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STANDING COMMITTEE ON PETITIONS

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SUMMARY RECORD OF THE HUNDRED AND FORTIETH MEETING

Held at Headquarters, New York,
on Thursday, 4 March 1954, at 10.15 a.m.

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under French Administration: examination of draft reports
(T/C.2/L.64)(continued)

PRESENT:

Chairman:

Mr. QUIROS

El Salvador

Members:

Mr. PETHERBRIDGE

Australia

Mr. SCHEYVEN

Belgium

Mr. TARAZI

Syria

Mr. SUMSKOI

Union of Soviet Socialist
Republics

Mr. MATHIESON

United Kingdom of Great
Britain and Northern
Ireland

Also present:

Mr. DOISE

France

Secretariat:

Mr. RANKIN

Secretary of the Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF THE CAMEROONS UNDER FRENCH
ADMINISTRATION: EXAMINATION OF DRAFT REPORTS (T/C.2/L.64) (continued)

The CHAIRMAN put to the vote the proposal, made on the previous day by the representative of Syria, that the Committee should adopt rule 39 of the rules of procedure of the Trusteeship Council for use in its own debates.

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 proposal was not adopted.

Mr. MATHIESON (United Kingdom) explained that his delegation had voted against the proposal for the same reason that it had voted against the first proposal made by the Syrian representative. The United Kingdom delegation was always prepared to adopt decisions calculated to facilitate the work of other delegations. In the present case, however, it had not felt under any obligation to do so. The Trusteeship Council had not referred in rule 67 of its rules of procedure to rule 39 as applying to the Committee because it had considered that decisions of the Committees set up by itself were not final. The committees undertook preparatory work, endeavoured to eliminate divergencies of views and submitted questions thus analysed to the Trusteeship Council, which made the final decision. The United Kingdom delegation had not agreed to the Committee's adoption of the system of a roll-call vote because it wished to comply with the Council's intentions, and because it considered the procedure clumsy.

Mr. TARAZI (Syria) pointed out that in submitting his proposals he had not been begging a favour but demanding a right; he regretted that that right had been denied him by three Administering Powers. He reserved the right to raise the question again when the Committee considered procedural questions.

Mr. SUMSKOI (Union of Soviet Socialist Republics) expressed his surprise that the three Administering Powers had voted against a request made by a member of the Committee. The United Kingdom representative had been right in saying that it was not the duty of the Committee to make final decisions, but that was an argument in favour of the Syrian representative's proposal: it would have been well for the Trusteeship Council, which took the final decisions, to know how the Committee had voted in each case.

The CHAIRMAN requested the Committee to pass on to the examination of document T/C.2/L.64.

I. Petition from Mr. Oumarou Fonbanhang (T/PET.5/172)

The CHAIRMAN pointed out that since paragraph 2 constituted a recommendation, paragraph 3 might be deleted.

Mr. SUMSKOI (Union of Soviet Socialist Republics) thought that the Administering Authority had not provided enough information to enable the Committee to make a decision. The Special Representative had said that the petitioner could bring his case before the courts and the Committee was confining itself to recommending that solution to him. The concession had perhaps been granted in accordance with the regular procedure, but that procedure was wrong since it provided an opportunity to rob the indigenous inhabitants of their land under various pretexts. The draft resolution was therefore one-sided and he could not accept it.

Mr. DOISE (France) thought that the Administering Authority and the Special Representative had given very clear explanations. The case dated back to 1935. At that time the land concession had been granted without any opposition, and two successive concessions of the land had been granted since.

At the request of Mr. TARAZI (Syria), the CHAIRMAN called for a vote on the draft resolution paragraph by paragraph.

Paragraph 1 was adopted by 3 votes to none, with 3 abstentions.

Paragraph 2 was adopted by 3 votes to none, with 3 abstentions.

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

II. Petition from Mr. Tiam Sakio (T/PET.5/173)

Mr. SUMSKOI (Union of Soviet Socialist Republics) noted that that petition too referred to arbitrary acts committed in the Territory by Europeans who had seized the land of the indigenous inhabitants. He wished that the Administering Authority would take the necessary measures to put a stop to such illegal activities.

Mr. TARAZI (Syria) proposed that paragraph 2 should be replaced by a paragraph requesting the Administration to provide it as soon as possible with information concerning the outcome of the case when it had been brought before the customary courts. He requested that that new paragraph should be put to the vote separately.

The CHAIRMAN put to the vote the new paragraph 2 proposed by the representative of Syria.

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

The CHAIRMAN put to the vote the draft resolution as a whole.

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

III. Petition from Mr. Idrissau Nghapon (T/PET.5/178)

Mr. SUMSKOI (Union of Soviet Socialist Republics) thought that the case under discussion was another example of alienation of land belonging to the indigenous inhabitants and that the Administration should put an end to such actions. He regretted that the Administering Authority had not supplied full information.

Mr. DOISE (France) said that the Administration had replied as accurately as it was able to do. That case, too, was of long standing and no objection had been raised to the original concession.

He wondered whether paragraph 3 of the draft resolution was adapted to the circumstances of the case. The petitioner referred to himself as a "farmer" which gave the impression that he had rights to the use of some land.

Mr. SUMSKOI (Union of Soviet Socialist Republics) pointed out that the expression "that it may be open to him" was too vague.

Mr. SCHEYVEN (Belgium), in reply to the USSR representative, proposed that paragraph 2 should be reworded as follows: "Suggests to the petitioner that the matter is within the competence of the Courts of the Territory." ^{*}/ He requested that paragraph 3 should be put to the vote separately.

The CHAIRMAN considered that the Belgian representative's proposal, which slightly changed the meaning of paragraph 2, was an amendment and he therefore put it to the vote.

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 Belgian amendment was not adopted.

Paragraph 3 was adopted by 3 votes to none, with 3 abstentions.

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

IV. Petition from Mr. Moïse Tchouatun (T/PET.5/179)

The CHAIRMAN said that paragraph 3 was superfluous and would be deleted. He put the draft resolution to the vote.

The draft resolution was adopted by 4 votes to none, with 2 abstentions.

^{*}/ Provisional text.

V. Petition from Mr. Nsapgué Aboubekar (T/PET.5/181)

Mr. TARAZI (Syria) said that in paragraph 1 of the French text the words "aurait permis" should be replaced by the words "eût permis".

The CHAIRMAN put the draft resolution to the vote.

The draft resolution was adopted by 4 votes to none, with 2 abstentions.

VI. Petition from Mr. Didio Ngomssi (T/PET.5/182)

Mr. DOISE (France) said that he had received no further information and did not know whether the petitioner had rebuilt his hut. In the last clause of paragraph 6 of the relevant section of the report, the words "six days" should be replaced by the words "fifteen days".

The CHAIRMAN pointed out that in view of the information just given by the French representative, the alternative "can apply for" should be used in paragraph 2 and the brackets round paragraph 3 should be deleted.

Mr. SUMSKOI (Union of Soviet Socialist Republics) wished to know if the petitioner had received the chief's authorization to build.

Mr. DOISE (France) replied that the chief was not authorized to issue building permits but that he had given the petitioner a piece of land. The petitioner, who had infringed the urban zoning regulations, had himself dismantled his hut but had recovered the 3,600 bricks of which it had been built.

Mr. MATHIESON (United Kingdom) said that the words "as to" in paragraph 3 should be deleted.

Mr. SUMSKOI (Union of Soviet Socialist Republics) expressed the hope that the Administering Authority would indicate at a later stage where the petitioner had rebuilt his hut.

Mr. TARAZI (Syria) proposed that the words "in accordance with the existing regulations" should be added to paragraph 2 and that paragraph 4 should be deleted, because in fact the Council would make a recommendation.

Mr. SCHEYVEN (Belgium) thought that the phrase "in a neighbouring area" was confusing. It was not clear whether it meant another plot or another site within the same plot.

Mr. DOISE (France) agreed that the words "in a neighbouring area", which were the words used by the Administering Authority in its reply, might seem ambiguous, but they meant "in an area near the former hut", so that there was no need for him to obtain another plot.

Mr. TARAZI (Syria) requested that paragraphs 2 and 3 should be put to the vote separately.

Paragraph 2 was adopted by 4 votes to none, with 2 abstentions.

Paragraph 3 was adopted unanimously.

The draft resolution was adopted by 4 votes to none, with 2 abstentions.

VII. Petition from Mr. Issah Mouassé (T/PET.5/183)

The CHAIRMAN suggested that paragraph 2 and the word "however" in paragraph 3 should be deleted.

Mr. SÚMSKOI (Union of Soviet Socialist Republics) pointed out that according to the petitioner the chief had abused his authority. The resolution should therefore draw the Administration's attention to those arbitrary acts towards indigenous inhabitants. The chief had no right to appropriate land and distribute it as he thought fit. It was the Administering Authority's duty to take steps against such abuses of authority.

Mr. DOISE (France) felt that the chief's actions should not be judged before the court's decision was known. In any event, it seemed to him that rule 81 of the rules of procedure should be applied to the petition.

Mr. MATHIESON (United Kingdom) agreed with the French representative that the petition came under rule 81. The USSR delegation's view would be justified only if the court had issued a judgment in the petitioner's favour. The Council could then ask the Administering Authority what action it had taken against the chief to prevent a recurrence of the abuses.

Mr. SCHEYVEN (Belgium) shared the opinion of the United Kingdom and French representatives. The Committee tended to regard all petitions as receivable, whereas some of them ought to be declared inadmissible.

Mr. TARAZI (Syria) thought that the draft resolution was in conformity with the rules of procedure since the Council confined itself to noting that the matter was sub judice and to asking the Administering Authority to inform it of the court's decision. The resolution could, moreover, have included a phrase such as that proposed by the Soviet delegation. Paragraph 2 should be deleted.

The CHAIRMAN also felt that the draft resolution contained nothing that could be construed as intervention by the Council in a matter which was before the courts of the Territory.

The draft resolution, with the amendments proposed by the Chairman, was adopted by 4 votes to none, with 2 abstentions.

Mr. TARAZI (Syria) explained that the resolution was acceptable to him as a whole, but that he had abstained because he had felt it necessary to draw attention to the abuses committed by the chief.

VIII. Petition from Mr. Njiyangou Soulémanou (T/PET.5/184)

Mr. SUMSKOI (Union of Soviet Socialist Republics) considered the draft resolution unsatisfactory. The Committee ought to have condemned the arbitrary actions of the Europeans who had seized land belonging to the petitioner, and should have formulated recommendations on the matter. He would therefore vote against the draft resolution.

Mr. DOISE (France) pointed out that the matter dated from about twenty years previously and that at that time the Compagnie industrielle et agricole du Caméroun had obtained the concession of the land legally. The rights of the communities had been respected and the petitioner had had at the outset no right which he could have adduced.

The CHAIRMAN put the draft resolution to the vote.

There were 2 votes in favour, 2 against and 1 abstention.

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 2 votes in favour, 2 against and 1 abstention. The draft resolution was not adopted.

The CHAIRMAN stated that the draft resolution would be included in the report and transmitted to the Council for its decision.

IX. Petition from Mr. Louis Mouchili (T/PET.5/186)

The draft resolution was adopted by 2 votes to none, with 3 abstentions.

X. Petition from Mr. Soulé Mekou (T/PET.5/187)

Mr. TARAIZI (Syria) proposed that paragraphs 1 and 2 should be replaced by the following:

"1. Draws the attention of the petitioner to the possibility of bringing his land claim before the customary court;

"2. Requests the Administering Authority to furnish the Council with information as to the outcome of the case in the event that it is brought before the Court." 1/

The draft resolution, with the new operative part proposed by the Syrian representative, was adopted by 5 votes to none, with 1 abstention.

XI. Petitions from Mr. Jean Njitagui (T/PET.5/188) and from Mr. Njimoupaine Chouraibou (T/PET.5/189)

The CHAIRMAN pointed out that there was no difference of substance between the two draft resolutions and that a formula might be found enabling the two texts to be combined.

Mr. SUMSKOI (Union of Soviet Socialist Republics) felt that the Administering Authority had not furnished sufficient information. The petitioners were claiming a large sum in damages, which seemed to indicate that their land was very valuable. No detailed information on that land was available, however, and not even its area was known. The Administering Authority should therefore undertake a more thorough investigation.

Mr. DOISE (France) recalled that when the Committee had considered the two petitions the Special Representative had explained that the land had been granted to Mr. Rippert in accordance with the regular procedure and that there had been no opposition. Moreover, one of the petitioners had been living in the region for only two years; there was therefore reason to question the justice of his claim. Furthermore, the petitioners did not seem to be very clear as to the amount of compensation they claimed, and they seemed to have picked figures at random. In the original petition, one of the petitioners had written thirteen millions in figures and "three millions" in words.

Mr. PETHERBRIDGE (Australia) saw no reason for a further investigation since the procedure followed had been perfectly regular.

Mr. TARAZI (Syria) proposed that paragraph 2 of text A should be deleted and replaced by text B.

The CHAIRMAN recalled that the Committee had already decided to delete paragraph 2 of text A in all resolutions unless there were special reasons for retaining it in particular cases.

Mr. SCHEYVEN (Belgium) pointed out that according to the Administration's statements, the concession had been made in due and proper form when the land had been granted. The Administration had made an investigation at the time; it had carried out a second investigation of the matter when the Trusteeship Council had placed the two petitions before it. It was therefore pointless for the Committee to ask the Administration to carry out a third investigation. He was in favour of text A, and suggested that paragraph 2 of that text should be retained.

The CHAIRMAN appealed to the members to adopt a more conciliatory attitude so that it would be possible to amalgamate the two draft resolutions.

Mr. PETHERBRIDGE (Australia) asked for a separate vote on each paragraph.

Mr. MATHIESON (United Kingdom) wished to know whether, if the Committee decided to amalgamate the two draft resolutions, the phrase "carry out a full investigation" would be retained or would be replaced by "carry out a further investigation".

Mr. SUMSKOI (Union of Soviet Socialist Republics) observed that the petitioners were complaining that Mr. Rippert had destroyed a village and uprooted trees. The questions involved were important and should be elucidated. The Administering Powers always opposed any suggestion that the Committee should ask the Administering Authorities to undertake additional investigations concerning petitions. If those Authorities furnished complete information on petitions the Committee would not need to ask them for the additional information without which it could not reach a decision.

Mr. DOISE (France) stated that the Administering Authority had replied as specifically as it could in view of the vagueness of the petitions, which gave no details.

Mr. MATHIESON (United Kingdom) quoted a passage from the statement which the Special Representative had made to the Committee when the petition was being considered: "In the present case, investigation in a detailed way would have meant research covering a period of more than twenty years....unless the petitioners had more evidence than they had so far offered their claims were clearly completely unjustified." In his view, the petitioners themselves should be asked to furnish additional information, and not the Administering Authority, which had already investigated the two petitions.

Mr. SUMSKOI (Union of Soviet Socialist Republics) stated that the Administration had in fact been able to carry out an investigation but had not communicated the results to the Committee. It might be useful to ask the petitioners for information, but in that case the Administration might tell them that it was doing so in compliance with a decision of the Trusteeship Council.

The CHAIRMAN put paragraph 1 of the draft resolution to the vote.
Paragraph 1 was adopted by 3 votes to none, with 3 abstentions.

Mr. MATHIESON (United Kingdom) asked for a separate vote on the words "at its fourteenth session" in paragraph 2.

The CHAIRMAN put the words "at its fourteenth session" to the vote.
There were 3 votes in favour and 3 against.

The CHAIRMAN thought that all the members of the Council would be satisfied if the words "at its fourteenth session" were replaced by "as soon as possible".

The Chairman put paragraph 2, as amended in accordance with his proposal, to the vote.

Paragraph 2 was adopted by 3 votes to 2, with 1 abstention.

The CHAIRMAN put the draft resolution as a whole to the vote.
The draft resolution was adopted by 3 votes to none, with 3 abstentions.

XII. Petition from Mr. Ndam Adamou Njoya (T/PET.5/192)

Mr. TARAZI (Syria) proposed that the phrase "Draws the attention of the petitioner to the statements of the Administering Authority, and of the Special Representative, to the effect that..." at the beginning of paragraph 1 of the draft resolution should be replaced by the following text: "Notes the statements of the Administering Authority, and of the Special Representative, to the effect that...". 1/

The CHAIRMAN put the draft resolution, as amended in accordance with the Syrian representative's proposal, to the vote.

The draft resolution was adopted by 5 votes to none, with 1 abstention.

XIII. Petition from Mr. Ibrahim Ngoh (T/PET.5/202)

The CHAIRMAN proposed that paragraph 2 and the word "however" in paragraph 3 should be deleted.

Mr. SUMSKOI (Union of Soviet Socialist Republics) observed that the petition again related to arbitrary acts committed by chiefs. The Administering Authority should protect the rights of all the indigenous inhabitants of the Trust Territories.

The CHAIRMAN put the draft resolution as a whole, as amended in accordance with his proposal, to the vote.

The draft resolution was adopted by 4 votes to none, with 2 abstentions.

The CHAIRMAN pointed out that no special information was required concerning the action taken on resolutions I, III, IV, V, VIII and IX, and proposed that paragraph 4 (page 2 of document T/C.2/L.64) should be completed accordingly.

The Chairman put the draft report to the vote.

The draft report was adopted by 4 votes to 1, with 1 abstention.

1/ Provisional text.

Mr. TARAIZI (Syria) recalled that he had always abstained from voting on draft reports. He would continue to do so, especially since the Committee had refused to consider his proposal that the names of those voting and the manner in which they had voted should appear in the records.

Mr. SUMSKOI (Union of Soviet Socialist Republics) said that he had voted against the draft report because he felt that the Committee took only the observations of the Administering Authority into consideration and that the rights of the indigenous inhabitants were disregarded. In the present report the Committee had not acknowledged the justice of any of the grievances submitted by petitioners.

The meeting rose at 12.40 p.m.