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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE TWO HUNDRED AND THIRD MEETING

Held at Headquarters, New York,  
on Monday, 10 January 1955, at 1.05 p.m.

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CONTENTS

Programme of meetings

Petitions concerning the Trust Territory of the Cameroons under  
French Administration (T/C.2/L.116)

PRESENT:

Chairman:

Mr. TARAZI

Syria

Members:

Mr. MASSONET

Belgium

Mr. BARGUES

France

Mr. SINGH

India

Mr. KARTSEV

Union of Soviet Socialist  
Republics

Mr. CRAMER

United States of America

Also present:

Mr. BECQUEY

Special Representative of  
the Administering  
Authority for the Trust  
Territory of the Cameroons  
under French  
Administration

Secretariat:

Mr. COHEN

Under-Secretary in charge  
of the Department of  
Trusteeship and  
Information from Non-  
Self-Governing  
Territories

Mr. RANKIN

Secretary of the Committee

## PROGRAMME OF MEETINGS

The CHAIRMAN welcomed Mr. Cohen, the new Under-Secretary in charge of the Department of Trusteeship and Information from Non-Self-Governing Territories; he was glad that Mr. Cohen would be lending his outstanding talents to the service of the Trust and Non-Self-Governing Territories.

Mr. COHEN (Under-Secretary) thanked the Chairman for his kind words and assured the Committee that he would pursue his predecessor's policy in the same spirit of true co-operation.

Mr. SINGH (India) associated himself with the Chairman's welcome to Mr. Cohen. He thought that the Committee should decide on the programme of its meetings before it began to consider the petitions. He proposed that meetings should be shorter and more frequent.

After an exchange of views, it was decided that the Committee would meet, in principle, from 10.45 a.m. to 1 p.m. and from 2.30 p.m. to 5.30 p.m.

## PETITIONS CONCERNING THE CAMEROONS UNDER FRENCH ADMINISTRATION (T/C.2/L.116)

At the invitation of the Chairman, Mr. Becquey (Special Representative for the Cameroons under French Administration) took his place at the Committee table.

I. Petition from inhabitants of the village of Beng-Nyong (T/PET.5/233)

Mr. MASSONET (Belgium) asked for some information on regulations governing forest conservation in the Cameroons under French administration.

Mr. BECQUEY (Special Representative) said that the Administering Authority had promulgated a series of decrees and orders for the conservation of the Territory's forests, the protection of the soil and the climate. Those measures were described in detail in the Administering Authority's annual report. The forests of the territory were divided into two categories. An order of the High Commissioner determined the "forest reserves", where the felling rights of the indigenous inhabitants and Europeans were limited: it was forbidden, for example, to cut down trees and shrubs or to pass through

(Mr. Becquey, Special Representative)

reafforestation areas. Other forests, which formed a part of the general forest area, were protected by less restrictive measures: the use of some types of wood was subject to a felling licence issued by the Chief Subdivisional Officer and to the payment of a tax for the local budget.

Mr. MASSONET (Belgium) referred to the Administering Authority's remarks, quoted in paragraph 7, and asked whether a palaver had in fact been held before the classification of the land in question.

Mr. BECQUEY (Special Representative) said that palavers had been held in 1935 and 1936. The reserve had been established by an Order of 8 October 1936 which had not given rise to any objections. There had been no difficulties with regard to forest reserves before 1939, because the area of arable land had not then been limited. Moreover, the petitioners were not "reduced to living as poor nomads", for there was plenty of free arable land in the Sanaga-Maritime.

Mr. SINGH (India) asked what was meant by the term "palaver".

Mr. BECQUEY (Special Representative) explained that a palaver was an oral procedure which enabled the Administration to inform the population of its intentions and to ascertain the objections and wishes of the inhabitants. Before classifying any land as a forest reserve, the authorities circulated the news that a palaver was to be held. When the inhabitants of the village, especially the notables, were gathered together, everyone went to the land to establish its exact position. Any person with a special right to the land was entitled to object. Nevertheless, if it was in the public interest for the land to be classified and if the owner consented to it, he received compensation.

Mr. SINGH (India) asked what was meant by the term "vacant and ownerless land".

Mr. BECQUEY (Special Representative) replied that the concept of "vacant and ownerless land" had already been explained at previous sessions of the Trusteeship Council. Land was declared "vacant" when it was not occupied and "ownerless" when it was not appropriated. To understand that concept, it must be viewed in its African historical context. Until quite recently, the tribes had been in the habit of abandoning their land as it became exhausted. The boundaries of the land of each tribe had varied according to the fortunes of war. The Administration had been unable to stabilize the situation arbitrarily and the concept of "vacant and ownerless land" had been evolved to indicate land which remained available to the community. Under the Treaty of Versailles, all former German Crown lands had become the property of the Territory. All vacant land therefore went to the Territory, which could either assign it to individuals or set up public buildings on it. The allocation of such land did not entail payment of any compensation, because it had no rightful owners.

Mr. CRAMER (United States of America) asked what steps the Administration had taken to explain to the population the exact boundaries of the forest reserves.

Mr. KARTSEV (Union of Soviet Socialist Republics) wanted to know what the Administering Authority had done to overcome the disadvantages that the establishment of such reserves entailed.

Mr. BECQUEY (Special Representative), drawing attention to the danger of deforestation in tropical regions for the future of the population, said that it was sometimes impossible to authorize the inhabitants to extend their crops. It had, however, always been the policy of the Administration to increase the means of communication and thus to promote the dispersion of the population; the second part of the development plan provided measures to that end.

(Mr. Becquey, Special Representative)

It was often difficult to mark the boundaries of the reserves in tropical forests. Moreover, reforestation sometimes extended to the areas adjacent to the forest reserves. In the case referred to in the petition, the Controller of Water and Forestry had retraced the boundaries by agreement with the population, as was done periodically.

Mr. MASSONET (Belgium) thought that the petitioners' attention might be drawn to the fact that the boundaries of the reserve had been delimited after the holding of a palaver on 8 October 1936, and to the Administering Authority's statement that the indigenous inhabitants had enough arable land for their needs.

Mr. CRAMER (United States of America) also felt that the petitioners' attention should be drawn to the Special Representative's explanations.

The CHAIRMAN, speaking as the Syrian representative, asked the Special Representative whether the petitioners' complaint might be made the subject of an appeal to the courts.

Mr. BECQUEY (Special Representative) explained that there was no appeal against the results of the palaver, nor could the order of classification be rescinded, for the necessary appeal should have been lodged within three months. Under French administrative law, no compensation was payable when rights were lost. He did not therefore think that the petitioners should be advised to appeal to the courts. They would certainly lose their appeal and would probably harbour resentment against the Administration and the Trusteeship Council.

The CHAIRMAN acknowledged the force of the Special Representative's remark but wondered whether the petitioners could ask compensation for any damages they had suffered through the classification of the area as a reserve.

Mr. KARTSEV (Union of Soviet Socialist Republics) felt that the Trusteeship Council's resolution on the petition should stress the fact that the establishment of forest reserves was generally advantageous and even necessary but that it should above all be in the interests of the indigenous inhabitants.



Mr. BARGUES (France) pointed out that most of the soil in Africa was not very fertile and had often been further impoverished by the methods used by the indigenous inhabitants. In more advanced countries where the same problem had arisen, the inhabitants had fully understood the necessity for such measures as reforestation. In Africa, the people were not yet sufficiently educated to understand the advantage of forest reserves. Strict regulations were therefore necessary, while at the same time persuasive efforts should be made to show the indigenous inhabitants that the future interests of the Territory might sometimes call for the adoption of measures which did not always appear to suit their immediate interests. The Trusteeship Council could doubtless include an observation to that effect in its resolution.

The CHAIRMAN requested the Secretariat to prepare a draft resolution in the light of the suggestions made during the discussion.

II. Petition from the "Union des Populations du Cameroun", Comité Ngonga-Ndogbianga (T/PET.5/261)

Mr. BECQUEY (Special Representative) pointed out a slight drafting error in the opening sentence of paragraph 5. The sentence should read: "The Société..., managed by Mr. Chamault, and Mr. Lutz, hold...".

The CHAIRMAN, speaking as the Syrian representative, inquired what was the basis of taxation in the Trust Territory.

Mr. BECQUEY (Special Representative) explained that the tax rate for the various regions was established by the Territorial Assembly. The inhabitants were divided into four categories: the bulk of the population, which made up the third category, paid the basic poll tax. The first and second categories paid a multiple of that tax, whilst the fourth category paid a fraction of it. The social welfare tax was also subject to a coefficient, though not the same as that for the personal tax. In classifying the inhabitants in one of the four categories the Administration took into account their personal situation, their real and personal property and their economic activity. It went without saying that, contrary to the petitioners' allegations, political allegiance had never been a factor in the tax classification of the inhabitants.

Mr. KARTSEV (Union of Soviet Socialist Republics) noted that the petitioners complained of the lack of schools. The Administering Authority had given the number of schools in the subdivision but had not said how many pupils there were. He wondered whether the Special Representative could provide that figure.

Mr. BECQUEY (Special Representative) was unable to do so. He could tell the Committee, however, by way of guidance, that one of the Administration's schools had six classes, the others had four classes and the mission schools had three or four classes; generally speaking, there were between thirty and forty pupils in a class.

The CHAIRMAN requested the Secretariat to prepare a draft resolution in which the Trusteeship Council would call the petitioners' attention to the Administering Authority's observations.

III. Petition from the Bureau of the Mungo Regional Section of the "Union des Populations du Cameroun" (T/PET.5/255)

Mr. SINGH (India) asked whether Mr. Ngongo had been informed, at the same time as the Committee, that the Catholic Mission had given up its project.

Mr. BECQUEY (Special Representative) thought that the Secretariat must have forwarded the Trusteeship Council's resolution to the petitioners. He explained that at the moment the Mission was no longer abandoning its project, for the reasons given in paragraph 5. Nevertheless, the Mission had been notified that it had no right to carry out any work until it had obtained a valid deed of concession. The matter was still sub judice. He would point out that the Administration had never approached the petitioners to make them withdraw their opposition; on the contrary, it had approached the Mission to remind it that it must observe the regular procedure.

Mr. SINCH (India) said that he would like to know whether the petitioners had been informed by the Administration itself. It seemed to him that if that had been done nothing more would have been heard of the affair. Paragraph 3 shows that the Administration had decided that the landowners' objections were valid.



(Mr. Singh, India)

He asked whether the Administering Authority had told the petitioners that it had notified the Mission that it had no right to carry out any work until it had obtained a valid deed of concession.

Mr. BECQUEY (Special Representative) replied that the Chief Regional Officer had assured Mr. Ngongo that he could continue to use the land so far as he was permitted to do so by the customary chief. In the dispute in question Mr. Ngongo and Mr. Simo enjoyed the protection of the Administering Authority and they were well aware of the fact.

Mr. KARTSEV (Union of Soviet Socialist Republics) drew the Committee's attention to paragraph 2, which appeared to contradict the Special Representative's explanations.

Mr. BECQUEY (Special Representative) could only confirm what he had said: Mr. Ngongo was still in possession of the land; the Mission had occupied it temporarily and had then withdrawn.

Mr. MASSONET (Belgium) asked whether the events described in paragraph 5 had preceded or followed those described in paragraph 2.

Mr. BECQUEY (Special Representative) said that the decision of the Court of Second Degree of Dschang, which had rejected Mr. Simo's claim, had been given on 13 May 1953. Mr. Ngongo had appealed on 25 May and his appeal had been rejected on 11 August by the Ratification Chamber (Chambre d'Homologation), which had decided that Mr. Ngongo would not contest a decision given against Mr. Simo. The Mission had then thought that it could begin clearing the land. The petition was clearly subsequent to the Court decision and the Mission's action.

The CHAIRMAN, speaking as the Syrian representative, asked whether Mr. Ngongo had in fact been arrested, as stated in paragraph 2. In paragraph 6, it was stated that Mr. Ngongo had been "requested to go to Bafoussam to put the matter in order". He wondered whether that meant that he had been ordered to appear.

Mr. BECQUEY (Special Representative) stated that no warrant for the appearance or arrest of Mr. Ngongo had been issued. During an interview, Mr. Ngongo had exchanged words with the Chief Subdivisional Officer, who had asked him whether he had paid his taxes. Upon Mr. Ngongo saying that he had not, the Chief Subdivisional Officer had asked him to do so as soon as possible, and Mr. Ngongo had willingly complied.

Mr. MASSONET (Belgium) said that, on Mr. Ngongo's complaint, the Mission had been notified that it had no right to carry out any work until it had obtained a valid deed of concession. He asked whether the date of that complaint coincided with the date of despatch of the petition.

Mr. BECQUEY (Special Representative) said that it did. As soon as the Chief Regional Officer had been notified of Mr. Ngongo's complaint, at the beginning of 1954, he had notified the Mission that it had no right to establish itself on the land in question.

Mr. MASSONET (Belgium) considered that in view of the action taken by the Administration Mr. Ngongo had obtained satisfaction. The Trusteeship Council could therefore confine itself to drawing the petitioner's attention to the observations of the Administering Authority.

The CHAIRMAN asked the Secretariat to prepare a draft resolution on those lines.

IV. Petition from Mr. Paul Kohn (T/PET.5/266 and Add.1)  
Petition from Mr. Joseph Mbatoulé (T/PET.5/279)

The CHAIRMAN announced that the consideration of the above petitions would be postponed in order to enable the Committee to study some new documents relating to them.

V. Petition from the Bureau du Comité de Base de l'Union des populations du Cameroun at Song Mandeng (T/PET.5/234)

Mr. KARTSEV (Union of Soviet Socialist Republics) did not think that the Committee could consider the substance of the petition until the Administering Authority had submitted its observations on the important questions that the petitioners had raised.

Mr. BECQUEY (Special Representative) pointed out that the Soviet Union representative's suggestion placed the Administering Authority in a difficult position. The representative of the local committee of the UPC had refused to discuss the petition when he had been invited to do so by the Administration. Consequently, he did not see how the Administering Authority could obtain additional information on the grievances of the petitioners, who would probably continue to adopt the same attitude. He asked that the Administration should not be requested to take any action in the matter in view of the fact that the petitioners refused to reply. Moreover, the charges made in most of the petitions were vague and unfounded.

Mr. KARTSEV (Union of Soviet Socialist Republics) admitted that in the present case the petitioners' grievances were not very specific. Nevertheless, he thought that the Committee should ask the petitioners to furnish additional information and he proposed that a telegram to that effect should be sent to them, in order to save time.

The CHAIRMAN shared the views of the Soviet Union representative and did not think that any decision should be taken until a reply had been received from the petitioners.

Mr. MASSONET (Belgium), too, considered that the petitioners should provide more detailed information but he did not think that time would be saved by sending a telegram, as the Administering Authority would have to undertake new inquiries in the Territory on the basis of the details provided by the petitioners; in any case, it did not seem that the Council could take a decision at its forthcoming session. He proposed that the draft resolution should draw

(Mr. Massonet, Belgium)

the attention of the petitioners to the fact that the Administering Authority had not found in the petition sufficiently precise data to enable it to submit specific observations.

Mr. CRAMER (United States of America) shared the views of the Belgian representative. If the petitioners had had more specific complaints to make, they would have done so.

Mr. RANKIN (Secretary of the Committee) pointed out that in similar cases the Committee had adopted the following formula: "the Trusteeship Council draws the attention of the petitioners to the fact that the charges which they level against the Administration are vague and that the Council cannot examine these charges unless they are substantiated".

Mr. SINGH (India) opposed the sending of a telegram. To appear to attach great importance to that question would give the impression that the Council was going to adopt a decision on the petition that it would probably not adopt. Moreover, even if the petitioners replied within a week the Administering Authority was allowed two months in which to carry out its inquiry, the results of which would probably not be transmitted until after the forthcoming session of the Council. It would be better, therefore, to leave it to the petitioners to supply additional information if they so wished. Moreover, the Union des populations du Cameroun could take advantage of the presence of the Visiting Mission to lay their grievances before it.

The CHAIRMAN said that the Secretariat would take the Belgian representative's proposal into consideration in preparing the draft resolution.

VI. Petition from the "Union des populations du Cameroun" (T/PET.5/L.13)

VII. Petition from the representatives of various Bamiléké villages (T/PET.5/L.2)

The CHAIRMAN said that the two petitions might well be considered simultaneously, since they dealt with the same subjects.

Mr. SINGH (India), referring to paragraph 4 of section VII, asked whether the Visiting Mission which had made only one stop in the Bamiléké region, had been able to gain a clear understanding of the situation. He suggested that the 1955 Visiting Mission should spend longer in the region.

Mr. BECQUEY (Special Representative) pointed out that it was difficult to establish precise rules regarding the number and duration of visits a Visiting Mission should make to any given region; he doubted whether longer visits would have enabled the Visiting Mission to gain a clearer insight into the situation. Moreover, he could not make any proposals for the Visiting Mission that was to go to the Cameroons in 1955, since he had not received instructions from his Government on that subject.

Mr. BARGUES (France) pointed out that the itinerary of the next Visiting Mission to the Cameroons was a matter for the Trusteeship Council to decide. He, for his part, could assure the Committee that the Administering Authority would be glad to welcome the Visiting Mission in any region that it might care to visit.

Mr. KARTSEV (Union of Soviet Socialist Republics), referring to paragraph 4 of section VII, pointed out that, according to the petitioners, "the 1952 Visiting Mission failed to make ... contact with the mass of the Cameroonian people ...". It might be advisable for the Council to recommend that the next Visiting Mission should establish closer contact with the population. The petitioners also complained that "several so-called chiefs have been forced to sign petitions that they did not draw up or which in other ways were contrary to their opinions". He asked whether the Special Representative had any experience of such doings.

Mr. BECQUEY (Special Representative) said that anyone familiar with Africa knew that it was easy to obtain a signature for a claim or a letter. It had often happened that alleged petitioners had not known that their names had been used. It was possible that someone had forced the chief to sign

(Mr. Becquey, Special Representative)

petitions that they had not drawn up but he did not know of any such cases and could not give any information on the matter. He assumed that, speaking of "so-called chiefs" in the petition in document T/PET.5/L.20, the petitioners were referring to chiefs whose legitimate authority they did not recognize.

Mr. MASSONET (Belgium) thought that the Committee would be exceeding its terms of reference if it recommended that the Visiting Mission should establish closer contact with the Bamiléké people. He pointed out that any delegation could make suggestions to the Trusteeship Council regarding the itinerary of the Visiting Mission and he asked the Soviet Union representative not to maintain his proposal.

Mr. KARTSEV (Union of Soviet Socialist Republics) said that he had not made a formal proposal. He would not press the point, but would ask the Chairman to mention the matter to the Trusteeship Council.

The CHAIRMAN observed that the Council would consider the questions raised by the petitioners when it studied the part of the report dealing with education and health. At the present stage, however, the attention of the petitioners could be drawn to the observations that the Trusteeship Council would make on those matters.

Mr. SINGH (India) and Mr. MASSONET (Belgium) supported that proposal.

The CHAIRMAN said that the proposal would be taken into account in the draft resolution which the Secretariat would prepare.

The meeting rose at 5.50 p.m.