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Intro

STANDING COMMITTEE ON PETITIONS

First Session

SUMMARY RECORD OF THE EIGHTH MEETING

Held at Headquarters, New York,
on Monday, 31 March 1952, at 10.30 a.m.

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Chairman: Mr. PEACHEY

Australia

Members: Mr. YANG

China

Mr. ECHEZABAL

El Salvador

Mr. SCOTT

New Zealand

Mr. SODATOV

Union of Soviet Socialist Republics

Mr. CANGO

United States of America

Also present:

Mr. ROBERTI

Italy

Mr. PIGNON

France

Secretariat:

Mr. AMMAR

Secretary of Committee

REQUEST FOR AN ORAL HEARING BY MR. JAMES R. LAWSON: DRAFT SIXTH REPORT OF THE
STANDING COMMITTEE ON PETITIONS (T/C.2/L.12)

At the invitation of the Chairman, Mr. Roberti (Italy) took a place at the Committee table.

Mr. SOLDATOV (Union of Soviet Socialist Republics) said that his delegation thought that, as a general rule, every petitioner should have the right, if he so wished, to make a statement to the Committee and to the Trusteeship Council in support of his petition. He saw no reason for refusing Mr. Lawson the hearing which he had requested.

The USSR delegation could not approve the draft report submitted to it as it considered that the Committee's decision interfered with the petitioner's fundamental right to explain his views orally to the Committee and to the Trusteeship Council. It also felt that certain provisions of the draft were out of place in a report by the Committee on a petitioner's request. He then quoted as an example paragraph 5 which stated that the report of the Visiting Mission to Somaliland contained no corroboration of Mr. Lawson's allegations. The Committee, which had not examined the report, was obviously not competent to make such a statement. The USSR delegation would vote against the draft report for the reasons stated.

Mr. CARGO (United States of America) felt that he should again explain his delegation's position.

The United States delegation considered that Mr. Lawson's request that a special committee should be set up for the purpose of investigating the administration of the former Italian colony of Somaliland should not be granted. The Trusteeship Council had sent a Visiting Mission to that Territory and its report would be examined at the following session. Further, in accordance with

/the Trusteeship

the Trusteeship Agreement for that Territory, the Council had set up an Advisory Council with headquarters at Mogadiscio, the members of which might submit to the Trusteeship Council "such written reports or memoranda as they may deem necessary for the Council's proper consideration of any question specifically relating to the Territory." The Trusteeship Council was therefore kept fully informed on the way in which Somaliland was administered, so that there was no need to set up a committee of the type envisaged by Mr. Lawson.

In reply to the USSR representative's argument that every petitioner should be given a hearing whenever he so requested, Mr. Cargo said that there was a great difference between the right to submit a written petition which was explicitly recognized by the Charter and the Trusteeship Council's rules of procedure, and the privilege of making an oral statement, which was granted by the Council in certain circumstances only. The reason for that difference was clear: if the Council allowed every petitioner to make an oral statement it would never exhaust its agenda, which was generally a very heavy one.

The United States delegation considered the draft report submitted to it to be satisfactory. It wished, however, to suggest some amendments.

First, the first sentence of paragraph 5 should be completed by a phrase stating that the report of the Visiting Mission referred to "the political, economic, social and educational situation in Somaliland." As regards the second part of that paragraph, his delegation suggested the deletion of the final phrase stating that the Visiting Mission's report "contained no corroboration of the statement that political persecution existed in Somaliland," and the inclusion of a sentence stating that the report would be before the Trusteeship Council at its eleventh session when it studied the 1951 Annual Report on Somaliland.

Secondly, he suggested the deletion of the last phrase of paragraph 6. He felt that the Committee should not express an opinion on the allegations made by the petitioner, although he knew from personal experience, as he had been a member of the Visiting Mission to Somaliland, that Mr. Lawson's allegations were unfounded.

/Thirdly,

Thirdly, he suggested the deletion of the statement in paragraph 9 that the Trusteeship Council was not competent to establish a body of the type proposed by Mr. Lawson. If his suggestion was adopted, paragraph 9 would read as follows: "The Standing Committee suggests, moreover, that the Trusteeship Council is clearly not competent to act on Mr. Lawson's request for consultative status for his organization with the United Nations."

Lastly, he suggested a slight drafting amendment to paragraph 10, the word "therefore" being replaced by the phrase "in view of the considerations set forth above."

Mr. SOLDATOV (Union of Soviet Socialist Republics) challenged the United States representative's suggestion that the oral submission of a petition was not a right but a privilege which the Council could grant or refuse according to circumstances. He pointed out that sub-paragraph b of Article 87 of the Charter made no distinction between written and oral petitions and that rule 78 of the Trusteeship Council's rules of procedure explicitly stated that petitions might be presented in writing or orally. Further, rules 87 and 88, laying down the procedure to be followed in connexion with requests to present petitions or for the hearing of an oral statement in support or elaboration of a written petition, and rules 89 and 91, one of which referred to the right of visiting missions to receive oral presentations or petitions, and the other to the Trusteeship Council's competence to appoint one or more of its members to receive oral petitions, clearly showed that every person concerned had the right to submit his petition orally as well as in writing, and that it was the Council's duty to receive oral petitions and to grant a hearing to any petitioner who wished to make an oral statement in support of his petition.

The provisions of rule 80 should apply in Mr. Lawson's case, and in the USSR delegations's opinion the refusal to grant a request by a petitioner for a hearing violated the Charter and the Trusteeship Council's rules of procedure.

Mr. CARGO (United States of America) said that the USSR delegation's position as regards oral petitions or the presentation of oral statements in support of written petitions, was contrary to the procedure laid down by the
/Trusteeship

Trusteeship Council in the case and the practice which it had so far followed. Further, the very fact that the Council had submitted Mr. Lawson's request for a hearing to the Committee showed that it did not consider that it was bound to hear the petitioner.

The statement in rule 89 of the rules of procedure that "The Trusteeship Council may hear oral presentations" proved that the Council had the option and not the duty to hear petitioners who requested a hearing. If that provision had been imperative it would have been drafted to read "The Trusteeship Council shall hear oral presentations."

The United States delegation had always tried to protect petitioners' interests and to ensure that their rights were respected. Had it considered that an oral statement by Mr. Lawson would have helped the Trusteeship Council to understand the situation in Somaliland under Italian administration it would not have hesitated to grant Mr. Lawson's request, but as it was convinced of the futility of such a statement it felt that the Committee was right to refuse to hear him.

Mr. SOLDATOV (Union of Soviet Socialist Republics) drew the United States representative's attention to the fact that the statement in rule 78 of the rules of procedure that "petitions may be presented" applied equally to oral petitions and to written ones.

Mr. YANG (China) said that in his petition Mr. Lawson asked the Council to create a committee of investigation and to grant the organization that he represented consultative status with the United Nations. The Chinese delegation had refused to express its opinion on these two points on which the competence of the Committee and the Trusteeship Council could be questioned. The petition, however, also raised a third point. Mr. Lawson stated that he had learned that Somaliland was the scene of political persecution. So far as that point was concerned, the Chinese delegation would have had no objection to granting the petitioner the hearing that he had requested if he had wished to give the Council information which he had obtained directly and not from hearsay.

Furthermore, since the report of the Visiting Mission to Somaliland under Italian Administration and the annual report on that Territory would be
/before the

before the Council at the following session, his delegation felt that there was no need, at that juncture, for the Council to grant the petitioner's request for a hearing.

He added that his delegation was in favour of the amendments to the draft sixth report of the Committee proposed by the United States representative. If those amendments were adopted, he would vote in favour of the draft report.

Mr. SCOTT (New Zealand) and Mr. EQUIZABAL (El Salvador) said that they would vote in favour of the draft sixth report as amended by the United States representative, as it gave a true picture of the discussion on Mr. Lawson's request for a hearing.

Mr. ROBERTI (Italy) said that the petitioner's accusations were quite without foundation. If Somaliland had really been the scene of political persecution, that important body, the Advisory Council, would certainly have been informed of the fact and, in turn, would certainly have brought such a situation to the Trusteeship Council's attention immediately without waiting for the Administering Authority's annual report. Since the accusation in question was both serious and completely unproven, the Italian Government was in favour of retaining the last sentence of paragraph 6 of the draft report, in which it was stated that no communication concerning political persecution in Somaliland had been received so far from the Advisory Council.

Mr. YANG (China) wondered whether, in that case, the sentence might not be retained in the report with an indication that the statement had been made by the Italian representative. The report might say for example that the Italian representative had stated that the Administering Authority had received no communication relating to political persecution in Somaliland.

The CHAIRMAN, speaking as the representative of Australia, felt that the Committee could not make such a positive statement as that appearing at the end of paragraph 6, without a prior study of all the communications relating to Somaliland under Italian administration. He, personally, would prefer the statement to be attributed to the Secretariat or to the representative of the Administering Authority.

/After a

After a brief exchange of views, Mr. ROBERTI (Italy) stated that his Government would like the following sentence to be included in the report: "No reports or memoranda have been received by the Trusteeship Council so far from members of the Advisory Council concerning political persecutions in Somaliland." If the Committee was not prepared to accept that text, he would propose the following formula: "The representative of Italy denied that political persecution was rampant in Somaliland and pointed out that, in his opinion, his statement was fully corroborated by the absence of any reports or memoranda of the Advisory Council on political persecution."

The CHAIRMAN proposed that the Committee should insert the latter text in its report as new paragraph 5.

It was so decided.

The United States amendments to former paragraph 5 and paragraphs 6, 9 and 10 of the draft report were adopted.

The draft sixth report of the Standing Committee on Petitions was adopted by 5 votes to 1.

Mr. ROBERTI (Italy) withdrew.

PROCEDURE TO BE FOLLOWED IN CONNEXION WITH THE EXAMINATION OF PETITIONS RAISING
GENERAL QUESTIONS (T/L.243, T/L.243/4)

The CHAIRMAN reminded the Committee that on 20 March 1952 the Secretariat had distributed a working paper classifying the seventy-one petitions which the Administering Authorities were ready to consider according to the Territories to which they applied and according to their contents. Under the classification established in that document, with one or two exceptions, the thirty-four petitions on which the Committee had taken decisions concerned personal cases or individual problems; on the other hand, a large number of the remaining thirty-seven petitions were concerned with general problems and the Committee must therefore decide on the procedure to be followed in connexion with them. The date of the future meetings of

/the Committee

the Committee must also be fixed, as the report adopted by the Council (T/L.243, T/L.243/Corr.1) allowed the Committee to meet between sessions of the Council. Lastly, it would be advisable to give the Secretariat some indication of the preparatory work expected of it in connexion with those meetings.

Mr. YANG (China) thought that if the Council intended to conclude its session on the following day, the Committee should postpone its decision on the procedure to be followed in connexion with the examination of petitions raising general problems until its first meeting before the eleventh session of the Council.

Mr. SOLDATOV (Union of Soviet Socialist Republics) thought that the Committee should not meet between sessions of the Council except to examine petitions of an urgent nature; in that case, the Committee should decide whether there was any need to convene the Council in extraordinary session or whether the petition did not call for any action on the part of the Council.

No advantage would be gained by convening the Committee to examine petitions if the representatives of the Administering Authority or the special representatives of the Territory to which the petition referred did not attend the meetings; neither was there any advantage in convening the Committee to examine purely procedural questions.

The CHAIRMAN said that if the Committee could finish its work during sessions of the Council, it was pointless for it to meet frequently between sessions, particularly if the Council itself was not prepared to hold an extraordinary session to decide what action should be taken on the Committee's recommendations.

Nevertheless, paragraph 13 of the Committee's report, approved by the Council (T/L.243, T/L.243/Corr.1), empowered the Committee to meet between sessions whenever it considered necessary and, normally, approximately one month before each regular session. The exact meaning

of the word "normally" in that context was open to question. It seemed reasonable to assume, however, that various factors should be taken into account and the probable participation of the special representatives, for example, would be one argument in favour of a meeting of the Committee.

Mr. CARGO (United States of America) was also of the opinion that the Committee should not meet unless it was sure that it could do useful work and that the consideration of petitions raising urgent problems justified convening meetings between sessions of the Council.

Nevertheless, if the Committee met one month before the following session it might deal with a number of important matters; among others it might finish studying the numerous petitions relating to Tanganyika which the Administering Authority had agreed to consider in the absence of a special representative and that would enable the Council to finish its work on Tanganyika at the beginning of the eleventh session. Secondly, it might consider and sift the various petitions which the Secretariat received in the intervening period. If that work was not done, the Administering Authorities would be unable to make known their opinions on the documents in question, since they would be unaware that certain communications from the Trust Territory had been classified as petitions. Thirdly, the Committee might undertake a preliminary examination of the communications received; it was difficult to see how the possible absence of the special representatives could be considered an insuperable obstacle to the work of the Committee.

When the Trusteeship Council had decided that the Standing Committee should meet approximately one month before each regular session of the Council, it had doubtless had in mind the fact that the Committee might undertake those three types of work and, if necessary, consider any communications that were of an urgent nature.

The CHAIRMAN pointed out that the Committee would not need to devote more than seven or eight meetings to the consideration of the remaining petitions even if it made a thorough study of the petitions raising general questions.

/The United States

The United States representative had suggested that, one month before the opening of the eleventh session of the Council, the Committee might consider and examine communications received after the agenda of the tenth session had been determined. The Chairman thought that the work should be done more than one month before the opening of the eleventh session so that the Administering Authorities would have time to transmit their observations to the Council.

Mr. CARGO (United States of America) explained that he did not mean that the Committee should meet for one month but that it should hold a few meetings before the opening of the session of the Council.

Mr. AMMAR (Secretary of the Committee) said that enforcement of the new procedure for the examination of petitions would undoubtedly entail some difficulties. The Secretariat was already flooded by petitions; the Committee had considered only thirty out of more than three hundred and new ones continued to arrive. If the Committee was to meet only one month before the Council's eleventh session, the Secretariat feared it would not have sufficient time to complete its work. It would therefore like the Committee to hold a few meetings after the close of the current session in order to provide guidance and instructions for the Secretariat regarding the procedure to be applied to certain cases. For example, it had to know how to deal with petitions of a general nature and whether to summarize them. Moreover, the Secretariat might not be in a position to decide whether a document received should be considered as a petition or not; when in doubt, it would deal with it as a communication, but if the Committee were to decide subsequently that it was actually a petition, the Secretariat feared that it would be too late for the Administering Authority to submit its observations.

It was an exceptional situation which called for exceptional action to enable the Secretariat to prepare the necessary documentation.

In reply to Mr. SOLDATOV (Union of Soviet Socialist Republics), Mr. AMMAR (Secretary of the Committee) said that about thirty petitions had just arrived and had not yet been circulated. There might be some doubt regarding about eight of them dealing mainly with general problems.

/ Mr. SOLDATOV

Mr. SOLDATOV (Union of Soviet Socialist Republics) thought that, in the circumstances, the Committee might meet once again before deciding on the nature of those communications and hold three or four additional meetings before the Council's eleventh session.

Mr. CARGO (United States of America) did not believe the Secretariat's problems to be serious enough to justify additional meetings after the current session. There was no need to summarize general communications. Moreover, the Committee should not take part in the initial classification. The Secretariat would make the best possible classification in accordance with the procedure outlined in paragraphs 9 and 10 of document T/L.243, and the Committee would then see whether any changes had to be made.

Nor did he think that much importance should be attached to Mr. Ammar's final argument. Actually, the Administering Authority knew about all communications and, at any rate, the Committee would probably make few changes in the Secretariat's classification.

Mr. SCOTT (New Zealand) entirely agreed with the United States representative. As in the past, the Secretariat would continue to summarize petitions, but need not summarize communications. It would make the necessary classification; the Committee should not relieve it of that responsibility.

When Mr. SCOTT (New Zealand) expressed surprise to find that the Secretariat's classification of petitions (working paper 1) included categories (personal cases, special cases) which did not appear in the report (T/L.243), Mr. AMMAR (Secretary of the Committee) explained that the Secretariat had attempted to indicate the nature of the petitions as clearly as possible.

Mr. SCOTT (New Zealand) observed that such a classification was unnecessary; the Committee was interested only in separating petitions from mere communications.

Mr. YANG (China), supported by Mr. SCOTT (New Zealand) and Mr. CARGO (United States of America), suggested that the Chairman should fix the date of the Committee's future meetings after consultation with the Secretariat and in the light of the discussion.

It was so decided.

/DRAFT

DRAFT RESOLUTIONS RELATING TO PETITIONS CONCERNING THE CAMEROONS AND TOGOLAND
UNDER FRENCH ADMINISTRATION (Conference Room Papers)

At the invitation of the Chairman, Mr. Pignon (France) took a place
at the Committee table.

The CHAIRMAN pointed out that the Secretariat had not had time to draft the complete text of the report on petitions concerning the Cameroons under French administration. Accordingly, it had simply submitted the texts of the four draft resolutions as conference room papers.

Draft resolution I: Petition from Mr. Constantin Alega Amougou concerning the
Cameroons under French administration (T/PET.5/98)

Variant A was rejected by 3 votes to 1, with 2 abstentions.

Variant B was adopted by 5 votes to 1. Draft resolution I was adopted.

Draft resolution II: Petition from Mr. Jean Nguema Nyoungou concerning the
Cameroons under French administration (T/PET.5/100)

Variant A was rejected by 3 votes to 1, with 2 abstentions.

Variant B was adopted by 5 votes to 1. Draft resolution II was adopted.

Draft resolution III: Petition from the "Union des Populations du Cameroun",
Nkongseamba concerning the Cameroons under French administration (T/PET.5/102 and
T/PET.5/102/Add.1)

After a remark from Mr. YANG (China), Mr. PIGNON (France) agreed to add a new sub-paragraph (b) to the third paragraph of the preamble, reading as follows: "The land in dispute is still in possession of Mr. Maurice Somo." Sub-paragraph (b) of the existing text would therefore become sub-paragraph (c).

Variant A was rejected by 3 votes to 1, with 2 abstentions.

Variant B was adopted by 5 votes to 1. Draft resolution III was
adopted.

Draft resolution IV: Petition from Mr. E. Attiogbe, Mr. H.K. Apetor II and Mr. Franz Asuma concerning Togoland under French administration (T/PET.7/270)

Draft resolution IV was adopted by 5 votes to none, with 1 abstention.

The CHAIRMAN asked the Secretariat to draft the part of the report on petitions concerning the Cameroons and Togoland under French administration dealing with the four petitions the Committee had considered.

Mr. AMMAR (Secretary of the Committee) announced that the report would be ready the following morning and it would be a definitive document. If any members of the Committee wished to make changes in it, one or more corrigenda would have to be issued.

The CHAIRMAN proposed that the report should be considered as adopted if no member raised an objection to it before Tuesday, 1 April at 11 a.m.

It was so decided.

The meeting rose at 1 p.m.