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**Chairman: Mr. Luciano JOUBLANC RIVAS  
(Mexico).**

***Requests for hearings (continued)***

**REQUEST FROM THE TOGOLAND REFORMATION MOVE-  
MENT (A/C.4/318)**

1. Mr. GIDDEN (United Kingdom) asked whether the Secretariat had any information about the party in question, which he understood was a small splinter group from the Togoland Congress.

2. The United Kingdom delegation, although it was an interested party, could not approve the request made by the Togoland Reformation Movement to be represented by a professional advocate. That principle might well bring the whole procedure of oral petitions into grave disrepute. The Fourth Committee had over a period of years heard a number of petitioners from both Togoland under British and Togoland under French administration but it had never granted a hearing to a professional lawyer. The fact that Mr. Asare might or might not have been born in one of the two Territories was irrelevant. Once a precedent had been established it would be impossible for the Committee to refuse to hear any lawyer speaking on behalf of any political group in a Trust Territory, and he felt sure that no member would wish the Committee to be placed in such a position. The United Kingdom delegation would be bound to vote against granting a hearing to Mr. Asare, although as a primarily interested party it would greatly regret to have to cast a negative vote. The United Kingdom delegation either abstained or voted in favour whenever decisions were taken on hearing petitioners from British-administered Territories, but the question of principle involved in the case in point was a grave one.

3. Mr. ESPINOSA Y PRIETO (Mexico) said that his delegation had already explained its position in connexion with a similar question (490th and 509th meetings). His delegation had abstained in the vote on that question, owing to the terms in which the proposal had been couched, but in the present instance it would be obliged to vote against hearing Mr. Asare, since it felt that the principle involved might be contrary to the interests of both the administering and non-administering Powers.

4. Mr. BOZOVIC (Yugoslavia) said that the Committee was faced with two issues: first the granting of an oral hearing, and secondly the question who

should represent the organization in question. His delegation was in favour of granting the hearing but was against the representation of the petitioners by Mr. Asare, especially since there could be no reason why some of them could not come from the Territory to New York. He wondered whether they could not be informed that the Committee was granting them a hearing but that they must send a representative from the Territory.

5. Mr. STRONG (United States of America) said that the United States delegation had initially taken the position that since less than three months previously practically every organized group in both the Togolands had had the opportunity to present its views to the 1955 United Nations Visiting Mission to those Territories, it would be unnecessary for the same groups to send representatives to New York to state their views again to the Fourth Committee, especially in view of the fact that if the recommendations in the Visiting Mission's special report (T/1206) were carried out a plebiscite would be held in Togoland under British administration in 1956 to determine the wishes of the inhabitants.

6. Nevertheless, once the Committee had granted a hearing to one group the United States delegation felt that other groups should be given the same opportunity. It would therefore not be opposed in principle to granting a hearing to the Togoland Reformation Movement provided it were represented by an inhabitant or inhabitants of the Territory. The Committee was, however, being asked to authorize a non-resident lawyer retained for the purpose to present the organization's views. It would be better for them to send the information to the Committee direct. The chief value of oral hearings was to obtain explanations and opinions from people from the Territory concerned who were in a position to answer questions from their personal knowledge and experience. Clearly Mr. Asare would not be able to do so and thus his appearance before the Committee would be of doubtful value.

7. More than that, the United States delegation shared the concern expressed by other delegations lest in authorizing the appearance of a non-resident lawyer the Committee might establish a precedent that would be harmful to petitioners from Trust Territories and to the United Nations itself.

8. He had had in mind a suggestion similar to that made by the Yugoslav representative, i.e., that the Committee should send the petitioners a telegram stating that if they were unable to send a representative from the Territory the Committee would be glad to receive their views in written form and to give them careful consideration without the assistance of a third party.

9. Mr. McMILLAN (Australia) recalled that at the 475th meeting his delegation had expressed its views on the subject of the representation of organizations

by attorneys. He failed to see why the established system of written petitions was being left out of account. They were the normal means for petitioners to indicate their views to the United Nations. There might be special circumstances which required petitioners to appear in person and where that was so the Australian delegation would have no objection. But the suggestion that petitioners could be represented by attorneys who were not even residents in the Territories concerned was novel and undesirable; the advantage obtained from oral hearings of giving the Committee direct contact with petitioners would be lost, and the Committee might not even be sure that it was obtaining an accurate understanding of the petitioners' views. As the representative of Pakistan had said at the 478th meeting, the Committee granted hearings to ascertain points of view and not to discuss points of law. In the case under discussion Mr. Asare was not only not a resident of the Territory but was not even a citizen of Togoland; he should not be allowed to represent an organization in Togoland before the Committee.

10. The Committee had previously received an application (A/C.4/304 and Add.1) from a different political organization to be represented by Mr. Asare. It was not clear whether the two parties it was proposed he should represent had identical views; if not he might be addressing the Committee from different and even conflicting points of view. In any event he would speak in each case not as a directly interested party but as an attorney acting on written instructions. What was quite clear was that if the petitioners in the Territory were to brief Mr. Asare so that he could brief the Fourth Committee the whole system of written and oral petitions could be prejudiced. If the petitioners could brief Mr. Asare, it would seem that they could equally well brief the Fourth Committee by transmitting to it the same written material that they had prepared for Mr. Asare.

11. In the light of previous decisions taken at the current session he would not oppose the organization's request to be heard by the Committee but would vote against any proposal that the representative should be an attorney who was neither a resident nor a citizen of the Territory.

12. Mr. AGUERO (Chile) agreed with the views expressed by the representatives of Mexico and Yugoslavia. He would vote in favour of granting a hearing to the Togoland Reformation Movement but against hearing Mr. Asare as its representative, since to do so would completely undermine the whole system of hearings. If the organization in question could not send a representative from the Territory, it should submit a written statement.

13. Ato YIFRU (Ethiopia) agreed with the representative of Yugoslavia; he was in favour of granting a hearing to the Togoland Reformation Movement but thought the Movement, in its own best interests, should be represented by one of its members.

14. Mr. JAIPAL (India) said that his delegation would have no objection to granting a hearing to the Togoland Reformation Movement but it always preferred to hear indigenous persons from Trust Territories rather than lawyers or other outside representatives. In the case in point, as the United States representative had remarked, the Visiting Mission had heard the views of the Togoland Reformation Move-

ment very recently and those views were fully recorded in the Mission's report. There seemed, therefore, no strong reason for granting a hearing to Mr. Asare, who did not belong to the Trust Territory.

15. The Indian delegation's view was without prejudice to its attitude on the general question of the representation of petitioners by lawyers or other persons. Its policy was to decide each case on its merits.

16. Mr. RIVAS (Venezuela) said that his delegation always preferred to hear indigenous inhabitants from the Trust Territories, both because they possessed first-hand information and because outstanding personalities in those Territories thus had an opportunity to become acquainted with international life. He therefore entirely agreed with the views expressed by previous speakers.

17. The Togoland Reformation Movement had not previously addressed a petition to the United Nations and the present request might be due to ignorance of the usual procedure. He therefore suggested that the petitioners should be informed that the hearing had been granted but that there were doubts in the Committee about their being represented by Mr. Asare. They might be asked whether they could send a representative from the Territory and if they were unable to do so they could perhaps send a written petition.

18. Mr. THORP (New Zealand) supported the United States proposal. As the Committee was well aware, the New Zealand delegation held that deserving petitioners should be heard first in the Trusteeship Council. That view had in the past found little support in the Fourth Committee and the result would presumably be that when the Trusteeship Council met in a few days it would do so without having the benefit of the views of oral petitioners. It was in principle highly undesirable that the organ which had been given the primary responsibility for supervising the administration of Trust Territories should be bypassed.

19. The central issue was whether it would be in the best interests of petitioners in general that the Committee should agree to hear an advocate rather than those who were directly affected. If Mr. Asare was merely going to read a petition to the Committee it could equally well be circulated as a document. On the point of principle, there was a danger that the Trusteeship Council and the Fourth Committee might be cut off from direct contact with the Trust Territories if petitioners were allowed to engage outside agents.

20. He agreed with the Australian representative that if Mr. Asare were allowed to represent two different organizations there might be a conflict of interests where the policies of the two groups differed.

21. Mr. ESKELUND (Denmark) considered that the telegram to the petitioners should state emphatically that Mr. Asare would not be heard in any circumstances, so that they should realize that they had only two alternatives, either to send a representative from the Territory or to submit a written statement.

22. Mr. DIPP GOMEZ (Dominican Republic) supported the United States representative's proposal as amplified by the Venezuelan representative.

23. Mr. BOZOVIC (Yugoslavia) supported the United States proposal but could not agree with the

Danish representative that the telegram should state explicitly that the Committee would not hear Mr. Asare in any circumstances. That would prejudice the issue as circumstances could arise in which the Committee might decide to hear persons who were not residents of the Territory.

24. Mr. JAIPAL (India) agreed that the Committee should not totally exclude the possibility of representation by a lawyer. There might be circumstances in which that would be necessary, although the case under consideration was not one of them. He would accept the United States proposal, but only on the understanding that it did not prejudice the question of representation by a lawyer or any other third party.

25. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) was in favour of informing the petitioners that their request for a hearing had been granted but felt that the rest of the United States proposal should be deleted. His delegation had consistently argued that petitioners were entitled to be represented by anyone they saw fit to appoint for that purpose. The petitioners in question should therefore be informed that their request for a hearing had been granted and should be asked to send representatives from the Territory. It was unnecessary to say that if they were unable to do so they could send their views in writing or that the Committee could not authorize representation by a third party. The question of representation could be settled only after the petitioners' reply to the telegram under consideration had been received. If the petitioners could send a representative from the Territory, no difficulties would arise; if they could not, his delegation would prefer to hear the third party appointed by them to present their case.

26. Mr. CORTINA (Argentina) was in favour of the United States proposal on the understanding that it did not establish a precedent on legal representation. There was no need for such representation in the present case, but circumstances might arise in which a petitioning group was able to show conclusively that it could not send a representative from the Territory to New York. The Committee might then wish to take a different stand.

27. Mr. RIVAS (Venezuela) considered that there was no fear of establishing a precedent by the United States proposal. That proposal merely made a suggestion to the petitioners. It was open to them to take what action they liked on the suggestion made. He would abstain from voting on the amendment suggested by the USSR representative.

28. Mr. ESKELUND (Denmark) said that neither the United States proposal nor the USSR amendment made it clear that the oral hearing had been granted only on condition that the petitioners appointed someone from the Territory to represent them. The petitioners were apparently a very small splinter group; they might well be politically inexperienced and have little knowledge of the General Assembly's procedure with regard to petitions. The situation should therefore be made very clear to them.

29. The CHAIRMAN felt that the Committee was in general agreement on the principles involved and suggested that it would save time to leave the actual drafting of the telegram to the Secretariat. He suggested that the Secretariat should be asked to send a telegram embodying the following three points: first, it should state that the Committee had granted

a hearing to the petitioners; secondly, it should suggest that the petitioners send a representative from the Territory for the hearing; and thirdly, it should suggest that if the petitioners were unable to send a representative from the Territory they might present their views to the Fourth Committee in writing.

*There being no objection, the first and second points were approved.*

30. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) asked that the third point should be put to the vote. The Committee should not cross its bridges until it came to them; it should discuss whether it preferred receiving a written presentation of the petitioners' views to hearing a legal representative appointed by them if and when they replied that they could not send a representative from the Territory. Pending that reply, the question should be left open. As far as he was concerned, once a hearing had been granted, it was for the petitioner to choose who should represent him.

31. Mr. KHOMAN (Thailand) pointed out that in the case of South West Africa, petitioners had been informed that they could not be granted an oral hearing but might submit their views in writing. Hence, the third point was in keeping with the Committee's practice.

32. Mr. ESKELUND (Denmark) was in favour of the third point. As he had previously stated, the petitioners should be given the fullest possible information.

*The third point was approved by 25 votes to 6, with 12 abstentions.*

33. Mr. GHANEM (Egypt) said that he had abstained from voting on the third point because one important piece of information needed by his delegation to reach a decision was lacking, i.e., it was not known whether the organization was in a position to send a representative from the Territory or not. If it was unable to do so, his delegation's stand might be different.

34. Mr. JAIPAL (India) said that he had abstained from voting because the Committee had been considering a request for an oral hearing, and it was not necessary in replying to such a request to indicate that a written petition could be sent as an alternative. That procedure was open to all petitioners in the ordinary course of events and they could make use of it if they deemed it advisable.

35. Mr. EGUIZABAL (El Salvador) said that he had voted against the third point. He felt that it would make the right of petition subject to limitations which the Committee was not entitled to impose. In his view, petitioners requesting oral hearings were entitled to designate any representative they thought suitable.

#### AGENDA ITEM 13

#### **Report of the Trusteeship Council (A/2933, T/L.500, T/L.579 and Add.1, T/L.591, T/L.602, T/L.609, T/L.617) (continued)**

#### GENERAL DEBATE (continued)

36. Mr. FRACASSI (Observer of Italy to the United Nations) said that the interesting statement made at the previous meeting of the Fourth Committee by Mr. Hussen, representative of the Somali

Youth League, was a further demonstration of the importance attached by the people of Somaliland to the question of the frontier between Ethiopia and the Trust Territory. At the ninth session of the General Assembly, the Italian Government had submitted a memorandum<sup>1</sup> showing the steps taken by Italy during the previous two years to start bilateral negotiations with the Government of Ethiopia on the question of the boundary. The subsequent adoption of General Assembly resolution 854 (IX) had encouraged the Italian Government to continue those efforts. Early in 1955 the Italian Ambassador to Ethiopia had made known his Government's desire to resume discussions and one month before the expiry of the time limit laid down in resolution 854 (IX), the Ethiopian Minister for Foreign Affairs had indicated that although his Government was not in favour of the mediation procedure recommended by the General Assembly if direct negotiations were to fail, it was ready to start direct negotiations. The Italian Government had agreed to enter into such negotiations and had instructed its representative to Ethiopia to follow up the conversations and to appoint a special delegation, including a number of Somali members, to conduct the negotiations. The Ethiopian Government had immediately opposed the plan to include Somalis in the delegation. An exchange of correspondence had been unable to overcome that unexpected obstacle to the appointment of the Italian delegation. As recently as 26 October 1955, the Italian Government had reiterated its intention to appoint a delegation including a number of Somali members, explaining that they would be included as experts only and that the Government, as Administering Authority, would retain full and exclusive responsibility.

37. The Italian Government's motives in including Somali members in the delegation would be clear to the Fourth Committee. It was not a question of defining the frontier between Ethiopia and Italian territory but between Ethiopia and the future independent Somali State. He recalled that according to the Declaration of Constitutional Principles annexed to the Trusteeship Agreement for Somaliland under Italian administration the sovereignty of the Territory was vested in its people. The Italian Government was engaged in a wide-spread effort to promote Somali participation in all aspects of life in the Territory—political, economic and administrative. That procedure, recently intensified by the new Administrator, was a basic part of Italian policy and in full accord with the recommendations of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration, the 1951 and 1954 United Nations Visiting Missions to the Territory, the Trusteeship Council and the General Assembly. That being the case, the Italian Government could not omit Somali experts from the discussion of a question which was so fundamental to the Territory without contradicting the spirit of all the United Nations' recommendations and running counter to its own declared policy. Moreover, Somali participation in the discussions, would not only implement the democratic principle of the respect due to the views of the people, but would also guarantee that the solution adopted would be loyally accepted and carried out both before and after 1960.

38. The Italian Government was fully aware that it was its duty to help in finding a satisfactory solution to the problem at the earliest possible date. If the General Assembly still thought, despite the expiry of the time limit, that the most appropriate means of achieving a positive result was direct negotiations, the Italian Government was ready to enter into such negotiations, provided that the presence of Somali experts in the Italian delegation was accepted. It was equally prepared to follow the procedure of mediation laid down in General Assembly resolutions 392 (V) and 854 (IX), should the General Assembly consider that that was the best way of solving the problem.

39. Mr. ASHA (Syria) thanked the Italian Observer for his statement and requested that in view of its importance, it should be circulated to the members of the Committee as a document.

*There being no objection, it was so decided.*<sup>2</sup>

40. Mr. SERAPHIN (Haiti) said that his Government had always felt a special interest in the problem of the frontier between the Trust Territory of Somaliland and Ethiopia. It was an extremely important problem and the fact that Somaliland was soon to become an independent State made it all the more necessary that it should receive an early solution. It was the United Nations' responsibility to help the Trust Territory to secure an agreed geographic framework within which it would exercise its constitutional sovereignty when in 1960 it ceased to be a Trust Territory.

41. The Committee would recall that the boundary question had been an object of special study by the Fourth Committee at the ninth session. In reply to a request from the Trusteeship Council in resolution 1000 (XIV), the Secretary-General had prepared a report on the frontier problem (A/C.4/277), containing statements by the Governments of Italy and Ethiopia on the progress of negotiations for the settlement of the frontier problem in accordance with the provisions of General Assembly resolution 392 (V). After considering the situation, the General Assembly had adopted resolution 854 (IX) in which it had noted with concern that no progress had been made so far in the direct negotiations between the Governments concerned.

42. Since that time, the Trusteeship Council had been informed, at its sixteenth session (634th meeting) that the Administering Authority was continuing its efforts to start direct negotiations and that the conversations just referred to by the Italian Observer were about to take place. The Trusteeship Council had adopted resolution 1257 (XVI) noting that such negotiations that had taken place so far had not yielded any substantial results, and recommending that should the current negotiations fail, the Administering Authority should avail itself of the proposed mediation procedure. The Italian Observer had described his Government's further efforts, but unfortunately no concrete results had yet been achieved. The unavoidable impression was that there were certain fundamental differences which prevented the solution of the frontier question.

43. The General Assembly would have to be more fully informed of the facts of the situation if it was to discharge its responsibilities effectively. It would be very useful if the Secretariat could prepare for the

<sup>1</sup> See A/C.4/277.

<sup>2</sup> Subsequently circulated as document A/C.4/319.

Committee a document with all relevant information to assist it in its endeavours to find an equitable solution to the problem which would be satisfactory to both the Governments concerned.

44. Mr. COHEN (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) said that the Secretariat would be in a position to prepare and circulate such a document in a few days.

*There being no objection, it was decided to request the Secretariat to prepare a background paper on the question of the frontier between Somaliland under Italian administration and Ethiopia.*

45. Ato YILMA DERESSA (Ethiopia) noted that the statement just made by the Italian Observer was

in some ways a surprise to his delegation. The Ethiopian delegation also had a number of points which it wished to explain to the Committee. However, since the matter was of such close concern to his delegation, he would like an opportunity to study the Italian Observer's statement which was to be circulated, and the statement of the petitioner at the previous meeting, before making his reply.

46. He therefore requested that the debate should be adjourned to the following Monday, 21 November, to give the Ethiopian delegation an opportunity of studying the documents.

*There being no objection, the motion for adjournment of the debate was adopted.*

The meeting rose at 12.40 p.m.