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STANDING COMMITTEE ON PETITIONS  
SUMMARY RECORD OF THE EIGHTY-THIRD MEETING

Held at Headquarters, New York,  
on Wednesday, 1 July 1953, at 10.50 a.m.

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PRESENT:

Chairman:

Mr. QUIROS

El Salvador

Members:

Mr. CASSIERS )

Mr. SCHEYVEN )

Belgium

Mr. ZONOV

Union of Soviet Socialist  
Republics

Mr. MCKAY

United States of America

Also present:

Mr. APEDO-AMAH

France

Mr. McCONNELL

Special Representative of the  
Administering Authority for  
the Trust Territory of the  
Pacific Islands under  
United States Administration

Secretariat:

Mr. BERENDSEN

Assistant Secretary of the  
Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION:  
DRAFT THIRTY-SEVENTH REPORT (T/C.2/L.43) (continued)

With reference to section XIV, Mr. McKAY (United States of America) did not think paragraph 3 of the draft resolution quite corresponded to the wording agreed on by the Committee. He suggested deleting the end of the sentence, after the words "request of the petitioner".

Mr. ZONOV (Union of Soviet Socialist Republics) would prefer to retain the text as it stood, but to meet the wishes of the United States representative he would agree to substitute "Expresses the hope" for "Recommends" at the beginning of the paragraph and "increase the budgetary appropriations" for "make the necessary budgetary appropriations". If those changes were made he would be able to vote for the draft resolution.

Mr. CASSIERS (Belgium) did not feel that the draft resolution represented the views expressed by the Belgian and New Zealand delegations during the debate on the petition.

He did not object to paragraph 1, although he thought the Council ought to recognize the fact that the Administering Authority had already taken steps to reduce the consumption of alcoholic beverages by increasing the taxes on their import and sale and that the religious communities in the Territory were carrying out a campaign against alcoholism. He suggested the insertion of the words "continue to" before "give the question".

He would not oppose paragraph 2 provided it was not interpreted in the light of paragraph 3.

He considered that paragraph 3 should be deleted. During the discussion he had maintained, and the New Zealand representative had agreed, that there was no need to make specific recommendations with regard to the educational system. The explanations given by the Special Representative in that connexion had been satisfactory to the Belgian delegation. The Council could not ask the Administering Authority to alter the system of education in the Territory because of the allegations of one petitioner.

He would be unable to support the draft resolution as it stood.

Mr. McKAY (United States of America) supported the proposal to insert the words "continue to" in paragraph 1.

In paragraph 2, he preferred the alternative "Endorses the view expressed by the 1952 Visiting Mission....".

He agreed to the deletion of paragraph 3.

Mr. ZONOV (Union of Soviet Socialist Republics) would vote in favour of the draft resolution provided paragraph 3 were retained with the amendments he had suggested. If paragraph 3 were deleted he would be compelled to abstain.

The proposal to delete paragraph 3 was adopted by 3 votes to 1.

The CHAIRMAN put to a vote the draft resolution as a whole, with the words "continue to" inserted in paragraph 1, and paragraph 2 beginning "Endorses the view expressed by the 1952 Visiting Mission...".

The draft resolution, as amended, was adopted by 3 votes to none, with 1 abstention.

The CHAIRMAN, speaking as the representative of El Salvador, explained that he had voted for the deletion of paragraph 3 because he did not feel it was fair to the Administering Authority. During the Visiting Mission's stay in the Territory he had observed that much was being done in the field of public health. There were a large number of dispensaries in all parts of the Territory and a fine hospital was being built at Lomé and would be opened shortly.

Mr. APEDO-AMAH (France), referring to section 1 of document T/C.2/L.4 asked the Committee to add the following to paragraph 1 of the draft resolution, after the words "proof of their ownership of the land in question": "based upon the registration of the land in the name of the Territory".

It was so decided.

Mr. BERENDSEN (Assistant Secretary of the Committee), referring to section VII of document T/C.2/L.41, said that the French delegation had asked that sub-paragraph 2 (a) should be altered to read "... the taxe de transaction is applied to all commercial transactions, including transactions on commodities".

It was so decided.

Referring to petition T/PET.7/319 from Mr. Augustino de Souza, Mr. APEDO-AMAH (France) was now able to inform the Committee that the collections in question had been made in the market place without authorization.

The draft resolution in section XI of document T/C.2/L.41 was adopted by 3 votes to none, with 1 abstention.

The draft thirty-seventh report of the Committee (T/C.2/L.43) was adopted by 3 votes to none, with 1 abstention.

The CHAIRMAN observed that further information was required in connexion with the petition in section II of the document.

Mr. Apedo-Amah (France) withdrew.

PETITIONS CONCERNING THE TRUST TERRITORY OF THE PACIFIC ISLANDS UNDER UNITED STATES ADMINISTRATION (Conference room paper No. 34; T/OES.10/1 and 2)

At the invitation of the Chairman, Mr. McConnell, Special Representative of the Administering Authority for the Trust Territory of the Pacific Islands under United States Administration, took a place at the Committee table.

Mr. McCONNELL (Special Representative), referring to the debate at the previous meeting which he had attended, read some excerpts from the Code of the Trust Territory on the subject of homesteading, in order to show the Committee that the Administering Authority was doing its utmost to make land available to the Micronesian people.

The CHAIRMAN observed that petitions T/PET.10/8, 13, 14, 15 and 23 all dealt with closely related subjects and the Committee had felt that a general resolution might be adopted to cover them all. The Secretariat could draft a resolution based on the views expressed during the discussion, the explanations given by the Special Representative and the observations of the Visiting Mission.

Mr. SCHEYVEN (Belgium) thought the resolution should also take into account the efforts already made by the Administering Authority in regard to the payment of war damages.

He drew attention to the regulations covering Japanese currency (T/OBS.10/1, page 4). An important question of principle was involved. The Pacific Islands had been occupied successively by the Spaniards, the Germans, the Japanese and the United States. Each change must have brought about difficulties in connexion with the currency which had undoubtedly caused hardship to the people of the Islands. The resolution should lay stress on that problem rather than on the land question.

Petition from Mr. Alfonso (T/PET.10/10)

In reply to a question by Mr. SCHEYVEN (Belgium), Mr. McCONNELL (Special Representative) said that a bag of copra contained 100 lbs.

Mr. SCHEYVEN (Belgium) suggested that the first paragraph of the draft resolution should be modelled on the resolution relating to war damages.

With reference to the other subjects of complaint in the petition, the explanations of the Administering Authority were entirely satisfactory.

With regard to the weight of the copra bags, an estimated weight of 1-1/2 lbs. seemed quite reasonable and could not seriously affect the producers' receipts.

The CHAIRMAN asked the Secretariat to draft a resolution in accordance with the remarks made.

Petition from Mrs. Enaimelei on behalf of the Women of Palau (T/PET.10/9)

The CHAIRMAN said he was unable to understand the meaning of the sentence "The 1953 Visiting Mission felt that due consideration should be given to the petitioner's request".

Mr. SCHEYVEN (Belgium) thought the resolution should draw the petiti attention to the fact that as all magistrates were elected and there were no discriminatory measures against women in the legislative, there was no reason why women should not be elected to the judiciary. He agreed with the Chairman that the sentence the latter had quoted was incomprehensible.

With reference to the question of alcoholic beverages, the petitioner might be informed of the Administering Authority's statement that that matter was within the competence of the municipalities.

In reply to a question by Mr. ZONOV (Union of Soviet Socialist Republics), Mr. McCONNELL (Special Representative) said that it was illegal to manufacture alcoholic beverages in the Territory. Furthermore, the sale of liquor to Micronesians was forbidden except in Saipan, where beer could be sold to the people.

The CHAIRMAN asked the Secretariat to draft a resolution in the light of the Administering Authority's observations and the Special Representative's remarks. The Committee might perhaps express the hope that the Administering Authority would encourage women to take part in the judiciary of the Territory.

Petition from Madam Ana (T/PET.10/11)

Petition from Mr. M. Iriarte (T/PET.10/12)

Mr. SCHEYVEN (Belgium) asked approximately how many Japanese had been married in church to Ponapean women who had not subsequently remarried and were waiting for their husbands to return; how many had been born of Ponapean women and how many had married Ponapean women and had children by them.

Mr. McCONNELL (Special Representative) was unable to give any precise figures. Very few requests had been received from spouses of Japanese nationals that the latter should be allowed to return to the Trust Territory. Presumably the requests that had been received represented only a small proportion of the marriages that existed. A further question was involved: it was not known whether the Japanese nationals concerned who had returned to Japan continued to recognize the marriages contracted in the Trust Territory, and until the Administration felt justified in changing its policy with regard to the return to Japanese nationals in general, to start investigations would only raise false hopes.

Mr. SCHEYVEN (Belgium) suggested that the petitioners might be informed that their cases would be reviewed, as stated by the Administering Authority in its observations.

The CHAIRMAN asked the Secretariat to draft a resolution in the light of the observations of the Administering Authority and the remarks of the Special Representative.

Petitions from Mr. Carl Kohler, Chairman, Peoples House, Ponape Congress (T/PET.10/16) and from Mr. M. Iriarte (T/PET.10/17)

Mr. SCHEYVEN (Belgium) felt that the conclusion of the 1953 Visiting Commission in its report (T/1055) might be acted upon in the present case and the petitioners provided with a brief explanation of the provisions of the Land Law. In regard to Mr. Iriarte's petition, the explanations of the Special Representative showed that the allegation that the lands in question were now regarded as "government land" was not quite correct and that in fact the title to such lands was vested in the local authorities. That fact should be pointed out to the petitioners.

Mr. ZONOV (Union of Soviet Socialist Republics) remarked that the Trusteeship Council had just considered the reports of the Administering Authority and of the Visiting Mission. It appeared from the latter that about 63 per cent of the land did not belong to the indigenous inhabitants; that statement had not been denied by the Administering Authority. Even if the land belonged to the local authorities, that did not mean that it belonged to the indigenous inhabitants. It was not enough to send the petitioners a formal reply; it would be more satisfactory to them if the Council drew the attention of the Administering Authority to the desirability of solving the question of land ownership in a manner consonant with the interests of the indigenous inhabitants. He was not proposing that as an alternative to the Belgian representative's suggestion, but as additional to it.



The CHAIRMAN felt that both proposals could be included in the draft resolution.

It was so decided.

Petition from Mr. Emerico Mallarmé (T/PET.10/18)

The CHAIRMAN observed that the petitioner requested that there should be "free trading channels" between Japan and the Trust Territory. Since, according to the observations of the Administering Authority (T/OBS.10/1), there were no legal restrictions on such trading, it was not quite clear what the petitioner really wanted, unless, perhaps he meant exemption from taxes of customs dues. He invited the comments of the Special Representative.

Mr. McCONNELL (Special Representative) said that trading was not confined to the Island Trading Company; over 50 per cent of the trade was done by local wholesale houses, which bought where prices were most favourable - often in Japan. A Japanese trade mission had recently requested permission to visit Guam; not only had that permission been granted, but the local wholesalers had been officially notified of the impending visit so that they could make arrangements to inspect the goods offered. That fact made it quite clear that there were no restrictions on trading between the Trust Territory and Japan.

The CHAIRMAN suggested that the facts revealed should be brought to the attention of the petitioners.

It was so decided.

Petition from Mr. J. Iriarte (T/PET.10/19)

The CHAIRMAN noted that the Copra Stabilization Fund had been set up to benefit the producers. It seemed to him that the explanations of the Administering Authority were ample, especially as they included concrete examples of the benefits the Fund had already conferred on producers of copra. He felt that the draft resolution could include passages noting the explanations of the Administering Authority and endorsing the views of the Visiting Mission.

It was so decided.

Petition from Mr. Lianter Elias (T/PET.10/20)

Mr. SCHEYVEN (Belgium) suggested that the first request made by the petitioner - the settlement of a claim concerning coconut trees owned by him which had been destroyed by "government work" - might be dealt with by referring the petitioner to the resolution on the general question of war damage. With regard to the petitioner's question concerning land ownership, he proposed that the petitioner should be advised to place the matter before the Island Affairs Office.

Mr. ZONOV (Union of Soviet Socialist Republics) asked whether the Special Representative could explain in what circumstances the petitioner's coconut palms had been destroyed.

Mr. McCONNELL (Special Representative) said that the damage had probably been caused by government work carried out to salvage an old sugar-manufacturing plant on Ponape Island. If so, the Administering Authority would give proper compensation to the petitioner. He did not think that it was a case of war damage.

The second point raised by the petitioner was covered by the Administering Authority's homesteading plans, about which the population of the Trust Territory had not yet been fully informed.

The CHAIRMAN asked the Belgian representative whether, in the light of the explanation just given, he would withdraw the first part of his proposal.

Mr. SCHEYVEN (Belgium) agreed to do so. He had misunderstood the term "government work", which according to his experience was often used by indigenous populations when referring to war damage.

The CHAIRMAN thought that the resolution should simply draw the petitioner's attention to the facilities offered by the Island Affairs Office at Ponape.

It was so decided.

Petition from Representatives of the Storekeepers, Magistrates and People of the Marshall Islands (T/PET.10/21)

The CHAIRMAN found the statement of the Administering Authority satisfactory. The draft resolution might express the hope that the Administering Authority would continue to give the Marshall Islands Import-Export Company the technical assistance to which reference was made in its observations (T/OBS.10/1).

It was so decided.

Petition from Mr. Gordon Maddison and Others (T/PET.10/22)

Mr. SCHEYVEN (Belgium) pointed out that the petition did not allege that the Administering Authority had refused compensation, and that according to the Administering Authority's observations the matter of compensation for Government-appropriated lands was still under consideration. The petitioners should therefore apply to the Administering Authority, not to the Trusteeship Council.

Mr. ZONOV (Union of Soviet Socialist Republics) asked whether the Special Representative could say whether the petitioners had already approached the Administering Authority in the matter. It would be strange if they had not done so.

Mr. McCONNELL (Special Representative) reported that in the particular case under discussion ownership had already been established and negotiations were now proceeding with the petitioners to determine an equitable rental. Whilst the Administering Authority wished to be fair to the ex-owners of appropriated lands, it could not accede to requests for rentals exceeding the value the land would have yielded if put to its normal use.

Mr. ZONOV (Union of Soviet Socialist Republics) asked whether it was possible in the United States for a landowner to be deprived of his property before he had given his consent and before the rental to be paid had been determined.

Mr. McCONNELL (Special Representative) said that the land in question was being used by the Administration for government and headquarters buildings. He could not say definitely whether such a procedure could be followed in the United States, but he thought it could. It might be necessary for such a dispute to be settled in court, but he hoped it would not be so in the present case.

Mr. ZONOV (Union of Soviet Socialist Republics) asked the Special Representative how long it would take for the negotiations to be completed.

Mr. McCONNELL (Special Representative) thought that the matter would be settled in a month or two, certainly before the end of the year.

The CHAIRMAN pointed out that in all countries the government could expropriate property against compensation. Where agreement was not reached on the amount of compensation to be paid, legal channels were available by which the dispute could be settled. That should be brought to the notice of the petitioners and the draft resolution might also express the hope that the present negotiations would soon lead to a satisfactory settlement.

Mr. ZONOV (Union of Soviet Socialist Republics) suggested that the draft resolution might mention the Special Representative's assurance that a settlement would be reached within two months.

The CHAIRMAN thought it unwise to specify the period of two months. He proposed that the draft resolution should, in the preamble, note the Special Representative's explanations and, in the operative part, express the hope that the negotiations would be successful.

It was so decided.

Petition from Mr. Takashi Hadley (T/PET.10/24)

The CHAIRMAN pointed out that the first subject of the petition had already been dealt with in a resolution on a similar petition. The second point might be dealt with by adapting a previous resolution on higher education, while

the third could be disposed of by referring the petitioner to the resolution relating to the petition concerning the Copra Stabilization Fund (T/PET.10/19).

Mr. SCHEYVEN (Belgium) agreed that the petitioner's attention should be drawn to the Administering Authority's observations on the purpose of the Copra Stabilization Fund.

It was so agreed.

Petition from the Chiefs and People of Kiti (T/PET.10/25)

Mr. SCHEYVEN (Belgium) pointed out that the matters raised had already been dealt with by the Committee. He was not quite sure what was intended, however, by the reference to "the continued service of a governor".

Mr. BERENDSEN (Assistant Secretary of the Committee) explained that the petitioners asked for the continued service of a governor who would support local customs and bring about progress, adding that, whilst they had been disheartened by the previous governor, they were pleased with the present one.

The CHAIRMAN said that in regard to their last point - the price of copra - the petitioners could be referred to the Administering Authority's observations on the Copra Stabilization Fund.

It was so agreed.

The meeting rose at 1 p.m.