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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE EIGHTIETH MEETING

Held at Headquarters, New York,
on Friday, 26 June 1953, at 10.30 a.m.

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PRESENT:

Chairman:

Mr. QUIROS

El Salvador

Members:

Mr. SCHEYVEN

Belgium

Mr. ROMANACCE-CHALAS

Dominican Republic

Mr. SCOTT

New Zealand

Mr. ZCNOV

Union of Soviet Socialist
Republics

Mr. MCKAY

United States of America

Also present:

Mr. MATHIESON

United Kingdom of Great
Britain and Northern
Ireland

Mr. McCONNELL

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

Secretariat:

Mr. RANKIN

Secretary of the Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF TOGOLAND UNDER BRITISH ADMINISTRATION
(Conference room paper No. 30; T/OBS.6/3) (continued)

Petition from representatives of the Krachi Moslem community (T/PET.6/323)

Replying to Mr. McKAY (United States of America), Mr. Mathieson (United Kingdom) said he did not know the exact number of persons in the community, but it was certainly not large enough to justify the establishment of a special school.

The Administration hoped soon to be able to give satisfaction to the petitioners on another point, by tarring the main street of Kete Krachi.

Mr. SCHEYVEN (Belgium) asked whether permission would be given to the Moslem community to use the school premises outside school hours for private Arabic courses if they so requested, as frequently happened in Africa.

Mr. MATHIESON (United Kingdom) replied in the affirmative but pointed out that in that case the community would have to engage and pay the teachers.

Mr. SCHEYVEN (Belgium) said that the Visiting Mission, of which he had been a member, had noticed that there were very few British officials in Togoland, but that they were quite well distributed over the territory. It was interesting to see that the people of Kete Krachi wanted to have one of those officials there.

It did not seem to him necessary to establish a Moslem court, since there was usually only one court for an urban centre or even for a whole region and its judges were usually familiar with Moslem customs and practiced the Moslem religion.

The CHAIRMAN said that the Visiting Mission had wondered if it was really in the best interests of the local population to have so few Administration officials in the Territory. It was a good thing for the Administering Authority to leave a certain amount of initiative to the indigenous people, but they still needed guidance. The Administration should therefore increase or at least maintain the number of its officials at present in the Territory.

Mr. MATHIESON (United Kingdom) explained that for approximately the past two years the Administration had followed the principle of Africanization of the administrative services and had ceased to recruit British officials for the Gold Coast and Togoland. That principle was not, however, applied to technicians, such as doctors, teachers and engineers, whom the Administration was engaging in greater numbers than ever. The training of Africans was a slow and difficult process. The Administration was endeavouring to make it possible for the indigenous inhabitants to take over, through their elected councils, the functions hitherto performed by British staff. Until such time as the Africans were ready to take over the responsibility of administering the Territory, however, the British officials there could but do their best. The Administration distributed them as judiciously as possible and it considered that Jasikan was the most convenient centre for directing the affairs of the district in question. The official appointed to Jasikan would naturally give all the necessary attention to questions concerning Kete Krachi.

Mr. MCKAY (United States of America) said he was satisfied with the United Kingdom representative's explanations and with the additional information provided by the Belgian representative and the Chairman. He thought the Committee should take note of those explanations, according to which the

Administration had no objection to the establishment of a private school, planned to tar the main street and improve the roads in the area, proposed to Africanize the administrative services, had ceased to recruit European officials but not European technicians and, finally, was taking steps to ensure equitable Moslem representation in the indigenous courts. The Committee might bring those statements to the petitioners' attention and decide that no further action was necessary.

The CHAIRMAN thought that the Secretariat might add that the Administration was prepared to make premises available to the indigenous inhabitants who wished to organize courses in Arabic.

Petition from Mr. Codjoe Adedje (T/PET.6/324)

At the request of Mr. MCKAY (United States of America), Mr. MATHIESON (United Kingdom) made a statement on the present situation.

For the past ten years, immigrants from French Togoland or from the Gold Coast had been settling on land belonging to indigenous inhabitants without informing the competent authorities and had been cultivating it. Some of them had acted in good faith, not knowing of the existence of the 1924 Act, amended in 1940. Others had known about the law and had concluded collusive agreements with the chiefs or other persons who had conceded land to them. Some of the indigenous inhabitants were now demanding the enforcement of the law and the restitution of their land. The immigrants could of course appeal to the courts to defend their right to the land they occupied, but the courts would certainly give judgment in favour of the indigenous inhabitants.

Although the Administration deplored the situation that had arisen, it could not change the legal procedure. The Administration would, however, allow any immigrants who had developed land in Togoland to remain in the country. If the property was not claimed by indigenous inhabitants, the Administration would confirm the immigrants' acquired right of occupation and would give them title to the land. Farmers who were dispossessed by the law would receive fair compensation to be assessed by the court according to the appreciation of the property in their hands and the scale of values prevailing in the district.

Mr. SCHEYVEN (Belgium) pointed out that, although it was possible that the parties concerned had been unaware of the 1924 Act and its 1940 amendment, it was hardly likely that neither party had known of the customary property laws, which were based on the principle that land could not be conceded except with the consent of the notables of the district. The immigrants from French Togoland had therefore known that their occupancy of the land was precarious and that they had no absolute property rights.

Mr. ZONOV (Union of Soviet Socialist Republics) asked whether private property existed in Togoland or whether the land belonged to tribes or communities.

Mr. MATHIASON (United Kingdom) explained the interesting evolution that had taken place on that subject. The land had formerly been the communal property of a tribe, distribution of the land being made by the chief in council and modified from time to time as the need arose and as the tribe grew. During the past forty years, however, there had been a great development of plantations of cocoa and other trees. A plantation only yielded after several years - seven years in the case of the cocoa tree; if, therefore, there was a redistribution of land and a holding was given to a person other than he who had planted the trees, it was the practice to authorize the latter to return to

the land each year to gather the harvest. In that way, the southern part of the country was gradually evolving towards a system of private holdings entered in the land register. The tendency was spreading northwards, but the communal property system still governed most of the northern region.

Mr. ZONOV (Union of Soviet Socialist Republics) asked if the law applied to land which had become the private property of indigenous inhabitants.

Mr. MATHIESON (United Kingdom) replied in the affirmative. The law forbade any indigenous inhabitant to transfer his land to an inhabitant of French Togoland or of the Gold Coast or to any foreigner without the consent of the competent authorities: the purpose of that provision was to protect indigenous landowners from usury and from the alienation of land for the benefit of foreigners.

Mr. ZONOV (Union of Soviet Socialist Republics) noted that not only Europeans but also the people of French Togoland were regarded as foreigners in British Togoland and could not acquire property. He asked to whom the Togoland plantations belonged.

Mr. MATHIESON (United Kingdom) said that instead of using the term "plantations", which gave quite a wrong idea, it would be more appropriate to speak of "cocoa farms"; none of those farms belonged to Europeans.

Mr. ZONOV (Union of Soviet Socialist Republics) asked what was the area of land acquired by Europeans since the inception of the Trusteeship System in British Togoland.

Mr. MATHIESON (United Kingdom) replied that there was very little and most of it belonged to the public services or to missions.

Mr. ZONOV (Union of Soviet Socialist Republics) asked whether the Administering Authority was of the opinion that the problem raised by the petitioner could be solved and, if so, what measures it was considering.

Mr. MATHIESON (United Kingdom) explained that if persons from Togoland under British Administration invoked the law, the Administering Authority would apply it. If they did not, the Administering Authority would do everything in its power to defend the rights of French Togoland.

Mr. McKAY (United States of America) wished to know what had been the attitude of the Joint Council for Togoland Affairs on that question.

Mr. MATHIESON (United Kingdom) said that the Council had endorsed the principle that the lands of the Territory could not change hands except between indigenous inhabitants of Togoland under British Administration.

Mr. SCHEYVEN (Belgium) added that, according to custom, in Central and West Africa the concept of foreigner was based not on international, but on tribal frontiers.

Mr. MATHIESON (United Kingdom) confirmed that the concept prevailed in the parts of Togoland where collective ownership still subsisted. Private ownership was seldom found outside the southern region of Togoland.

Mr. McKAY (United States of America) proposed that the Committee should take note of the fact that the question had been discussed in the Joint Council and that the Administering Authority was prepared to give favourable consideration to applications of French Togoland who wished to acquire land in Togoland under British Administration.

The CHAIRMAN supported the proposal and added that the Committee might refer to the legislative text which had given rise to the problem. Whatever difficulties might result from it, the sole purpose of the text was to give effect to the provisions of Article 8 of the Trusteeship Agreement.

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

Petitions concerning compensation for war damages (T/PET.10/8, 13, 14, 15 and 23)

The CHAIRMAN welcomed Mr. McCONNELL, the Special Representative, and invited him to take a seat at the Committee table. He proposed that the Committee should examine all petitions dealing with compensation for war damages together, namely, all the petitions dealt with in Part I of Conference room paper No. 34, with the exception of petition T/PET.10/10, which raised economic questions.

It was so decided.

Mr. ZONOV (Union of Soviet Socialist Republics) asked what measures the Administering Authority was contemplating to restore the lands devastated by military operations to cultivation, and to compensate the indigenous inhabitants for their Japanese currency held by the Administration.

Mr. McCONNELL (Special Representative) said that the first question with which the Administering Authority must deal was that of restoring to the population the land which, as a result of the destruction of the land records was now considered to be part of the public domain. The indigenous population had the use of most of that land at present, the Administering Authority using only a very small part for administrative purposes, but the Administration understood the indigenous inhabitants' desire to have their claims to the land formally recognized.

The second question was the restoration of property and compensation for war damages. The Administering Authority was actively concerned with it, though it felt that it must proceed cautiously; the authenticity and extent of the property claims, as also the rental value of the land which had been occupied by the army, must be determined. It would seem that so far no mistakes had been made, since no appeals had been brought before the High Court against the decisions of the Land and Claims Administrator.

Mr. ZONOV (Union of Soviet Socialist Republics) wished to know the proportion of the land that had been reclaimed and restored to the indigenous population.

Mr. McCONNELL (Special Representative) explained that of the 119 square miles that comprised the inhabitable area of Saipan, there were 98 square miles of public lands and 12 square miles of private property. The claims related to approximately half the latter area; it had been possible so far to settle 433 of the 1,080 cases that had been brought before the Administration. The administrative services of the Administering Authority occupied less than half a square mile.

Mr. SCOTT (New Zealand) asked whether the population could use the crops grown on the public lands.

Mr. McCONNELL (Special Representative) explained that, except for a small area regarded as a restricted zone, the population used the produce of the public land, by virtue of authorizations which were subject to revocation pending final decision. The restricted zone was not cultivable land.

The statement of the authors of petition T/PET.10/8 to the effect that 80 per cent of the land was covered with coral was exaggerated, as could be seen from the figures that he had just given to the Committee.

Mr. SCOTT (New Zealand) wondered whether the inhabitants were suffering economically from the damages they had sustained.

Mr. McCONNELL (Special Representative) said that the people of Saipan were not suffering any economic hardships because of the fact that the question had not yet been settled. They had arable land and suitably paid employment.

Mr. SCOTT (New Zealand) wondered whether, in view of the nature of the Territory's economy, which was a subsistence economy, the Administering Authority should not consider paying compensation partly in cash and partly in kind, in order to prevent inflation.

Mr. McCONNELL (Special Representative) explained that the Administering Authority offered comparable land to any claimant who was able to prove his title to land occupied by the Administration. Nevertheless, such compensation was not always sufficient. For that reason, the Administration offered the claimant in addition a choice between compensation in cash and compensation in kind in the form of technical assistance, advice, agricultural training and so forth.

The CHAIRMAN asked for some clarification in connexion with the last paragraph of the Administering Authority's written observations concerning petition T/PET.10/8 (T/OBS.10/7).

Mr. McCONNELL (Special Representative) explained that according to an investigation carried out by the Administering Authority the assets of the population of Saipan in Japanese currency were as follows: approximately 50,000 yen in cash, 24,000 yens in postal savings deposits and 34,000 yen in bonds, stocks and insurance policies.

The United States Military authorities had redeemed Japanese bank notes at the rate of 20 yen to the dollar, to a total of 1,000 yen, and had issued receipts for sums over 1,000 yen, since it had not wanted private individuals to continue to hold Japanese bank notes. Unfortunately, apart from the island of Saipan the Administration had been unable to determine the exact amount of the population's holdings in Japanese currency.

The Administering Authority was aware of its responsibility to redeem those credits in cash and it was considering the possibility of discharging that responsibility. It was not, however, responsible for savings deposits and movable and other assets. Together with the Japanese authorities, it was studying ways and means of arriving at an equitable settlement of the question.

At the CHAIRMAN's request, Mr. RANKIN (Secretary of the Committee) read out paragraphs 86 and 87 of the Visiting Mission's report (T/1055), which contained the Mission's observations on land questions.

Mr. ZONOV (Union of Soviet Socialist Republics) said that the Secretariat should prepare a draft resolution in the light of the Visiting Mission's recommendations. The Administering Authority was free to take the measures by itself but the United Nations must make certain that the population of the Territory received just compensation for the damages it had suffered.

The CHAIRMAN thought that the Committee could make its own recommendations independently of those of the Visiting Mission.

Mr. McCONNELL (Special Representative) drew the Committee's attention to the passage in the Visiting Mission's report dealing with the plan worked out by the Administering Authority in regard to housing and agriculture.

The CHAIRMAN proposed that the Committee should decide on the petition at its following meeting, after further reflexion.

The meeting rose at 12.35 p.m.