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COMMITTEE ON EXAMINATION OF PETITIONS
SUMMARY RECORD OF THE FIRST MEETING

Held at Headquarters, New York,
on Friday, 29 February 1952, at 10.30 a.m.

CONTENTS:

Election of Chairman

Examination of petitions (A/L.38, T/813, T/938, T/951, T/960,
T/L.224)

Chairman: Prince Wan WAITHAYAKON

Thailand

Members: Mr. RYCKMANS
Miss BERNARDINO
Mr. CARGO

Belgium

Dominican Republic

United States of America

Secretariat: Mr. HCO

Assistant Secretary-General in
charge of the Department of
Trusteeship and Information
from Non-self-governing
Territories

Mr. AMMAR

Secretary of the Committee

ELECTION OF CHAIRMAN

Mr. RYCKMANS (Belgium) nominated Prince Wan Waithayakon (Thailand) as Chairman.

Prince Wan Waithayakon was unanimously elected Chairman.

EXAMINATION OF PETITIONS (A/L.38, T/813, T/938, T/951, T/960, T/L.224)

Mr. RYCKMANS (Belgium) felt that the Committee's first task was to reach agreement concerning a definition of the term "petitions". He stressed the fact that his Government and the other Member Governments which had advocated such a definition had no desire to suppress any information or avoid discussion of any question; on the contrary, there was full agreement that all available documents, of whatever type, which could assist the Council in evaluating the situation in a Trust Territory should be brought to the Council's attention. Nevertheless, he felt that the examination of genuine petitions should be differentiated from the handling of communications of other types. In his opinion, a genuine petition must include a complaint and a specific request for action by the Council, and must be signed; anonymous communications and copies of communications forwarded to the United Nations for information could not be regarded as petitions, even though they often contained much information which could be of great value to the Council, particularly in connexion with the questions put to the special representatives of the various Administering Authorities. Such communications should undoubtedly be brought to the attention of the Council, and any member could request that specific action should be taken on a particular document. He pointed out, however, that the procedure followed hitherto with regard to petitions involved a lot of unnecessary work for the Secretariat, as well as for the Committee; a great deal of that work could be avoided if agreement were reached on a clear definition of what was meant by a petition. He referred to the pamphlet entitled "The story of Aman" prepared by the Department of Public Information, which told of a school teacher in one of the Trust Territories, who had been encouraged to bring to the notice of the United Nations the need for additional teachers and books for his school. Such information was unquestionably of

/interest

interest to the Council; but wide distribution in the Trust Territories of the pamphlet in question could well result in the Secretariat being inundated with a flood of similar letters from teachers in the Trust Territories which could hardly be regarded as genuine petitions.

He pointed out, moreover, that the adoption of a definition would assist the Fourth Committee of the General Assembly in its work. Members of that Committee very often did not read the full text of the petitions, and on that account sometimes had the impression that the Council had failed to take the proper action, whereas in reality the only action possible had been to advise the writer that the Council was examining the questions raised in his communication and that it would look into the conditions reported when it examined the annual report on the Territory in consultation with the Administering Authority.

He added that unless his suggestion received unanimous approval in the Committee, he would withdraw it. He had no wish for a vote which might align Administering Powers against non-administering Powers, as in his opinion the question was purely a procedural one involving the effectiveness of the Council's work.

The CHAIRMAN expressed the view that the Committee might find itself faced with a number of difficulties if it attempted to adopt an explicit definition. He agreed with the point of view expressed by the Belgian representative, but suggested that the Committee might avoid unnecessary complication of its work by simply advising the Secretariat that only communications which fulfilled certain conditions should be issued as petitions, and that all others should be included in a list to be circulated to the members of the Council, with a summary of their contents. Any member of the Council who so desired could then request a copy of any communication in the latter category and, if he wished, propose that it should be treated as a petition and examined by the Committee.

Miss BERNARDINO (Dominican Republic) agreed with the Belgian representative's definition of a petition. She pointed out, however, that the inhabitants of the Trust Territories were often ignorant of the proper form in which to communicate their grievances. Accordingly, she felt that the adoption of a specific definition would not be advisable; the Committee would be wiser to take a broader and more practical view in classifying the communications received.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) agreed that the form of the communication should not be used as a criterion in classifying it, as many communications contained genuine grievances even though they were not worded as petitions. On the other hand, a number of so-called petitions merely raised questions or described conditions which had already been discussed by the Administering Authority in its annual reports and which did not, therefore, require further action by the Council.

Mr. CARGO (United States of America) felt that the problem was to reduce the volume of documents requiring special attention, without withholding information from the Council. Recalling the experience of the Visiting Mission to the Trust Territories of East Africa the previous summer, he expressed the view that the difficulties facing the Council and the Committee arose from two sources. The first was the wording of rule 79 of the Council's rules of procedure, which defined a petition as any document "concerning the affairs of one or more Trust Territories or the operation of the International Trusteeship System". The second was the fact that the communications received could be dealt with in only two ways; under rule 79 they could be treated as petitions, or under rule 24 they could be included in a general list and their contents briefly summarized for the Council's information. He was not sure that such brief summaries were sufficient, and thought it might be preferable to reproduce and distribute the documents themselves.

Referring again to the experience of the Visiting Mission of which he had been a member, he pointed out that as that Mission had had no specific instructions regarding the handling of petitions, it had been forced to accept and treat as petitions a great many documents, submitted for its information by the inhabitants of the Trust Territories, which were obviously not petitions within the meaning of the Belgian representative's definition. Any other course of action would have precluded examination of the documents and would have exposed the Mission to a charge of suppressing information. He suggested that

/the Committee

the Committee might perhaps recommend to the Council that, in future, visiting missions should accept all documents submitted to them, but that only those which contained requests for action by the Council should be forwarded to Headquarters as petitions; and that the remainder should be reproduced in full as annexes to the report of the mission.

He did not feel, however, that an explicit definition of the term "petition" was desirable; indeed, in his view it could only lead to difficulties.

Mr. HOO (Assistant Secretary-General) thought that the Secretariat might have some difficulty in carrying out the proposed screening of communications to the Committee's satisfaction. As in many instances the grievances communicated were of a general nature, there would inevitably be differences of opinion concerning what constituted a genuine petition. If, however, a standing committee were created, the Secretariat's task might be made easier because it would be able to consult the Committee between sessions of the Council.

Mr. RYCKMANS (Belgium) agreed with the United States representative that the two alternative methods of handling communications which were in use at present were insufficient. Some of the communications which could not be classified as petitions still merited closer study than they would receive if they were merely listed and briefly summarized. He therefore proposed that the communications received should be divided into three categories: petitions, communications of general interest to the Council, and other communications. In any event, all communications received should be brought to the attention of the Committee, in order that it might decide whether certain communications provisionally classified in the second and third categories should properly be treated as petitions.

Mr. HOO (Assistant Secretary-General) thought that sometimes it would be difficult for the Secretariat, in its preliminary classification, to draw a clear distinction between the second and third categories proposed by the Belgian representative. He suggested that the "communications" to be distributed should be limited to one category, all those which were clearly inconsequential being withheld from the distribution as in the past.

/Mr. CARGO

Mr. CARGO (United States of America) expressed the hope that all documents, of whatever sort, which could reasonably be expected to interest the Council would be made available to it. He was anxious that the Committee should take no step which could be interpreted as limiting the information to be made available to the Council.

The CHAIRMAN observed that the procedure under consideration would form part of the general procedure to be recommended by the Committee in accordance with General Assembly resolution 552 (VI), sub-paragraphs 1 (a) and (b), as set forth in document A/L.38. Accordingly, he invited the members of the Committee to present their views on that document.

Miss BERNARDINO (Dominican Republic) felt that a standing committee such as that mentioned in sub-paragraph 1 (a) could greatly facilitate the work of both the Council and the Secretariat and should be constituted without delay.

Mr. RYCKMANS (Belgium), while holding the view that the appointment of a standing committee was unnecessary, felt that the majority of the members of the Trusteeship Council were in favour of the creation of such a committee.

Mr. CARGO (United States of America) shared the view of the representatives of Belgium and the Dominican Republic. His Government felt that the Council should establish a standing committee of six members, to be appointed at the end of each session of the Council, in order that it could meet both between and during the Council's sessions. With regard to sub-paragraph 1 (b), his delegation thought that such a standing committee might meet a month or three weeks immediately preceding a session of the Council, to make a preliminary study of all petitions placed on the Council's provisional agenda, and to examine other communications received with a view to deciding whether any of them should be treated as petitions. In order to expedite the work of the Council, the Committee should be in a position to request additional information concerning the petitions before it. The Committee's main function should be to recommend the action to be taken regarding each petition; as it was obvious that the views of the Administering

Authorities concerned should be given full consideration, the Committee should be in a position to ascertain from those Administering Authorities which petitions could be examined and dealt with at once and which should be deferred for consideration at a time when the Special Representative of the Administering Authority concerned could be present.

Mr. RYCKMANS (Belgium) thought there was no reason why the standing committee should not meet between Council sessions, provided that its work was limited to the screening of communications. Documents which merely drew the Council's attention to a general situation in a Territory should not be regarded as petitions, but should be made available to the Council members for consideration, if necessary, in conjunction with annual reports. If the screening was conducted properly, the fear that important information was being suppressed would be allayed and there would be fewer petitions to examine.

He did not think that petitions requiring additional information should be considered except in the presence of the Special Representative of the Administering Authority concerned.

Mr. CARGO (United States of America) called attention to the fact that the United Kingdom delegation at the present session had suggested that certain petitions relating to Trust Territories administered by the United Kingdom might be examined in the absence of the Special Representatives.

The CHAIRMAN agreed with the United States representative's suggestion that the standing committee could examine petitions in the absence of the Special Representative of the Administering Authority concerned with the latter's consent.

Mr. HOO (Assistant Secretary-General), commenting on the remarks of the Belgian and United States representatives, said that if the standing committee met only three weeks before the session of the Council, there would not be time to ask Administering Authorities for additional information.

/Mr. CARGO

Mr. CARGO (United States of America) explained that the United States delegation wished to allow the standing committee sufficient time to ask for additional information, yet to arrange its meetings close enough to the session of the Council to ensure that the bulk of the communications would have arrived already. On the whole, one month before the session might be sufficient. The screening of the communications should not in any way affect the circulation of the documents received. The committee should merely examine the communications not classified as petitions and decide whether any of them deserved to be placed in that category.

Mr. RYCKMANS (Belgium) saw no objection to the committee meeting at any time between the sessions of the Council and screening the communications. If all communications were to be circulated to the Trusteeship Council, rule 24 should be amended to read "...The Secretary-General shall also transmit to the Council communications from other sources instead of 'call to the attention...'" After the screening, the Secretary-General could send a note to the authors stating that their communications had been circulated to the members of the Trusteeship Council. If a member of the standing committee felt that further information on a given communication was required, he should ask the committee to make a recommendation to the Council to that effect. Requesting additional information was tantamount to taking action on a communication, for which the Council alone was competent.

The CHAIRMAN hoped that the Administering Authorities would agree to have some petitions concerning Territories under their administration examined in the absence of their ^{special} representatives, as the United Kingdom had recently done.

Mr. CARGO (United States of America), in reply to a question by the CHAIRMAN, explained that his delegation was not opposed to a rotation of membership on the standing committee, but felt that the representatives who did the preliminary work before a Council session should also be present at the final study during that Council session. That was the reason it proposed that the standing committee should be appointed at the end of each session of the Council.

/The CHAIRMAN

The CHAIRMAN endorsed the United States suggestion concerning the appointment of the standing committee. The Secretariat might prepare a working paper listing the various points raised during that meeting, on which agreement seemed possible, in the light of the discussion.

It was so decided.

Miss BERNARDINO (Dominican Republic) hoped that the working paper would be circulated sufficiently in advance of the following meeting to permit representatives to study it carefully.

The CHAIRMAN said that the following meeting would be held on Wednesday, 5 March, and that the working paper would be circulated in advance in order to allow sufficient time for study.

The meeting rose at 12.45 p.m.