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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE THREE HUNDRED AND NINETY-FIFTH MEETING

Held at Headquarters, New York,
on Thursday, 19 July 1956, at 10.40 a.m.

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PRESENT:

<u>Chairman:</u>	Mr. de CAMARET	France
<u>Members:</u>	Mr. SMOLDEREN	Belgium
	U PAW HTIN	Burma
	Mr. YANG	China
	Mr. BENDRYSHEV	Union of Soviet Socialist Republics
	Mr. TODMAN	United States of America
<u>Also present:</u>	Mr. DOISE	Special Representative of the Administering Authority for the Trust Territory of Togoland under French administration
<u>Secretariat:</u>	Mr. COTTRELL	Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING THE TRUST TERRITORY OF WESTERN SAMOA
(T/C.2/L.256, T/C.2/L.260) (continued)

Document T/C.2/L.260

I. Petition from the members of the Council of State, non-official members of the Executive Council and Legislative Assembly and members of the Fono of Faipule (T/PET.1/7)

Mr. YANG (China) said that he was prepared to vote for the draft resolution but he suggested that the second paragraph of the preamble should be amended to read: "Noting that the projected nuclear tests will be carried out by the United Kingdom... and that they will not be carried out on Territory administered by the New Zealand Government".

Mr. SMOLDEREN (Belgium) pointed out that, as the draft resolution noted, New Zealand was not involved. Furthermore, the United Kingdom delegation had voluntarily undertaken to give before the Committee the same assurances as its Government had already given New Zealand with regard to the precautions which would be taken when it carried out the tests. While he had certain doubts about the procedure followed, he would nevertheless vote in favour of the draft resolution, as he felt that it should effectively dispel the fears of the inhabitants of the Trust Territory. It should be understood that the procedure followed by the Committee did not set a precedent.

He suggested that in paragraph 2, page 2, the beginning of the second sentence should be amended to read: "Sir Alan Burns asked to be heard...".

U PAW HTIN (Burma) said that his Government was opposed to nuclear tests in general, wherever they were carried out: such tests did not contribute to the strengthening of international peace and constituted a grave danger to mankind.

As far as the petition was concerned, his delegation was grateful to the New Zealand Government for its assurances. Nevertheless, he felt that a certain danger subsisted, as was indeed implied by the last operative paragraph of the draft resolution. He would therefore abstain from voting on the draft resolution and he reserved his position in the future.

The draft resolution was approved by 4 votes to 1, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) explained that he had voted against the draft resolution, because the projected tests were a threat to the people of the Territory and his delegation believed that the United Nations should guarantee the Trust Territories against threats of any kind.

Mr. YANG (China) hoped that the draft resolution would allay the petitioners' apprehensions.

II. Petition from Mr. Bartholomew Frost (T/PET.1/8)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) did not understand what "mutual agreement" was referred to in operative paragraph 2 of the draft resolution.

Mr. SMOLDEREN (Belgium) agreed that the expression was not clear. Apparently the only course open to the petitioner was to apply to the courts. He therefore proposed that operative paragraph 2 should be amended to read: "Further draws his attention to the fact that the case can be settled only by a judicial decision of a competent court".

Mr. TODMAN (United States of America) admitted that the expression "mutual agreement" was not particularly well chosen, but said that he had the impression that, apart from any judicial settlement, the petitioner might very well be able to reach a friendly agreement with the inhabitants of the village.

The draft resolution, with the amendment proposed by the representative of Belgium, was approved by 4 votes to none, with 2 abstentions.

Mr. TODMAN (United States of America) explained that he had abstained from voting because, by deleting from the draft resolution all reference to mutual agreement, the Committee had eliminated one of the possible solutions.

The CHAIRMAN put to the vote paragraph 3 of the draft report.

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

The draft report as a whole was adopted by 4 votes to none, with 2 abstentions.

Document T/C.2/L.256

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) drew attention to the fact that the Administering Authority's observations on petition T/PET.1/5 dated from 1954; in them it was said that the water supplies in the area would be improved by the end of that year.

If any useful purpose was to be served by considering the observations in 1956, it was essential to know whether that promise had been honoured. The Committee, however, was merely being asked to note that the Administering Authority had furnished the information requested. That procedure seemed rather pointless.

The CHAIRMAN, speaking as the representative of France, suggested that the Secretariat might give the document a T/L. symbol and transmit it directly to the Trusteeship Council.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) could not agree to that proposal which would amount to a change in the normal procedure.

The CHAIRMAN, speaking as the representative of France, replied that there was no question of modifying the rules of procedure, but in the case at issue the information furnished by the Administering Authority concerned questions which were much more a matter for the Council than for the Committee.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that if the Committee decided - as it was always free to do - to forward a document to the Trusteeship Council without having considered it, it must explain why it had seen fit to take that course of action. In the case under consideration the reason might be that the Special Representative was not present. The Council's agenda was particularly heavy and the Committee should avoid referring to it matters with which it could deal itself. It was for the Committee to examine the document but it could do so to some purpose only if the Special Representative were present.

Mr. SMOLDEREN (Belgium) recalled that a similar procedural point had been raised in connexion with a petition from Somaliland under Italian administration (T/C.2/L.247). The question should therefore be put to the vote immediately, as the members of the Committee could do no more than repeat the arguments they had advanced on the earlier occasion. He was not suggesting that the discussions should be systematically cut short as a general rule, but when the members of the Committee could not agree, the only way to settle the question was to take a vote.

Mr. TODMAN (United States of America) pointed out that if the Committee refused to act, it would again be adjourning a decision which was already long overdue. The petitioners had assuredly received satisfaction; they would certainly have complained again, if the Administering Authority had not kept its promises.

Mr. YANG (China) thought that the question of the Committee's competence was pertinent, because the measures taken by the Administering Authority in pursuance of a Council resolution often had only a slight connexion with the petition which had given rise to the resolution.

Since it was impossible to settle the question of competence there and then, the Committee should for the moment adhere to its normal procedure and note that the New Zealand Government had furnished the required information.

Mr. TODMAN (United States of America) supported the Chinese representative's proposal.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) emphasized that it was impossible to take a decision on a document without considering it. That was the crux of the matter. As for the Committee's competence, it derived from the fact that the information which the Administering Authority was asked to furnish invariably concerned a petition that was being examined.

U PAW HTIN (Burma) agreed with the USSR representative that the Committee should not simply take note of a document.

The CHAIRMAN put to the vote the draft report (T/C.2/L.256).

The draft report was adopted by 4 votes to 2.

PETITIONS CONCERNING THE TRUST TERRITORY OF TOGOLAND UNDER FRENCH ADMINISTRATION (T/C.2/L.246) (continued)

At the invitation of the Chairman, Mr. Doise, Special Representative of the Administering Authority for the Trust Territory of Togoland under French administration, took a place at the Committee table.

Document T/C.2/L.246

I. Petition from the General Chairman of the "Comité de l'Unité Togolaise" (T/PEP.7/452 and Add.1 and 2)

Mr. DOISE (Special Representative) requested that the word "insulté" should be replaced by the word "outragé" in the French text of section I, paragraph 9 and of paragraph 1 (a) of the operative part of the draft resolution. He did not think that the first two sentences of section I, paragraph 10, accurately reproduced what he had said and therefore proposed that they should be amended to read: "The Special Representative stated that Mr. John Bull, who was a Gold Coast citizen, resided at Palimé from time to time. Nevertheless, his principal residence was in Togoland under British administration, where he maintained a plantation. He paid no personal tax in Togoland under French administration".

The CHAIRMAN supported the suggestions made by the special representative.

Mr. SMOLDEREN (Belgium) said that freedom of assembly was guaranteed under the Trusteeship Agreement and French legislation. That freedom had been infringed only once, for, as the Special Representative had pointed out, the meeting that was to have been held on 20 February 1955 at Agouévé, was the only one to have been prohibited throughout the Territory during the year. Moreover, that action had not been taken on the initiative of the Administering Authority, but at the request of the Customary Council and, in the circumstances, had been

(Mr. Smolderen, Belgium)

quite justified. He was therefore unable to support operative paragraph 2 of the draft resolution and requested that it should be put to the vote separately. A recommendation of that kind would mean that the Council felt that the Administering Authority had not fulfilled its obligations. However, that was not the case. He proposed that the words "continue to" should be added after the words "the Administering Authority that it" and to add the words "as in the past" after the word "ensure".

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said he could not support the proposed amendment; its adoption would imply that any meeting could be prohibited for the sole reason that it might produce disorder.

Mr. SMOLDEREN (Belgium) said that he was forced to conclude that the Soviet Union representative's intention was to criticize the Administering Authority. In order to avoid any misunderstanding on the subject, it would be better to delete operative paragraph 2. He therefore withdrew his amendment and renewed his first proposal that the paragraph should be put to the vote separately.

Mr. YANG (China) regretted that the Belgian representative had withdrawn his amendment which he had been prepared to support.

The CHAIRMAN put to the vote operative paragraph 2 of the draft resolution.

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. Operative paragraph 2 was not adopted.

Draft resolution I, as amended, was approved by 3 votes to none, with 3 abstentions.

Mr. TODMAN (United States of America) explained that he had voted against operative paragraph 2 because, in his opinion, it would have been acceptable only if it had been amended as the Belgian representative had suggested. The objections to that amendment raised by some members of the Committee made it quite clear that they wished to assert that the Administering Authority had not ensured freedom of assembly in the Territory. Such an assertion was unfounded.

Mr. BENDRYSHV (Union of Soviet Socialist Republics) requested that the text of the former operative paragraph 2 should be included in the report.

II. Petition from the General Chairman of the "Comité de l'Unité Togolaise"
(T/PET.7/435 and Add.1)

Mr. DOISE (Special Representative) requested that in the last sentence of section II, paragraph 6, the words "in a closed place" should be replaced by the words "in an enclosure". In operative paragraph 1 (a) of the draft resolution the words "acting in accordance with the law" should be added after the words "the Police Commissioner", and the end of the paragraph from the words "to cope with" onwards should be replaced by the following: "to maintain order and prevent clashes and blows within the enclosures".

He pointed out that the circumstances surrounding each of the meetings referred to in sections I, II and III respectively of document T/C.2/L.246 were different and that the Administering Authority had taken different action in each case; in the first case, it had prohibited the meeting because it might have endangered law and order; in the second case, the meeting had taken place but had been dissolved owing to the incidents that had occurred; in the third case, it had neither prohibited nor dissolved the meeting but disorders had taken place at the end of the meeting. It therefore seemed illogical to make the same recommendation in each case; however, the Soviet Union representative had proposed identical texts for the last paragraph of the draft resolution relating to each of the three sections.

Mr. SMOLDEREN (Belgium) endorsed the Special Representative's suggestions.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that the examples referred to had certain features in common; in all three cases, whether the meeting had been prohibited, dissolved or interrupted, freedom of assembly had been infringed. Logically therefore, a recommendation that the Administering Authority should ensure freedom of assembly should be included in each of the three draft resolutions.

Mr. SMOLDEREN (Belgium) said that he had first intended to request a separate vote on operative paragraph 2 of draft resolution II. However, he felt that it would be better to amend the paragraph by inserting the words "continue to" after the words "the Administering Authority that it" and the words "as in the past" after the word "ensure". In his opinion, the duty to ensure maintenance of order was one of the responsibilities normally incumbent upon the Administering Authority: in protecting the organizers of the meeting against troublemakers, the Administering Authority, far from infringing freedom of assembly, had on the contrary tried to ensure it. Operative paragraph 2 of the draft resolution seemed to him to be unacceptable in its present form.

Mr. YANG (China) felt that the words "as in the past" duplicated the words "continued to" and proposed that they should be deleted.

Mr. SMOLDEREN (Belgium) said that he preferred his own text which was more specific; it should be emphasized that the Administering Authority had always tried to ensure freedom of assembly. However, he would accept the Chinese representative's proposal.

The amendment proposed by the Belgian representative was adopted by 5 votes to 1.

Operative paragraph 2, as amended, was approved by 5 votes to none, with 1 abstention.

Draft resolution II as a whole, as amended, was approved by 5 votes to none, with 1 abstention.

The meeting rose at 12.30 p.m.