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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FOUR HUNDRED AND TWENTY-EIGHTH MEETING

Held at Headquarters, New York,
on Wednesday, 3 April 1957, at 10.40 a.m.

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British administration (T/C.2/L.280)

PRESENT:

Chairman:

U PAW HTIN

Burma

Members:

Mr. SMOLDEREN

Belgium

Mr. YANG

China

Mr. de CAMARET

France

Mr. BENDRYSHEV

Union of Soviet Socialist
Republics

Mr. TODMAN

United States of America

Also present:

Mr. FIELD

Special Representative of
the Administering Authority
for the Trust Territory of
the Cameroons under
British administration

Secretariat:

Mr. COTTRELL

Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING THE CAMEROONS UNDER BRITISH ADMINISTRATION
(T/C.2/L.280)

At the invitation of the Chairman, Mr. Field, Special Representative for the Trust Territory of the Cameroons under British administration, took a place at the Committee table.

I. Petition from Fai Ndenderf of Bansa (T/PET.4/109)

Mr. de CAMARET (France) asked the Special Representative if he had anything to add to the observations on sub-paragraph (2) of paragraph 2, according to which the Fon had threatened to kill the surveyor if he did not leave town.

Mr. FIELD (Special Representative) replied in the negative. There was no truth in the petitioner's complaint. The surveyor had not been molested nor had anyone attempted to drive him out or to obstruct his work.

Mr. de CAMARET (France) pointed out that 4,500 coffee trees would be a very large plantation. He asked whether it was true that they had been destroyed.

Mr. FIELD (Special Representative) replied that that complaint was set forth in more detail in petition T/PET.4/113, summarized in section V of document T/C.2/L.280. It had probably been seedlings, not trees, that had been destroyed and their number had no doubt been greatly exaggerated. In any case the dispute had now been settled.

Mr. de CAMARET (France) asked the Special Representative if he could confirm the observation of the Administering Authority that the Fon had not forbidden the petitioner's family to vote in elections or to attend local Council meetings.

Mr. FIELD (Special Representative) said that the alleged acts would have occurred before his arrival in the Territory; as far as he knew, however, there was no truth in the complaints. He was sure that the petitioner's family had in no way been hindered from attending Council meetings and had been able to vote in the elections for both the Council and the Territorial Assembly provided it had fulfilled the conditions laid down by law. It had not, moreover, filed any complaint in that connexion.

Mr. de CAMARET (France) noted that, according to the observations of the Administering Authority, the petitioner's allegations appeared to be a gross contempt of the Magistrate. He asked whether the Magistrate could have sentenced the petitioner for such contempt.

Mr. FIELD (Special Representative) replied in the affirmative. The Court could at its discretion invoke the relevant legal provisions.

Mr. YANG (China) requested the Special Representative to explain the observation of the Administering Authority that the petitioner's family had been farming land which was actually the Fon's personal land.

Mr. FIELD (Special Representative) said that the Fon possessed land of his own besides the communal land of which he was the trustee. It appeared that members of the petitioner's family had for some time been encroaching on the Fon's personal land and farming it. He did not know on what they based their claims. In any case, the dispute had now been settled: the petitioner's family had been authorized to continue farming and had been given some coffee trees to replace the plants destroyed.

Mr. YANG (China), noting that the Administering Authority was ready to assist in effecting a reconciliation, asked what the possibilities of a reconciliation were.

Mr. FIELD (Special Representative) related the events which had occurred since the petition had been sent and since the Administering Authority had presented its observations. As the Administration had pointed out, there had been no restraining order to keep the petitioner from returning to his home. That he had not done so was because the Administering Authority had strongly advised him to stay away until he had settled his differences with the Fon. His conduct, moreover, had been such that there had been every likelihood that upon his return public feeling would give rise to disturbances and perhaps even bloodshed. That was exactly what had happened. Despite warnings, the former Fai had gone back to his village a few months ago by night and without the Administration's knowledge. The news had spread quickly and the people had been so incensed at his coming back without making peace with the Fon that he would not have escaped with his life had it not been for the District Officer, who had been able to get to the scene in time and, with the help of the Fon, had managed to protect the

(Mr. Field, Special Representative)

petitioner from the mob. The property of the petitioner's family had been seriously damaged; he himself had been only too glad to leave the village. In the circumstances, the Governor-General had found it necessary to make an Order restraining him from returning to the region. The petitioner had then taken up residence at Mamfé, where he still was. There had been an investigation of the incident, followed by a report, which the Governor-General was studying and which was not yet available. Police contingents had been sent to the region.

The petitioner's action had made it all the more difficult for the Administering Authority to take effective action to bring about a reconciliation between him and the community.

Mr. YANG (China) said that the Special Representative's account illustrated the Administering Authority's deep concern for the population's interests: it had done its best to prevent bloodshed and to reconcile the parties. He would like to know the outcome of the investigation and he hoped that with the assistance of the Administration there would finally be reconciliation.

Mr. TODMAN (United States of America) noted that according to the observations of the Administering Authority bloodshed would ensue if the petitioner returned "on his own terms". He asked what those terms were.

Mr. FIELD (Special Representative) recounted the origin of the dispute. The petitioner, who had been made Fai when the previous Fon had been very old, had assumed the position of virtual regent and had therefore had much wider powers than were authorized by customary law. He had tried to continue to dominate the affairs of Nsaw under the new Fon. Relations between them had become increasingly strained and he had finally refused to give the Fon certain marks of respect required by custom. The former Fai's terms would probably be the restoration of all the authority he had lost.

Mr. TODMAN (United States of America), referring to the observations of the Administering Authority as summarized in paragraph 5, asked what reparation would be required of the petitioner if he wished to return to his home.

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Mr. FIELD (Special Representative) replied that the petitioner would have to recognize the authority of the Fon and submit to a customary ceremony to receive him back into the community.

Mr. TODMAN (United States of America), referring to sub-paragraph (6) of paragraph 4, asked whether the Fon had in fact withdrawn his claim and, if so, whether he had done so with the approval of the petitioner's counsel.

Mr. FIELD (Special Representative) thought that the Fon had actually withdrawn his claim. The petitioner's counsel, who had at first asked the judge to compel the Fon to pay costs before being allowed to withdraw his counter-claim, had subsequently not insisted on that point.

The CHAIRMAN, speaking as the representative of Burma, asked whether the population and the Fon had demanded the petitioner's banishment.

Mr. FIELD (Special Representative) explained that it was the Administering Authority which had advised the petitioner to leave in his own interests.

The CHAIRMAN, speaking as the representative of Burma, asked whether the Administration could not take some steps to prevent the disorder which the petitioner's ultimate return was likely to create.

Mr. FIELD (Special Representative) said that the petitioner had already returned once, unknown to the Administering Authority, and that his return had in fact caused a breach of the peace. Had the Administering Authority known in time, it could either have prevented the petitioner's return or have sent a detachment of police to the locality to maintain order.

The CHAIRMAN, speaking as the representative of Burma, asked whether there had been any attempt to effect a reconciliation between the petitioner and the Fon since the dispatch of the petition. To judge from the tenor of his petition, the petitioner seemed to be ready to make amends.

Mr. FIELD (Special Representative) said that a number of attempts at reconciliation had been made, but in vain. The petitioner did indeed appear to be ready to give up his claims but he reverted to his original position as soon as there was any question of renouncing them officially.

Mr. TODMAN (United States of America) said that in agreeing not to be Chief the petitioner was in fact making no concession since he had never been Chief (Fon), but councillor (Fai).

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether, in that area, power was handed down from father to son or whether chiefs were elected.

Mr. FIELD (Special Representative) understood that succession to the throne was usually regulated by custom. As a rule the office was not hereditary but the Fon was elected from among the members of one family or several families or in any case from among a small number of qualified persons. The appointment of the Fon was, moreover, simply a confirmation of the choice made by the preceding Fon, for during his lifetime the Fon selected a successor from among those qualified, trained him in his duties and acquainted him with the community's affairs. Upon the death of the Fon his choice was usually confirmed.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked what exactly were the obligations towards the Chief and why the fact that the petitioner had returned without the Chief's permission should be taken as an insult to him.

Mr. FIELD (Special Representative) said that such rites and obligations were determined by the practices of the community. In departing from them a man to some extent repudiated the traditional position occupied by the Fon in the community. The petitioner's return was an insult to the Fon, not so much because he had not sought the latter's permission but because he had failed to observe the customs.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) observed that there were accordingly customs such as marks of respect to the chief from which indigenous inhabitants could not depart without risk and that all the Administering Authority did was to remove anyone who was threatened by the chief because of his failure to observe such customs. He asked what democratizing measures the Administering Authority had put into effect in recent years.

Mr. FIELD (Special Representative) said that very many measures had already been taken in that direction, particularly with regard to the indigenous Councils. In the region in question, the members of the Fon's traditional Council were elected by secret ballot and were more numerous than previously.

Customs and usages were simply a matter of courtesy and in no way prevented those observing them from showing a democratic spirit or seeking reforms.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether it was to be concluded from the Administering Authority's observations that local organs, and in particular the Chiefs, could deprive a person of his electoral rights.

Mr. FIELD (Special Representative) said that that was not so at all.

Mr. SMOLDEREN (Belgium) submitted some suggestions for a draft resolution. In the first paragraph, the Trusteeship Council might draw the petitioner's attention to the observations of the Administering Authority and the Special Representative.

In the second paragraph it might take note with satisfaction of the Administering Authority's offer to assist in effecting a reconciliation and to help the petitioner to return to his home if he were prepared to make full and genuine reparation for the trouble he had caused the Nsaw people.

Finally, the Trusteeship Council could express the hope that a settlement might be reached, taking into account the interests of all the parties in the case and of the legitimate demands of public order.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) thought it was essential to democratize the Territory. He therefore asked that in the draft resolution the Trusteeship Council should recommend the Administering Authority to take all necessary steps to democratize local government in the Nsaw region and to ensure that the rights and the security of all inhabitants of the region, including the petitioner, were guaranteed.

II. Petition from the Fon at Bangola (T/PET.4/110)

Mr. TODMAN (United States of America) thought that the Administering Authority's observations were in conformity with the Trusteeship Council's policy and he asked that in its draft resolution the Council should draw the petitioner's attention to those observations.

Mr. SMOLDEREN (Belgium), referring to the statement that the Fon's balance of mind had been temporarily disturbed, asked whether in such circumstances a Chief was entitled to exercise his functions.

Mr. FIELD (Special Representative) said that, generally speaking, when it was considered that the disturbance was purely temporary the Council assumed power for the time being.

Mr. SMOLDEREN (Belgium), turning to the crux of the matter, namely, the petitioner's dispossession from land used for a public purpose, he asked what were the provisions of the Land and Native Rights Ordinance which could be applied in the petitioner's case.

Mr. FIELD (Special Representative) replied that there was no private ownership and that the indigenous inhabitants had the right of use and occupation only. The land belonged to the community, represented by the Village Chief. Under the Land and Native Rights Ordinance, ownership rights were vested in the Governor General who acted as trustee to protect the indigenous population against transfers of property that might be detrimental to the community. He did not intervene in the allocation of land among the members of the community, which continued to be governed by customary procedure. Owing to the collective ownership system, no compensation was payable by the Administration for expropriation in the public interest. Compensation could, however, be paid to the farmer occupants of expropriated land for any loss of harvest or inconvenience suffered.

Mr. YANG (China) supported the suggestion made by the representative of the United States. He considered that the last sentence in the summary of the Administering Authority's observations made the position quite clear.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) observing that according to the Administering Authority's observations, the Fon has submitted his petition to the United Nations at a time when the balance of his mind was disturbed, asked if that assertion had been based on a medical examination of the petitioner.

Mr. FIELD (Special Representative) said that he did not know whether a medical certificate had been issued, but the observation of the petitioner's mental condition had been based on his general behaviour and on local opinion.

III. Petition from Mr. Bernard Tayo (T/PET.4/111)

Mr. SMOLDEREN (Belgium), supported by Mr. de CAMARET (France), considered that the petition raised no problem. At most, a contradiction could be found between the petitioner's claim that he had not been warned of his impending dismissal although he must have been aware of the date of expiration of his contract. Moreover, the Administering Authority stated in its observations that two warnings had been given to the petitioner. The Committee could therefore only refer the petitioner to the observations of the Administering Authority.

The CHAIRMAN, speaking as representative of Burma, asked what system was used in the Prison Services for the appointment of wardens.

Mr. FIELD (Special Representative) explained that under prison regulations, warders were engaged for a period of six years, including a short trial period. If at the end of that period, their conduct and work had been satisfactory, they could be engaged for further three-year periods until they reached the age limit.

IV. Petition from Mr. Isaiah Yassang (T/PET.4/112)

In reply to a question from Mr. TODMAN (United States of America), Mr. FIELD (Special Representative) said that a member of the police force dismissed as the result of an accidental injury sustained in the discharge of his duties would be awarded compensation commensurate with his disability. For total disability, he would receive, over and above compensation, the pension to which he was entitled by his length of service. The degree of disability would be assessed by the competent medical authority.

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The disability of the petitioner in question, which was a result of a bone growth, had not been judged sufficient to entitle him to compensation, although he had been found unfit to resume service in the police force, which called for a high standard of physical fitness. The petitioner was, however, perfectly fit to engage in another occupation and, in particular, to ride a bicycle.

The CHAIRMAN, speaking as representative of Burma, asked if a five per cent disability automatically implied disqualification from police service.

Mr. FIELD (Special Representative) replied that a five per cent disability only led to discharge if the injury was likely to impair the efficient performance of his duties.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that it appeared that a public servant who had suffered injury in the discharge of his duties and become partly disabled could be dismissed without the right to a pension. He asked whether the Administration offered any other assistance, and particularly whether it helped such persons to find other employment.

Mr. FIELD (Special Representative) replied that the Administration did not guarantee in every case to find employment for persons thus dismissed, but if they so requested, it would make every effort to do so.

The CHAIRMAN, speaking as representative of Burma, suggested that the Committee draw the petitioner's attention to the observations of the Administering Authority and the statements made by the Special Representative concerning the assistance the Administration could provide if the petitioner so requested.

The meeting rose at 12.40 p.m.