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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE TWO HUNDRED AND SIXTEENTH MEETING

Held at Headquarters, New York,
on Tuesday, 25 January 1955, at 2.40 p.m.

CONTENTS

Petitions and communications circulated under, respectively, rule 85, paragraph 2, and rule 24 (T/C.2/L.128)

Special information furnished by the Administering Authority on measures taken as a result of recommendations of the Trusteeship Council on certain petitions concerning the Cameroons under French Administration (T/OBS.5/37, T/OBS.5/41)

Petitions concerning Togoland under French Administration (T/C.2/L.115)

PRESENT:

<u>Chairman:</u>	Mr. TARAZI	Syria
<u>Members:</u>	Mr. MASSONET)	Belgium
	Mr. SCHEYVEN)	
	Mr. MAX	France
	Mr. SINGH	India
	Mr. KARTSEV	Union of Soviet Socialist Republics
	Mr. CRAMER	United States of America
<u>Also present:</u>	Mr. APEDO AMAH	Special Representative of the Administering Authority for the Trust Territory of Togoland under French Administration
<u>Secretariat:</u>	Mr. RANKIN	Secretary of the Committee

PETITIONS AND COMMUNICATIONS CIRCULATED UNDER, RESPECTIVELY, RULE 85, PARAGRAPH 2 AND RULE 24 (T/C.2/L.128)

The CHAIRMAN asked the Committee to examine document T/C.2/L.128, in order to determine whether the classification proposed by the Secretariat needed to be changed in the case of any communications.

Mr. MASSONET (Belgium) did not think it was necessary to examine each communication in turn; it would be better if members of the Committee would indicate any communications to which they would like the established procedure concerning petitions to be applied.

The CHAIRMAN pointed out that it was the usual practice of the Committee to examine each communication in turn. That procedure had proved to be the most practical and the most rapid and he therefore proposed that it should be followed.

It was so decided.

Communications concerning Tanganyika

1. T/COM.2/L.16

The classification proposed by the Secretariat was adopted.

2. T/COM.2/L.17

The CHAIRMAN, speaking as the representative of Syria, proposed that the established procedure concerning petitions should be applied to the communication.

Mr. SINGH (India) asked whether the Trusteeship Council had before it any petition dealing with the same subject.

Mr. RANKIN (Secretary of the Committee) replied that a similar petition on which the Administering Authority had already submitted its observations was included in the agenda of the fifteenth session of the Trusteeship Council.

(Mr. Rankin, Secretary of the Committee)

The Committee might therefore consider that that petition and the communication contained in document T/COM.2/L.17 should be examined together. If, however, the Administering Authority pointed out that the two-months' rule had not been observed with respect to the communication, the examination of the latter would have to be postponed to the sixteenth session.

Mr. SINGH (India) did not think that that consideration should influence the classification of document T/COM.2/L.17. All that the Committee had to decide at present was whether the established procedure concerning petitions should be applied to the communication.

Mr. KARTSEV (Union of Soviet Socialist Republics) agreed and supported the Syrian representative's proposal.

The CHAIRMAN put to the vote the proposal that the established procedure concerning petitions should be applied to document T/COM.2/L.17.

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

3. T/COM.2/L.18

The classification proposed by the Secretariat was adopted.

4. T/COM.2/L.19

The classification proposed by the Secretariat was adopted.

5. T/COM.2/L.20

The classification proposed by the Secretariat was adopted.

6. T/COM.2/L.21

The classification proposed by the Secretariat was adopted.

7. T/COM.2/L.22

The classification proposed by the Secretariat was adopted.

Communication concerning Ruanda-Urundi

8. T/COM.3/L.17

Mr. MASSONET (Belgium) endorsed the Secretariat's suggestion that the Committee should deal with communication T/COM.3/L.17 when it examined petition T/PET.3/77. All that was necessary for that purpose was to include a summary of the communication in the working paper in which the summary of the petition and of the Administering Authority's observations would appear.

The CHAIRMAN accordingly proposed that the classification proposed by the Secretariat should be adopted, on the understanding that the communication would be examined together with petition T/PET.3/77.

It was so decided.

Communications concerning the Cameroons under French Administration

9. T/COM.5/L.69

The classification proposed by the Secretariat was adopted.

10-15. T/COM.5/L.70-76

Mr. CRAMER (United States of America) thought that the six communications could be examined simultaneously, since they were merely copies of letters which were not addressed to the United Nations and whose authors did not ask for any action on its part.

Mr. MASSONET (Belgium) agreed and pointed out that it was the established practice of the Trusteeship Council to take no action on such communications.

The classification proposed by the Secretariat was adopted.

16. T/COM.5/L.77

The classification proposed by the Secretariat was adopted.

17. T/COM.5/L.78

The classification proposed by the Secretariat was adopted.

18. T/COM.5/L.79

The CHAIRMAN, speaking as the representative of Syria, pointed out that the communication from Mr. Tchalle was a reply to a Trusteeship Council resolution. In view of the nature of the document, he proposed that it should be treated as a petition.

Mr. MASSONET (Belgium) did not consider that the communication presented any new factors. In contradicting the observations of the Administering Authority, Mr. Tchalle had gone so far as to deny the very existence of the court which had dealt with his case. There was every reason, therefore, to doubt Mr. Tchalle's sincerity and to decide that his communication did not deserve to be examined by the Committee.

Mr. MAX (France) pointed out that Mr. Tchalle merely contradicted the observations of the Administering Authority and put forward a few considerations, but he did not make the slightest request. His communication should not, therefore, be treated as a petition.

Mr. SINGH (India) noted that the Secretariat felt, in all objectivity, that the Committee might wish to apply the established procedure for petitions to that communication. He was therefore inclined to give Mr. Tchalle the benefit of the doubt and to support the Syrian representative's proposal.

The CHAIRMAN pointed out that at the end of his letter Mr. Tchalle claimed the payment of the compensation referred to in his previous petitions. It was therefore logical to treat his letter as a real petition.

Mr. CRAMER (United States of America) agreed with the Belgian and French representatives. Having exhausted all his arguments in justification of his recriminations and anxious to retain the Trusteeship Council's attention, Mr. Tchalle had been reduced to denying the existence of the court which had dealt with his request for compensation and which had handed down a judgment on which official action had been taken. Accordingly it was difficult to treat a communication of that kind as a petition.

The Syrian representative's proposal was put 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 classification proposed by the Secretariat was adopted.

The CHAIRMAN, speaking as the representative of Syria, explained that he had proposed that the established procedure concerning petitions should be applied to communication T/COM.5/L.79 and had voted in favour of that proposal because he felt that the confidence that the indigenous inhabitants of Trust Territories had placed in the United Nations should be strengthened to the utmost degree if the Charter and the Trusteeship Agreements were to be implemented effectively. The Committee would be failing in its duty if it refused to examine communications whose authors undoubtedly had good reasons for writing to the United Nations. The Committee's decision was particularly regrettable in the present case, in view of the contents of Mr. Tchalle's communication.

Mr. CRAMER (United States of America) explained that the very same reasons had prompted him to vote against the Syrian representative's proposal. If it was desired that the indigenous inhabitants of the Trust Territories should have genuine confidence in the United Nations, and especially in the Trusteeship System, the Committee should not jeopardize the prestige and dignity of the United Nations by examining such unreasonable communications as that of Mr. Tchalle. By refusing to apply to that communication the procedure established for petitions the Committee had acted in the interest both of the Council and of the inhabitants of the Trust Territories.

The CHAIRMAN pointed out that all the communications dealt with in paragraphs 19 to 27 related to general questions; he proposed that the Committee should consider them all together.

It was so decided.

19-27. T/PET.5/L.26 to L.34

The classification proposed by the Secretariat was adopted.

Communications concerning Togoland under British Administration

28. T/COM.6/L.46

The classification proposed by the Secretariat was adopted.

29. T/COM.6/L.47

The classification proposed by the Secretariat was adopted.

Mr. CRAMER (United States of America) pointed out that the writers of the communication dealt with in paragraphs 30 to 34 did not ask for United Nations intervention; he therefore proposed that the Committee should examine those communications together.

It was so decided.

30-34. T/COM.6/L.48, T/COM.6/L.49, T/COM.6/L.50 and Add.1, T/COM.6/L.51,
T/COM.6/L.52

The classification proposed by the Secretariat was adopted.

The CHAIRMAN said that the communications dealt with in paragraphs 35 to 38 were all concerned with the Togoland unification question; he therefore proposed that the Committee should examine them together.

It was so decided.

35-38. T/PET.6/L.52 to L.55

The classification proposed by the Secretariat was adopted.

Communication concerning Togoland under British Administration and Togoland under French Administration

39. T/PET.6 and 7/L.41

The classification proposed by the Secretariat was adopted.

Communications concerning Togoland under French Administration

40. T/COM.7/L.23

Mr. KARTSEV (Union of Soviet Socialist Republics) noted that the writer of the communication denied all the Administering Authority's observations on his petition (T/PET.7/368) and gave new facts. He therefore felt that the communication required detailed examination and he proposed that the established procedure should be applied to it.

Mr. MAX (France) pointed out that the communication contained a series of denials couched in discourteous language. Mr. Agbétété had already sent many petitions to the United Nations and could if he wished send others; that being so, there seemed to be no reason why the established procedure should be applied to the communication if such was not Mr. Agbétété's intention.

A vote was taken on communication T/COM.7/L.23.

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 classification proposed by the Secretariat was adopted.

41. T/COM.7/L.24

The classification proposed by the Secretariat was adopted.

42. T/COM.7/L.25

The classification proposed by the Secretariat was adopted.

43. T/COM.7/L.26

The classification proposed by the Secretariat was adopted.

Communications concerning Somaliland under Italian Administration

Mr. CRAMER (United States of America) noted that the writer of communication T/COM.11/L.134 did not request United Nations intervention and that the communications dealt with in paragraphs 44 and 45 and in paragraphs 47 to 50 had been sent to the Council for information only; he therefore proposed that those communications should be considered together.

It was so decided.

44-50. T/COM.11/L.132 to L.138

The classification proposed by the Secretariat was adopted.

51. T/COM.11/L.139

The CHAIRMAN proposed that the communication should be attached to the petition which Mr. Charmarké had subsequently sent on the same subject.

It was so decided.

52. T/COM.11/L.140

The classification proposed by the Secretariat was adopted.

53. T/COM.11/L.141

The classification proposed by the Secretariat was adopted.

54. T/COM.11/L.142

The classification proposed by the Secretariat was adopted.

55. T/COM.11/L.143

The classification proposed by the Secretariat was adopted.

The CHAIRMAN noted that the communications dealt with in paragraphs 56 to 58 had been sent to the Council only for information; he proposed that they should be examined together.

It was so decided.

56-58. T/COM.11/L.144, T/COM.11/L.145, T/COM.11/L.146

The classification proposed by the Secretariat was adopted.

The meeting was suspended at 4 p.m. and resumed at 4.30 p.m.

SPECIAL INFORMATION FURNISHED BY THE ADMINISTERING AUTHORITY ON MEASURES TAKEN AS A RESULT OF RECOMMENDATIONS OF THE TRUSTEESHIP COUNCIL ON CERTAIN PETITIONS CONCERNING THE CAMEROONS UNDER FRENCH ADMINISTRATION (T/OBS.5/37, T/OBS.5/41)

The CHAIRMAN read out the draft report (T/C.2/L.130) which the Secretariat had prepared on the documents which appeared under the above agenda item. Those documents would be examined after the draft report had been published.

PETITIONS CONCERNING THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION (T/C.2/L.115)

At the invitation of the Chairman, Mr. Apedo Amah, Special Representative of the Administering Authority for the Trust Territories of Togoland under French Administration, took a place at the Committee table.

The CHAIRMAN welcomed the Special Representative and expressed the hope that the information given by Mr. Amah would enable the Committee to perform its work to the utmost advantage.

He invited the Committee to begin its examination of document T/C.2/L.115.

I. Petition from the Chairman of the Women's Division of the "Comité de l'Unité Togolaise" (T/PET.7/L.6)

Mr. SINGH (India) pointed out that the Committee was not in possession of sufficient information on the petition, despite the fact that it had been received more than a year previously. The Indian delegation noticed that that situation was constantly recurring.

Rule 90, paragraph 4, of the rules of procedure of the Trusteeship Council provided that the Standing Committee on Petitions "may formulate any questions to be submitted to the Administering Authority, or to the Special Representative, and may instruct the Secretariat to carry out studies or undertake such preparatory work as the Standing Committee may deem necessary." The question of insufficient information was therefore within the competence of the Committee, which should study it carefully.

The Committee examined petitions six months or more after receiving them. In many cases, the Administering Authority pointed out in its written observations that the petition was too vague and that it was impossible, from the information supplied, to reply to the complaints made. It should surely be possible to find a way of obtaining additional information. There seemed to be several possibilities.

Firstly, a preliminary examination could be made of each petition and of the Administering Authority's observations. That might be done by the Committee itself, by a sub-committee of two or three members, by the Chairman of the Committee, or individually by the various members of the Committee, who would then be entitled to request the Secretariat to obtain supplementary data.

(Mr. Singh, India)

Another method would be to instruct the Secretariat to make the examination and if necessary to ask the petitioners to forward more specific information. The Secretariat could write to a petitioner that his complaints were too vague and that the Trusteeship Council could not examine his petition unless he was more explicit. In doubtful cases, the Secretariat could ask the Chairman's advice and he, if he thought necessary, could consult the Committee.

A third method, which seemed to be the most natural one and would have the advantage of placing no additional burden on the Secretariat, would be to point out to the petitioners - for instance, in the memorandum sent out by the Secretariat with the acknowledgment of receipt of the petition - that his complaint could not be properly examined unless the Trusteeship Council had more specific information and, consequently, unless the petitioner supplied such information to the Administering Authority when so requested. It would be well to point out to petitioners that it was to their advantage to co-operate with the Administering Authority in the matter.

There might be other possible solutions; it would be useful if all members of the Committee were to submit suggestions and the Committee could examine them, so that the Trusteeship Council might be aware of every aspect of the problem when it came up for consideration.

Mr. KARTSEV (Union of Soviet Socialist Republics), too, was surprised that the petition, received in September 1953, had not come before the Committee for consideration until January 1955; it was unfortunate that the Committee had no further information and he associated himself with the Indian representative's general remark.

He went on to emphasize the serious nature of the charges brought by the petitioner, which raised general questions such as those of freedom of speech, freedom of the press, freedom of association, respect for human rights and so on. He accordingly proposed that the Committee should request the Chairman to draw the Council's attention to that petition when it examined the Administering Authority's report.

Mr. SCHEYVEN (Belgium) said that the petitioner's statements were regrettably vague, which made him wonder whether they were really justified. He recalled an incident which had occurred when the 1952 Visiting Mission, of which he had been a member, had been in Togoland. About twenty petitioners, each with one or more limbs in plaster, had come to the Visiting Mission to complain about the cruelty they had allegedly suffered at the hands of the Administering Authority because of their political allegiance. The members of the Visiting Mission had thereupon had the petitioners examined by doctors, who had found, upon removal of the plaster, that their limbs bore no trace whatever of fractures or sprains. He feared that Mrs. Agbuissi's accusations might be just as unfounded as those he had mentioned. He stressed that the Administering Authority was only too eager to punish anyone guilty of malpractice and he therefore proposed that, in the draft resolution on that petition, the Council should draw the petitioner's attention to the observations of the Administering Authority.

The CHAIRMAN said that the suggestions that had been made would be taken into account.

II. Petition from Mr. A. Isidore S&Co (T/PET.7/L.7)

Mr. SINGH (India) asked whether the itineraries of visiting missions were communicated to the inhabitants of Trust Territories long enough in advance to enable the leaders of the various parties or organizations to prepare for the interviews they wished to have with the members of the mission. He asked what steps the Administration proposed to take, when the next Visiting Mission went to Togoland under French Administration, to inform the inhabitants about the Mission's membership, itinerary and programme.

Mr. APEDO AMAH (Special Representative) replied that as soon as the Administration heard that a United Nations visiting mission was to come to the Territory, it announced the fact in the Bulletin d'information and spread the news among the inhabitants through the press or the Commandants de cercle.

(Mr. Apedo Amah,
Special Representative)

As soon as the itinerary was fixed, it was made known to the people in the same manner. Finally, when the mission arrived on the spot, any individuals or associations were free to meet its members.

Mr. SCHEYVEN (Belgium) confirmed that the last United Nations Visiting Mission to Togoland under French Administration, of which he had been a member, had seen for itself newspapers which gave very detailed accounts of its membership, itinerary and time-table. In fact, the welcome prepared for the Mission in all the places through which it had passed showed that the inhabitants must have known several days or even weeks beforehand that it was to come, since some of them had travelled long distances to see it. Members of the different parties, in particular, seemed to have been notified of the route a long time in advance.

Mr. SINGH (India) proposed that not only the Administering Authority but also the competent services of the United Nations should give even wider publicity to the visiting missions' programmes, so that the inhabitants might send in their applications for interviews well in advance.

Mr. KARTSEV (Union of Soviet Socialist Republics) asked why more than a year had elapsed between the arrest and sentencing of the persons concerned.

Mr. APEDO AMAH (Special Representative) pointed out that the prisoners in question had been sentenced by the Court of Assizes in January 1954. It was not unusual, in such criminal cases, for an inquiry to last more than a year.

Mr. SCHEYVEN (Belgium) drew attention to the fact that the author of the petition was unknown; the petition could therefore be looked upon as anonymous.

The CHAIRMAN referred to the provisions of the French Code of Civil Procedure and asked whether the Administration had inquired into the petitioner's identity.

Mr. MAX (France) stated that the village mentioned in the petition did not exist. Since it was not a matter of a lawsuit, it was not the Administering Authority's duty to open an official investigation into the identity of the writer of the petition. The Administration's main concern had been to find out whether the facts alleged in the petition were true. The information collected led to the belief that they were not.

Mr. SINGH (India) said that his delegation had always been convinced that petitioners should be granted the benefit of the doubt: when petitions were indefinite or badly drafted, the Committee must obtain additional information. In the case in point, if the observations of the Administering Authority were brought to the petitioner's notice, he would certainly understand that he must send fuller particulars.

Mr. CRAMER (United States of America) supported that proposal.

The CHAIRMAN invited the Secretariat to take note of the suggestions put forward.

The meeting rose at 5.30 p.m.