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STANDING COMMITTEE ON PETITIONS
SUMMARY RECORD OF THE HUNDRED AND FORTY-FIRST MEETING

Held at Headquarters, New York,
on Thursday, 4 March 1954, at 3.15 p.m.

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PRESENT:

<u>Chairman:</u>	Mr. QUIROS	El Salvador
<u>Members:</u>	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
<u>Also present:</u>	Mr. DOISE	France
<u>Secretariat:</u>	Mr. RANKIN	Secretary of the Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF THE CAMEROONS UNDER FRENCH
ADMINISTRATION: CONSIDERATION OF DRAFT REPORTS (T/C.2/L.53/Add.6 and L.65)
(continued)

The CHAIRMAN requested the Committee to consider the draft resolutions (T/C.2/L.65) concerning the petitions summarized in document T/C.2/L.53/Add.6.

I. Petition from Mr. Pierre Simon Nken Tchallé (T/PET.5/126)

Mr. SUMSKOI (Union of Soviet Socialist Republics) pointed out that the draft resolution contained no reference to the compensation claimed by the petitioner.

Mr. DOISE (France) remarked that, according to the original text of the petition, the petitioner was not seeking monetary compensation but justice for an alleged wrong.

Mr. MATHIESON (United Kingdom) said that, as stated in paragraph 3 of the summary (T/C.2/L.53/Add.6), a certain sum had been paid in compensation for the work done on the land in question. The only substantial element in the petition was the request that the former residents of Ngonangonando should return.

The CHAIRMAN put draft resolution I to the vote.

Draft resolution I was adopted by 3 votes to none, with 3 abstentions.

Mr. TARAZI (Syria) explained that, while agreeing with paragraph 1, he had been obliged to abstain in the vote, since the draft resolution did not cover all the points raised by the petitioner.

II. Petition from Mr. Mboudou Ngono (T/PET.5/130)

Mr. RANKIN (Secretary of the Committee) said that a telegram had been sent to the petitioner asking him to reply whether, in view of the payment that had since been made to him, he still maintained his petition. No reply had yet been received and he doubted whether one would be forthcoming. He had therefore drafted alternative B.

Mr. TARAIZI (Syria) suggested that the Committee might consider adopting a joint text consisting of paragraph 1 and paragraphs 3 and 4 of alternative B.

Mr. PETHERBRIDGE (Australia) felt that it would be sufficient to adopt paragraph 1 and a second paragraph stating that a telegram had been sent to the petitioner and that no reply had been received.

Mr. SUMSKOI (Union of Soviet Socialist Republics) said that the only paragraph in alternative B for which he could vote was paragraph 2. The difference between the amount of compensation requested and the amount paid was considerable.

The CHAIRMAN remarked that the text suggested by the Australian representative would leave open the possibility of further consideration of the petition if the petitioner sent a reply. He put the draft resolution as amended by the Australian representative to the vote.

Draft resolution II, as amended, was adopted by 4 votes to none, with 2 abstentions.

III. Petition from Mr. Thomas Aba (T/PET.5/134)

Mr. DOISE (France) suggested that the word "foncier" should be substituted for the word "légal" in the French text of paragraph 1 of the draft resolution.

Mr. TARAIZI (Syria) asked whether, in view of paragraph 3 of the summary in document T/C.2/L.53/Add.6, there were two categories of land ownership: one for Africans and one for foreigners.

Mr. DOISE (France) explained that by "foreigners" the indigenous inhabitants meant persons other than the members of their own tribe; white persons were referred to as "Europeans". In any case, there were no separate land systems for Europeans and Africans. The latter could obtain a land title according to the "Verification of Land Rights" procedure, which specified the nature of those rights but left them subject to indigenous regulations. They could subsequently submit to jurisdiction in order to obtain a final and unimpugnable title by the procedure of registration, which made the property subject to French civil law and to the French courts.

After a short discussion on drafting points, the Committee agreed to amend paragraph 1 as follows:

"Draws the attention of the petitioner to the statements of the Administering Authority and its representative that it is open to him to make a further application for a legal property title either by means of the procedure for the determination of property rights or by that of registration."

The CHAIRMAN put draft resolution III, as amended, to the vote.

Draft resolution III, as amended, was adopted by 5 votes to none, with 1 abstention.

IV. Petition from Mr. Maurice Moffi and other representatives of the Ipouabato family (T/PET.5/144)

Mr. SUMSKOI (Union of Soviet Socialist Republics) said that paragraph 1 (d) seemed almost meaningless as it stood.

Mr. TARAIZI (Syria) agreed and suggested that it should be redrafted in accordance with the Special Representative's information given in the last sentence of paragraph 5 of the summary.

It was so decided.

The meeting was suspended at 4.15 p.m. and was resumed at 4.45 p.m.

Mr. RANKIN (Secretary of the Committee) read out the following amended text of paragraph 1 (d):

"That subsequently eight lots were assigned to the Ipouabato family in respect of their rights in other land which had been brought within the urban perimeter of Kribi."

Mr. SUMSKOI (Union of Soviet Socialist Republics) thought that paragraph 1 (a) would make an unfortunate impression on the petitioners. In Africa oral promises counted for more than written documents and the absence of records did not necessarily prove that an agreement to pay rent had not in fact existed during the German administration. There was no evidence other than the Administering Authority's bare statement, yet by that resolution the United Nations would be accepting the Administering Authority's statement completely.

Mr. SCHEYVEN (Belgium) asked the representative of France if the German archives, including account books showing rents paid etc., were still available.

Mr. DOISE (France) said that such records did exist and had been examined in connexion with the petition. There was not only a plan of the village, showing the exact extent of the German administrative buildings, but also the Grundbuch containing details of public or private registered land. The records showed no trace of rents ever having been paid; indeed, since the land in question had been completely taken over by the Germans for their administrative buildings, it was most unlikely that any rent would have been paid for it, except perhaps a gratuity to the original community.

Mr. SCHEYVEN (Belgium) thought that that information should be mentioned in the resolution itself.

Mr. TARAZI (Syria) recalled the USSR representative's earlier remark that a balance should be preserved between the Administering Authority's observations and the petition. In the case in question that could be done by reminding the petitioners that they could appeal to the civil court about the extension of the urban perimeter of Kribi.

Mr. MATHIESON (United Kingdom) proposed that paragraph 1(a) should be redrafted to read: "There is no trace in the official records of the German administration of any payment of rents to the petitioners for the land in question."

The CHAIRMAN suggested that in addition to drawing the petitioners' attention to the fact that they could apply to the competent administrative court, as proposed by the Syrian representative, the draft resolution might request the Administering Authority to offer legal assistance to the family.

Mr. DOISE (France) said that while it was certainly possible for the petitioners to apply to the court, the suggestion seemed pointless and inadequate from the practical point of view. The status of the land had been fixed a very

long time ago. There could be no question that it had belonged to the German administration, and had automatically become the property of the French administration after the First World War. The petitioners had had several opportunities of challenging the title, yet they had not done so. The order of 11 February 1950 had merely confirmed the existing state of affairs. There could be little likelihood of a decision favourable to the petitioners after such a lapse of time.

The CHAIRMAN felt that the proposal merely drew the petitioner's attention to a possible line of action available to them, without necessarily recommending them to take it. It seemed unlikely that they would receive satisfaction but the possibility was not completely excluded.

He put the draft resolution, consisting of the preamble, paragraph 1 (a) as amended by the representative of the United Kingdom, 1 (b) and (c) as drafted by the Secretariat, 1 (d) as amended by the representatives of the USSR and Syria, and a paragraph 2 incorporating the Syrian representative's proposal, to the vote.

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

V. Petition from Mr. Nanton Métébé (T/PET.5/148)

Mr. SUMSKOI (Union of Soviet Socialist Republics) pointed out that the petitioner had appealed to the United Nations because his complaint to the Administering Authority had yielded no results. The Administering Authority obviously preferred the easier method of dealing with the chiefs only. The United Nations, however, should not ignore the petitioner's claims. By adopting the draft resolution, the Committee would be accepting the Administering Authority's statement, which was not sufficiently supported by evidence, that no person had any customary rights over the land in question and that the petitioner had to prove his claim against the community of Japoma. To adopt the resolution would be to ignore the petitioner's claims and the USSR delegation would accordingly vote against it.

Mr. MATHIESON (United Kingdom) said that his understanding of the petition was very different. It was quite clear that it had been the community which had agreed to relinquish the land for the purpose of building the waterworks and the community which had accepted compensation. The petitioner's claim was that some of the land had belonged to him; if, therefore, he had been wronged at all, it had been the community which had done so by handing over his land. There could be no doubt that the petitioner had no claim except against the community and the only reasonable way to deal with the petition was to note the Administering Authority's observations, as did the draft resolution before the Committee.

The CHAIRMAN put the draft resolution to the vote.

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

VI. Petition from Mr. Gabriel Tougobu (T/PET.5/150)

Mr. SUMSKOI (Union of Soviet Socialist Republics) criticized the wording of sub-paragraphs 2 (d) and (e), which again leaned heavily on the side of the Administering Authority by pointing out the social advantages and economic importance of the plantation. The Committee had had no opportunity to examine the role played by the plantation in the life of the locality, yet it had accepted the Administering Authority's remarks on that subject. In such matters, the USSR delegation stood by its well-known position of principle.

Mr. MATHIESON (United Kingdom) proposed that sub-paragraphs 2 (d) and (e) should be deleted, since they added nothing to the resolution; while such remarks might be proper in the preamble, he agreed with the USSR representative that they had no place in the text.

Mr. TARAZI (Syria) thought that, from a legal point of view, it would be inappropriate to answer the petition at all, since it was clear that the petitioner had written in his capacity as a representative of his community and not in his individual capacity. It had been made clear that the petitioner

was not in fact the properly qualified representative of the community, hence the petition was unacceptable. The resolution should therefore consist of paragraph 1 only.

Mr. MATHIESON (United Kingdom) thought that the Committee should not take too narrowly legal a point of view. The petitioner was evidently acting in a voluntary capacity as representative of the community and should not be denied a reply. The resolution noted the Administering Authority's statement that the petitioner was not the properly qualified representative, but nevertheless went on to give a comprehensive reply to the petition.

At the request of the Syrian representative, the CHAIRMAN put paragraph 1 and paragraph 2, from which sub-paragraphs (d) and (e) had been deleted, to the vote separately.

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

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

The resolution as a whole was adopted by 3 votes to none, with 3 abstentions.

Mr. SCHEYVEN (Belgium) regretted that it had not been possible to stress the benefits the Territory derived from the plantation.

Mr. TARAZI (Syria) explained that, after abstaining on paragraph 1, he had voted against paragraph 2, since he had thought it illogical to retain paragraph 2, once paragraph 1 had been adopted.

VII. Petition from Mr. Ignace Kounda (T/PET.5/198 and Add.1)

Mr. TARAZI suggested that paragraph 1 might be divided into two paragraphs, the first reading "Draws the attention of the petitioner to the statements of the Administering Authority and of its Special Representative to the effect that the petitions of the Promotions Board are final" and the second reading "Further draws the attention of the petitioner to the observations of the Administering Authority and the Special Representative to the effect that it is open to him to bring his land case before the local court of Second instance".

Mr. SUMSKOI (Union of Soviet Socialist Republics) could not support the draft resolution, since it studiously avoided any reference to the petitioner's claim that the indigenous inhabitants were denied the usufruct of their land and that illegal practices were rife in the French Cameroons.

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

VIII. Petition from Mr. Etienne Bivina (T/PET.5/199 and Add.1)

Mr. SUMSKOI (Union of Soviet Socialist Republics) pointed out that the present case was almost identical with the foregoing and that once again a resolution had been drafted solely on the basis of the Administering Authority's observations. He would vote against the draft resolution and consequently against the arbitrary expropriation of land for public purposes.

The draft resolution was adopted by 3 votes to 2, with 1 abstention.

Mr. TARAZI (Syria) explained that he had voted against the draft resolution because many points raised by the petitioner had not been answered.

IX. Petition from Mr. Pierre Libii (T/PET.5/203)

Mr. TARAZI (Syria), referring to the petitioner's allegations that Mr. Guérin had used insulting language to him, said that it should be made clear that Africans should not be addressed in such a fashion, which was an affront to their human dignity.

Mr. DOISE (France) emphasized that it was the policy of the Administering Authority to prevent such occurrences. There was, however, no evidence that Mr. Guérin had used such words and in any case the petitioner himself spoke very insultingly of the High Commissioner in his letter.

Mr. SCHEYVEN (Belgium) agreed that it was inadmissible that a European should address an African in such a manner, or vice versa. He wondered whether the petitioner could not bring an action against Mr. Guérin.

Mr. MATHIESON (United Kingdom) agreed with the representative of Belgium and noted that Mr. Guérin did not seem to be a member of the Administration.

Mr. SUMSKOI (Union of Soviet Socialist Republics) pointed out that the Administering Authority had made no reference in its observations to the fact that the petitioner had asked the Director of the Compagnie forestière for payment of the trees felled. It appeared, in fact, to take the side of the Director - a one-sided approach to the question that was quite wrong.

Mr. TARAZI (Syria) proposed the following two additional paragraphs, to precede paragraph 1 of the draft resolution which would become paragraph 3. Paragraph 1 would read: "Recommends the Administering Authority to resume the investigation into the complaint of the petitioner and to inform the Trusteeship Council of the results at the earliest possible date" and paragraph 2 would read: "Draws the attention of the petitioner to the fact that he can sue Mr. Guérin for libel".

Mr. SCHEYVEN (Belgium) could not support the proposal that the Administering Authority should resume its investigation. It was obvious that a full investigation had already been made and had shown that the petitioner was not entitled to any compensation for damages.

Mr. TARAZI (Syria) proposed the following amended version of his proposed paragraph 1: "Recommends the Administering Authority to resume its investigation of the case and furnish the Trusteeship Council with additional information at the earliest possible date".

Mr. PETHERBRIDGE (Australia) could not support the second paragraph proposed by the Syrian representative. It was inadvisable that a resolution should refer to abuse exchanged during a heated discussion.

Mr. MATHIESON (United Kingdom) agreed with the representative of Australia. It would be sufficient to record the fact that members of the Committee thought it regrettable that Mr. Guérin had used such words, without making any reference to it in the resolution.

The CHAIRMAN proposed that the three paragraphs of the resolution should be put to the vote separately.

Paragraph 1 was adopted by 4 votes to none, with 2 abstentions.

A vote was taken on paragraph 2.

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. Paragraph 2 was not adopted.

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

The resolution as a whole, consisting of paragraphs 1 and 3, was approved by 2 votes to none, with 4 abstentions.

The meeting rose at 6 p.m.