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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE HUNDRED AND FORTY-THIRD MEETING

Held at Headquarters, New York,
on Monday, 8 March 1954, at 10.20 a.m.

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PRESENT:

Chairman:

Mr. QUIROS

El Salvador

Members:

Mr. GIDDON)

United Kingdom of Great Britain
and Northern Ireland

Mr. MATHIESON)

Mr. PETHERBRIDGE

Australia

Mr. SCHEYVEN

Belgium

Mr. SUMSKOI

Union of Soviet Socialist
Republics

Mr. TARAZI

Syria

Also present:

Mr. DOISE

France

Secretariat:

Mr. RANKIN

Secretary of the Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF THE CAMEROONS UNDER FRENCH
ADMINISTRATION (T/PET.5/L.8 and Add.1, Working Paper No. 52)

Mr. SUMSKOI (Union of Soviet Socialist Republics) asked whether the Union des Syndicats Confédérés du Cameroun had actually appealed to the Administering Authority and whether, if so, the questions it had raised had been those mentioned in its resolution.

Mr. DOISE (France) replied that there had been at least some contact between the representatives of the union concerned and the Inspection Générale du Travail. A thorough investigation had been made by the Administering Authority after the receipt of the petition.

Mr. SUMSKOI (Union of Soviet Socialist Republics) asked whether the Administering Authority had had any knowledge of the abnormal situation in the different unions before it had received the petition.

Mr. DOISE (France) pointed out that the petitioners' complaints were either of a very general nature or were more specific complaints connected with their own activities which the Administering Authority considered unfounded and had refuted, as shown in working document 52. The situation could not, therefore, be called abnormal.

The Union des Syndicats Confédérés du Cameroun represented only a fraction of the trade union movement in the Cameroons - those unions which were affiliated to the Confédération Générale du Travail. There were other unions which were as representative, if not more so, which were affiliated to the Confédération Générale du Travail - force ouvrière or the Confédération Française des Travailleuses Chrétiens.

It was so decided.

Mr. MATHIESON (United Kingdom), referring to page 3 of T/PET.5/L.8, asked, first, whether the special inspection referred to had been carried out as a result of the petition and, if so, what its findings had been, and, secondly, whether the concession included areas so close to inhabited villages that it interfered too much with local agricultural activities.

Mr. DOISE (France) said that, following the motion adopted by the Syndicat des petits planteurs d'ESEKA an investigation had been made by the services concerned. He explained that in African forests the most highly prized species were not found in large stands, but in isolation in various parts of the forest, so that paths had to be hacked out. That sometimes resulted in slight damage being caused to the property of the indigenous inhabitants, who received compensation. There was no felling in the clearings where the indigenous inhabitants grew their crops.

Mr. MATHIESON (United Kingdom) took it that the findings of the inspection were those reported in the Administering Authority's observations. Reverting to his second question, he understood that logging companies often built roads in the vicinity of villages and that that sometimes led to friction. He hoped that the Administering Authority would see to it that such activities were supervised so as to safeguard the interests of the neighbouring villages. He also noted that there were arrangements for compensation in cases of damage.

Mr. DOISE (France) confirmed that the Administering Authority's observations were based on the inspection carried out. With regard to the second point raised by the United Kingdom representative, the services concerned were following such questions carefully, with special reference to the villagers' interests. He emphasized that the Company was on very friendly terms with the local inhabitants and that many villages wished it to continue its activities, from which they derived great advantages, and had so informed the local authorities.

Mr. MATHIESON (United Kingdom) said that it was encouraging to note that the Company, with the support of the Administering Authority, was doing its utmost to ensure mutual benefit from its operations. He suggested, however, that when concessions were demarcated, particular care should be taken to exclude logging operations from areas which the local inhabitants customarily farmed.

Mr. SUMSKOI (Union of Soviet Socialist Republics) thought that the French representative's reply was completely at variance with the facts mentioned by the petitioners, who wished the company to cease its activities and expected the Administering Authority to put an end to the unsatisfactory conditions prevailing in the area. In addition there were general problems, such as those of land, loans to producers and savings which called for a reply.

Mr. MATHIESON (United Kingdom) thought that the petition under review illustrated some of the difficulties of the existing petition system. Part of the population concerned was of the opinion that the company should discontinue its activities while another part, which appeared to be in the majority, had submitted written requests that the company should continue its activities. Although the requests had not been sent to the Trusteeship Council, they should be taken into account when considering the problem. His suggestions had been based on that fact.

Mr. SUMSKOI (Union of Soviet Socialist Republics) recalled that his delegation had always opposed the division of questions into specific and general. It could not agree that all the general questions should come directly before the Trusteeship Council. The result of such a system was that the Administering Authority confined its observations to minor questions.

Mr. MATHIESON (United Kingdom) explained to the USSR representative that, while he regarded the points raised in the petition as of a general nature, he also considered them to be important, indeed so highly important that they should await the Council's discussion of broad policies. The Committee should not attempt to

duplicate the lengthy debates in the Council on such wide topics. As the USSR representative had remarked, the Administering Authority's observations referred to minor aspects of the petition, but that was precisely because the Council was the appropriate forum for the major issues.

The CHAIRMAN recalled that the Drafting Committee on the Cameroons under French Administration was currently preparing its report to the Council. It would be inadvisable for the Committee's recommendations to clash with those of the Drafting Committee.

Mr. TARAIZI (Syria) said that, if the United Kingdom representative's view was adopted, the Committee would have to discontinue its practice of adopting recommendations on the individual petitions. It would be impossible for the Committee to refer its decisions to the Drafting Committee, as the latter Committee had almost completed its work.

Mr. MATHIESON (United Kingdom) recalled that the points in the petition had been brought to the Council's attention at the current session. He proposed that the Committee should dispose of the petition by drawing the petitioner's attention to the relevant Council resolution.

Mr. TARAIZI (Syria) remarked that the Drafting Committee's recommendations might not coincide with the views of the United Kingdom delegation.

Mr. MATHIESON (United Kingdom) pointed out that the Drafting Committee was aware of the Council's opinion on the subjects covered in the petition.

Mr. SUMSKOI (Union of Soviet Socialist Republics) stated that the Drafting Committee would be able to ascertain the views of the Committee from the summary records. It was still uncertain how the Drafting Committee and the Council would act on the petitions.

Mr. MATHIESON (United Kingdom) observed that the Drafting Committee's recommendations would in any case be based on the views of the Committee and of the Council.

The CHAIRMAN said that, if the Committee were to adopt decisions on the various points raised in the petition, it might end with about thirty different draft resolutions. It would therefore be better to await the decisions of the Drafting Committee in order to see whether all the points in the petition were covered.

Mr. MATHIESON (United Kingdom) presumed that the 40 hours mentioned in paragraph 1 on page 8 referred to the maximum limit and that anyone working longer would be paid overtime.

Mr. DOISE (France) replied in the affirmative. By agreement with the employer concerned it was permissible, although somewhat uncommon, for a worker to work more than 40 hours per week and to be paid accordingly.

The difference in working hours between agricultural and other workers was due to the seasonal nature of the occupation. Moreover, French regulations were applied. An agricultural worker was less busy in the fields during the winter in Europe or the off season in Africa.

Mr. TARAIZI (Syria), referring to paragraph 8 on page 9, recalled that, according to a statement by the Administering Authority, a decree concerning work accidents in the Territory had been adopted on 7 January 1948 and asked for further particulars.

Mr. DOISE (France) replied that he did not know whether the system set up by that decree was identical to that of the metropolis. There being relatively few wage-earning workers, work accidents were correspondingly few. In any case, the workers did enjoy certain protection and received compensation based on a medical report.

In reply to a further question from Mr. TARAZI (Syria), Mr. DOISE (France) stated that no restrictions were placed upon the trade unions, a fact which was illustrated by the petition before the Committee.

Mr. TARAZI (Syria) asked whether there were in the Territory any courts, similar to the Conseils de prud'hommes in France, for the settlement of labour disputes.

Mr. DOISE (France) replied that article 179 and the following articles in the Labour Code provided for a system of courts, presided over by a magistrate to deal with such disputes, employers and employees being equally represented.

Mr. SUMSKOI (Union of Soviet Socialist Republics) asked for further information about the allegedly "abnormally low salaries" mentioned in paragraph 3 on page 8.

Mr. DOISE (France) replied that he had no figures at his disposal but that details would be found in the annual report on the Territory.

Mr. SUMSKOI (Union of Soviet Socialist Republics) felt that many points raised by the petitioner, for example in paragraphs 12 and 13 on page 9, were very important and should be mentioned in the Committee's resolution. He requested clarification of paragraphs 17, 18 and 19.

Mr. DOISE (France) regretted that clarification was difficult because the petitioners were so vague and very general. With regard to child labour, he explained that the Labour Code forbade the employment of children under 14 years of age, and that regional labour inspection groups kept labour conditions and recruitment under close scrutiny.

The various complaints had been investigated by the appropriate services of the Territory and no evidence of the conditions mentioned by the petitioners had been found. It should be noted that the petitioners were apparently referring in paragraph 18 to future possible violations of the regulations,

and that, in any case, forced labour did not exist. The petitioners were therefore indulging in fantasy without regard for facts.

Mr. SCHEYVEN (Belgium) drew attention to paragraphs 13, 14 and 15 of the resolution, referring to housing, dispensaries, schools, etc. The Visiting Mission had seen a great many of these institutions operating in the Territory, and wondered if they had been established on the initiative of employers.

Mr. DOISE (France) said that the Labour Code imposed an obligation on employers who took workers from a distance to provide them with satisfactory housing. Articles 138-144 of the Code provided that medical and health services should be supplied by the employers, and the numbers of doctors and nurses to be provided was specified in accordance with the size of the labour force. All the services were, of course, free to the workers.

Mr. SCHEYVEN (Belgium) commented that the petitioners appeared to be asking for measures which had already been taken. With regard to the question of child labour, he wondered whether the presence of children in working areas might not be explained by the not uncommon practice in Africa of parents sending their children to work in their stead.

Mr. DOISE (France) said that he had heard of such cases, but that they were more likely to arise in the case of family businesses than in the case of European firms, who would certainly send the children home. In indigenous family businesses, however, the child was regarded as a source of income and some difficulty had been experienced in enforcing the law with regard to child labour.

Mr. MATHIESON (United Kingdom) regarded the petition as particularly interesting because it showed that the trade union concerned was very modern in its ideas on labour conditions. Evidently it was very capable of representing the interests of its members. The trade union should not be

criticized for seeking the best possible conditions for its members, but it had to be admitted that it was demanding conditions which did not exist all together even in the most advanced countries. Yet it was surprising how many of the points raised had in fact been met by the Labour Code, which could without question be described as the finest in Africa. The Committee's draft resolution should point out the relevant provisions of the Labour Code, and request the Administering Authority to continue and improve its inspectorate of labour in order to ensure that the Code was applied.

Mr. SUMSKOI (Union of Soviet Socialist Republics) said that the replies given by the French representative did not enable the Committee to deal with all the points raised by the petitioners. Satisfaction of the union's demands would not, he felt, represent a Utopian state of affairs, as the United Kingdom representative had said. It was not sufficient to point out the existence of the Labour Code, since the petitioners had complained that the Code was being violated. The Council should recommend that the Administering Authority ensure observance of the Code. The USSR draft resolution would cover all the points in document T/PET.5/L.8 and Add.1. Petition T/PET.5/L.8/Add.1 repeated some of the points of the previous petition, the first part of T/PET.5/L.8, but was more specific. The Administering Authority had made no further observations upon it.

Mr. MATHIESON (United Kingdom) pointed out that while part I of T/PET.5/L.8 had been sent early in February, petition T/PET.5/L.8/Add.1 had been sent in March. In the meantime, as the Administering Authority had pointed out, other representatives of the community had approached the Administering Authority to say that they did not agree with the remarks in part I of petition T/PET.5/L.8.

Mr. SUMSKOI (Union of Soviet Socialist Republics) said that the Unions, as part of the "Union des syndicats confédérés du Cameroun" were speaking in the name of a large number of members. It was no accident, he thought, that the representative of France had been unable to say how many members the unions had. The Administering Authority could surely have found out the number of members to form a guide as to the importance of the petition.

The Soviet delegation felt that it represented a large group of trade union members and warranted careful consideration. The Administering Authority had stated that it had carried out a large-scale investigation and obtained a large amount of information, but it had not stated what that information was and what action had been taken upon it. It had referred only to the existence of the Labour Code, and suggested in its observations that the petitioners had fabricated a large part of the facts contained in the petition. A simple statement that trade union activity was protected by the law was insufficient. It was yet another case in which the Administering Authority and the petitioners, representing a large number of persons, differed fundamentally in their statements and the Committee had no reason to believe one rather than the other.

He read a draft resolution, which he proposed to submit to the Secretariat in writing for inclusion in the draft report.

Mr. DOISE (France) thought that the USSR draft resolution was based on the belief that the unions were large and represented a large body of opinion. There could be no doubt, although the figures were not available, that only a small part of the trade union movement in the Territory was involved. Since the majority of the members of those unions were industrial or business workers, it followed that the number of agricultural workers must be very small, particularly as all the trade unions in the Territory had approximately 20,000 members. That small group, which was affiliated to the C.G.T., was the only one to mention an "abnormal situation". The Administering Authority had not wished to cumber the Committee with large quantities of paper, and the results of the inquiry had been faithfully summarized in the observations. Since the Administering Authority invariably approached such matters through consultation with the workers, it did not seem useful to recommend the establishment of a new advisory council or to investigate the "abnormal situation". The existing advisory labour councils were established on a basis of parity between the employers and workers, and it was not possible for any typically unjust or abnormal situation to arise. Furthermore, it should be accepted that the inspectorate of labour was not blind and was conscientiously carrying out its duties. It could be assumed that complaints of that nature emanating from one small section of the trade union movement had been made for

PETITION CONCERNING THE TRUST TERRITORY OF NAURU (Working Paper No. 53)

Mr. PETHERBRIDGE (Australia) said that he had received a further observation by the Administering Authority stating that the Nauru Administration had granted an ex gratia payment of not more than £58 to the petitioner, to be paid by instalments at the discretion of the Administrator, pending a decision on the extension of the social services in Nauru.

Mr. SUMSKOI (Union of Soviet Socialist Republics) asked what assistance the petitioner had requested, apart from the wheel-chair, and what assistance he had actually received.

Mr. PETHERBRIDGE (Australia) said that, as the petition had made clear, the petitioner had been chiefly interested in additional financial assistance.

Mr. SUMSKOI (Union of Soviet Socialist Republics) pointed out that the end of the petition mentioned phosphate land owned by the petitioner at Ocean Island, and asked if the representative of Australia could explain.

Mr. PETHERBRIDGE (Australia) stated that Ocean Island was not under Australian administration. The petitioner appeared to have some rights there, and the Nauru administration was investigating the matter, which involved the payment of a purchase price and/or royalties, with a view to taking it up on the petitioner's behalf with the government concerned.

Mr. RANKIN (Secretary of the Committee) explained that the matter of the phosphate island had not been mentioned in working paper No. 53 because Ocean Island was not a Trust Territory.

Mr. MATHIESON (United Kingdom) said that Ocean Island was in fact in the Gilbert and Ellice group, a British Crown Colony. No doubt the administrations concerned would co-operate in investigating the matter, but it should be stressed that that aspect of the petition did not concern a Trust Territory. It would be proper to recommend a draft resolution noting with satisfaction that it had been found possible to grant the petitioner supplementary assistance.

Mr. SUMSKOI (Union of Soviet Socialist Republics) felt that the Secretariat should have noted that Ocean Island was not a Trust Territory, instead of merely deleting that aspect of the petition from the summary.

The CHAIRMAN agreed that the United Kingdom representative's remark could form the basis for the Committee's draft resolution. No action could be taken on the matter of the phosphate land, since it was not in a Trust Territory. If the petitioner was not satisfied, he would no doubt advise the Committee. The Committee would not require any information on further action taken by the Administering Authority.

Mr. MATHIESON (United Kingdom) felt that future action was not the concern of the Trusteeship Council, which could only expect the Administering Authority to assist the petitioner in pursuing his claim outside the Trust Territory.

The meeting rose at 1.05 p.m.