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Chairman: Mr. Santiago PEREZ PEREZ (Venezuela).

Requests for oral hearings (*continued*)

REQUESTS CONCERNING TRUST TERRITORIES (A/C.4/232, A/C.4/233, A/C.4/234, A/C.4/235, A/C.4/L.271)

1. The CHAIRMAN drew attention to the requests for oral hearings concerning Trust Territories circulated in accordance with the Committee's decision at its 317th meeting (A/C.4/232 to A/C.4/235) and the draft resolution submitted by the United Kingdom delegation (A/C.4/L.271).

2. Mr. RYCKMANS (Belgium) considered that the Committee should begin by discussing the question of principle raised in the United Kingdom draft resolution. It would be more logical to postpone the decision on the seven requests until the proposed sub-committee had worked out the general criteria to be taken into account in deciding whether individual applications for oral hearings should be granted. On the one hand, the adoption of general criteria would help the Committee to decide on individual cases. On the other, if the Committee were immediately to grant the requests before it, a precedent would be set which would, to some extent, be binding on the sub-committee.

3. Mr. MENDOZA (Guatemala) was in favour of establishing a sub-committee to consider the general procedure for granting requests for oral hearings, but he would like it to be quite clear that any decisions the sub-committee might reach would be without prejudice to the seven requests already received by the Committee. The sub-committee's deliberations should be restricted to procedural matters, consideration of specific requests being reserved to the Fourth Committee.

4. Mr. DE MARCHENA (Dominican Republic), supported by Mr. DE HOLTE CASTELLO (Colombia), concurred with that point of view. His delegation intended to present a working paper to the sub-committee suggesting various criteria which it might consider, such as the importance of the petition, whether or not it raised a new issue, whether it should not first be submitted to the Trusteeship Council and whether petitioners should be allowed to be represented by lawyers rather than to appear themselves. While the right of petition should be safeguarded, the Committee must not allow itself to be inundated by frivolous or merely personal petitions. He urged the members of the Committee to vote immediately in favour of establishing the

sub-committee proposed in the United Kingdom draft resolution. The question should not be allowed to lapse, as it had at the seventh session.

5. Mr. HOPKINSON (United Kingdom) said that his delegation had introduced its draft resolution to meet what it felt to be the general desire to establish some standard procedure for dealing with requests for oral hearings. He wished to make it quite clear that the sub-committee would be concerned only with the general procedural problem. The decision on individual requests would remain with the Fourth Committee.

6. If the Committee decided to establish the sub-committee, the Chairman might nominate the members thereof, on the basis of the indications regarding membership contained in the draft resolution, in the very near future. He hoped that the sub-committee would be able to complete its work in time for the criteria it elaborated to be taken into account in reaching a decision on the seven requests pending. Nevertheless, he would not press that point if anyone felt that such a procedure would involve delay in considering those requests.

7. Mr. ABOU-AFIA (Egypt) did not see why the time element in the sub-committee's work should influence the Committee's decision. There was no reason why, pending the adoption of the criteria recommended by the sub-committee, the Committee should not be guided by the considerations it had always applied to the question of granting oral hearings.

8. Mrs. MENON (India) wondered whether the procedural difficulties encountered with regard to oral hearings in the past were sufficient to justify the creation of the proposed sub-committee. With so few requests pending, it seemed unnecessary for the Committee to depart from its usual practice and embark on elaborate schemes for adopting general criteria. The appointment of a sub-committee and the consideration of its report might well waste time that could more profitably be devoted to the consideration of the important items on the Committee's agenda.

9. Mr. ESPINOSA Y PRIETO (Mexico) supported the Indian representative's contention that the number of requests so far received was not so overwhelming as to justify the immediate establishment of a sub-committee. It might be useful, however, to ensure that the Committee was not inundated with requests at some future date. Viewed in that light, a case could be made out for establishing the proposed sub-committee.

10. Mr. NAJAR (Israel), supported by Mr. RYCKMANS (Belgium), suggested that some time-limit, such as eight days, should be specified for the conclusion of the sub-committee's work. That procedure would reconcile the need for order felt by some members of the Committee and the desire of others not to prevent the petitioners from obtaining a hearing.

11. Mr. PACHACHI (Iraq) and Mr. L. S. BOKHARI (Pakistan) pointed out that if the sub-committee was merely to discuss general principles to guide

the Committee, the whole matter would have to be re-discussed in the Committee. In view of the two widely divergent opinions regarding the granting of oral hearings, it was unlikely that the sub-committee would be able to recommend any agreed criteria. In that case, the establishment of a sub-committee seemed likely to be a waste rather than a saving of time. The seven requests before the Committee were important and should be considered without further delay.

12. Mr. BENITES VINUEZA (Ecuador), supported by Mr. LAWRENCE (Liberia) and Mr. RIVAS (Venezuela), agreed that the seven requests should be considered immediately. It was not the first time the Committee had considered requests for oral hearings and there was no reason why it should not follow its past procedure in that respect. To subject the current requests to the findings of the sub-committee would merely prolong the Committee's work unnecessarily. It might, however, be useful, after the seven requests had been dealt with, to consider appointing a sub-committee to study the procedure to be applied to future requests. In no case, however, must its decisions be applied retroactively.

13. Mr. ARAOZ (Bolivia) agreed with the last speakers, though he felt that an exception to the rule of non-retroactivity might be made if it were to the petitioners' advantage. The best procedure might be to refer the whole question of establishing a sub-committee to the General Assembly, with the recommendation that it should be included on the agenda of the ninth session.

14. Mr. PIGNON (France), speaking on the basis of past experience, stressed that the granting of the seven hearings that had been requested to date would certainly unleash a large number of additional requests, at any rate from the Trust Territories under French administration. It would be far better, therefore, to begin by establishing some general procedure for dealing with requests. Furthermore, it would scarcely be fair to apply any criteria that might be adopted to requests received later during the current session when they had not been applied to the seven requests already received. He therefore supported the United Kingdom draft resolution, with the addition of the time-limit suggested by the representatives of Israel and Belgium.

15. Mrs. BOLTON (United States of America) said that her delegation believed that the Committee should hear inhabitants of Trust Territories when they requested an opportunity to present their views on specific problems which were of sufficient importance to merit the direct attention of the full membership of the United Nations. Nevertheless, it was somewhat concerned over the practical problems involved in granting numerous oral hearings in a large committee of sixty States. At the seventh session of the General Assembly, requests for oral hearings or the hearings themselves had taken a very large proportion of the Committee's time, and the Committee had been unable to deal with every item on its agenda. It was both logical and necessary for the Committee to avoid the indiscriminate granting of all requests for oral hearings.

16. In deciding whether or not to grant an oral hearing, the Fourth Committee might be guided by the following general principles. First, the problem raised by the petitioners should be specifically stated and of sufficient importance to merit a hearing. Secondly, the Committee should take into account the character of the petitioner and the organization he represented; the petitioner should be a person who could provide useful and relevant information and he should normally be an

inhabitant of the Territory concerned. Thirdly, the Committee should not grant hearings to lawyers who were not residents of the Territories concerned; that type of representation was too open to abuse and might be harmful both to the United Nations and the petitioners. Petitioners could of course obtain all the legal advice that they wanted but they should present their own problems to the Committee where, in any case, they would find numerous lawyers to ensure that they received a full and fair hearing. Fourthly, petitioners from Trust Territories should normally be heard in the Trusteeship Council before they were granted hearings in the Committee. The petitions system of the Trusteeship Council had been carefully worked out by a body of twelve members who had been given the specific task of devoting more time than other members to the study of problems connected with Trust Territories. She felt that the General Assembly would not wish to undermine the petitions work of the Trusteeship Council. Finally, the Committee should take into account the past actions of the Trusteeship Council and the General Assembly on the problem raised by the petitioners.

17. Those five principles were not applicable in every case, but they had been taken into consideration by her delegation in deciding how to vote on each of the requests before the Committee. Her delegation had no definite opinion regarding the United Kingdom proposal and would be influenced by the views of other delegations.

18. Mr. RIFAI (Syria) pointed out that one of the main reasons for establishing a sub-committee was to save time. It might well have been much quicker, however, to dispose immediately of the small number of requests that had been received.

19. If a sub-committee were established and it adopted certain criteria, those criteria would inevitably be open to divergent interpretations and further time would be lost in defining them. With the possible exception of the criterion of importance, the Trusteeship Council had never adopted any criteria for the acceptance of petitions, and it therefore seemed unnecessary for the Committee to do so.

20. He wondered whether the United Kingdom representative would not be prepared to defer his proposal. If further petitions were forthcoming, the question could be reopened.

21. Mr. HOPKINSON (United Kingdom) wished to make it quite clear that he would have no objection if the seven requests were considered before his draft resolution.

22. With reference to the Indian representative's remarks, he pointed out that the requests for oral hearings in the past had certainly given rise to considerable difficulty. Often very little was known about the petitioner and requests for hearings were received only a few days before they were considered. The United States representative had mentioned several criteria. A further one might be the establishment of a time-limit for the submission of requests, for example, two weeks before the beginning of the session.

23. Mr. QUIROS (El Salvador) supported the proposal to consider the seven requests immediately. Although the Committee had previous experience in dealing with requests for oral hearings, the matter was a very complex one and any additional experience acquired in the course of considering those seven requests might help the sub-committee to establish general criteria.

24. Mr. RODRIGUEZ FABREGAT (Uruguay) was in favour of dealing first with the seven requests, in accordance with the Committee's general practice. The United Kingdom draft resolution could then be discussed. Incidentally, that proposal was not as simple as it seemed, since it involved the competence of the General Assembly and the Fourth Committee.

25. Miss ROESAD (Indonesia) said that her delegation was very favourably disposed to granting oral hearings to petitioners from Trust Territories, since it felt that the people of those Territories looked to the United Nations and that the least the Committee could do was to grant their requests for oral hearings.

26. The CHAIRMAN observed that the majority of speakers appeared to be in favour of considering immediately the seven requests for oral hearings before the Committee. He therefore proposed that the requests concerning Togoland under British administration should be examined first, and drew attention to the requests from the All-Ewe Conference (A/C.4/232) and the Togoland Congress (A/C.4/235).

27. Mr. PIGNON (France) felt there was some doubt as to the utility of once again granting a hearing to petitioners from Togoland; the question had already been debated at length and, moreover, consultations were taking place in the Territories. Nevertheless, in view of the fact that the Ewe and Togoland unification problem was an item on the Committee's agenda, he would abstain in the vote on the granting of a hearing to the representatives of the All-Ewe Conference.

28. With regard to the representation of the Togoland Congress by a lawyer who was resident in New York, the French delegation strongly opposed what it felt to be a most dangerous precedent and would vote against it.

29. Mrs. BOLTON (United States of America) said she would vote in favour of granting a hearing to the representatives of the All-Ewe Conference.

30. With regard to the request of the Togoland Congress, however, while continuing to support the principle of granting hearings to representatives of recognized Togoland groups, she agreed with the French representative that the question at issue in the present case was whether the United Nations should grant oral hearings to legal counsel who were not resident in the Trust Territory concerned. The merit of the system of oral hearings was that it provided an opportunity to learn at first hand the views of the inhabitants of a Territory; it was not an alternative judicial system. Neither the Fourth Committee nor the Trusteeship Council was a court of law, and to admit non-resident legal counsel would not be in consonance with their functions, might lead to serious abuses and would not in the final analysis be to the advantage of the inhabitants of the Trust Territories. She would therefore vote against the request of the Togoland Congress.

31. Mr. HOPKINSON (United Kingdom) said that, while it was unlikely that the representatives of the All-Ewe Conference would have anything new to add to what they had said in the Fourth Committee at the previous session, his delegation would have no objection to their being heard.

32. Nor had it any objection of principle to the granting of a hearing to an appropriate representative of the Togoland Congress. On the other hand, it entirely shared the objections of the French and United States

representatives to the appearance of professional lawyers as petitioners before the Committee. That had certainly not been the intention of the authors of Chapters XII and XIII of the Charter. The fact that Mr. Asare had at one time been an inhabitant of Togoland was irrelevant. The essence of the petitions system was that the petitioners should present their views themselves. He would therefore vote against the request of the Togoland Congress.

33. Mrs. MENON (India) pointed out that in their letter of 28 July 1953, which was reproduced in document A/C.4/235, the petitioners stated that they had become impoverished and could not afford to send delegates. That being so, it would not be fair that their petition should remain unheard when there was in New York a former inhabitant of the Territory whom they could employ to represent them.

34. Mr. L. S. BOKHARI (Pakistan) considered that it was for the Togoland Congress to decide by whom it should be represented. He would vote in favour of granting the request.

35. Mr. BUNCHE (Secretary of the Committee) drew attention to the further cable from the Togoland Congress dated 24 September 1953, which was also reproduced in document A/C.4/235, and the footnote stating that the Secretariat had cabled asking whether the Congress wished to send a representative from the Trust Territory or whether it still wished to be represented by Mr. Asare.

36. Mr. DE MARCHENA (Dominican Republic) and Mr. MENDEZ (Philippines) suggested that consideration of the request should be postponed until a reply had been received.

37. Mr. MENDOZA (Guatemala) agreed. Moreover, a few days' postponement would give representatives time for reflection. A decision on the matter should not be taken hastily. Members should consider whether the right of petition really meant an appearance in person before the Fourth Committee. The right to be legally represented was recognized in all other international bodies and institutions. In his view, it was for the petitioners to decide who should represent them.

38. Mr. NAJAR (Israel) would not take a stand for the time being, but could see no reason why the petitioners should not be represented by a person who had not come directly from the Territory. At the same time the question was a serious one and time was required to consider it. The Charter contained no restrictions on the manner in which the peoples of the Trust Territories could defend their interests before an international body. If a representative chosen by an organization or group had the requisite qualifications, it was difficult to see how his right to a hearing could be denied.

39. He agreed with the representative of Guatemala that the question should be postponed.

40. Mr. RYCKMANS (Belgium) maintained that a refusal by the Committee to give an oral hearing to a petitioner or his legal representative did not constitute a restriction on the right of petition. In many countries, including his own, the right of petition was recognized by the Constitution, but that right did not include an oral submission by the petitioner of his complaints. The granting of an oral hearing by the Fourth Committee was an exceptional extension of the right of petition.

41. The real point was whether an oral hearing would advance the Committee's work or enable it to take wiser decisions in the interest of the people of the Trust Territories. Experience had clearly shown that that was not so.

42. The communication contained in document A/C.4/232 was less a petition than a request that a representative of a Togoland political party should be allowed to participate in the debates of the Fourth Committee. There was no provision for anything of the kind either in the Charter or the rules of procedure of the General Assembly, and the request should therefore be rejected.

43. Furthermore, if the requests of the All-Ewe Conference and the Togoland Congress were granted, the Committee would be obliged to grant hearings to any petitioners who wished to express their views on the problem. The Committee would be incurring a heavy responsibility by encouraging petitioners to spend so much money, and the latter would naturally be dissatisfied if, after all their efforts, their grievances were not removed. The services of a legal representative would also be costly. Hence the opportunity of an oral hearing would depend on the petitioner's financial resources.

44. He would vote against the requests before the Committee because he was convinced that to grant them would not help the Committee in its work, and because it would be impossible for the Committee to judge to what extent the groups in question represented the mass of the people in the Territories concerned.

45. With regard to the question of representation by counsel, Mr. Asare could have been briefed only by letter. The petitioners could equally well have written to the Chairman of the Fourth Committee, and would find in the Committee many competent lawyers to plead their cause.

46. Mr. QUIROS (El Salvador) agreed with the representative of the Dominican Republic that the question should be postponed. He suggested that a further cable should be sent to the petitioners urging them to reply immediately.

47. The CHAIRMAN said that if there were no objections, he would consider the request of the All-Ewe Conference to have been granted, and would suggest that the discussion of the request of the Togoland Congress should be postponed.

It was so decided.

48. Mr. RYCKMANS (Belgium), while not asking that a vote should be taken, emphasized that his delegation was not in favour of granting the request of the All-Ewe Conference.

49. Mr. PIGNON (France) proposed to deal with all the petitions from the Cameroons under French administration at the same time.

50. The request (A/C.4/233) from the Ngo'Ekele Community, Yaoundé, was a genuine petition inasmuch as it dealt with specific facts. In 1940, the petitioners had accepted compensation for certain land and now regretted having done so in view of the subsequent rise in the price of land near Yaoundé following the development of the town. The question was not one for the Fourth Committee but for the Standing Committee on Petitions and the Trusteeship Council, and it

would be a disservice to the community to authorize the petitioners to come to New York.

51. The requests contained in document A/C.4/235 from the Evolution Sociale Camerounaise (ESOCAM), the Union des Populations du Cameroun (UPC) and the Coordination des Indépendants Camerounais (INDECAM) were of a different nature; they referred not to specific complaints but to the general situation in the Territory.

52. The ESOCAM asked to be allowed to send a delegate in order, first, to confirm the proposals made to the United Nations Visiting Mission, to Trust Territories in West Africa, 1952, in December of that year; secondly, to discuss the economic, political and social aspects of the development of the Cameroons; thirdly, to deny certain statements and criticisms made by the UPC; and fourthly, to apprise the Committee of the "true will" of the Cameroonians with regard to their future.

53. The UPC asked to be heard once again on points concerning which its representative had spoken before the Committee (309th to 312th meetings) at the seventh session of the General Assembly, i.e. the unification of the two Cameroons, the fixing of a time-limit for the granting of independence and the position of the Cameroons with regard to the French Union.

54. The request of INDECAM was set forth at length in document A/C.4/235.

55. Those requests had been correctly classified by the Secretariat as communications. The questions they raised were not urgent; they had already been studied by the Visiting Mission and the Trusteeship Council and would again be examined by the Council when it discussed the report on the Territory at its thirteenth session to be held in January, 1954. The Visiting Mission had stated in its report on the Cameroons under French administration (T/1043) that the matters in question were neither serious nor urgent, and no new facts had arisen to change that opinion. On the contrary, the two Powers concerned had attempted to smooth out some of the difficulties experienced by the people along the border. The question of setting a time-limit for the granting of independence was not ripe for discussion and any attempt to raise the question at present was mere demagogic propaganda. The same remark applied to the matter of the position of the Cameroons with regard to the French Union.

56. The Fourth Committee would remember the excitement that had been caused in the Cameroons the previous year by the granting of a hearing to the UPC. Numerous telegrams and letters of protest had been addressed to the United Nations. The requests for hearings from ESOCAM and INDECAM were a continuation of that movement. If the request of the UPC were granted, there would undoubtedly be competition among other political parties in the Cameroons for hearings by United Nations bodies. The UPC had made great propaganda out of the fact that it had been granted a hearing, with the result that a journey to New York had become a chief object of local politics. In view of the UPC's methods, its affinities and its connexions, its activities should be taken seriously and the Fourth Committee should consider carefully whether it should be given further encouragement.

57. Mr. HOPKINSON (United Kingdom) said that his delegation had always been in favour, in principle,

of granting requests for hearings. However, the requests from the Cameroons under French administration just summarized by the French representative appeared to be supreme examples of the abuse of the right of petition. The hearing of the three political parties would simply mean a transfer of Cameroonian party politics to New York, while the request from the Ngo'Ekele Community concerned a specific grievance which would be far more suitably considered by the Trusteeship Council. He would therefore oppose all four requests.

58. Mr. MENDOZA (Guatemala) agreed that some of the petitions made to the General Assembly concerned relatively minor matters of no great concern to that body. However, he felt that the means of close contact with the United Nations afforded to the peoples of the Trust Territories by oral hearings in the Fourth Committee was too valuable to be dismissed on legal or technical considerations. His delegation would vote in favour of granting the four requests.

59. Mr. LOOMES (Australia) agreed with the views expressed by the representatives of France and the United Kingdom. His delegation had no desire to restrict the right of petition, but it did feel that petitions should normally be addressed to the Trusteeship Council and only in exceptional cases should hearings be granted in the Fourth Committee. The Trusteeship Council was a principal organ of the United Nations and had special machinery in the form of its Standing Committee on Petitions, its visiting missions and so on, to deal adequately with petitions addressed to it. His delegation would vote against granting the four requests.

60. Mr. ARAOZ (Bolivia) drew attention to resolution 655 (VII), on the hearing of petitioners from the Trust Territory of the Cameroons under French administration, adopted by the General Assembly at its seventh session on the recommendation of the Fourth Committee. That resolution described the statements made by the representatives of organizations in the Cameroons as a valuable contribution to an understanding of the problems in the Trust Territory. He felt that the Committee should not contradict its previous opinion on the usefulness of their statements by refusing to grant requests for further hearings from the same quarter. He intended to vote in favour of the requests.

61. Mr. LAWRENCE (Liberia) said that a generous interpretation should be placed on the right of petition. The point had already been made that the Fourth Committee was not a court of law. He was in favour of granting the requests.

62. Mr. L. S. BOKHARI (Pakistan) supported the granting of the requests on the grounds that to refuse them would create an unfavourable impression in the Trust Territories.

63. Mr. RODRIGUEZ FABREGAT (Uruguay) felt that nothing would be lost by continuing the Fourth Committee's custom of granting requests for oral hearings. He noted that petitions from the same source and on the same problems as those from the three Cameroonian political parties had been accepted before and indeed praised in a General Assembly resolution.

64. Mrs. BOLTON (United States of America) said that her delegation had given careful consideration to the request from the Union des Populations du Cameroun, and had felt that there would be little merit in

hearing a representative of the organization again, at the present session, on matters on which it had already had a hearing at the previous session. Moreover, the Trusteeship Council had not yet had an opportunity to investigate and report on the questions raised by the UPC at the seventh session of the General Assembly, but was to do so at its thirteenth session and report to the ninth session of the General Assembly. It was difficult, therefore, to see how the Fourth Committee could effectively consider the matters which the UPC desired to raise at the present session. The United States would therefore vote against the request for a hearing put in by the Union des Populations du Cameroun. It would abstain from voting on the other three requests on the grounds that although it believed that the petitioners should have an opportunity to explain their views, the hearing could most effectively be held at the thirteenth session of the Trusteeship Council, where, moreover, those petitioners had not previously been heard.

65. Mr. SCOTT (New Zealand) said that his delegation felt that unless petitions concerned urgent and important matters already examined by the Trusteeship Council, they should not come before the Fourth Committee. The United States delegation had outlined a number of excellent general considerations which might govern the granting of oral hearings in the Fourth Committee. None of the four requests raised matters of the nature described, and he felt that the Trusteeship Council was the proper place for their discussion. The Council was a smaller and more technical body with much experience in handling petitions, and it also had the advantage of the advice and opinions of the special representatives for the Trust Territories and the visiting missions. At its thirteenth session, in January, when it would discuss the questions referred to it in General Assembly resolution 655 (VII), it would also have the benefit of the annual report on the Trust Territory of the Cameroons under French administration. His delegation would oppose the granting of the requests.

66. The CHAIRMAN put to the vote the request for an oral hearing from the Evolution Sociale Camerounaise.

The request was granted by 37 votes to 10, with 3 abstentions.

67. The CHAIRMAN put to the vote the request for an oral hearing from the Union des Populations du Cameroun.

68. Mr. PIGNON (France) requested a vote by roll-call.

A vote was taken by roll-call.

Paraguay, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Costa Rica, Cuba, Czechoslovakia, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Liberia, Mexico, Pakistan.

Against: Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada,

France, Greece, Luxembourg, Netherlands, New Zealand.

Abstaining: Peru, Thailand, China, Colombia, Denmark, Dominican Republic, Ecuador, Norway.

The request was granted by 33 votes to 12, with 8 abstentions.

69. The CHAIRMAN put to the vote the request for an oral hearing from the Coordination des Independants Camerounais.

The request was granted by 40 votes to 10, with 3 abstentions.

70. The CHAIRMAN put to the vote the request for an oral hearing from the Ngo'Ekele Community, Yaoundé (A/C.4/233).

The request was granted by 36 votes to 10, with 6 abstentions.

The meeting rose at 1.40 p.m.