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STANDING COMMITTEE ON PETITIONS
SUMMARY RECORD OF THE FORTY-SECOND MEETING

Held at Headquarters, New York,
on Wednesday, 15 October 1952, at 11 a.m.

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MASTER

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PRESENT:

Acting Chairman,
later Chairman

Mr. LIU China

Members:

Mr. HOUARD Belgium

Mr. SERRANO GARCIA El Salvador

Mr. SCOTT New Zealand

Mr. ROSCHIN Union of Soviet Socialist
Republics

Mr. STRONG United States of America

Secretariat:

Mr. BERENDSEN Secretary of the Committee

ELECTION OF THE CHAIRMAN

The Acting CHAIRMAN said that as Mr. YANG (China), who had been elected Chairman of the Standing Committee on Petitions at its forty-first meeting, was a member of the United Nations Visiting Mission to the Trust Territories of West Africa, he would be unable to fill that office. He therefore called on the Committee to elect a new Chairman.

Mr. SCOTT (New Zealand) nominated the Acting Chairman, Mr. Liu (China).

Mr. ROSCHIN (Union of Soviet Socialist Republics) nominated Mr. Serrano Garcia (El Salvador).

Mr. SERRANO GARCIA (El Salvador) thanked the Soviet Union representative but said that as he was a new-comer to the Committee, he would prefer Mr. Liu to be appointed.

Mr. ROSCHIN (Union of Soviet Socialist Republics) asked that the nominations be put to the vote.

A vote was taken by secret ballot.

Number of votes obtained:

Mr. Liu	5
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Mr. Serrano Garcia	1
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As a result of the vote Mr. Liu (China) was elected Chairman.

LIST OF DOCUMENTS CIRCULATED BY THE SECRETARY-GENERAL PURSUANT TO RULES 24 AND 85 (2) OF THE RULES OF PROCEDURE

The CHAIRMAN reminded the Standing Committee on Petitions that the procedure for the classification of communications and petitions which it had adopted at its previous session was in some respects not entirely satisfactory. The Committee had taken a decision on Conference room paper No.19; as that document had given rise to no comment, it should be regarded as finally adopted.

As a result of the new procedure adopted by the Trusteeship Council at its previous session, the classification of communications and petitions from Trust Territories would henceforth be a very delicate task for the Secretariat. He was therefore particularly pleased to note that document T/C.2/L.26, which had been prepared by the Secretariat and which classified the documents received, apparently met the requirements of the new procedure and would considerably facilitate the Committee's work.

Mr. BERENDSEN (Secretary of the Committee) agreed that the Secretariat's task was not an easy one. In clarification of the grounds on which the Secretariat had based its initial classification of certain documents as communications, he explained that those included documents which had been transmitted to the Council for information and also supplementary communications from persons who had already addressed one or more petitions to the Council on the same subject. In any event, the classification of the Secretariat was based on formal rules and it lay within the Committee to decide which, if any, of the documents should be examined individually as petitions according to the established procedure. In the case of supplementary communications the Committee might wish to consider whether they raised any new issues justifying re-examination of the questions to which they referred.

Mr. ROUSHCHEN (Union of Soviet Socialist Republics) observed that document T/C.2/L.26 listed sixty-two documents; he asked how many of them were simple communications and how many petitions.

Mr. BERENDSEN (Secretary of the Committee) replied that the list included documents which had been initially classified as communications, in accordance with rule 24 of the Trusteeship Council rules of procedure, and petitions raising general problems to which the attention of the Council had already been called and on which it had taken decisions or had made recommendations as well as anonymous petitions, in accordance with rule 85 (2).

Mr. ROSHCHIN (Union of Soviet Socialist Republics) recalled that his delegation had repeatedly stated in the Standing Committee on Petitions, and also in the Trusteeship Council, that the arbitrary classification of petitions into two categories was contrary to the spirit and the letter of the Charter. Indeed, one of the Trusteeship Council's main tasks was to examine carefully all documents received from Trust Territories in order to be able to assess the true situation in those Territories and to take the necessary steps to safeguard the interests of the populations concerned. Moreover, Article 87 of the Charter required the Trusteeship Council to accept petitions and examine them in consultation with the Administering Authority.

The Standing Committee on Petitions had before it sixty-two documents which merited both the Committee's and the Trusteeship Council's undivided attention; neither of those bodies could evade their responsibility in that matter. It was true that it would require a great deal of time to examine each of those petitions, but those were considerations which the Committee and the Council must disregard if they were to fulfil their obligations under the Charter.

Mr. SCOTT (New Zealand) pointed out that a decision had been taken recently by the Council on the procedure to be used in examining petitions. The question should not, therefore, be re-opened.

The Secretariat's classification appeared, on the whole, to be perfectly acceptable. His delegation reserved the right to make suggestions on certain points.

Mr. STRONG (United States of America) agreed with the representative of New Zealand.

His delegation was naturally ready to consider any proposal that certain communications should be treated as petitions.

Mr. HOUARD (Belgium) associated himself with the remarks of the New Zealand and United States representatives. The Belgian delegation had carefully considered the documents classified by the Secretariat and was in favour of its suggestions on the whole.

Communication concerning Tanganyika

Mr. SCOTT (New Zealand) pointed out that the three communications concerning Tanganyika dealt with problems which the Trusteeship Council had already considered. They did not appear to contain any new facts. The classification made by the Secretariat therefore seemed to be correct.

Mr. STRONG (United States of America) asked whether petitioners were informed of the Council's action on communications concerning general problems on which it had already taken decisions or had made recommendations.

Mr. BERENDSEN (Secretary of the Committee) answered that the Secretariat had so far confined itself to acknowledging the receipt of communications. It would be for the Trusteeship Council to decide what steps should be taken regarding such communications when it had received the report of the Standing Committee on Petitions.

The classification proposed by the Secretariat for the documents concerning Tanganyika was approved.

Ruanda-Urundi (Documents T/COM.3/L.1 and T/COM.3/L.1/Add.1)

Mr. STRONG (United States of America) pointed out a mistake in the note on documents T/COM.3/L.1 and T/COM.3/L.1/Add.1; it should read T/PET.3/65 instead of T/PET.4/65.

Mr. HOUARD (Belgium) recalled that Barnabe Ntunguka, the former chief, had already submitted a detailed petition to the Trusteeship Council, contained in document T/PET.3/65. His further communications did not really bring forward any new factors. It would be enough to ask the Standing Committee on Petitions to bear those communications in mind when examining the previous petition submitted by the same person.

Mr. STRONG (United States of America) supported that suggestion. The Secretariat might prepare a summary of the communication for the Standing Committee's consideration when examining the petition on the same matter.

Mr. ROSHCHIN (Union of Soviet Socialist Republics) noted that ex-chief Barnabe Ntunguka had several times appealed to the United Nations. His further communications should be examined in conjunction with his previous petition.

Mr. SCOTT (New Zealand) endorsed the Belgian representative's suggestion.
The Belgian suggestion was approved.

Subject to that reservation, the classification proposed by the Secretariat for documents T/COM.3/L.1 and T/COM.3/L.1/Add.1 was approved.

Document T/COM.3/L.2

Mr. HOUARD (Belgium) stated that the communication, which came from two Europeans, dealt with general problems in which the Trusteeship Council had been interested since its inception. The communication was therefore governed by rule 85 (2) of the Trusteeship Council's rules of procedure.

Mr. ROSHCHIN (Union of Soviet Socialist Republics) observed that the petition in question had been submitted by the President and the Secretary of the League for the Rights of Man. The petitioners were complaining that the Territory's inhabitants did not enjoy any political rights and that the Administering Authority was using dictatorial methods to prevent the people from taking part in the administration of the Territory. The petition asked the Trusteeship Council to carry out an investigation on the spot and to take steps to improve the people's lot.

Accordingly, it was a very important petition to which the Committee on Petitions ought to give full attention.

Mr. STRONG (United States of America) noted that the issue involved was the Territory's political future. That problem had been carefully studied by the Trusteeship Council every year during its examination of the Administering Authority's annual report. Since the Council would in any case be taking up the matter, the communication might be classified as the Secretariat suggested.

Mr. HOUARD (Belgium) proposed that the letter in question, which concerned general problems examined by the Trusteeship Council every year, should be regarded as a communication.

Mr. STRONG (United States of America) noted that rule 85 (2) applied to the letter, which should accordingly be treated as a communication.

Mr. ROSHCHIN (Union of Soviet Socialist Republics) proposed that the letter should be regarded as a petition concerning special problems.

The Soviet Union proposal was rejected by 5 votes to 1.

The classification proposed by the Secretariat for document T/COM.3/L.2 was approved.

Document T/COM.3/L.3

Mr. HOUARD (Belgium) stressed that Mr. Kabondo's letter merely reiterated the statements that he had made before the Trusteeship Council. Every issue raised in the letter had already been considered by the Council. The Belgian delegation would not object to its being regarded as a petition even though it did not set forth specific facts about a particular situation, on the express understanding that the Committee was now considering the communication provisionally, like all the others.

Mr. ROSHCHIN (Union of Soviet Socialist Republics) pointed out that the proper procedure would be for the Secretariat, not the representative of the Administering Authority, to sum up the document in question.

Mr. SCOTT (New Zealand) felt that the Belgian representative's summing up was very accurate. As the document dealt with general questions, he approved the classification proposed by the Secretariat.

Mr. STRONG (United States of America) endorsed the classification proposed by the Secretariat.

The classification proposed by the Secretariat for document T/COM.3/L.3 was approved.

Document T/COM.3/L.5

In answer to a question by Mr. SERRANO GARCIA (El Salvador) about document T/COM.3/L.5, Mr. BERENDSEN (Secretary of the Committee) stated that the United Nations received many letters repeating petitions which had already been examined by the Council and commenting on the Administering Authority's

observations. It was a long established practice to regard those letters as communications. The classification made by the Secretariat, however, was purely provisional and it was for the Committee to decide whether any letter should be regarded as a communication or as a petition.

Mr. SCOTT (New Zealand) thought that the letter should be regarded as a communication since the Council had already received and examined a petition on the same matter from the same person. Furthermore, any member of the Council could ask for it to be dealt with as a petition when it came up for consideration in the Council.

The classification proposed by the Secretariat for document T/COM.3/L.5 was approved.

Cameroons under British Administration

Mr. STRONG (United States of America) considered that no new facts were brought out in document T/COM.4/L.3.

Mr. SERRANO GARCIA (El Salvador) was of the same opinion.

Mr. SCOTT (New Zealand) felt some doubt on the point. He could see no reason why the letter should not be regarded as a petition, but would endorse the majority view.

The CHAIRMAN proposed that the classification suggested by the Secretariat for the document and for the two further documents concerning the Cameroons under British Administration should be approved.

The classification proposed by the Secretariat for the documents concerning the Cameroons under British Administration was approved.

Cameroons under French Administration

The CHAIRMAN said that the Committee would postpone its consideration of document T/PET.5/L.3, as it had not yet been distributed.

Mr. BERENDSEN (Secretary of the Committee), in reply to Mr. HOUARD (Belgium), said that document T/COM.5/L.4 did not bear the symbol number now given to anonymous communications, having been published before the new system had been adopted.

Mr. STRONG (United States of America) thought that the communication in document T/COM.5/L.5 was not, strictly speaking, a request, but merely transmitted a motion adopted by a political organ. He therefore agreed with the Secretariat classification.

The letter in document T/PET.5/L.1 raised the general question of the dissemination in the Trust Territories of information about the United Nations. It also, however, contained a specific request and he would agree with the majority if it decided to regard the letter as a petition.

Mr. SCOTT (New Zealand) shared the United States representative's view.

Mr. BERENDSEN (Secretary of the Committee) said that it was generally agreed that the Secretary-General had authority to send information material to anyone requesting it. The letter, however, contained a specific complaint that the French Government had not fully carried out the Council's resolution requesting Administering Authorities to transmit lists of persons to whom documents should be sent.

The CHAIRMAN suggested that document T/PET.5/L.1 should be classified as a petition under rule 85 (1).

It was so decided.

The classification proposed by the Secretariat for the other communications concerning the Cameroons under French Administration was approved.

Togoland under British Administration

Mr. STRONG (United States of America) noting that the cablegram contained in document T/COM.6/L.7 related to the two Togolands, suggested that the symbol number of the document should be changed accordingly.

The classification proposed by the Secretariat for the communications concerning Togoland under British Administration was approved.

Togoland under British Administration and

Togoland under French Administration

Mr. SCOTT (New Zealand) thought that since the communications listed under the above heading related to questions with which the Visiting Mission would deal in its report, they should be circulated to the members of the Council; they should therefore be regarded as communications.

The classification proposed by the Secretariat for the communications concerning Togoland under British and Togoland under French Administration was approved.

Togoland under French Administration

The classification proposed by the Secretariat for the communications concerning Togoland under French Administration was approved.

Nauru

The classification proposed by the Secretariat for the communication concerning Nauru was approved.

Somaliland under Italian Administration

Mr. STRONG (United States of America) noted that the Secretariat had suggested that the Committee could examine a number of communications in conjunction with petitions dealing with similar questions.

Mr. SCOTT (New Zealand) thought that the letter in document T/COM.11/L.36 should be regarded as a petition. The Committee could then ascertain from the representative of the Administering Authority on which side of the frontier the tribe in question lived. If it lived in Ethiopia, the matter could not of course be considered.

Mr. STRONG (United States of America) agreed that the communication raised a procedural difficulty: if the tribe lived in an area where the frontier had not yet been fixed, then the question raised in the letter was an aspect of the general boundary question which had already been discussed by the Council, requiring no further handling as a specific petition. It might be better, however, as the representative of New Zealand suggested, to treat the document as a petition in order to obtain the observations of the Administering Authority. If it appeared from the observations of the Administering Authority that the tribe lived exclusively in Ethiopia, the petition could obviously not be considered.

/Mr. HOUARD

Mr. HOUARD (Belgium) agreed with the United States and New Zealand representatives. At any rate, under rule 90(1) of the Council's rules of procedure, the Committee was now engaged in a "preliminary examination" only.

Mr. SCOTT (New Zealand), with reference to document T/COM.11/L.37, asked whether the Secretariat could state exactly where the tribe in question lived.

Mr. BERENDSEN (Secretary of the Committee) said that, according to a map in the Secretariat library, the Caranle tribe lived in Ethiopian territory. However, since the precise situation of the tribe could not be authoritatively determined and since the communication concerned in part, the frontier between Somaliland and Ethiopia which had not been finally delineated, the Secretariat had thought it necessary under the present rules to circulate it. Nevertheless, the Secretariat wished to consult the Committee concerning the treatment to be accorded to communications of that nature.

Mr. STRONG (United States of America) wondered whether in future, communications of that nature should be reproduced in full, as they might refer to the domestic affairs of a Member State. It might perhaps be well henceforth for the Secretariat to consult the Committee before publishing documents of that nature.

Mr. SCOTT (New Zealand) thought that the Secretariat had been right to consider the letter as a petition, as the Committee could thus consult the representative of the Administering Authority. He agreed with the United States representative that documents of that nature should be examined by the Committee before they were published.

The CHAIRMAN thought that there were two questions to be settled: first, whether the document should be regarded as a communication or as a petition like document T/COM.11/L.36; secondly, whether the full text of such communications should be transmitted.

He suggested adopting the United States representative's suggestion that in the future the Secretariat might be authorized to consult the Committee before circulating similar communications concerning the frontier between Somaliland and Ethiopia about which it was in doubt.

It was so decided.

Mr. BERENDSEN (Secretary of the Committee) noted that documents T/COM.11/L.39, T/COM.11/L.40 and T/COM.11/L.45 also raised frontier questions.

It was decided that the aforementioned documents which raised frontier questions should be tentatively classified as petitions under rule 85 (1) pending the receipt of further information on them.

Mr. SCOTT (New Zealand) felt that the Secretariat's suggestion, in its observations, that the Committee should examine those communications together with other petitions on the same subject, was justified.

He would like to know, with reference to document T/PET.11/R.2, whether the Administering Authority would be invited to transmit its observations, in spite of the fact that the petition was an anonymous one.

Mr. BERENDSEN (Secretary of the Committee) said that while the Administering Authority was not required to submit its comments, it was entitled to do so if it chose.

With the above exceptions, the classification proposed by the Secretariat for communications concerning Somaliland under Italian Administration was approved.

The meeting rose at 1 p.m.

28/10 a.m.