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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FOUR HUNDRED AND EIGHTY-SIXTH MEETING

Held at Headquarters, New York,
on Monday, 9 June 1958, at 2.40 p.m.

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Election of the Chairman

Report of the Committee on Classification of Communications
(T/C.2/L.351 and T/C.2/L.352)

Members:

Mr. JAIPAL)
Mr. RASGOTRA) India

Also present:

Mr. TOMEH)	United Arab)	Committee on
Mr. JOUEJATI)	Republic)	Classification of
Mr. ATKINS	New Zealand)	Communications

Secretariat:

Mr. COTTRELL Secretary of the Committee

ELECTION OF THE CHAIRMAN

Mr. KELLY (Australia) nominated Mr. Smolderen (Belgium) for the office of Chairman.

Mr. JAIPAL, speaking as TEMPORARY CHAIRMAN, seconded the nomination.
Mr. Smolderen (Belgium) was unanimously elected Chairman of the Committee.

REPORTS OF THE COMMITTEE ON CLASSIFICATION OF COMMUNICATIONS (T/C.2/L.351 and T/C.2/L.352)

Ninth report of the Committee on Classification of Communications (T/C.2/L.351)

At the invitation of the Chairman, Mr. Tomeh (United Arab Republic), Committee on Classification of Communications, took a place at the Committee table.

Paragraph 3

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that as each of the six petitions reproduced in document T/PET.4/149 concerned a different incident involving a different person they should, in accordance with the rules of procedure and the procedure adopted as a temporary measure in resolution 1713 (XX), be reproduced separately.

The CHAIRMAN, speaking as a member of the Committee on Classification of Communications, explained that that Committee had decided that as the nature of the complaint was the same in each of the six petitions the most practical solution would be to reproduce the first one in extenso and summarize the others, quoting textually only those parts which differed appreciably from the first.

Mr. YANG (China) said that in view of the fact that each petitioner was to receive the official records of the meetings at which his petition was examined, and of the necessity of heeding General Assembly resolution 1203 (XII) concerning the control and limitation of documentation, he favoured the recommendation made by the Committee on Classification in the present instance.

The CHAIRMAN pointed out that that recommendation would not preclude members of the Council from questioning the Special Representative on the subject matter of each petition if they wished to do so.

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Mr. JAIPAL (India) observed that as each petitioner's complaint presumably related to the destruction of his own crops they were of an individual character and could not appropriately be summarized in a single document. He asked the Secretary of the Committee if the petitions were of such length as to make it impractical to reproduce them singly.

Mr. COTTRELL (Secretary of the Committee) replied that each of the petitions comprised roughly one typewritten page. The action against which the six complaints were directed was the same, whereas the account of the losses sustained differed.

The CHAIRMAN added that the latter part was reproduced in extenso in a separate paragraph in each case.

Mr. KELLY (Australia) said that in principle he shared the view of the Chinese representative, since the procedure proposed by the Committee on Classification was in no way prejudicial to the interests of the petitioners and complied with the General Assembly's directive on the control and limitation of documentation, to which his delegation attached great importance.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the petitions reproduced in document T/PET.4/149 should be reproduced individually in accordance with the rules of procedure and the provisional procedure set forth in resolution 1713 (XX).

The Soviet proposal was rejected by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that as the twenty-six petitions summarized in document T/PET.5/1316 concerned individual incidents they could not appropriately be reproduced in a single document. He therefore proposed that they should be published in accordance with the existing rules of procedure and the provisional procedure adopted under resolution 1713 (XX).

The CHAIRMAN said that although he would put the Soviet motion to a vote he was not in agreement with the way in which it had been formulated.

The Soviet proposal was rejected by 3 votes to 2, with 1 abstention.

Mr. KELLY (Australia) said that he had voted against the Soviet proposal in order to uphold the rules of procedure.

The classification in paragraph 3 was approved by 5 votes to none, with 1 abstention.

Paragraph 4

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the complaint in document T/PET.5/L.452 should be examined by the Standing Committee on Petitions and then transmitted with the Committee's recommendations to the Council.

A vote was taken on the Soviet proposal.

There were 2 votes in favour, 2 against and 2 abstentions.

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 2 votes in favour, 2 against and 2 abstentions. The proposal was not adopted.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that there was nothing in the rules of procedure to justify summarizing for reproduction in a single document the six petitions in document T/PET.4 and 5/L.22, for six could not be called an unusually large number. He therefore moved that they should be issued in conformity with the rules of procedure and the provisional procedure adopted at the twentieth session of the Council.

The Soviet proposal was rejected by 3 votes to 2, with 1 abstention.

Mr. JAIPAL (India) asked whether the petition circulated as document T/PET.GEN/L.2 had been placed on the agenda of the twenty-first session of the Council and, if not, whether it was likely to be placed on the agenda of the twenty-second.

Mr. COTTRELL (Secretary of the Committee) said that it had been placed on the agenda of the twenty-first session and would also appear on the agenda of the current session, for the reason that it did not refer to any specific Territory but to the Trust Territories in general, some of which had been dealt with at the previous session while others were still to be considered.

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In reply to a request for clarification from Mr. BENDRYSHEV (Union of Soviet Socialist Republics), Mr. COTTRELL (Secretary of the Committee) said that all the 456 petitions to which document T/PET.4 and 5/L.23 referred were identical copies of one or the other of the two petitions set forth in extenso in that document.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the Standing Committee should recommend to the Council that it should examine all the petitions enumerated in paragraph 4 of the document which the Committee had before it.

After a procedural discussion in which it was made clear that whatever the rule of procedure invoked the result would be to refer the petitions in question to the Council for consideration, the Soviet proposal was put to the vote.

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

Paragraph 5

Mr. JAIPAL (India) said that he was somewhat surprised that the communication referred to in paragraph 5(a) had been classified as manifestly inconsequential, for although opinion might differ regarding the merit of the writer's suggestion there was no doubt that it was an important and serious one.

The CHAIRMAN said that the petitioner was an inhabitant of Canada, who had already sent the United Nations a number of petitions offering similar suggestions; all those petitions had been classified as manifestly inconsequential.

Mr. JAIPAL (India) said that a careful reading of the communication made it clear that the writer's chief intention had been to draw the Trusteeship Council's attention to the book in question. He therefore suggested that the words "and suggesting that the United Nations take over the administration of the Territory" should be replaced by the words "in particular the author's description of conditions in Bukoba".

It was so decided.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that he failed to understand why the communication referred to in paragraph 5(b) had been classified as manifestly inconsequential, since it obviously referred to an important matter. If anything in the petition was not clear, the petitioner could be so advised and asked to send further information.

The CHAIRMAN, speaking as a member of the Committee on Classification, said that the petition was completely incoherent; it had therefore been classified as manifestly inconsequential, as had often been done in the past with similar petitions.

Mr. TOMEH (United Arab Republic), Committee on Classification, said that although the petition was incoherent its principal complaint was clearly stated in the first five or six lines. The Committee on Classification had agreed that the Secretariat should write to the petitioner asking him to clarify his statements.

Mr. YANG (China) said that, if he had understood the representative of the United Arab Republic correctly, the Committee on Classification had made its recommendation with regard to the petition on the understanding that the Secretariat would ask the petitioner to clarify his statements.

The CHAIRMAN pointed out that the report of the Committee on Classification made no recommendation for further action by the Secretariat. The Secretariat could not enter into communication with the petitioner unless the Committee, by the adoption of a formal proposal, specifically requested it to do so.

Speaking as the representative of Belgium, he said that the course suggested would represent a dangerous departure from precedent which his delegation must oppose on principle.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the petition should be left unclassified and that the Secretariat should be asked to inform the petitioner that his petition was unclear and that he should submit further information if he wished it to be considered by the United Nations.

Mr. JAIPAL (India) supported the USSR proposal.

The USSR proposal was rejected by 3 votes to 2, with 1 abstention.

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Replying to a question from Mr. BENDRYSHEV (Union of Soviet Socialist Republics), Mr. COTTRELL (Secretary of the Committee), said that the petitioner would not be sent a copy of the record of the Committee's discussion of his petition; that was done only if the substance of the petition was examined by the Committee.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that he could not agree with that interpretation of the rules of procedure. The classification of petitions was part of the procedure of examining them and the petitioner should be informed of the action taken by the Committee as a result of that examination.

Mr. JAIPAL (India) said that the Committee had certainly taken action on the petition; the petitioner was therefore entitled, under rule 93 c of the rules of procedure, to be informed of that action.

The CHAIRMAN said that the procedure outlined by the Committee Secretary had always been the one followed by the Committee; any change in the procedure must be the result of a new interpretation of rule 93 of the rules of procedure, which could only be adopted if the Committee and the Council made a decision to that effect.

Paragraph 6

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the established procedure should be applied to communication T/COM.2/L.46, which concerned a specific matter.

The Soviet proposal was rejected by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the ten communications summarized in document T/COM.5/L.223 should be reclassified and reproduced in accordance with the Council's rules of procedure and resolution 1713 (XX) of the Trusteeship Council. He further proposed that, as they referred to particular incidents, they should be examined by the Committee and that the established procedure should be applied to them.

In successive votes, the two Soviet proposals were rejected by 3 votes to 2, with 1 abstention.

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Mr. BENDRYSHEV (Union of Soviet Socialist Republics) opposed the recommendation that the communications described in paragraph 6(d) should be considered inadmissible under rule 81 of the rules of procedure, since that rule did not apply to the cases in question.

The CHAIRMAN, speaking as the representative of Belgium, considered that the right course in such cases was for them to be taken to the local courts.

Mr. de CAMARET (France) agreed with the Chairman: claims for compensation could be taken to the local courts in accordance with the laws of the Territory. In his view, the communications were rightly considered inadmissible under rule 81 of the rules of procedure, but if the Committee wished to examine any of them separately, his delegation would not object, provided that the petitioners did not belong to organizations that had been dissolved by law.

The recommendation of the Committee on Classification was approved by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the established procedure should be applied to the communication described in paragraph 6(e).

The Soviet proposal was rejected by 3 votes to 2, with 1 abstention.

The classification recommended in paragraph 6 was approved by 4 votes to none, with 2 abstentions.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) requested that his proposals should be included in the Committee's report to the Council.

The CHAIRMAN said that the Secretariat would note that request.

Tenth report of the Committee on Classification on Communications (T/C.2/L.352)

At the invitation of the Chairman, Mr. Atkins (New Zealand), Committee on the Classification of Communications, took a place at the Committee table.

Paragraph 3

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the five petitions complaining of repressive measures carried out in the Cameroons under British administration (T/PET.4/151) should be issued in full in accordance with the Council's rules of procedure and resolution 1713 (XX). Five petitions were not an "unusually large number" and the petitions in question protested against a series of repressive measures and not the "same specific incident"; they could not therefore be regarded as coming within the terms of paragraph 5 of the annex to resolution 1713 (XX).

Mr. KELLY (Australia) said that the Committee was being confronted with a unilateral interpretation of the rules of procedure. He would vote against the Soviet proposal in order to help to give effect to General Assembly resolution 1203 (XII) on the control and limitation of documentation.

The Soviet proposal was rejected by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the seven petitions complaining of repressive measures carried out in the Cameroons under British administration and the Cameroons under French administration (T/PET.4 and 5/L.23) should be issued in full in accordance with the Council's rules of procedure and resolution 1713 (XX). He pointed out that those petitions contained complaints concerning various incidents in various places in two Trust Territories and, therefore, the reference made in document T/PET.4 and 5/L.23 to paragraph 5 of the annex to resolution 1713 (XX) was irrelevant.

The Soviet proposal was rejected by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the nineteen petitions concerning the Cameroons under French administration (T/PET.5/1322) be issued in full in accordance with the existing rules.

The Soviet proposal was rejected by 3 votes to 1, with 2 abstentions.

The classification recommended in paragraph 3 was approved by 5 votes to none, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that he had abstained in the vote because many petitions dealt with in that paragraph had been issued in a summarized form in violation of the existing rules of procedure. His delegation agreed that the petitions must be considered in accordance with the established procedure.

Mr. JAIPAL (India) stated that although he had voted in favour of the classification recommended by the Committee on Classification of Communications he thought that that Committee had been over-generous in its interpretation of the Council's resolution 1713 (XX).

Paragraph 4

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the established procedure should be applied to petition T/PET.4/L.10 concerning the Cameroons under British administration.

He also proposed that the eighteen petitions concerning the Cameroons under British administration and the Cameroons under French administration (T/PET.4 and 5/L.24) and the five petitions concerning the Cameroons under French administration (T/PET.5/L.454) be issued in full in accordance with the existing rules of procedure.

In successive votes the Soviet proposals were rejected by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) reiterated his proposal that the Standing Committee should recommend to the Council that it should examine all the petitions enumerated in paragraph 4 of the document which the Committee had before it.

A vote was taken on the Soviet proposal.

There were 2 votes in favour and 2 against, with 2 abstentions.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

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

Paragraph 5

The classification recommended in paragraph 5 was approved.

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Paragraph 6

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed, firstly, that the twenty-three communications concerning the Cameroons under French administration (T/COM.5/L.224) should be published in accordance with the Council's rules of procedure and resolution 1713 (XX), and, secondly, that the established procedure should be applied to them so that the substance of the petitions should be considered by the Committee in consultation with the Special Representative, to be followed by appropriate recommendations to the Trusteeship Council.

The first Soviet proposal was rejected by 3 votes to 1, with 2 abstentions.

The second Soviet proposal was rejected by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked for a separate vote on the recommendation that the twenty-three communications should be considered inadmissible under rule 81 of the rules of procedure and pointed out that he would vote against that recommendation.

The recommendation was approved by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked the Secretary to explain the last sentence of paragraph 6 (d).

Mr. COTTRELL (Secretary of the Committee) explained that it had been considered expedient to classify the communications under rule 24, although they dealt with specific complaints. If the more usual classification were adopted and the Administering Authority allowed three months in which to present its observations, it was unlikely that the communications would be considered at the present session and by the time they came before the Trusteeship Council for consideration Togoland might no longer be a Trust Territory. Under classification suggested they could be brought before the Council at its present session.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) was not satisfied with that explanation. He pointed out that, if those petitions had been issued as petitions under rule 85, paragraph 1, they would be before the members of the Trusteeship Council now. He thought that, in order to expedite the consideration of the petitions, the Administering Authority might well be prepared to submit its observations earlier or agree to the communications being examined at the present session, in the presence of its Special

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(Mr. Bendryshev, USSR)

Representative. He proposed that the established procedure should be applied to them, since the classification proposed by the Committee meant that those petitions would not be examined at all.

The Soviet proposal was rejected by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the established procedure should be applied for the consideration of the communication (T/COM.11/L.304/Add.1) concerning Somaliland under Italian administration.

The Soviet proposal was rejected by 3 votes to 2, with 1 abstention.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) proposed that the reference to inadmissibility under rule 81 in paragraph 6 (e) be put to the vote. He pointed out that he would vote against it.

The recommendation of the Committee on Classification was approved by 3 votes to 2, with 1 abstention.

The CHAIRMAN, speaking as the representative of Belgium, said that he wished it to be made clear in the record that he could not agree with the Soviet representative's proposals because his delegation was unable to accept the interpretation of the Council's rules of procedure and of resolution 1713 (XX) on which those proposals were based.

The classifications recommended in paragraph 6 were approved by 4 votes to none, with 2 abstentions.

The meeting rose at 5.30 p.m.