

LIMITED

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UNITED NATIONS
TRUSTEESHIP
COUNCIL

Tenth session
~~Item 10 of the agenda~~

EXAMINATION OF PETITIONS

(GENERAL ASSEMBLY RESOLUTION 435 (V)
AND RESOLUTION 552 (VI))Draft report of the Committee on Examination of PetitionsChairman: Prince WAN WAITHAYAKON (Thailand)

1. At the second meeting of its tenth session, the Trusteeship Council established a Committee on Examination of Petitions, composed of the representatives of Belgium, the Dominican Republic, Thailand and the United States of America, with the task of making recommendations for the consideration of the Council as to the procedure to be followed in the examination of petitions.
2. At its first meeting, on 29 February 1952, the Committee elected Prince Wan Waithayakon (Thailand) as its chairman.
3. The Committee held three meetings, on 29 February, 5 and 7 March 1952.
4. The conclusions and recommendations of the Committee are set forth as follows:

A. General Considerations on PetitionsCommunications received by the Secretary-General

5. The Committee was of the opinion that the very broad provision contained in rule 79 of the rules of procedure of the Trusteeship Council has led to the processing as petitions of a great number of communications which differ widely as to their nature.
6. The Committee agreed that all communications addressed to the Secretary-General or the Trusteeship Council, bearing on the affairs of one or more Trust Territories, the operation of the International Trusteeship System, or

the activities of the Trusteeship Council, except those which are manifestly inconsequential, are of interest to the Trusteeship Council, and should be made available to the members of the Council, as expeditiously and fully as possible.

7. The Committee agreed however that experience shows that it is not desirable to apply indiscriminately to all these documents the lengthy procedure which the Trusteeship Council and its Ad Hoc Committee on Petitions have hitherto used in dealing with petitions.

8. The Committee further agreed that the listing of communications under the second part of rule 24 of the rules of procedure, which is the only alternative practice followed so far, is not an adequate procedure for handling satisfactorily the various types of communications received.

9. The Committee was of the opinion, that all communications containing requests, complaints and grievances seeking action by the Trusteeship Council should continue to be handled in accordance with the established procedure for examination of petitions.

10. In order to ensure that the other types of communications received are given the attention which they deserve by the members of the Trusteeship Council, they should be transmitted in full to the members of the Council unless their length precludes this. These communications should be screened by the standing committee referred to below which should decide whether any of them ought to be treated as a petition. In this case, the members of the Trusteeship Council will be informed of this decision and the normal procedure applying to petitions will then be followed. Any member of the Trusteeship Council may also submit that any other communication be considered as a petition and, in case the Council so decides, the normal procedure for examination of petitions will be applied to it.

Communications received by visiting missions

11. The inadequacy of the present procedure is particularly evident in the case of communications addressed to visiting missions. This problem of petitions submitted to visiting missions has already been underlined by the Ad Hoc Committee on Petitions at the seventh session of the Trusteeship Council (documents T/L.101 and T/L.103) and by the United Nations Visiting Mission to Trust Territories in East Africa (1951) (T/951).

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12. When a Visiting Mission travels in a territory it gives an opportunity to individuals and groups to present their views orally and in writing on all matters concerning the Territory; this is an effective and helpful way of gathering information. It may be questioned however whether all these communications and memoranda are necessarily petitions "stricto sensu". The authors of these communications want the Mission to take their views into account in drafting its report; they also want the Trusteeship Council to be informed about their views; it is not inevitably their wish - insofar as they understand the procedures of the Trusteeship Council - that each of their communications be technically considered as a petition, and receive the treatment accorded thereto.

13. It might therefore be suggested that the visiting mission should forward as petitions all communications of the kind referred to in paragraph 9 above. As regards the other communications received by the Mission, these should wherever appropriate be annexed to the Mission's report in extenso as "communications and memoranda received". When considering the report of the Visiting Mission, any member 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.

B. Standing Committee

14. The Committee was of the opinion that General Assembly resolutions 435 (V) and 552 (VI) should be implemented, and that a standing committee on petitions be established.

15. The Committee agreed that the term "standing" be interpreted to mean that such a committee is a committee empowered to meet whenever it considers necessary between sessions of the Trusteeship Council as well as during the sessions; it should not be interpreted as meaning that the composition of the committee would necessarily continue unchanged after each session of the Council.

16. The Committee agreed to recommend that the Trusteeship Council appoint, at the end of each session, three members administering Trust Territories and three members having no administering responsibilities to serve on the standing

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committee until the close of the next session, so as to ensure that the preparatory work before each session and the final work during that session be done by a committee of the same composition. However, if a petition under examination concerns a member of the standing committee, that member will be replaced by the representative of the Administering Authority not sitting on the committee whose name comes next in the English alphabetical order.

17. The Committee was of the opinion that latitude should be given to the committee to work out its own programme of work between sessions.

18. The standing committee, however, should meet whenever it considers necessary between sessions and normally approximately one month before each regular session of the Council, in order,

(a) as stated in paragraph 10 above, to screen the various communications which had not been treated as petitions,

(b) if it deems necessary, to conduct, in consultation with the representative of the Administering Authority concerned, 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 to the special representative, instruct the Secretariat to carry out studies or prepare working papers, and to undertake such preparatory work as it deems necessary, so that, during the following session of the Council, the Standing Committee, with the assistance of the special representative, 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,

(c) to complete the examination of those petitions which the Administering Authority agrees to have examined in the absence of a special representative.

19. As only experience will show whether this approach to the problem of handling petitions represents an appreciable improvement or not, the Trusteeship Council may wish to reconsider the whole matter at a subsequent session, in the light of the experience gained by the Standing Committee on Petitions.

C. Information Concerning Action Taken on the Recommendations
of the Trusteeship Council in Respect of
Petitions Examined

20. The Committee considered that the Standing Committee on Petitions should prepare recommendations for submission to the Trusteeship Council specifying those petitions in respect of which special information concerning the action taken on the recommendations of the Trusteeship Council is not required.

D. Draft Resolution

21. In the light of the above considerations, the Committee submits the following draft resolution for the approval of the Trusteeship Council:

The Trusteeship Council,

Having considered General Assembly resolutions 435 (V) and 552 (VI),

Having considered the Report of the Committee on Examination of Petitions,

Decides

1. to approve the conclusions contained in the above report concerning the treatment of petitions and communications;
2. to establish a Standing Committee on Petitions as recommended in the above report;
3. to refer the report of the Committee on Examination of Petitions and the present resolution to the Committee on General Procedure and to request this Committee to undertake a revision of the Rules of procedure in the light of the decisions of the Council; and,
4. pending the submission of the Report of the Committee on General Procedure, to suspend the application of rule 90 of the Rules of procedure for the Trusteeship Council.