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COMMITTEE ON EXAMINATION OF PETITIONS
SUMMARY RECORD OF THE SECOND MEETING

Held at Headquarters, New York,
on Wednesday, 5 March 1952, at 11 a.m.

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<u>Chairman:</u>	Prince WAN WAITHAYAKON	Thailand
<u>Members:</u>	Mr. RYCKMANS	Belgium
	Miss BERNARDINO	Dominican Republic
	Mr. STRONG	United States of America
<u>Secretariat:</u>	Mr. HOO	Assistant Secretary-General in charge of the Department of Trusteeship and Information from non-self-governing Territories
	Mr. AMMAR	Secretary of the Committee

CORRECTIONS TO THE PROVISIONAL SUMMARY RECORD OF THE COMMITTEE'S FIRST MEETING (T/AC.43/SR.1); PROPOSALS OF THE BELGIAN REPRESENTATIVE AND THE CHAIRMAN

Mr. RYCKMANS (Belgium) requested two corrections to the provisional summary record of the Committee's first meeting (T/AC.43/SR.1).

First, he asked that the report of his remarks on page 6 should be amended to read:

"Mr. RYCKMANS (Belgium) while being of the opinion that a standing committee was not needed, assumed that a majority of the Trusteeship Council favoured the proposal to establish such a committee".

His second correction was to the first sentence of the report of his remarks on page 7 which should be replaced by the following: "Mr. RYCKMANS (Belgium) felt that meetings of the standing committee between sessions would be harmless if the committee limited its work to the screening of communications".

The CHAIRMAN said that the words "in the absence of their representatives", in his remarks on page 8 ^{should} read "in the absence of their special representative".

While requesting members of the Committee to note the corrections which he and the Belgian representative had proposed, he reminded them that any delegation was free to request corrections to the summary record of speeches by its representatives, in accordance with the procedure indicated in the note at the bottom of page 1 of the provisional summary record.

EXAMINATION OF PETITIONS (GENERAL ASSEMBLY RESOLUTIONS 435(V) AND 552(VI) (A/L.38, T/813, T/938, T/951, T/960, T/L.224, T/AC.43/L.1) (continued)

The CHAIRMAN invited the Committee to examine the working paper prepared by the Secretariat (T/AC.43/L.1) paragraph by paragraph.

Paragraph 1

The CHAIRMAN proposed that the words "has resulted in" should be replaced by the words "has led to".

It was so decided.

Paragraph 1, as amended, was approved.

/Paragraph 2

Paragraph 2

Mr. RYCKMANS (Belgium) suggested that the word "expediently", in the last line of the English text, should be replaced by the word "expeditiously".

It was so decided.

Paragraph 2, as amended, was approved.

Paragraph 3

Paragraph 3 was approved without discussion.

Paragraph 4

The CHAIRMAN thought that, in the interests of clarity, the words "under rule 24" should be replaced by "under the second part of rule 24".

It was so decided.

The CHAIRMAN suggested that it might be advisable to amend the last part of paragraph 4 and to replace the words "does not afford the flexibility in procedure needed for handling" by the words "... is not an adequate procedure for handling...". In his view, a mere list of communications received was not sufficient and the Council must be furnished with a summary of their contents.

Mr. RYCKMANS (Belgium) pointed out that it was necessary to allow some latitude in the matter, as some communications were, properly speaking, petitions, some had to be transmitted in extenso to the members of the Council and others could simply be brought to its attention, in accordance with the second part of rule 24 of the rules of procedure.

Mr. HOO (Assistant Secretary-General) added that certain communications, which were manifestly inconsequential, were not even included in the lists prepared by the Secretariat.

The CHAIRMAN said that, in the circumstances, he would not press his suggested amendment to the last part of paragraph 4.

Paragraph 4, as amended, was approved.

Paragraph 5

Mr. RYCKMANS (Belgium) said as he understood it the sense of the previous meeting had been that only communications which could unquestionably be considered petitions should be handled in accordance with the established procedure for the examination of petitions and that, if there were any possible doubt, the communications should be submitted to the Committee which would decide whether they were to be classified as petitions or simply treated as communications.

He thought that the Committee's views would be more accurately reflected if paragraph 5 were amended to read: "The Committee was of the opinion that all communications containing requests, complaints and grievances calling for action by the Trusteeship Council should continue to be handled in accordance with the established procedure for examination of petitions."

Answering Mr. HOO (Assistant Secretary-General), who pointed out that, in many cases, the Council had decided to take no action concerning petitions submitted, Mr. RYCKMANS (Belgium) explained that by "action" he meant the particular measures ordered by the Trusteeship Council in a specific case and not those taken by it automatically in order to comply with its terms of reference or to implement previous decisions.

Mr. STRONG (United States of America) accordingly proposed that the words "calling for action" be replaced by the words "seeking action".

The text of paragraph 5 proposed by the Belgian representative, as amended on the suggestion of the United States representative, was approved.

In reply to Miss BERNARDINO (Dominican Republic) who wished to know what interpretation was to be placed upon paragraph 5 in its new form, the CHAIRMAN explained that the Secretariat would decide which communications were to be handled in accordance with the procedure for the examination of petitions and which were to be treated as communications. If the Committee did not approve of

/the Secretariat's

the Secretariat's decision in any particular case, it would always be free, in screening communications, to classify as a petition, a communication which the Secretariat had classified as a communication. If, contrary to the opinion of a member of the Council, the Committee refused to classify a communication as a petition, the member could always act in accordance with paragraph 6 and request the Council to consider the communication in question as a petition.

Mr. RYCKMANS (Belgium) warned the Secretariat against the possible temptation of giving communications the benefit of the doubt too easily and classifying them as petitions. He pointed out that when a communication was classified as a petition by the Secretariat, it must necessarily be handled in accordance with the procedure for the examination of petitions, even if the Committee considered that it did not constitute a petition, in the proper sense of the term, whereas in the contrary case, the rights of the authors of communications were safeguarded, as communications were submitted to the Committee, which decided whether they should be treated as petitions. The right of any member of the Trusteeship Council to raise the question again in plenary session afforded an additional safeguard.

Mr. HOO (Assistant Secretary-General) said that in classifying communications the Secretariat would examine them with the greatest care and would avoid classifying as petitions any communications which did not plainly seek action by the Council. It was clear that while the Committee could decide to treat as a petition a communication which had been classified as an ordinary communication, it could not do the reverse.

It was not altogether correct to say, as the Belgian representative had done, that nothing would be lost if a great many communications were transmitted to the Standing Committee as such: time would be lost and, as everybody knew, time was an important factor in the examination of petitions. The Secretariat had for that reason suggested that the Committee might meet, if necessary, between sessions of the Council in order to screen certain communications.

Paragraph 6

The CHAIRMAN proposed that the last sentence in paragraph 6 should be replaced by the following: "Any member of the Trusteeship Council may also submit that any other communication may be considered as a petition and, in case the Council so decides, the normal procedure for examination of petitions will be applied to it".

Miss BERNARDINO (Dominican Republic) supported the Chairman's proposal. Any document addressed to the Trusteeship Council by an individual or group of individuals asking for the solution of an individual or collective problem in a Trust Territory should be regarded as a petition. Some of those documents might, because of the inexperience of the writers, fail to meet the requirements necessary for their classification as petitions, in the strict sense of the word. It was the Trusteeship Council's duty to help such petitioners and to do everything in its power to solve the problems brought to its notice, whether in a communication or in a proper petition.

Mr. STRONG (United States of America) said that it might be useful to provide that the Council could, without necessarily following the established procedure for the examination of petitions, discuss a situation called to its attention by a communication.

Mr. RYCKMANS (Belgium) recalled that every member of the Trusteeship Council could at any time request that a problem concerning a Trust Territory should be placed on the agenda, irrespective of the manner in which it had been brought to his notice.

Replying to Mr. STRONG (United States of America) who had asked for information regarding the distribution of communications not classified as petitions, the CHAIRMAN said that like petitions they would be circulated in full to all members of the Trusteeship Council. As Trusteeship Council documents, they were available to all the Members of the United Nations.

/Paragraph 6,

Paragraph 6, as amended on the Chairman's suggestion, was approved without further discussion.

Paragraphs 7 and 8

Paragraphs 7 and 8 were approved without discussion.

Paragraph 9

Mr. RYCKMANS (Belgium) proposed that the words "and reproduced therein in extenso" in the second sentence of paragraph 9 should be deleted.

It was so decided.

The CHAIRMAN proposed that the third sentence in paragraph 9 should be replaced by the following: "Any members of the Trusteeship Council may submit that any of these communications and memoranda contained in the Annex should be treated as petitions, and in case the Council so decides, the normal procedure for examination of petitions will be applied to them". There seemed to be no need to mention the Committee on Petitions since the Visiting Mission would already have screened communications received. The last sentence in paragraph 9 was not essential and should be deleted.

Mr. STRONG (United States of America) wondered whether Visiting Missions had sufficient time to screen all the petitions they received and whether in the circumstances some of the work should not be delegated to the Committee on Petitions.

Mr. RYCKMANS (Belgium) noted that Visiting Missions might not have time to screen communications during their stay in the Territories but that they had every opportunity to do so when drafting their reports.

Mr. HOO (Assistant Secretary-General) pointed out that, if the Committee adopted the text before it, communications not classified as petitions would be annexed to the Visiting Mission's report while petitions proper would appear in separate documents. They would not, therefore, be treated in the same way.

/In the

In the case of the first Visiting Mission, all the petitions received had been included in the annex to the report; since then the number of petitions had increased to such an extent that Visiting Missions had thought it better merely to give a list in the report, and to publish them separately.

Mr. RYCKMANS (Belgium) asked whether there was any need to lay down that all communications received by Visiting Missions should be included in the reports; Visiting Missions received a great many documents from the Administering Authorities which it was not always necessary to include in the reports. Visiting Missions should be able to decide which of the documents they received should be reproduced in full in the reports and which need only be listed.

The CHAIRMAN thought that it might be left to Visiting Missions to decide which communications should be included in their reports.

Miss BERNARDINO (Dominican Republic) wondered whether the members of Visiting Missions had sufficient time to evaluate the real significance of all the petitions they received.

Mr. HCO (Assistant Secretary-General) said that, generally speaking, too many petitions were received for Visiting Missions to be able to examine them thoroughly. Most of them were, however, of a general character.

Visiting Missions should be able to screen the communications they received. The last two or three Missions had been instructed to investigate certain petitions and to carry out those instructions, it was necessary that they should be able first to decide whether a communication constituted a petition.

Mr. STRONG (United States of America) thought that the procedure to be followed might be divided into two stages: Visiting Missions would decide on the spot which petitions appeared to be particularly important; on their return to United Nations Headquarters they would proceed, with the assistance of the Secretariat, to make a more detailed examination of all the communications received.

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) pointed out that Visiting Missions might receive communications intended solely to assist them in their work. As they were not of direct interest to the Trusteeship Council, they should not be included in the report in extenso. The words "where appropriate" should, therefore, be inserted after the words "these should be annexed to the Mission's report" in line 4 of paragraph 9.

Mr. HOO (Assistant Secretary-General) said that Visiting Missions would have to determine first which of the communications received were petitions and, secondly, which must be transmitted to the Trusteeship Council; the second operation might in some instances prove difficult. The rules adopted should not be too rigid and each communication should be dealt with on its merits.

The CHAIRMAN thought that the matter might safely be left to the Visiting Missions since the fact that the latter were appointed by the Trusteeship Council was in itself a sufficient guarantee.

Paragraph 9, as amended, was approved.

Paragraph 10

Paragraph 10 was approved, without discussion.

Paragraph 11

The CHAIRMAN proposed the addition of the words "as well as during the sessions", following the words "between sessions of the Trusteeship Council".

It was so decided.

Mr. RYCKMANS (Belgium) proposed that the words "at its discretion" should be deleted from the English text, and that the phrase "whenever necessary" should be inserted following the words "as well as during the sessions".

Mr. STRONG (United States of America) endorsed the suggestion but proposed that the wording should be "when it considers necessary" to make it clear that it would rest with the Committee itself to decide on.

/He wondered

He wondered whether it was sufficient to indicate that the term "standing" was to be interpreted as meaning that the Committee could meet between or during sessions of the Council. In his opinion, the text of paragraph 11 did not make sufficiently clear the meaning to be attached to the term "standing".

Paragraph 11, as amended, was adopted.

Paragraph 12

Mr. RYCKMANS (Belgium) pointed out that any member of the Standing Committee could ask to be released from participation in the Committee's debates when petitions concerning Trust Territories under the administration of his Government were to be discussed. In his opinion provision should be made for the temporary replacement of a member of the Committee, in such circumstances, by an alternate representing the delegation of another administering Power.

The CHAIRMAN pointed out that any modification of the composition of the Committee must be approved by the Trusteeship Council.

Mr. RYCKMANS (Belgium) thought that the difficulty could be met if the Council laid down a procedure to be followed when a member State asked to be replaced.

Mr. HOO (Assistant Secretary-General) said that the countries furnishing such alternates could be designated ex officio or chosen, on the basis of alphabetical order, from among the three remaining Administering Authorities.

The CHAIRMAN proposed that the following should be added to the text of paragraph 12: "...except that if a petition under examination concerns a member of the Standing Committee, he will be replaced by the representative of the Administering Authority not sitting on the Committee whose name comes next in alphabetical order".

It was so decided.

/Mr. STRONG

Mr. STRONG (United States of America) proposed that the opening lines of paragraph 12 should be revised to read as follows: "...that the Trusteeship Council appoint, at the end of each session, six members to sit on the Standing Committee until the end of the following session, so as to ensure..." In his opinion it would also be wise to indicate, as had been done in the case of the Ad Hoc Committee on Petitions, that the membership of the Standing Committee should be evenly distributed.

Mr. RYCKMANS (Belgium) proposed a simpler wording, as follows: "The Committee agreed to recommend that the Trusteeship Council appoint, at the end of each session, three members representing Administering Authorities and three members representing non-Administering Authorities".

The Belgian proposal was adopted.

Paragraph 14

The CHAIRMAN suggested that paragraphs 14 and 15 should be combined in a single paragraph, in order to group together all the functions of the Standing Committee. He proposed the following text:

"14. The Standing Committee should, however, meet, whenever it considers it necessary, between sessions, in order:

"(a) to screen, as stated in paragraph 6 above, the various communications which have not been treated as petitions;

"(b) if it deems necessary or useful, to conduct, in consultation with the representative of the Administering Authority, a preliminary examination of those petitions on which written observations by the Administering Authority are available, or which have been received by the Administering Authority at least two months previously, and in particular to formulate any questions to be submitted to the Administering Authority, or the special representative, and to instruct the Secretariat to carry out studies or prepare working papers, etc. so that during the following session of the Council, the Standing Committee, with the assistance of the special representatives, will conclude its examination of the petitions and report to the Trusteeship Council submitting its recommendations on the action to be taken in each case."

/Mr. RYCKMANS

Mr. RYCKMANS (Belgium) suggested the deletion of the words "or useful", at the beginning of the English text of sub-paragraph 14 (b).

It was so decided.

The CHAIRMAN proposed the adoption of a new sub-paragraph 14 (c), to read as follows: "(c) to complete the examination of the petitions which the Administering Authority agrees to have examined in the absence of the special representative".

Mr. RYCKMANS (Belgium) felt that the Committee should not meet between sessions of the Council for the purpose of carrying out work which could equally well be accomplished during a session; when the Council was not in session, the Committee should meet only if the number of petitions to be screened made it necessary.

Mr. STRONG (United States of America), recalling the suggestion made by the representative of his Government at the Committee's first meeting (see T/AC.43/SR.1) regarding the discretion allowed the Committee in the determination of the work it would do between sessions of the Council, proposed that the text should be made more specific by the insertion, after the words "between sessions" at the beginning of paragraph 14, of the words "and normally approximately one month before each regular session of the Council".

It was so decided.

Paragraph 15 (formerly paragraph 16)

Mr. STRONG (United States of America) proposed that the phrase "the Trusteeship Council should reconsider the whole matter at its eleventh or twelfth session..." should be replaced by the words "...the Trusteeship Council may wish to reconsider the whole matter at a subsequent session".

It was so decided.

Paragraph 17 (formerly paragraph 16)

The CHAIRMAN proposed that the paragraph should be revised to read as follows: "The Committee considered that the Standing Committee on Petitions
/should prepare

should prepare recommendations for submission to the Trusteeship Council, specifying those petitions in respect of which special information concerning action taken by the Administering Authority on recommendations by the Council is not required".

Mr. RYCKMANS (Belgium) thought it probable that the Trusteeship Council would seldom, if ever, consider it unnecessary to ask the Administering Authorities for information concerning action taken by them on the Council's recommendations.

The Chairman's proposal was adopted.

Additional paragraph

Mr. HCO (Assistant Secretary-General) suggested that the report should include a paragraph indicating that if the Trusteeship Council approved the procedure proposed by the Committee, rule 24 of the rules of procedure would have to be amended accordingly.

It was so decided.

The CHAIRMAN asked the Secretariat to prepare a draft resolution for submission to the Council. The Committee would consider the draft resolution at its next meeting, on Friday, 7 March.

The meeting rose at 1.10 p.m.

EXAMINATION OF PETITIONS: DRAFT REPORT OF THE COMMITTEE ON EXAMINATION OF
PETITIONS (T/AC.43/L.2)

The CHAIRMAN suggested that the Committee should examine the draft report paragraph by paragraph.

Paragraph 9

The CHAIRMAN drew attention to the phrase "seeking action by the Trusteeship Council", and pointed out that in the opinion of the Secretariat that wording would not cover cases where the Council had already taken action on the general question to which the petition related in the form of the adoption of a resolution. As an example, he said that there might be a general petition requesting an increase in the number of schools in a given Trust Territory. The Council might already have discussed the question of educational development plans in the Territory and therefore the petition might not call for any additional action. He proposed that the wording should be altered to read "...seeking specific or further action by the Trusteeship Council..." The addition of the word "specific" would meet the request previously made by the Belgian representative.

Mr. RYCKMANS (Belgium) raised the question of the many communications received each year which merely furnished supplementary evidence in connexion with a petition already listed, such as, for example, the continuing flow of communications on the Ewe problem. He asked whether all such communications were to be treated as individual petitions, or whether they should not simply be included in the file of communications on the main problem.

Mr. STRONG (United States of America), referring to the two points raised by the Chairman and the Belgian representative respectively, said that the Committee should avoid trying to distinguish between petitions of a specific and of a general character. In the case of a communication containing a request, complaint or grievance of a general character, the Committee might suggest to the Council that the only action required was a simple reply along standard lines. He did not feel, however, that the Committee should refuse to classify such communications as petitions.

/The CHAIRMAN

The CHAIRMAN pointed out that it might be desirable to differentiate between a petition requesting, for example, a new school for a particular village or locality and one stating that more schools were needed throughout the Trust Territory as a whole. The former would be a very specific complaint; the latter, a general one.

Mr. RYCKMANS (Belgium) did not wish to place the Committee in a position where it might be accused of attempting to suppress information; but he thought that communications which merely requested the Council to take action which it was required to take under the terms of the Charter were of little value and should not be treated as individual petitions.

Moreover, the Council had already been criticized by the Fourth Committee for deciding that a large number of the petitions submitted to it required no action. The procedure proposed by the United States representative would not help to solve the problem.

Mr. HOO (Assistant Secretary-General) observed that, in the case of certain communications of a general nature, the Council might think it wise, even though it had previously adopted a resolution on the subject, to give the matter further consideration in the light of more recent events.

While the general purpose was to reduce the Council's workload and the Belgian representative was seeking to achieve that aim by reducing the number of communications to be treated as petitions, the United States representative sought to achieve the same purpose by speeding up the examination of petitions. If the United States representative's suggestion was adopted, the general procedure would remain as in the past, except that the existence of a standing committee would make it possible to do some work between sessions of the Council.

The CHAIRMAN suggested that the two points of view could be met by means of a preliminary screening of communications by the Standing Committee, which could relieve the Secretariat of the responsibility of deciding whether doubtful communications should be listed as petitions or communications.

/Mr. RYCKMANS