



UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
GENERAL
T/C.2/SR.97
25 September 1953
ENGLISH
ORIGINAL: FRENCH

STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE NINETY-SEVENTH MEETING

Held at Headquarters, New York,
on Thursday, 10 September 1953, at 10.45 a.m.

CONTENTS

Election of the Chairman

Programme of the future work of the Committee (Working Paper No. 47)

List of documents circulated by the Secretary-General pursuant to
rules 24 and 85, paragraph 2, of the rules of procedure of the
Trusteeship Council (T/C.2/L.52 and Add.1)

PRESENT:

Chairman:

Mr. QUIROS

El Salvador

Members:

Mr. PETHERBRIDGE

Australia

Mr. MASSONET

Belgium

Mr. RIFAI

Syria

Mr. SAKSIN

Union of Soviet
Socialist Republics

Mr. MATHIESON

United Kingdom of
Great Britain and
Northern Ireland

Also present:

Mr. HURE

France

Secretariat:

Mr. RANKIN

Secretary of the
Committee

Mr. BERENDSEN

Assistant Secretary of
the Committee

ELECTION OF THE CHAIRMAN

The CHAIRMAN welcomed the new members of the Committee, Australia, Syria and the United Kingdom. He was sure the Committee would continue to work as well as it had done in the past. He felt some doubt whether he should continue to act as Chairman at the present session, and asked for the members' opinion on that subject.

Mr. MATHIESON (United Kingdom) referred to rule 90 of the Trusteeship Council's rules of procedure. In his opinion, after the appointment of new members by the Council at the end of each regular session, the Standing Committee should be regarded as a new Committee and a new Chairman should be elected. The United Kingdom delegation therefore proposed that Mr. Quiros (El Salvador) should be re-elected as Chairman. He had given proof of his competence during the Committee's previous session, and his re-election would ensure continuity in the work and would regularise the procedure.

Mr. MASSONET (Belgium) supported the United Kingdom representative's suggestion.

Mr. SAKSIN (Union of Soviet Socialist Republics) felt that to re-elect the Chairman would give more weight to decisions taken during the current session. He would be glad if the Committee could again have the benefit of Mr. Quiros' experience and tact.

Mr. PETHERBRIDGE (Australia) and Mr. RIFAI (Syria) also supported Mr. Quiros' re-election as Chairman.

The Chairman thanked the members of the Committee for the confidence in him they had shown.

PROGRAMME OF THE FUTURE WORK OF THE COMMITTEE (Working Paper No. 47)

The CHAIRMAN observed that the Committee should first decide on the date on which its next session should begin. That subject was dealt with in Working Paper No. 47. The Committee would have to take into consideration, firstly the opening date of the thirteenth session of the Trusteeship Council and, secondly, the date at which the special representative of the Administering Authority for the Cameroons under French administration would be able to reach New York.

At the invitation of the Chairman, Mr. Huré (France) took a place at the Committee table.

The CHAIRMAN thought the Committee would be able to examine petitions relating to Nauru and Somaliland under Italian administration before the arrival of the special representative of the Administering Authority for the Cameroons under French administration.

Mr. HURÉ (France) pointed out that sufficient time should be allowed between the end of the General Assembly session and the beginning of the Committee's work. The French special representative would have difficulty in taking part in that work before about 20 January 1954.

Mr. RANKIN (Secretary of the Committee) thought the Committee might decide to meet a certain number of days before the beginning of the Trusteeship Council's thirteenth session and to ask the French delegation to see that the special representative for the Cameroons arrived at New York a few days later. If the special representative were unable to be present on the date fixed, the Committee would not be left with nothing to do, since other petitions would probably arrive before January. If not, the Committee could suspend its work for a few days, since all the members lived in New York.

Mr. RIFAI (Syria) and Mr. MATHIESON (United Kingdom) supported that proposal. Mr. Mathieson thought the Committee might hold its first meeting eleven working days before the beginning of the Council's thirteenth session, i.e. on 11 or 18 January.

Mr. SAKSIN (Union of Soviet Socialist Republics) thought the Trusteeship Council's session would in all probability begin on 26 January 1954, as anticipated. The Committee could thus decide to meet eleven working days before that date or on 11 January. The date should be fixed immediately if possible.

The CHAIRMAN, summing up, said the Committee had two possible alternatives before it. It could meet either eleven working days before the opening of the Council session, as suggested by the Syrian and United Kingdom representatives, or on a fixed date, as proposed by the USSR representative.

Mr. SAKSIN (Union of Soviet Socialist Republics) explained that he had suggested meeting on 11 January because that was the date proposed by the Secretariat in Working Paper No. 47. Since no question of principle was involved, he would agree to the Committee's meeting eleven working days before the opening of the Council's thirteenth session.

It was so decided.

Mr. Huré (France) withdrew.

LIST OF DOCUMENTS CIRCULATED BY THE SECRETARY-GENERAL PURSUANT TO RULES 24 AND 85, PARAGRAPH 2, OF THE RULES OF PROCEDURE OF THE TRUSTEESHIP COUNCIL (T/C.2/L.52 and Add.1)

The CHAIRMAN called on the Committee to examine documents T/C.2/L.52 and T/C.2/L.52/Add.1. He asked the Secretary of the Committee to give some information concerning those documents.

Mr. RANKIN (Secretary of the Committee) reminded the Committee that there were three categories of communications: petitions which sought the redress of individual grievances, petitions concerning general problems to which the attention of the Council had already been called and on which it had taken decisions or made recommendations, and other communications. It was with the second and third categories that the Committee was concerned at the present meeting. The third category - communications - usually consisted of copies sent to the United Nations for information of requests addressed to other authorities, or of "second round petitions", i.e., communications relating to petitions already disposed of by the

Council. Petitions concerning general problems were usually considered by the Council during its examination either of the annual report on the Territory concerned or of a more appropriate agenda item, e.g., the Ewe and Togoland Unification Problem. The Committee's duty was to decide whether it felt the petitions and communications referred to in documents T/C.2/L.52 and T/C.2/L.52/Add.1 had been correctly classified by the Secretariat or whether it felt some of them should be dealt with according to the established procedure for petitions.

Mr. SAKSIN (Union of Soviet Socialist Republics) submitted a formal proposal that the Standing Committee on Petitions and the Trusteeship Council should, according to the usual procedure, examine all petitions and communications from the Trust Territories addressed to the Secretary-General or the Trusteeship Council, and should make recommendations or take decisions with regard to them.

Mr. MATHIESON (United Kingdom) considered that it was not for the Committee to make a decision on a proposal such as that just made by the representative of the USSR. The rules of procedure distinguished between petitions properly so called and petitions concerning general problems, and laid down a different procedure in each case; the Committee could only adhere to the terms of rule 90, paragraph 3, according to which "the Standing Committee on Petitions shall decide which, if any, of the petitions referred to in paragraph 2 of rule 85 and the communications circulated pursuant to rule 24 shall have the established procedure concerning petitions applied to them". According to that rule, it was the Committee which had to decide on the classification of the various petitions. The United Kingdom delegation would vote against the USSR proposal, believing that each petition should be considered individually and with the greatest of care, and that a distinction should be made between the different types of petitions.

By 3 votes to 1, with 2 abstentions, the USSR proposal was rejected.

Mr. MASSONET (Belgium) congratulated the Secretariat on the objective manner in which it had summarized the petitions from Ruanda-Urundi. He wondered whether the Committee intended to discuss the annex to the document numbered 5 in document T/C.2/L.52 during the present session or wait until the next session. He was also anxious to know what the Committee intended to do about the annex to that petition.

Mr. MATHIESON (United Kingdom) understood the Belgian representative to mean that it was too soon to consider that matter, seeing that the Administering Authority had had it in hand for less than the two months waiting period prescribed by the rules of procedure before the Committee could consider a matter submitted to the Administering Authority.

Mr. RANKIN (Secretary of the Committee) pointed out that there was no question of considering the substance of the matter, but only of classifying the annex. If the latter were classified as a petition in the proper sense of the term, the Secretary would so advise the Administering Authority and ask it to forward its observations. The matter of substance could then be considered at the thirteenth session of the Trusteeship Council. With regard to the classification of the annex in question, in which the petitioner had asked that special schools should be established for persons of mixed origin, the Secretariat considered that it should be classified as a petition properly so called. Page 2 of the document itself contained the words: "We enclose a copy of this petition for submission to the Trusteeship Council". Thus the writer's desire had been clearly expressed.

Mr. MATHIESON (United Kingdom) and Mr. RIFAI (Syria) agreed with the Secretariat that the phrase in question clearly indicated that the annex to document T/PET.3/L.2 should be considered as a petition in the proper sense of the term.

Mr. MASSONET (Belgium) saw no objection to considering the annex as a petition properly so called.

The Committee decided to apply the established procedure for petitions to the annex to document T/PET.3/L.2.

Mr. SAKSIN (Union of Soviet Socialist Republics) submitted a new proposal which he hoped would be acceptable to the members of the Committee. There were a certain number of petitions of particular importance in the two Secretariat memoranda. They were numbered 1, 4, 9, 23, 24, 25, 31, 32, 33, 44, 45, 46, 47 and 49 in document T/C.2/L.52 and 5, 11 and 12 in document T/C.2/L.52/Add.1. He proposed that the established procedure for petitions should be applied to them.

The CHAIRMAN pointed out that petitions classified as "general petitions" were not necessarily less important than the others. They were merely of a different nature.

Mr. MATHIESON (United Kingdom) agreed with the Chairman that petitions were not classified according to their importance but according to their nature. Nevertheless the USSR representative's proposal had certain advantages and might save time. If the other members of the Committee agreed to retain the USSR representative's list, adding to it if they so desired, the Committee might consider that all the other petitions in documents T/C.2/L.52 and T/C.2/L.52/Add.1 were correctly classified. It would then be possible to concentrate on examining that list.

The CHAIRMAN suggested that the Committee should examine only the petitions or communications quoted by the USSR representative, or any which might be mentioned by other representatives. In each case, he would put to the vote the proposal to apply to those documents established procedure for petitions.

No. 1 - T/PET.2/L.3

The USSR proposal was rejected by 4 votes to 1, with 1 abstention.

No. 4 - T/PET.3/L.1

The USSR proposal was rejected by 4 votes to 1, with 1 abstention.

No. 9 - T/PET.5/L.8 and Add.1

The CHAIRMAN drew the Committee's attention to the Secretariat's remarks. He thought that petitions or communications which dealt with general matters but also contained specific complaints should be classified as communications to which established procedure for petitions should be applied.

Mr. MATHIESON (United Kingdom) wondered if the complaints in the petition in question were of a sufficiently specific or personal character; he thought they were merely examples quoted to support the petitioner's case. In his opinion, the petition had been classified correctly by the Secretariat, and he would abstain from the vote on the USSR representative's proposal.

Mr. RIFAI (Syria) and Mr. SAKSIN (Union of Soviet Socialist Republics) agreed with the Chairman's view; when there was any doubt about the nature of a petition or a communication because it dealt with general and specific matters at the same time the established procedure for petitions should be applied.

The USSR proposal was adopted by 3 votes to none, with 3 abstentions.

No. 23 - T/PET.6/L.8

Mr. MATHIESON (United Kingdom) pointed out that documents Nos. 23, 24 and 25 referred to in the USSR representative's proposal were connected with document 22, in respect of which the USSR representative had not asked for the established procedure for petitions to be applied. He considered that logically those four documents should be dealt with in the same way. In his opinion they had been correctly classified by the Secretariat.

If the USSR proposal about documents 23, 24 or 25 were adopted, he reserved the right to make the same proposal with regard to document No. 22.

The CHAIRMAN drew the Committee's attention to the Secretariat's observations on document No. 23. It appeared that the matters raised were such that it was possible to apply the established procedure to that document.

The USSR proposal was adopted by 3 votes to 2, with 1 abstention.

No. 24 - T/PET.6/L.9

The USSR proposal was rejected by 4 votes to 1, with 1 abstention.

No. 25 - T/PET.6/L.10

A vote was taken.

There were 3 votes in favour and 3 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 3 votes in favour and 3 against. The USSR proposal was not adopted.

No. 22 - T/PET.6/L.7

Mr. MATHIESON (United Kingdom) pointed out that document No. 23 had been classified a petition to which the established procedure should apply; consequently he asked that document No. 22 (T/PET.6/L.7) should be similarly classified.

The CHAIRMAN considered that that proposal was justified and should not meet with any opposition.

The United Kingdom proposal was adopted.

No. 31 - T/COM.6/L.24

Mr. MATHIESON (United Kingdom) stated that the document could not be regarded as a petition; it was merely a communication addressed to representatives of the Administering Authority and did not call for any action on the part of the Trusteeship Council. It had been sent to the United Nations purely for information.

The USSR proposal was rejected by 4 votes to 1, with 1 abstention.

No. 32 - T/COM.6/L.25

Mr. MATHIESON (United Kingdom) said that the observations he had made in respect of document No. 31 applied equally to No. 32.

The CHAIRMAN stressed the general nature of the document in question, which, moreover, had been submitted to the United Nations for information only.

The USSR proposal was rejected by 4 votes to 1, with 1 abstention.

No. 33 - T/PET.6 and 7/L.6

Mr. MATHIESON (United Kingdom) drew the Committee's attention to the Secretariat's observations. A decision had in fact already been taken on the petition in question. It had been included on the agenda of the twelfth session of the Council and had been considered in conjunction with the problem of the unification of Togoland.

The USSR proposal was rejected by 4 votes to 1, with 1 abstention.

No. 35 - T/PET.6 and 7/L.8

Mr. RIFAI (Syria) referred to the Secretariat's remarks. Inasmuch as there might be some doubts concerning the nature of the questions raised, he proposed that in considering the document the Committee should follow the established procedure for dealing with petitions.

Mr. MATHIESON (United Kingdom) observed that the questions which might be considered to be specific were within the competence of the Administering Authorities, the United Kingdom and France. They should be settled by negotiation between the two Governments concerned and it was not for the Trusteeship Council to intervene.

A vote was taken on the proposal.

There were 3 votes in favour and 3 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 3 votes in favour and 3 against. The Syrian representative's proposal was not adopted.

No. 44-T/PET.7/L.4

The CHAIRMAN, referring to the Secretariat's remarks, thought that some of the questions raised were of such a nature that the document could be dealt with by the established procedure.

Mr. BERENDSEN (Secretariat) said that most of the events mentioned in the petition had already been cited in other petitions and had been considered at the previous session of the Trusteeship Council.

The CHAIRMAN thought the petition should be examined, if only to decide whether the Council had already considered all the cases enumerated.

Mr. PETHERBRIDGE (Australia) pointed out that the events mentioned did not concern the petitioner directly and that they had already been cited in other petitions. He would therefore vote against the USSR representative's proposal.

Mr. MATHISON (United Kingdom) took the same position as the Australian representative. The representative of the Secretariat had explained that the specific questions raised in the petition had already been considered by the Trusteeship Council. Moreover, as the cases mentioned did not concern the petitioner directly it was obvious that he had merely cited them by way of example to illustrate his argument. Consequently, the petition should be considered as raising general questions and its classification should not be changed.

Mr. SAKSIN (Union of Soviet Socialist Republics) could not support the United Kingdom representative's view. The petition mentioned the arrest of a number of persons. Attacks on the liberty of the individual could not be considered as general questions. Moreover, the fact that the Trusteeship Council had already examined the cases mentioned could not be a valid argument inasmuch as the arrests had continued subsequently. He therefore hoped that the Committee would adopt his proposal.

A vote was taken on the proposal.

There were 3 votes in favour and 3 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 3 votes in favour and 3 against. The USSR proposal was not adopted.

No. 45-T/FET.7/R.1

Mr. MATHIESON (United Kingdom) drew the Committee's attention to the Secretariat's remarks. The document was an anonymous petition and the only address given was "Vogan Village". If the document were dealt with according to the established procedure, the Secretary-General would be unable to inform the petitioners of any resolution the Trusteeship Council might adopt.

Mr. RANKIN (Secretary of the Committee) thought that the Secretary-General's letter would probably be returned marked "Return to sender. Address incomplete."; that had happened several times in the past.

Mr. MATHIESON (United Kingdom) said that in the circumstances he would be compelled to vote against the USSR representative's proposal.

The USSR proposal was rejected by 4 votes to 1, with 1 abstention.

No. 46-T/COM.7/L.12

The USSR proposal was rejected by 4 votes to 1, with 1 abstention.

No. 47-T/COM.7/L.13

The CHAIRMAN thought the communication raised specific as well as general questions. It should therefore be dealt with in accordance with the established procedure.

Mr. MATHIESON (United Kingdom) pointed out that the communication was a copy of a resolution sent first to the local authorities and then to various personages as well as to the United Nations. Since there was some doubt about the nature of the document, he would abstain.

Mr. PETHERBRIDGE (Australia) wondered whether there had been any previous case in which resolutions sent to various persons had been considered as true petitions.

Mr. RANKIN (Secretary of the Committee) said that to his knowledge the United Nations had already received resolutions dealing with general matters, but never with specific questions. He drew the Committee's attention, however, to rule 79 of the rules of procedure of the Trusteeship Council, which provided that a written petition could be submitted in the form of a letter, telegram, memorandum "or other document." Consequently, the established procedure for dealing with petitions could quite properly be applied to a resolution which raised specific questions.

The USSR proposal was adopted by 3 votes to none, with 3 abstentions.

No.49-T/PET.11/L.5

Mr. MATHIESON (United Kingdom) pointed out that according to the Secretariat's remarks the document in question was couched in very general terms and had been, so to speak, supplemented by two communications (T/PET.11/366 and 367) which had already been classified as petitions. There was therefore probably no point in applying the established procedure for dealing with petitions.

The CHAIRMAN proposed that the established procedure should be applied to the petition.

The proposal was adopted by 3 votes to none, with 3 abstentions.

DOCUMENT T/C.2/L.52/Add.1

No.5 - T/COM.5/L.23

Mr. MATHIESON (United Kingdom) drew the Committee's attention to the reasons given by the Secretariat for the classification it proposed. He thought the classification was correct and would therefore vote against the USSR representative's proposal.

The USSR proposal was rejected 3 votes to 1, with 2 abstentions.

No.11 - T/PET.6 and 7/L.11

Mr. MATHIESON (United Kingdom) pointed out that the petition was virtually a continuation of petition T/PET.6 and 7/L.6 (T/C.2/L.52 No. 33) on which the Committee had decided to maintain the classification proposed by the Secretariat. To be consistent, therefore, the Committee should also maintain the classification proposed for the petition in question.

The USSR proposal was rejected by 3 votes to 1, with 2 abstentions.

No.12 - T/PET.6 and 7/L.12

Mr. MATHIESON (United Kingdom) would abstain, for he thought that the specific questions raised in the letter were merely cited by way of example and that the petition was essentially of a general nature.

The CHAIRMAN thought, on the contrary, that those specific questions called for observations by the Administering Authority and were worthy of study by the Trusteeship Council. He would therefore vote in favour of the USSR representative's proposal.

The USSR proposal was adopted by 4 votes to none, with 2 abstentions.

The meeting rose at 1.30 p.m.