



**Tuesday, 12 February 1957,
at 3.15 p.m.**

New York

CONTENTS

	<i>Page</i>
Agenda item 13:	
Report of the Trusteeship Council (<i>continued</i>)	
Consideration of draft resolutions	403

Chairman: Mr. Enrique de MARCHENA
(Dominican Republic).

AGENDA ITEM 13

Report of the Trusteeship Council (A/3170, A/C.4/330 and Add.1 to 26, A/C.4/333, A/C.4/350, A/C.4/L.474) (*continued*)

CONSIDERATION OF DRAFT RESOLUTIONS (A/C.4/L.474)

1. The CHAIRMAN suggested that the Committee should interrupt its general debate and proceed to consider the draft resolution presented by the delegations of Greece, Nepal and Sudan (A/C.4/L.474).

2. Mr. MATHUR (Nepal) said that the Fourth Committee had already studied the problem of petitioners' travel documents at the tenth session and, at its 510th meeting had adopted a draft resolution on the subject (A/C.4/L.414/Rev.1). At the present session the Committee had received numerous communications in which the petitioners complained that they had been unable to obtain passports. In the belief that any petitioner should be able to exercise his right, the present sponsors were presenting a draft resolution designed to enable petitioners to attend hearings in the Fourth Committee and then return to their countries. He hoped the Committee would adopt the draft resolution unanimously.

3. Mr. BARGUES (France), explaining the regulations governing the issue of passports in the Cameroons under French administration, said that every Cameroonian citizen was perfectly free to leave the Cameroons. He did not need an exit visa but he must have a passport if, as in the case of the petitioners, he wished to visit a country which required a passport in which an entry visa could be stamped. The regulations applied to everyone, and there was no reason for special measures in the case of petitioners. The fact was that the petitioners were either at present in prison serving sentences for offenses under ordinary law or had not applied to the competent services. The French Administration in the Cameroons had never refused to issue passports: it had received no applications. If the petitioners were in the Cameroons under British administration they could apply to the French consular authorities in that Territory.

4. Miss BROOKS (Liberia) pointed out that the situation was not a new one and that at the tenth session, her delegation had proposed the draft resolution (A/C.4/L.414/Rev.1) which the Committee had adopted. As requested in that resolution, the Secretary-General had presented a report on the question (A/

C.4/L.333), in which he stated that the Administering Authorities were under no specific obligation to grant travel documents to petitioners but that in the terms of the Trusteeship Agreements they had undertaken "to collaborate with the Trusteeship Council and the General Assembly and to assist these organs in the discharge of their functions, as defined in Articles 87 and 88 of the Charter". Petitioners should be given the opportunity to appear before the Fourth Committee by being provided with travel documents and guaranteed re-entry into their home Territories. The draft resolution (A/C.4/L.474) offered a remedy provided the Administering Authorities agreed to co-operate with the United Nations.

5. Mr. MATHUR (Nepal) was glad to hear that France had no objection to petitioners leaving to go to New York, but he stressed the need for assurance that they would be allowed to return to the Territory in which they resided. Furthermore, a petitioner should not be prevented from exercising his right of petition on the grounds that he was under arrest.

6. Mr. SMOLDEREN (Belgium) was not clear whether the draft resolution was general in scope or whether it applied only to the cases mentioned in the first paragraph of the preamble. If it was general in scope it would enable persons against whom criminal proceedings had been instituted to evade justice by requesting a passport for travel to New York and then taking refuge in a neighbouring territory. Under such conditions it would be impossible to maintain public order. Moreover, the term "travel documents" was ambiguous; it might refer to travel tickets.

7. Mr. BARGUES (France) explained that a Cameroonian citizen was free to enter his country without an entry visa. The entire problem arose from the fact that the petitioners were either in prison or had fallen foul of the law. As the Administering Authority had no judicial power it could not remove from prison a person serving a sentence, save in clearly specified cases of pardon. The proposed draft resolution would have no practical application since the Administering Authority could not adopt any special measures at variance with the administrative and judicial principles it upheld.

8. Mr. BOZOVIC (Yugoslavia) did not think that the problem had to do solely with the issue of passports. The fact was that following the incidents of 1955 some petitioners had had to take refuge in the Cameroons under British administration. It was debatable whether those petitioners were criminals under the ordinary law or were political offenders since the French Parliament was considering a bill that would grant amnesty in respect of all political offences committed at the time of the incidents.

9. In reply to the Belgian representative he said that public order was a very vague notion, and should not be invoked for the purpose of denying the rights of petitioners. The term "travel documents" referred to

all the necessary papers and documents and not tickets, which were not personal documents in the legal sense of the word. He believed that desperate ills needed desperate remedies, and he would vote in favour of the draft resolution in the hope that with the co-operation of the Administering Authorities it would be possible to find a satisfactory solution to the problem.

10. Miss BROOKS (Liberia), in reply to the Belgium representative, expressed the opinion that the Assembly resolutions generally laid down principles which were applicable in all cases.

11. Mr. KOCIANCICH (Italy) said that if the draft resolution was general in scope it might apply to Somaliland under Italian administration. It had always been his country's policy not to oppose the issue of travel documents. However, the text of the draft resolution was not clear; the words "subject only to general limitations of law" should be inserted after the words "travel documents" in the operative paragraph. If the sponsors of the draft accepted that suggestion his delegation would vote in its favour.

13. Mr. MATHUR (Nepal) thought that the phrase was unduly vague; he did not see to whom such limitations would apply.

13. Mr. KOCIANCICH (Italy) explained that by "general limitations", he meant those applying equally to all citizens of a country without distinction.

14. Mr. GIDDEN (United Kingdom) was of the opinion that the question was extremely complex and that the simple wording of the draft resolution failed to recognize that fact. It left a number of points in doubt. It was not clear, for example, whether it applied to the petitioners to whom the Committee had granted hearings during the current year or to petitioners in general. The petitioners alleged that they were finding it difficult to obtain travel documents, but could the General Assembly consider that an established fact and refer to it as such? Were the petitioners referred to in the operative paragraph the same as those mentioned in the first paragraph of the preamble? Were the "Administering Members concerned" France, the United Kingdom and the United States? Why was the invitation extended only to the "Administering Members concerned" and not to all Member States? How would non-administering States react if it were extended to them? A draft resolution based on the Secretary-General's report should have been worded much more cautiously. It was his impression that the invitation in the operative part and the appeal made by the Liberian representative were addressed chiefly to the United Kingdom, because a few petitioners happened to be in the Cameroons under British administration. The problem was too complex to allow him to respond to that appeal.

15. Mr. MEDANI (Sudan) recalled that when his country was still non-self-governing, the opposition parties had requested a hearing before the United Nations and had had no difficulty in sending a representative to New York—the present satisfactory situation in the Sudan being the ultimate outcome.

16. Replying to the representative of Belgium, he said that "travel documents" referred to all the documents which would enable the petitioners to appear before the Committee. He appealed to the administering States concerned, in particular the United Kingdom, to co-operate.

17. Mr. LOIZIDES (Greece) said that his delegation upheld the right of the petitioners to appear before

the Committee and be heard. The change suggested by the representative of Italy was vague and might do the draft resolution more harm than good. Of course, if the Administering Authority concerned had legal reasons for not issuing a passport, as in the case of common criminals, nobody could find fault; but otherwise, it should make an effort.

18. Mr. JAIPAL (India) pointed out that the presence of petitioners in the Cameroons under British administration was due largely to geographical circumstances and to the absence of border control. He appreciated that the United Kingdom was in a rather awkward position, but it would be less embarrassing for a non-administering State. The fact was that the petitioners were in the Cameroons under British administration, a Trust Territory. According to the Trusteeship Agreement, the Administering Authority had full powers, including those necessary for issuing travel documents to enable persons to appear before the United Nations. As there could obviously be no objection in principle, all that was required was that the Administering Authority should exercise its powers, in other words, that it should consider each case on the basis of the relevant factors, determine what could be done to help to solve the problem, and take a decision in accordance with the legislative provisions in force. Apparently, that was not how things happened. Actually, the Administering Authorities said they had no objection to the petitioners being heard, but that the reason why they could not come was that they were in prison or that they were political refugees.

19. He believed that travel documents must be issued. In his view, the draft resolution should be more explicit: he suggested inserting the words "referred to in this resolution" after the word "petitioners" in the operative paragraph. The suggestion made by the representative of Italy was unnecessary; it was obvious that travel documents were issued only subject to general limitations of law.

20. Mr. LOIZIDES (Greece), Mr. MEDANI (Sudan) and Mr. MATHUR (Nepal) accepted the amendment suggested by the Indian representative.

21. Miss BROOKS (Liberia) again appealed to the administering States concerned and moved the closure of the debate under rule 118 of the rules of procedure.

22. Mr. CARPIO (Philippines) was opposed to closure of the debate; he would like to hear further explanations before casting his vote. He wanted to know whether the draft resolution applied only to the present case and to the Fourth Committee, or, as the use of the plural might imply, to other "proper organs of the United Nations" in future. He agreed that the petitioners should be provided with all the necessary facilities to enable them to be heard, but he did not believe that the Committee could overlook the legal difficulties which would arise in the case of prisoners, who would have to be accompanied by guards.

The motion for closure of the debate was adopted by 10 votes to 6, with 38 abstentions.

23. The CHAIRMAN declared the debate closed, but stated that members might explain their votes on the draft resolution either before or after the voting took place.

24. Mr. KOCIANCICH (Italy) said that he would not press for a vote on his amendment if the sponsors of the draft resolution could not accept it. However,

in that case, he would not vote in favour of the draft resolution.

25. Mr MATHUR (Nepal) could not accept the amendment, which he felt was too vague.

26. Replying to the Philippine representative, he said that the draft resolution had a specific purpose. Moreover, that was implied in the recommendation at the end of document A/C.4/333. If other cases of the same kind came up, the Committee would have to adopt separate resolutions.

27. Travel arrangements in the case of persons in prison did not, in his opinion, present insurmountable difficulties, and he felt that the Secretariat could take all the necessary precautions in agreement with the Administering Authority concerned.

28. Mr. TSUCHIYA (Japan), referring to the United Kingdom representative's remark that the draft resolution should have been more general, said he could see no objection to addressing the draft to all Member States, but he was afraid that might exceed the competence of the Fourth Committee. It might therefore be preferable to limit its scope to the Administering Members. However, in order to provide for every eventuality, it would be advisable to add the words "and countries en route" after "Invites the Administering Members".

29. Where petitioners could not be heard by the Committee, the Assembly should be told what had happened. He therefore felt that the draft resolution should be supplemented by a second operative paragraph, in which the Assembly would invite the particular Administering Members and countries en route to report to the competent organs of the Assembly on cases of refusal to issue travel documents to petitioners.

30. He thought the draft resolution worthy of support and he would vote for it, irrespective of the decision on his suggestion.

31. Mr. MEDANI (Sudan)*pointed out that the sole purpose of the draft resolution was to make it easier for petitioners to whom the Assembly had already granted hearings to travel to New York. It was a very simple matter and should be uncontroversial.

32. Mr. BARGUES (France) said he would have been prepared to vote for the draft resolution if it had included all Members of the United Nations. However, he agreed with the Japanese representative that that lay outside the competence of the Committee. He would vote against the present text, for the reasons he had already given.

33. The French delegation wished to draw the Committee's attention to the practical implications of the draft. The Administering Authority could not change the passport regulations, which provided guarantees for citizens and helped to maintain public order. Nor could the Administration waive the regulations in favour of one specific group. With regard to the discharge

of persons who had been imprisoned, that was a matter for the judiciary, not the executive. Accordingly, the draft resolution, even if adopted, would have no practical value.

34. Mr. LARAKI (Morocco) said he would vote for the draft resolution, because he considered it essential that the petitioners should be heard.

35. With regard to the Belgian and French representatives' statements, he was afraid that there was frequently a tendency to regard any political activity by the opposition as a breach of public order.

36. Mr. VELANDO (Peru) said he would vote against the draft resolution, which the Indian amendment had considerably narrowed in scope. Moreover, the French representative had already explained that many of the petitioners had been imprisoned for offences against the ordinary laws. Hence France could hardly be invited to issue them with travel documents.

37. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) considered that the resolution should relate to all the Administering Members and to all the Trust Territories. He regretted therefore that the Indian amendment had narrowed its scope; he would nevertheless vote for it. The Administering Authorities should also help petitioners with their travel in cases where they actually held passports but met with other difficulties likely to prevent them from travelling to New York.

The draft resolution (A/C.4/L.474), as orally amended by the representative of India, was adopted by 37 votes to 13, with 9 abstentions.

38. Mr. RIVAS (Venezuela) explained that he had abstained because the instructions he had requested from his Government on the legal questions raised by the draft resolution had not reached him in time.

39. Mr. DORSINVILLE (Haiti) said he had abstained because of his delegation's attitude towards the matter. He had been Chairman of the United Nations Visiting Mission to the Trust Territories of the Cameroons under British Administration and the Cameroons under French Administration, 1955, and he wished to point out that the difficulties were not merely legal and administrative but were primarily political, and that the Administering Authority should long ago have taken certain measures that would have created a far healthier atmosphere and greatly reduced the tension.

40. Mr. HAMILTON (Australia) pointed out that the United Kingdom was absolutely free to decide whether or not to issue travel documents to the persons concerned. As far as the Cameroons under French administration was concerned, the petitioners had not come forward. Accordingly, he had voted against the draft resolution, which seemed unwarranted.

The meeting rose at 5 p.m.