



Thursday, 7 February 1957,
at 3.20 p.m.

New York

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Chairman: Mr. Enrique de MARCHENA
(Dominican Republic).

AGENDA ITEM 35

Progress achieved by the Non-Self-Governing Territories in pursuance of Chapter XI of the Charter: report of the Secretary-General (A/3196, A/C./348, A/C.4/L.470/Rev.1) (*continued*)

1. Mr. NASH (United States of America) said that before the Committee proceeded to a vote he wished to thank the sponsors of the draft resolution (A/C.4/L.470/Rev.1) for accepting some of the suggestions he had made at the previous meeting. He believed that the draft resolution as it now stood clearly expressed the objectives sought by the sponsors and he would be glad to support it.

2. He regretted that he would be unable to support the amendment proposed by the Greek delegation (A/C.4/L.473); if it were adopted he would have to withdraw his support from the draft resolution as a whole.

3. Mr. THORP (New Zealand) remarked that there had been little disposition in the Committee to embark on a discussion of the practical considerations of cost, ultimate use and circulation of the proposed report. His delegation would nevertheless be able to support the draft resolution in its amended form, although he would have preferred the wording proposed by the United States representative at the previous meeting. It was now, however, sufficiently clear that the report would refer to progress in the three functional fields and would not place any additional obligation on the Administering Members with regard to the transmission of information.

4. The draft resolution was particularly satisfactory to his delegation in that it would associate the specialized agencies in the project.

5. The CHAIRMAN called on the Committee to vote on the fourth paragraph of the preamble separately, as had been requested at the previous meeting by the representative of Czechslovakia.

The fourth paragraph of the preamble was adopted by 46 votes to 8, with 5 abstentions.

The preamble as a whole was adopted by 57 votes to none, with 5 abstentions.

6. Mr. ROSSIDES (Greece) withdrew his amendment (A/C.4/L.473).

7. The CHAIRMAN called on the Committee to vote separately on the words "in those fields on which information has been transmitted" in paragraph 2 of the operative part, as requested at the previous meeting by the representative of Czechoslovakia.

The Committee decided by 47 votes to 6, with 6 abstentions, to retain those words.

Paragraphs 1 to 6 of the operative part were adopted by 57 votes to none, with 5 abstentions.

The draft resolution as a whole was adopted by 58 votes to 1, with 4 abstentions.

8. Mr. CLAEYS BOUUAERT (Belgium) said he had been unable to support the draft resolution because he did not consider that the proposed report would serve any useful purpose. It would contain information which was easily available in any good library. Moreover, despite all the efforts that had been made, the nature and scope of the work to be done was still vague in certain respects. Various points were still open to diverse interpretations, in particular paragraph 6 of the draft resolution, which seemed to imply that the Committee on Information from Non-Self-Governing Territories might discuss the information transmitted by the Administering Members. The Belgian delegation could not countenance any such proposal.

9. Miss BROOKS (Liberia) regretted that the words "in those fields on which information has been transmitted" had been voted on separately. In a spirit of conciliation her delegation had agreed to the inclusion of those words in paragraph 2, although it had consistently held that information on political questions in connexion with Non-Self-Governing Territories should be transmitted to the Secretary-General. She had therefore abstained in the vote on the phrase in question.

10. Mr. LOOMES (Australia) thanked the sponsors for having revised their original draft so as to allay many of the misgivings he had expressed at the 625th meeting. His doubts, however, had not been entirely removed. In particular the draft resolution did not make clear precisely to what use the report would be put. He also shared the doubts expressed by the representatives of Belgium and the United Kingdom concerning the utility of the report.

11. Moreover, the revisions that had been made did not take account of the point of principle to which he had referred earlier, namely that the United Nations would produce a report based on information submitted to other organizations under different agreements and for different purposes.

12. For all those reasons he had been obliged to abstain in the vote.

13. Mr. LOBANOV (Union of Soviet Socialist Republics) said that although he had voted in favour of the draft resolution, he would have preferred to retain

the original wording because the revisions had considerably weakened it.

14. Mr. VIXSEBOXSE (Netherlands) said he had voted in favour of the draft resolution, despite certain reservations, which were very similar to the considerations set forth by the New Zealand representative.

15. Mr. BARRIGA (Ecuador) said that his delegation, as the author of the original suggestion made to the Committee at the tenth session (447th meeting), was glad that the draft resolution just approved, of which it was one of the sponsors, had been adopted by so large a majority, and that the Committee fully appreciated the eminently constructive spirit in which Ecuador had made the proposal. He felt sure that the report would be of great value by making available better co-ordinated information giving a general picture of the progress achieved in the Non-Self-Governing Territories.

16. Mr. ROSSIDES (Greece) said that he had withdrawn his amendment and voted in favour of the draft resolution, in a spirit of co-operation. The fact remained, however, that in respect of certain Non-Self-Governing Territories the Secretary-General would be able to submit a full report on the constitutional and political situation whereas in respect of others he would not be able to do so. Possibly, however, that very fact would be an indication of the unnatural situation which existed in the Territories on which such information had not been supplied.

Requests for hearings (A/C.4/330/Add.25)
(continued)

17. The CHAIRMAN invited the Committee to consider the request for a hearing received from the Association des notables kamerunais de la zone littorale de Kribi (A/C.4/330/Add.25).

18. Mr. BARGUES (France) said that his delegation would have had no objection if Mr. Ngué Ngué had asked for a hearing as an individual instead of as a representative of the Association, although the normal procedure would have been for such a hearing to be granted first by the Trusteeship Council. He had, however, requested the hearing on behalf of a number of other persons, of whom one was now in prison, while others were presented as members of organizations which had been legally dissolved and to which the United Nations could not therefore grant hearings. For that reason his delegation asked that a vote should be taken on the request. It would vote against the granting of a hearing.

19. The CHAIRMAN pointed out that the Fourth Committee had already granted requests for hearings to all those whose names were given in the letter, with the exception of Mr. Ngué Ngué. What the Committee was called upon to deal with now, however, was the request from the Association des notables kamerunais de la zone littorale de Kribi.

20. Mr. BOZOVIC (Yugoslavia) asked if the French delegation had any objection to that organization's being heard by the Fourth Committee.

21. Mr. BARGUES (France) said that his delegation certainly objected, because the Association des notables kamerunais de la zone littorale de Kribi had made itself the spokesman for illegal organizations.

22. Mr. BOZOVIC (Yugoslavia) said that he would not enter into the question of illegal organizations but wished to point out that it was natural for the aspirations of the people of a Trust Territory and the views

of its Administering Authority to differ; that fact should not, however, prejudice the right of representatives of the population to be heard by the United Nations. Moreover, the Charter did not stipulate that petitioners must be the representatives of organizations; they could be heard also as individuals. His delegation would accordingly vote in favour of granting the hearing.

23. Mr. BARGUES (France) pointed out that the Decree by which the organizations had been dissolved had been issued in 1955 and could already have been discussed and criticized by the Trusteeship Council or by the General Assembly, had they so desired. Since neither body had done so, the Decree could not now be called into question.

The request for a hearing (A/C.4/330/Add.25) was granted by 36 votes to 9, with 9 abstentions.

24. The CHAIRMAN recalled that the Committee had granted hearings to eight petitioners in addition to the Association des notables kamerunais de la zone littorale de Kribi, in connexion with agenda item 13, concerning examination of the report of the Trusteeship Council. Of those eight petitioners seven had yet to be heard, but none had arrived in New York. Mr. Ntumazah, a representative of the Union des populations du Cameroun, had informed the Committee that he would be in New York the following week, but the other petitioners had stated that they had been unable to obtain travel documents and had appealed to the United Nations to intervene with the Administering Authority so that they could appear (A/C.4/330/Add.5 to 8, 10 to 24).

AGENDA ITEM 13

Report of the Trusteeship Council (A/3170)
(continued)*

25. Mr. ASHA (Syria), President of the Trusteeship Council, introduced the Council's report (A/3170). Parts I and II followed the form adopted in previous years. In connexion with part I, chapter III, which dealt with the examination of petitions, he pointed out that during the period under review the Trusteeship Council had had before it a total of 901 petitions, of which the Standing Committee on Petitions, in spite of its great efforts, had been able to deal with only 602. One of the most remarkable features of the operation of the Trusteeship System over the past decade—and one which was a healthy sign—had been the ever-increasing number of petitions. Before 1950 the average number of petitions had been fifty a year, from 1950 to 1955 the average had been 400 a year and since 1955 there had been a further great increase. It was essential that petitions should be given careful consideration but it was equally essential that they should be dealt with promptly. It was necessary to find some way of reconciling those two requirements if the right of petition was not to become an empty phrase.

26. In connexion with part II, it would be noted that many of the chapters devoted to particular Territories were considerably longer than had been the rule in previous years. That was due to the fact that in eight Territories the Trusteeship Council had examined not only the annual reports supplied by Administering Authorities but also the reports of visiting missions. Moreover, during the period under review important developments had taken place in a great many of the Trust Territories.

* Resumed from the 582nd meeting.

27. It would be recalled that in 1952 the General Assembly had adopted resolution 558 (VI) inviting Administering Authorities to include in their annual reports information on the progress made by Trust Territories towards the objective of self-government or independence. In subsequent years the General Assembly had adopted resolutions 752 (VIII), 858 (IX) and 946 (X) on the subject and had requested the Trusteeship Council to devote a special section of its report to the subject. The implementation of that request had met with considerable difficulty in the Council because the question of the attainment of self-government was one on which the administering and non-administering Powers were deeply divided. In its report to the ninth session of the General Assembly (A/2680) the Council had been able to include in the special section requested descriptive material only, without recommendation, while in its report to the tenth session (A/2933) it had been unable to include any such section at all because it had been unable to agree on a final text. During the past year, however, the Council had been able to work out a procedure for dealing with the subject and the present report contained the material requested, which had been grouped partly under parts I and II of the report and partly in a special section, part III.

28. In view of the developments to which he had referred, the Committee's review of the Trusteeship Council's report would assume particular importance that year. Looking back over the Trusteeship System's ten years of operation, he found many reasons to believe that it had operated satisfactorily. The goal of the Trusteeship System was the attainment of self-government or independence; one Trust Territory would reach that goal in March 1957 and great progress had been made toward the goal in a number of other Territories. Much remained to be accomplished, however, and he hoped that further progress would be made in coming years.

29. Mr. JAIPAL (India) welcomed the statement by the President of the Trusteeship Council but questioned whether the increase in the number of petitions received was a healthy sign. He agreed with the President, however, on the need for handling those petitions promptly.

30. His delegation was greatly concerned by the large number of requests for hearings received from petitioners in the two Trust Territories of the Cameroons, particularly in the light of the serious situation in certain parts of the Cameroons under French administration. In those circumstances the hearing of petitioners acquired new significance and new urgency.

31. Members of the Committee would recall that at the tenth session of the General Assembly three requests for hearings had been received with regard to the Cameroons under French administration and the Committee had decided, at its 471st meeting, to grant them, but none of the petitioners had been able to reach New York owing to difficulty in obtaining travel papers. At its 510th meeting, the Fourth Committee had, at the initiative of the Liberian delegation, adopted a draft resolution asking the Secretary-General to examine what steps could be taken to enable the petitioners to appear before the Committee (A/C.4/L.414/Rev.1. That had been in November 1955. In November 1956, a whole year later, the Secretariat had produced a report (A/C.4/333), which in his opinion was of very little value. He could not understand why it could not have been presented at the tenth session, when the

Committee might have considered other approaches to a solution of the problem. The Administering Authorities directly concerned did not appear to have made any great effort to facilitate the work of the General Assembly or to help the Secretariat in its study of the problem. It was easy to understand why an Administering Authority should be reluctant to grant travel papers to representatives of political organizations which had been dissolved but it was less easy to understand why travel documents had not been granted to the other petitioners.

32. The peoples of the Trust Territories were entitled to expect better treatment from the United Nations. The Charter granted them the right of petition and the Members of the United Nations ought to see that something was done to facilitate the exercise of that right. The only result of the Fourth Committee's resolution asking the Secretary-General to study what steps could be taken to enable petitioners to appear before it was a belated report which concluded that in the present circumstances no general measures could be suggested. Nevertheless the Secretary-General's report did indicate a possible solution as an alternative to the United Nations itself, by special authority, issuing travel papers to petitioners.

33. The Secretary-General's report made it clear that the Administering Authorities had full powers of legislation and wide discretionary powers in the matter of issuing travel documents to both nationals and non-nationals. In the opinion of the Indian delegation the answer lay in the exercise of those powers. In British-administered Territories the power to issue a passport was known as "the Crown's prerogative". It might be asked what was the use of a prerogative which was not exercised in the interests of co-operation with the General Assembly in the discharge of its responsibilities.

34. Paragraph 14 of the Secretary-General's report suggested that individual cases might be dealt with on an *ad hoc* basis by direct contact with the Administering Authorities. That course of action should now be tried. Perhaps a resolution calling upon the Administering Authorities concerned to facilitate the travel to New York and return to their present places of residence of the petitioners who had been granted hearings might be effective. Any draft resolution on those lines would have the support of this delegation.

35. Mr. BOZOVIC (Yugoslavia) said that the situation with regard to the hearings granted in connexion with the Cameroons under French administration was highly unsatisfactory. The inhabitants of a Trust Territory, who had been guaranteed the right to request hearings and to come before the United Nations to express their views, had been prevented from doing so. The United Nations could not disregard either that fact or the situation in the Territory itself, which gave every indication of becoming worse and worse. The French representative had just stated that the dissolution of three political organizations in the Territory had not been criticized by either the General Assembly or the Trusteeship Council; he was sure, however, that the situation had been commented on in the General Assembly.

36. He agreed with the Indian representative that both the Administering Authorities involved had discretionary powers which they could use to enable the petitioners to come to New York to state their case. Moreover, both France and the United Kingdom had ratified the Convention relating to the Status of Refugees, under which refugees were guaranteed the right

to obtain travel documents. The two Administering Authorities should stop trying to place responsibility for the situation on each other and should make it possible for the United Nations to hear the petitioners whose requests had been granted.

37. Mr. ASHA (Syria) explained that what he had meant was that if the inhabitants of the Trust Territories had grievances it was desirable that they should express them. He hoped that as the Administering Authorities increasingly recognized the aspirations of the inhabitants for independence or self-government the number of petitions would correspondingly diminish.

38. Mr. BARGUES (France) thought that the remarks of the President of the Trusteeship Council clearly refuted the suggestion put forward by the Yugoslav and Indian representatives that the Administering Authority had tried to prevent the exercise of the right of petition in the Cameroons under French administration. The indigenous inhabitants who favoured the Administering Authority far outnumbered those who were in opposition, but it was natural that more requests for hearings should come from people who were dissatisfied than from those who were not. The Administering Authority had not opposed the granting of hearings to the three petitioners who had spoken on behalf of the opposition during the Committee's recent consideration of the future of Togoland under French administration. There was, however, an important difference between those petitioners and the Cameroonians whom the Yugoslav representative had in mind, for the former were law-abiding individuals who had always used constitutional means of obtaining hearings, whereas some of the petitioners who had been unable to appear before the United Nations were criminals who were either in prison or in hiding from the police. While it was true that some members of the outlawed organizations had fled to the Cameroons under British administration, they had been able to do so not because the British authorities had been in sympathy with them but only because the forest areas along the frontier were difficult to patrol. Such escapees were to be regarded not as refugees to whom asylum might legitimately be granted but as criminals subject to the laws of extradition. In the circumstances it was hardly surprising that they had never applied for passports.

39. To cite a particular case, a hearing had been granted to Mr. Isaac Tchoumba, who had claimed to be a representative of the Association Bamiléké. That individual, however, was at present in prison for a criminal offense and a letter had since been received from the members of the Executive Committee of the organization stating that they had never requested such a hearing. Another petitioner to whom a hearing had been granted, Mr. Kingué, had likewise been imprisoned for giving false information concerning his status and illegal possession of weapons. According to a report in a Cameroonian newspaper, Mr. Mathieu Tagny, who had been granted a hearing but was in prison awaiting trial on criminal charges, had written an open letter to Mr. Um Nyobé, the leader of the outlawed union des populations du Cameroun (UPC), denouncing what he called the dangerous policy of the organization, in particular the sabotaging of the elections and the terrorist campaign which had resulted in the murder of an African doctor. The UPC and the two organizations associated with it had been dissolved not for political reasons but because they had had a

para-military character and had been disturbing the peace. Their dissolution was based on legislation enacted in metropolitan France in 1936 and later extended to the Overseas Territories.

40. Mr. BOZOVIC (Yugoslavia) thought the statement that the majority of the indigenous inhabitants favoured the Administering Authority was debatable.

41. He wished to correct the French representative's impression that he had implied that the United Kingdom was acting against the interests of France. He had merely suggested that the two Administering Authorities might help the Fourth Committee to solve the problem with which it was confronted.

42. He took issue with the use of the term "criminal" to describe people who were fighting for independence. In referring to the letter from the Association Bamiléké the French representative had not indicated the identity or present whereabouts of its Chairman. He also wished to point out that as far as he was aware the Act of 1936 prohibiting para-military formations had never before been put into effect. Perhaps a sub-committee could be set up to examine the documents referred to by the French representative and determine the reasons why the petitioners to whom hearings had been granted had not been able to appear.

43. Mr. BARGUES (France) said he had not intended to convey the impression that all signatories to requests for hearings were criminals or that fighting for independence was regarded as a crime, but since the administration in the Territory was not a régime of oppression, those who favoured independence had no need to resort to violence to attain their objectives. It should also be noted that any law-abiding petitioner applying for a passport to enable him to appear before the United Nations would have no difficulty in obtaining one.

44. With regard to the Association Bamiléké, in his request for a hearing (A/C.4/330/Add.1, para.1) Mr. Tchoumba had represented himself as its Chairman, whereas the Executive Committee of that organization had said that it had never authorized him to act as its representative.

45. Mr. LOBANOV (Union of Soviet Socialist Republics) stated that to violate the inalienable right of petition of the indigenous inhabitants of the Trust Territories would be to violate the Charter itself. The facts to which the Indian and Yugoslav representatives had drawn attention could not fail to disturb other delegations as well, especially in view of the constant increase in the number of petitions received. He could not regard that increase as a healthy sign. He shared the view that the problem called for a prompt solution.

46. Mr. MEDANI (Sudan) wondered if in using the term "criminals" the French representative had had in mind those who had requested hearings in order to present the case for independence as opposed to those who had merely signed written petitions. With regard to the petitioner who was reported to have falsified documents, perhaps he had done so because he had been prevented from securing a passport by legal means. If an inhabitant of a Trust Territory broke the law, the reasons why he had done so, as well as the fact of the transgression itself, should be taken into account. The charge that those who favoured independence were criminals or communists was one with which his compatriots had long been familiar.

The meeting rose at 5.15 p.m.