO has made use of this information in preparing revised editions of *Study Abroad*.

### DOCUMENT T/1065/Add.2

#### Second addendum

[Original text : English]  
[15 July 1953]

In the light of information made available since the compilation of the report of the Secretary-General, the following sentence should be added at the end of paragraph 33 of document T/1065 :

" The representative of the United States subse-

quently informed the Trusteeship Council at its twelfth session that four students had been finally selected and awarded the grants concerned; they comprised one student each from the four Trust Territories mentioned above. "

### DOCUMENT T/L.379

#### Syria : draft resolution

[Original text : English]  
[13 July 1953]

*The Trusteeship Council,*

*Having received* the report of the Secretary-General (T/1065/Add.4) on the progress of the administration of fellowships, scholarships and internships offered by Member States of the United Nations to students in the Trust Territories in response to the invitation contained in General Assembly resolution 557 (VI),

*Noting* from the report of the Secretary-General that a total of twenty-eight specific fellowships, scholarships and internships, together with a number of other openings for which Trust Territory students may qualify, have been offered by seven Member States thus far,

*Noting*, however, that candidates have to date been provided by only two Administering Authorities for only eight of the scholarships specifically offered,

*Noting* further that a number of the fellowships and

scholarships offered for the academic year 1952-53 went unfilled through the absence of any candidates,

1. *Expresses* gratification at the generous response of Member States to the invitation contained in the above-mentioned General Assembly resolution,

2. *Requests* the Administering Authorities to take active measures to give the fullest publicity in the Trust Territories concerning the existing and all future offers of facilities; to establish, where they have not yet done so, appropriate procedures for the receipt of applications and the selection of candidates; and to take all other measures necessary to ensure that fullest advantage be taken of the offers of Member States,

3. *Requests* the Administering Authorities further to include in their annual reports information concerning the measures taken and the results accomplished.

## CHECK LIST OF DOCUMENTS

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations</i>
T/1063	Note by the Secretary-General transmitting the 1952-1953 edition of <i>Study Abroad</i>		Mimeographed document only.
T/1065	<b>Report of the Secretary-General . . . . .</b>	<b>1</b>	
T/1065/Add.1	<b>First addendum . . . . .</b>	<b>6</b>	
T/1065/Add.2	<b>Second addendum . . . . .</b>	<b>7</b>	
T/L379	<b>Syria : draft resolution . . . . .</b>	<b>7</b>	





## TRUSTEESHIP COUNCIL

## OFFICIAL RECORDS

## ANNEXES

TWELFTH SESSION

NEW YORK, 1953

# Agenda item 17 : Provision of information on the activities of the United Nations in Trust Territories : report of the Secretary-General on the implementation of the provisions of Trusteeship Council resolution 36 (III)

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## DOCUMENT T/1073

## Report of the Secretary-General

[Original text : English]  
[16 July 1953]

*Note :* The Secretary-General has the honour to transmit herewith to the members of the Trusteeship Council a report on the implementation of the provisions of Trusteeship Council resolution 36 (III), as required by that resolution.

## I. DISPATCH OF MATERIAL

1. By resolution 36 (III) on the provision of information to the peoples of Trust Territories, the members responsible for the administration of Trust Territories were invited by the Council to furnish the Secretary-General with the names and addresses of officials in Trust Territories to whom should be sent, for information, records of the activities of the Trusteeship Council and other suitable material concerning the United Nations.

2. The Secretary-General has previously submitted two annual progress reports<sup>1</sup> on the implementation of this resolution.

3. The following table shows the numbers of copies of official records which are supplied on request to the addresses in or for the Trust Territories which have been submitted by the Administering Authorities. In the past 12 months the number of addresses has increased by 14 and the number of copies supplied by 18.

Territory	Addresses in	No.	Number of copies of official records
Western Samoa . . .	Western Samoa	1	30
Tanganyika . . . .	Tanganyika	11	150
Ruanda-Urundi . . .	Ruanda-Urundi	36	38
Cameroons under British administration .	Cameroons	1	30
	Nigeria	2	51

Territory	Addresses in	No.	Number of copies of official records
Cameroons under French administration . . . . .	Cameroons	24	25
Togoland under British administration .	Togoland	7	14
	Gold Coast	8	17
Togoland under French administration . . . . .	Togoland	16	19
	New Guinea	43	43
New Guinea . . . .	Papua	38	57
	Australia	1	1
Nauru . . . . .	Nauru	5	7
Pacific Islands . . .	Honolulu	1	50
Somaliland under Italian administration .	Somaliland	45	45

4. The official records which are sent are as follows :  
Trusteeship Council : Official Records  
Trusteeship Council : reports to the General Assembly  
General Assembly : resolutions; printed fascicules of summary records of the Fourth Committee  
*United Nations Bulletin* : reprints of reports on the work of the Trusteeship Council and the Fourth Committee.

Mimeographed documents are not considered as official records and are not included in the above.

The " other suitable material " referred to in paragraph 1 consists of booklets, background papers, posters, UN-Day material, photographs, etc., which may be available from time to time. Recorded talks have also been made during sessions of the Trusteeship Council by special representatives of the Administering Authorities and have been broadcast in the respective Trust Territories.

<sup>1</sup> T/824 of 29 January 1951 and T/1028 of 18 July 1952.

## II. DISSEMINATION IN THE TRUST TERRITORIES

*General*

5. By resolution 36 (III) the Council also invited members responsible for the administration of Trust Territories to furnish the Secretary-General with suggestions as to the appropriate channels through which information concerning the aims and activities of the United Nations might be communicated to the general public, e.g., Press, radio, non-governmental organizations, trade unions and other public organizations, educational and religious institutions, teachers, missionaries, etc.

6. No Administering Authority has formally made any specific suggestion to the Secretary-General in this respect. In his previous reports, however, the Secretary-General drew attention to information which had been provided by the Administering Authorities as to developments in the Trust Territories. Since 1951, visiting missions to Trust Territories, by virtue of Trusteeship Council resolution 311 (VIII), have been specifically charged to report to the Trusteeship Council on this matter. The following paragraphs summarize all the information which has become available since the last report of the Secretary-General.

*Somaliland under Italian administration*

7. The annual reports of the Italian Administration on Somaliland for the years 1951 and 1952 indicated that in the new curricula for elementary schools of the Somali type, the course of moral and civic education was required to be based particularly on the fundamental ideas of the United Nations and the Universal Declaration of Human Rights and to explain the main objectives of the Trusteeship System. The detailed syllabus for the fourth and fifth grades specified in detail the explanations and comments to be made on the United Nations. In all the other schools of the Somali type, the provisional curricula included special courses in which the principles and activities of the United Nations were explained in the manner best suited to the grade and characteristics of the school.

8. The same courses were given in all the schools of Italian type (elementary, middle and high) and in the School of Political Administration. In order to ensure that in every type of school there should be the fullest and most regular dissemination of information, on those principles and activities, the Director of the United Nations Department of Public Information, on the proposal of the Administration, specifically designated an Italian middle school teacher at Mogadiscio to deal with the matter.

9. Apart from teaching in the schools, material providing information on the work of the United Nations and the specialized agencies was regularly sent to Mogadiscio, to centres in the interior and to numerous institutions, associations and political parties. On many occasions, for example on United Nations Day and Human Rights Day, the Administration had, in agreement with the Secretariat of the Advisory Council, taken direct steps to see that visual material reached even the smallest centres and that information concerning the United Nations and its purposes was spread by radio, the press

and statements at public meetings. The Administering Authority felt that it would be useful if part at least of the visual material could be sent in Italian or Arabic, so that it might be more generally accessible to the indigenous inhabitants. The United Nations flag was flown with the Italian flag on United Nations Day, Human Rights Day and the national holiday of Somaliland, and on other occasions such as the visits of United Nations missions.

10. The first conference of non-governmental associations was held at the request of the United Nations Secretariat at Mogadiscio on 16, 17 and 18 August 1952 in order to give the indigenous inhabitants a better knowledge of the principles of the United Nations. The conference was attended by about 200 representatives of political parties, cultural groups and communities. It established a central committee from which further results may be expected.

11. On 14 September 1952, the first Somaliland Fair was officially opened at Mogadiscio by the Italian Under-Secretary of State for Industry and Commerce. The United Nations, with the aid of the Italian administration, constructed a pavilion in which many panels, posters, and photographs depicting the activities of the United Nations and its specialized agencies were exhibited. The United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organisation (ILO) the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) also contributed information material for display and distribution. A fishery expert of FAO who was then engaged in the Territory contributed a special panel depicting FAO in Somaliland. Over 2,000 persons visited the United Nations pavilion on the opening night, many of them being from various neighbouring territories. The supply of United Nations pamphlets was soon exhausted and many more could have been distributed if copies had been available. The estimated total of persons who visited the United Nations pavilion in the first three nights of the fair was well over 5,000 and public reaction was reported to be very favourable. United Nations films were shown nightly. Informal talks about the United Nations were given by various Secretariat members to groups of visitors. The fair, which closed on 28 September 1952, will again be held in September 1953 and the United Nations pavilion will then be re-opened.

*Togoland under United Kingdom administration*

12. The United Nations Visiting Mission to Trust Territories in West Africa, 1952, reported that it had been informed by the local administration of Togoland under United Kingdom administration that the official records of the Trusteeship Council were not generally suitable for the ordinary reader. For such readers summarized accounts such as those to be found in the *United Nations Bulletin* were considered more suitable. The Administration stated that the official records might more appropriately be sent to government offices and institutions with reference libraries and indicated how the 30 copies of these records being received, which it considered sufficient, should be despatched. It also

informed the Mission that the Gold Coast Government had voted £300 for the purchase and distribution of additional information. The main channel of distribution to the general public in the Trust Territory was through the Togoland United Nations Association at Ho. Distribution to educational institutions was through the Department of Education and to the Press through the Director of Information Services.

13. Elementary information about the United Nations was introduced in the later stages of primary schools and continued in a more advanced form in middle schools. Teacher-training colleges and the secondary school at Ho provided their own instruction based on material sent to them. Students at the mass education courses were not at a sufficiently advanced level to absorb information about the United Nations, but the People's Education Association had held one popular seminar at Kpandu on the Trusteeship System and would arrange more such instruction if there was a sufficient demand.

14. There were no broadcasting stations situated in the Territory but the Government station ZOY in Accra could readily be picked up there. Two radio diffusion systems and three radio kiosks were in operation and more were planned. United Nations broadcasting material and programmes from the United Nations Station had not been employed, but a number of features about the United Nations had been broadcast in six vernacular languages.

15. Examples of the material put out by the Information Services Department on the United Nations and Trusteeship matters as they affected Togoland were contained in the following statistics: press releases issued from February to November 1952, 27; news items broadcast over station ZOY during the same period, 41; radio talks during the 18 months up to November 1952, 3; insertions in the *Gold Coast Review* from January to November 1952, 38 articles and 8 pictures.

16. Thirteen film strips were held by the Information Services Department Cinema Section for loan purposes. A total of 3,823 United Nations publications had been distributed by the Information Services Department from March 1951 to November 1952 (the proportions to the Gold Coast and the Trust Territory were not, however, available). In addition during the past six months some 200 United Nations posters had been distributed. Photographs received of persons or events immediately concerned with Togoland, e.g., the Trusteeship Council in session, the members of the Visiting Missions, etc., were of great interest and received wide publicity and the supply of these should be continued. The two main libraries in Accra received issues of the official records.

17. The Mission stated that throughout the Territory it had noted that United Nations posters were prominently displayed in the schools. The political leaders and more educated people, especially in the Southern Section, appeared to have a good understanding of the United Nations and a familiarity with its work, particularly that of the Trusteeship Council. Many references were also made in the communications received by the Mission to the debates in the Trusteeship Council and in the Fourth Committee of the General Assembly.

### *Togoland under French administration*

18. The same Visiting Mission was informed by the Administering Authority of Togoland under French administration that the information on the subject was contained on page 173 of the annual report on the Administration of Togoland under French administration for 1951<sup>2</sup> and that discussions had been arranged by the administrators in charge of the *circonscriptions* regarding the arrival of the Visiting Mission.

19. The Mission noted that it saw in schools and in public buildings many posters dealing with United Nations activities and from talks with political leaders and people who came to see the Mission obtained the impression that they were well acquainted with the aims and activities of the United Nations and particularly the Trusteeship Council.

### *Cameroons under French administration*

20. The 1952 Visiting Mission to the Trust Territories in West Africa reported that the local administration in the Cameroons under French administration had informed the Mission that it had taken the following steps to disseminate information about the United Nations in the Territory. As early as 1949 the Territory had sent to the Secretary-General a list of the senior officials and chiefs of services and a list of the political leaders and the heads of religious missions in the Territory to whom information about the United Nations activities should be sent regularly. Posters and propaganda booklets supplied to the Territory by the United Nations Department of Public Information had been widely distributed, particularly in public and private schools. *Radio-Presse*, a paper published in the Territory every second day, frequently contained articles on questions concerning the United Nations, and more especially the Trusteeship Council. The Territory's chief press organs received communiques from the Agence France-Presse which regularly described the principal activities of the United Nations. The chief of the Service des relations extérieures and special representative for the Territory on the Trusteeship Council, had volunteered to serve as correspondent of the Volunteer Education Centre and as such regularly distributed among the interested services and organizations documentation which he received from the United Nations. The curriculum for the intermediate grades in the primary schools also included lessons on the United Nations.

21. The Mission observed that United Nations propaganda posters were prominently displayed in many classrooms in the public and private schools it visited. It also noticed during its stay in the Territory that the Territory's newspapers frequently published news about the United Nations and the Visiting Mission. The Mission was able to note that the political leaders and many of the educated Africans had a good knowledge of the United Nations and showed evidence of having studied with care the proceedings of the Trusteeship Council and the General Assembly, but the notions of

<sup>2</sup> The Secretary-General embodied this information in his last previous report to the Council, T/1028.

the uneducated people on the subject were understandably often extremely vague. The Mission considered that information material which could be readily understood by the people of the Territory were documents drafted in a simple form, posters and pictorial material.

#### *Cameroons under United Kingdom administration*

22. In the case of the Cameroons under United Kingdom administration, the same Visiting Mission reported that the Administering Authority endeavoured to make the general purposes of the United Nations and the International Trusteeship System well known in the Trust Territory, and had also made distribution to schools and associations of United Nations explanatory literature, booklets and posters. The Mission was informed that the Regional Public Relations Officer of the Eastern Region, Enugu, maintained an extensive information service to 227 schools, organizations and firms in the Cameroons and Bamenda Provinces. A weekly newspaper, *The Eastern Outlook and Cameroons Star*, with over 40 selling agents in the two Provinces, devoted at least one page to news of the Trust Territory. The Visiting Mission's itinerary and purposes of the visit were reported and commented on in the Press, and Public Relations Officers of the Northern Region as well as of the Eastern Region were attached to the Visiting Mission. They dispatched frequent reports and photographs to the Press. In schools, hospitals and public buildings the Visiting Mission noted United Nations posters.

23. Although requests for more detailed information about the United Nations were made to the Mission and it was complained that the information on the United Nations available in the Trust Territory was scanty, the quotation of official United Nations documents in communications received by the Visiting Mission made it evident that the operation of the United Nations was known to the people. The Mission appreciated the importance of having documents drafted in a simple form, including pictorial material and sketches.

#### *Western Samoa*

24. The annual report on the administration of Western Samoa for 1951 stated that the principles and objectives of the United Nations and particularly the Trusteeship System were taught in the schools with the assistance of films, posters and documents provided by the United Nations Secretariat. United Nations Day was suitably celebrated by schoolchildren. Information concerning the activities of the United Nations frequently formed the subject of broadcasts from the Apia radio station.

25. The 1953 Visiting Mission to Trust Territories in the Pacific reported that instruction on the aims and activities of the United Nations formed an integral part of the social studies course in all government schools, and the Mission found that the schoolchildren appeared to have a good knowledge of the subject. United Nations Day was generally observed in all the schools by the holding of appropriate ceremonies. In 1952 a small booklet was published by the Government in English and Samoan entitled *The United Nations and Western Samoa* which contained all the recommendations made

by United Nations bodies in so far as they applied to the Territory. Publications of the United Nations, including official records, were available to the public in English at a small central library maintained in the Government Secretariat building.

26. In the Mission's opinion the principal need of the Territory was for short informational pamphlets in the Samoan language for use in the schools of the outlying districts. United Nations documents as such were not readily digestible by any but the more educated and earnest students. The Mission therefore considered that the small booklet referred to above served a most useful purpose, and it felt that additional specially-prepared publications of this nature would be a very welcome contribution to promoting wider understanding of the work of the United Nations in Western Samoa.

#### *Nauru*

27. In its annual report on Nauru for 1951-52 the Administering Authority stated that information on United Nations and Trusteeship Council activities was regularly supplied to the Administration in the form of official documents and other publications. These were available to the Nauruans at the Domaneab library.

28. The 1953 Visiting Mission found that careful consideration had been given to the dissemination of information on the United Nations in accordance with the recommendation of the Trusteeship Council, but that in some spheres achievement had been limited. At the library centre of the Domaneab, a collection of the official records of the Trusteeship Council, handbooks and pamphlets was available, together with certain other materials relating to the activities of the United Nations and the specialized agencies. The members of the Nauruan Local Government Council and other indigenous leaders were well informed about the purposes and activities of the United Nations and the nature of the Trusteeship System and showed an active interest in these matters. However, the Mission felt that teaching about the United Nations was lacking in the public school system and that the majority of the inhabitants were not well informed on the subject. The Mission believed that the form of materials most calculated to reach the widest possible public in Nauru would be a simplified form of information about the United Nations and the Trusteeship System to be distributed in all the schools of the Territory and made available to the general public.

#### *New Guinea*

29. The annual report on the Administration of New Guinea for 1951-52 contained no information on the subject.

30. The 1953 Visiting Mission to the Trust Territories in the Pacific noted United Nations documents and publications in administrative offices in the various districts of the Territory, and at the small library in Rabaul these were readily available to the public. But it did not find in the Territory any appreciable knowledge concerning the aims and activities of the United Nations or of the basic objectives of the Trusteeship System among the indigenous inhabitants. In a few schools there were

United Nations posters, none of which appeared to the Mission to be particularly appropriate or of much significance to the students in view of their general lack of knowledge regarding the United Nations.

31. The people had been informed of the Mission's visit, but with a few exceptions they did not indicate that they understood the purpose of its visit or even had a clear idea of the Mission's identity. For example in the Rabaul area, one of the most sophisticated in the Territory, the Tavuiliu Committee addressed its welcome to the United Nations Missionaries. Mission, to the indigenous people, in the past had always been associated with one or another of the religious groups in the Territory. In fact the Mission noted that, to avoid confusion in the minds of the people, interpreters often substituted in pidgin the more significant title United Nations "line" in place of United Nations Mission.

32. After observing the degree of advancement of the indigenous people, the Mission believed that although the information now sent to the Territory might be satisfactory for the non-indigenous population, in general it was of little value for the rest of the population. Aside from the occasional exceptions when information was given via radio or in news-sheets published in pidgin English by the Department of Education, there existed a complete lack of information material in any form comprehensible to them, and consequently an absence of knowledge regarding the United Nations. The Mission felt that the preparation of special material on the United Nations in a medium which the people could readily understand would go a long way toward remedying this situation.

#### *Trust Territory of the Pacific Islands*

33. In its annual report for 1952 on the administration of the Pacific Islands, the Administering Authority stated that information on the United Nations and the International Trusteeship System was an important part of the school programme. Literature and exhibits relating to the United Nations were given as wide distribution as possible to schools and libraries. United Nations Day had been established as a public holiday and was observed throughout the Territory with school and public exercises.

34. The 1953 Visiting Mission to Trust Territories in the Pacific observed that information on the United Nations was widely disseminated throughout the main centres of the Territory. At the Pacific Islands Central School and the intermediate schools the Mission found the libraries well stocked with the official records and other publications of the United Nations and the specialized agencies, which were undoubtedly in constant use. Posters describing the structure and activities of the United Nations were displayed in many of the schools visited. Teaching about the United Nations formed a regular part of the curriculum of the intermediate schools and to a lesser extent of the elementary schools. It was worthy of note that only two public holidays were observed in the Trust Territory, namely Christmas and United Nations Day, the latter being regularly marked by appropriate activities and public gatherings. Repeat-

edly, at meetings held throughout the Territory, the Mission encountered great interest in the United Nations, especially in regard to the significance of the Trusteeship System for the indigenous peoples.

35. The Mission was favourably impressed by the steps taken by the Administration to disseminate information on the United Nations. It felt that the Administering Authority was to be commended for fully carrying out the Trusteeship Council's recommendation on this subject.

#### III. GENERAL OBSERVATIONS

36. As the Secretary-General has pointed out in his previous reports on the subject, and as has been emphasized by the observations of the visiting missions to West Africa and the Pacific which have been summarized in this report, the dissemination of information on the United Nations to the peoples of the Trust Territories is still in nearly all cases far from adequate.

37. One reason for this is that there has been an insufficient quantity of information material reaching the peoples of the Trust Territories; and secondly, and this is of equal importance, the material which is supplied is seldom in a form readily comprehensible by the majority of the indigenous inhabitants of the Territories.

38. As regards the first difficulty, the insufficient quantity of material reaching the Territories, it will be seen from paragraph 3 of this report that the Administering Authorities have progressively added to the number of addresses to which official records and other information material should be sent by the United Nations. The Secretary-General wishes to point out again, as he has in the past, that all the information material concerned is sent to those addresses which are furnished him by the Administering Authorities and do not bear either reservations or recommendations as to their distribution.

39. The second difficulty, that of producing and supplying information material suitable to the requirements of the majority of the indigenous inhabitants of each Trust Territory, clearly can only be overcome by the close co-operation of the Administering Authorities with the Secretary-General. The Council has been informed of the practice which has been established whereby the special representatives of the Administering Authorities, on the occasions of their visits to United Nations Headquarters during the sessions of the Council, avail themselves of the opportunity thus afforded to select any information material which may be considered suitable for use in their respective Territories. The Secretary-General feels that these visits of the special representatives to United Nations Headquarters provided an exceptionally useful opportunity for the Administering Authorities to advise the Department of Public Information of the special requirements of their respective Trust Territories, having in mind the varying degrees of educational advancement and the varying media used in each Territory.

40. With such views at its disposal, the Department of Public Information would then be in a position to commence the preparation of special material such as :

(a) Recordings of short talks by the special repre-

sentatives explaining the work of the Trusteeship Council. The recordings could usually be flown to the respective Trust Territories for broadcast while the Trusteeship Council is still in session;

(b) A simply written but comprehensive summary of the examination by the Council of an annual report for a Territory. Photographs of the Council at work could be supplied for illustration and/or display in public places in the Territory;

(c) Picture sheets for display in schools and public places, either with text already printed or spaces left

for the insertion of suitable text in indigenous languages in the Territory;

(d) A film strip for use in schools and in adult education programmes.

41. The above examples are listed as suggestions only. The Secretary-General is hopeful that co-operation of the kind suggested may result not only in the preparation of the most suitable material for use in the Trust Territories but also in equitable and satisfactory arrangements for its adoption, translation and distribution within the Trust Territories.

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