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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE HUNDRED AND FORTY-NINTH MEETING

Held at Headquarters, New York,  
on Monday, 15 March 1954 at 10.05 a.m.

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Petitions concerning Togoland under French Administration

(T/C.2/L.58/Add.1)

Draft report of the Standing Committee on Petitions

PRESENT:

Chairman:

Mr. QUIROS (El Salvador)

Members:

Mr. PETHERBRIDGE Australia

Mr. SCHEYVEN Belgium

Mr. GIDDEN United Kingdom of Great Britain  
and Northern Ireland

Mr. TAPAZI Syria

Mr. SUMSKOI Union of Soviet Socialist  
Republics

Also present:

Mr. DOISE France

Mr. AMAH Special Representative of the  
Administering Authority for the  
Trust Territory of Togoland  
under French Administration

Secretariat:

Mr. RANKIN Secretary of the Committee

PETITIONS CONCERNING TOGOLAND UNDER FRENCH ADMINISTRATION (T/C.2/L.58/Add.1)

I. Petition from Mr. Vincente Vovor (T/PET.7/355)

Mr. DOISE (France) stated that the Administering Authority had not submitted written observations on the petitions in documents T/PET.7/360, 361, 362, 363 and 364 which appeared under numbers VII, VIII, IX, III and IV in working paper T/C.2/L.58/Add.1. Those petitions had been sent to him less than two months before the date scheduled for their consideration.

Mr. SUMSKOI (Union of Soviet Socialist Republics) asked who Mr. Galley was, why the customs officials had been warned about him and why Mr. Vovor and Mr. Babudu had been dismissed. He also wished to know the annual number of meetings held by the Administrative Disputes Council.

Mr. APEDO-AMAH (Special Representative) replied that Mr. Galley was a transport agent who crossed the border several times a day. He was known to be a smuggler. Mr. Vovor had been brought before a disciplinary council consisting of civil servants belonging to his service and had had an opportunity of presenting his defence orally or in writing, either personally or through an advocate. The Council had found him guilty, if not of complicity with Mr. Galley, at least of negligence and had dismissed him. Mr. Vovor had appealed to the Administrative Disputes Council and his case was due to come before it at its next meeting. Mr. Mabudu had refused to inspect Mr. Galley's car in spite of the latter's invitation.

The Administrative Disputes Council did not hold any regular sessions and only met to pronounce judgment on a case.

Mr. SUMSKOI (Union of Soviet Socialist Republics) recalled that the case had been brought to the attention of the Disputes Council in April 1953 and was surprised to note that it had not yet met to examine it. Since the Council met only very rarely to examine the complaints submitted to it, the interests of the inhabitants of the Territory were neglected. He also wanted to know who had signed the customs receipt.

Mr. APEDO-AMAH (Special Representative) replied that the receipt had been signed by Mr. Vovor, the chief of the customs post.

Replying to a question from Mr. GIDDEN (United Kingdom), Mr. APEDO-AMAH (Special Representative) said that neither Mr. Vovor nor Mr. Mabudu had denied the charges against them. The inquiry had established that their negligence had been wilful.

Mr. GIDDEN (United Kingdom) thought that, in those circumstances, the Council would have no difficulty in reaching its conclusions on the case.

Mr. SUMSKOI (Union of Soviet Socialist Republics) pointed out that, if it had been established that Mr. Vovor had been in league with Mr. Galley, the case should be one for criminal jurisdiction. He also wondered whether the Administration had had any complaints to make about the petitioner during his fourteen years with the customs service.

Mr. APEDO-AMAH (Special Representative) stated that the offence with which Mr. Vovor was charged was an administrative one and did not therefore involve any judicial proceedings. He did not have in his possession the petitioner's dossier which was a confidential document, but the disciplinary council had had the petitioner's record before it when it had expressed an opinion on his case. Whatever the record of a civil servant it could not exempt him from punishment if he committed a serious offence.

Mr. SCHEYVEN (Belgium) asked whether the Administering Authority always notified the civil servants who were struck off the promotion list and whether other customs officials had been subjected to similar disciplinary measures. He also wished to know where Mr. Vovor had been living at the time when he had entertained Mr. Galley to lunch.

Mr. APEDO-AMAH (Special Representative) replied that removal from the promotion list was one of the disciplinary measures of the public service; it was, however, only executed by order of the disciplinary council before which

the civil servant must be brought. He could not recall any case of a customs official having been punished in that way. The reply to Mr. Scheyven's second question was that the chief of the customs post must live on the premises, and it had therefore been at the post that Mr. Vovor had entertained Mr. Galley.

Mr. SUMSKOI (Union of Soviet Socialist Republics) asked to which political party Mr. Vovor belonged and whether it was true that, after his dismissal he had been replaced by a member of the Parti Togolais du Progrès.

Mr. APEDO-AMAH (Special Representative) replied that the Administering Authority was not concerned with the political affiliations of its civil servants which were not taken into consideration in cases of transfer or dismissal.

Mr. SUMSKOI (Union of Soviet Socialist Republics) thought that the petition clearly showed that Mr. Vovor had been dismissed because he was a member of the CUT and JUVENIO. He therefore proposed a draft resolution in which the Trusteeship Council would draw the Administering Authority's attention to the facts corroborating the persecution of the members of political parties and to the necessity of putting an end to such persecution.

Mr. PETHERBRIDGE (Australia) pointed out that the petitioner had produced no evidence in support of his allegations that he had been dismissed because of his political views. The draft resolution on the petition should note that the disciplinary council had punished the petitioner following an inquiry and that the petitioner had appealed to the Administrative Disputes Council which would also carry out an inquiry and ask the Administering Authority to inform the Trusteeship Council of the result of the second inquiry.

The CHAIRMAN asked the Special Representative if he knew the approximate date on which the Administrative Disputes Council was due to meet and when it would take a final decision on the matter.

Mr. APEDO-AMAH (Special Representative) could not give any precise reply. When a case was brought before the Council the Chairman appointed a rapporteur to whom he transmitted the dossier. The rapporteur carried out an inquiry and drew up his report. It was only then that the Council was convened. It was impossible to fix a time-limit in advance since the inquiry was long and detailed. In the plaintiff's own interest the disciplinary council endeavoured to obtain all the necessary safeguards which would enable it to reach an impartial decision in the light of all the relevant facts.

## II. Petition from Mr. Mathias Eklun Natey (T/PET.7/356)

Mr. SUMSKOI (Union of Soviet Socialist Republics) asked what was the nature of Mr. Natey's work in the garage, why he had been dismissed and why he had not been paid the overtime to which he claimed he was entitled.

Mr. APEDO-AMAH (Special Representative) explained that the petitioner had been employed as turner employed on a daily basis, that he had been dismissed following a general cut in the budget and that it had not yet been established whether Mr. Natey had actually worked overtime.

Mr. SUMSKOI (Union of Soviet Socialist Republics) asked why the petitioner had been the victim of that general measure while others had not been affected.

Mr. APEDO-AMAH (Special Representative) replied that the general measure had affected other workers. When it had been compelled to take dismissal action, the Administering Authority had taken into account the seniority and working record of its staff. As stated by the Administering Authority in its observations (T/OBS.7/12, Section 2), the petitioner had been in a disadvantageous position because he was a very junior employee and because of his insubordination and unsatisfactory service.

Mr. SUMSKOI (Union of Soviet Socialist Republics) quoted the words of the petitioner to the effect that any indigenous civil servant must belong to the Parti Togolais du Progrès in order to remain on good terms with his superiors and asked the Special Representative if he thought that such a situation was normal.

Mr. APEDO-AMAH (Special Representative) replied that the petitioner's assertion was disproved by the facts. There was complete freedom of opinion in France, in the French Union and in the Trust Territories under French Administration.

Mr. SCHEYVEN (Belgium) asked whether the Lomé Central Garage employed workers other than turners employed on a daily basis and whether day-workers were guaranteed any definite term of employment.

Mr. APEDO-AMAH (Special Representative) pointed out that the nucleus of the staff were regular employees but that, in order to supplement the staff, day-workers were recruited who were less qualified and therefore paid less. Moreover, it was stipulated at the time of their engagement that they were recruited on a purely temporary and retractable basis and could therefore be dismissed at any time for reasons of economy or for other reasons without any decision on their cases by the disciplinary council.

Mr. SUMSKOI (Union of Soviet Socialist Republics) emphasized that the decision proved that the Administration persecuted not only the members of political parties but also their families.

Mr. APEDO-AMAH (Special Representative) considered that that statement was completely at variance with the facts: the petitioner's relatives, including Mr. Eklú Natey who worked for the customs service at Lomé and his wife who was also a civil servant, were following honourable careers in the Administration despite any political views they might have.

Mr. SCHEYVEN (Belgium) thought that the Council should draw the petitioner's attention to the Administering Authority's observations, particularly those concerning the way in which the petitioner had undertaken his work, the precarious nature of his contract, the non-political nature of his dismissal and the fact that some of his close relations were civil servants.

Mr. SUMSKOI (Union of Soviet Socialist Republics) did not think that a draft resolution on the lines just proposed by the Belgian representative would cover all the points raised in the petition. The petitioner stated that he was a qualified mechanic and turner but that he had been discharged because his brother was an influential member of the JUVENTO. If the Administering Authority continued to pursue that policy it would never have the necessary personnel to develop the Territory. The Trusteeship Council should take more interest in the petitioner's case and ask the Administering Authority to find him employment.

Mr. GIDDEN (United Kingdom) supported the suggestion made by the Belgian representative. The Council should also emphasize that the petitioner had been employed for less than eighteen months and that consequently, when staff had had to be dismissed for reasons of economy, his record had not entitled him to preferential treatment.



Mr. SCHEYVEN (Belgium) agreed with the observations of the United Kingdom representative. He added that the Council should also draw the petitioner's attention to the Administering Authority's observations concerning the petitioner's work: the very fact that he had brought an apprentice into the garage and entrusted a machine to his care without authorization had justified his dismissal.

The CHAIRMAN stated that the Secretariat would prepare a draft resolution in the light of the suggestions made by the Belgian and United Kingdom representatives.

V. Petition from Mr. Paul y Agbetété (T/PET.7/358)

In reply to Mr. SUMSKOI (Union of Soviet Socialist Republics), Mr. APEDO-AMAH (Special Representative) pointed out that originally the petitioner had been engaged on purely administrative work, having been a monitor in the education service, and that having later applied for a political post, he had been elected a member of the Conseil de circonscription. The petitioner had resigned from the civil service and, since he had left his circonscription and had not returned to it, he had been regarded as having automatically resigned from the Conseil de circonscription.

When the petitioner had left the Territory he had not yet received his regular or back pay because he had refused to observe the regulations and to call for it at the pay office of the special agent in person or to send along an assignee with a duly legalized power of attorney.

Mr. SUMSKOI (Union of Soviet Socialist Republics) wondered what reasons other than the threat of arbitrary arrest could have obliged the petitioner to relinquish his administrative and public functions and seek refuge in British Togoland.

Mr. APEDO-AMAH (Special Representative) stated that he had no information to show the true reasons why the petitioner had resigned, but that he had perhaps had personal reasons which he was unwilling to reveal. The Administration had nothing against the petitioner, who had left the Territory of his own free will and refused to return although his father, the village chief, to whom the Administration had given all the necessary reassurances, had asked him to do so.

Mr. TARAZI (Syria) asked why the petitioner had not received his regular or back pay.

Mr. APEDO-AMAH (Special Representative) explained that the petitioner had not asked the Administration to pay his money into a bank account, so that, in order to receive his pay for August, September and October, he had had to apply personally to the special agent's pay office but had failed to do so. The back pay represented the difference between the amounts actually received by the petitioner and those which were due to him as a result of two reclassifications whereby civil servants' salaries had been adjusted in the year 1951-1952.

Mr. TARAZI (Syria) asked the Special Representative if the Administration could not send the amounts due to the petitioner directly to him and what was the time-limit allowed for claims.

Mr. APEDO-AMAH (Special Representative) replied to the first question in the negative. With regard to the statutory time-limit, there was a clause in the budget to allow payment of sums due in completed financial years, but, if the person concerned did not make personal application for the sums due to him within five years, he forfeited his rights.

Mr. PETHERBRIDGE (Australia) suggested that the Council should draw the petitioner's attention to the Administering Authority's statements that he had left the Territory of his own free will and that he was free to request the Special Agent at any time to pay him his due, either personally or through an assignee with a duly authorized power of attorney. In another paragraph, the Council should note that the petitioner was free to return to the Territory.

In reply to a question by Mr. PETHERBRIDGE (Australia), Mr. APEDO-AMAH (Special Representative) stated that he was unable to guarantee that the Administration would offer the petitioner employment, but it would consider the case if he applied.

Mr. TARAZI (Syria) asked whether the provisions of the Civil Service Act of 1946, giving a certain amount of priority when a vacancy occurred to an official who had resigned applied to Togoland and whether the petitioner would therefore be re-employed in the same grade or would have to sit another competitive examination.

Mr. APEDO-AMAH (Special Representative) confirmed that the regulation was applicable in Togoland. However, the Administration considered the reasons for resignation. If they were accepted as valid, the person concerned was re-employed; otherwise he had to pass a further competitive examination and begin again at the lower level.

Mr. SUMSKOI (Union of Soviet Socialist Republics) pointed out that the petitioner was also the author of petition T/PET.7/359, summarized in document T/C.2/L.58 (section VI). Mr. Agbetété stated in that petition that the people of Litimé canton had authorized him to protest because he had had to leave the Territory during the terror caused by the arbitrary arrests carried out by the Administering Authority when the Visiting Mission was passing through the Territory, that the people had organized a meeting in favour of his return, but had been threatened, on that occasion by the Chief Subdivisional Officer. In those circumstances, the Council should draw the Administering Authority's attention to the fact that, in spite of his important duties, the petitioner had had to leave hastily for British Togoland without receiving his regular or back pay. The Council should also recommend the Administering Authority to cease persecuting persons submitting petitions to the United Nations. If the Administration had carried out arbitrary arrests before the arrival of the Visiting Mission, it was undoubtedly because it had desired to prevent the indigenous inhabitants from submitting petitions to members of the Mission.

Mr. APEDO-AMAH (Special Representative) pointed out that no one had been able to prove that arbitrary arrests had actually taken place while the Visiting Mission was passing through. Furthermore, it was unlikely that the petitioner, who had gone to settle in British Togoland, had been authorized by the inhabitants of his village to bring their grievances before the United Nations. With regard to the persecution which the Administration was supposed to be carrying out against petitioners, it was only necessary to examine the number of petitions coming from the actual Territory of French Togoland to see ~~xx~~ that, far from opposing the sending of petitions, the Administering Authority had on the contrary informed the population that it was entitled to submit petitions.

Mr. SCHEYVEN (Belgium) said that, as a member of the Mission which had visited Togoland under French administration, he had been present at the hearings of thousands of Africans who had submitted written petitions, and had been able to satisfy himself personally that the Administration was respecting the rights of the indigenous inhabitants in respect of petitions. Furthermore, all those petitions had been brought to New York by the Mission. However, as complaints had been made in that connexion, the Mission had made many enquiries and had found that the allegations were untrue. All arrests had been carried out following a decision by a court or had been the subject of a judicial enquiry. It had not been possible to sustain any charge against the Administration referring to arbitrary arrests or provocation. While the Mission had been in British Togoland, four chiefs from French Togoland had come to greet the Mission and had complained of provocative actions against them by the Administering Authority. However, the French authorities had invited Chief Apetor II, among others, to a reception at Palimé in honour of the Mission, although he had made some such complaints against the Administration. He (Mr. Scheyven) had seen the chief's reply in which he had apologized for not being able to be present at the reception for health reasons. There could therefore be no question of persecution.

The CHAIRMAN agreed with the Belgian representative in certain respects, but pointed out that he too had been a member of the Visiting Mission and that his opinion on the political situation and freedom of assembly was set forth in the Mission's report.

He noted that the Committee had two proposals before it, one made by the Australian representative and the other by the USSR representative, and he therefore asked the Secretariat to produce a draft for each of the two proposals on which the Committee would vote at a later date.

Mr. TAPAZI (Syria) suggested that the Secretariat could include in the two draft resolutions a sentence in which the Council would ask the Administering Authority to consider the possibility of re-employing the petitioner in accordance with the laws and regulations in force.

The CHAIRMAN suggested that the Committee should interrupt its consideration of petitions concerning Togoland under French Administration and proceed to consider the draft report which had to be submitted to the Council on the following Wednesday.

#### DRAFT REPORT OF THE STANDING COMMITTEE ON PETITIONS

Mr. RANKIN (Secretary of the Committee) indicated that the first four paragraphs of the report were similar to those which normally appeared in the report submitted by the Committee to the Council at the end of each session. It was intended to alter the text of paragraph 3 (a) to read: "This petition concerning the Cameroons under French Administration appears as a separate item on the agenda for the thirteenth session of the Council and has not been referred to the Committee for examination".

Paragraphs 5 and 6 referred to matters which the Committee had not had time to consider, and the Committee would have to take a decision on them. The Secretary of the Council had asked that the second sentence of paragraph 5 should

be altered to read: "The Committee proposes that examination of them by the Council should be postponed until the fourteenth session. It would be the intention of the Committee, however, to consider these petitions during the meetings now being held in order to take advantage of the presence at Headquarters of the special representative for Togoland under French Administration. The Committee would report to the Council at its fourteenth session".

With regard to paragraph 6, the Secretary of the Council had seen the draft report and had suggested that the last sentence of that paragraph should be replaced by the following text: "The Committee proposes that the Council should postpone the consideration of this item until its fourteenth session. At the same time, it wishes to suggest that the Council should extend the term of office of the Committee for sufficient time to enable it to complete the consideration of this question and to prepare a report thereon for the Council."

The CHAIRMAN considered that the Committee should indicate in paragraph 5 that it had not considered some petitions concerning Togoland under French Administration because they had not been received within the required time-limit.

Mr. RANKIN (Secretary of the Committee) thought it would be preferable to say that the Administering Authority was not ready to consider those petitions because they had not been received within the specified time-limit.

Mr. APEDO-AMAH (Special Representative) agreed with that proposal. The French delegation would agree to continue immediately with the consideration of petitions concerning Togoland.

The CHAIRMAN drew the Committee's attention to the advantage of profiting from the Special Representative's presence in order to conclude consideration of those petitions. On the other hand, if the present Committee prepared draft resolutions which the Council could not consider during the current session, it would be the new Committee with a different membership which would have to submit the drafts to the fourteenth session of the Council.

Mr. TARAZI (Syria) pointed out that, according to rule 90 (1) of the rules of procedure, the Council had to appoint the members of the new Standing Committee at the end of each session. The present Committee's terms of reference expired therefore at the end of the Council's thirteenth session, which meant at the end of the week. Under rule 90 (2), the Committee was empowered to meet between sessions, but the present Committee could not sit since it would have no legal existence.

Mr. RANKIN (Secretary of the Committee) thought that it should be possible for the Council to decide by a vote to suspend that rule and to extend the present Committee's terms of reference so as to enable it to complete consideration of the items on its agenda.

Mr. TARAZI (Syria) quoted rule 106 of the rules of procedure under which the Trusteeship Council, while in session, could decide to suspend a rule. In the case in point, however, the Council would no longer be sitting so that rule 106 would not apply.

Mr. SCHEYVEN (Belgium) asked if it would not be possible for the Committee to complete consideration of petitions concerning Togoland during the current week and to leave consideration of procedural questions to the new Committee.

The CHAIRMAN said that, while the Committee could no doubt consider the petitions, it would certainly not be able to submit any report on them before the end of the Council's session.

In his opinion, the new Committee could take up consideration of the remaining petitions concerning Togoland under French Administration. In that way, there would be no further difficulty in submitting a report. The new Committee could meet as soon as the Council had adjourned.

Mr. PETHERIDGE (Australia) supported the Chairman's suggestion, since he thought that the present Committee had worked very hard.

Mr. RANKIN (Secretary of the Committee) asked what the Committee's intentions were with regard to the procedural question and paragraph 6 of the draft report. The present Committee appeared particularly competent to consider that question, since it had already the experience of two sessions.

The CHAIRMAN thought that so far as procedure was concerned the members of the new Committee would have as much experience as those of the present Committee. The new Committee would consist of three former members and three new members. The new members might already have served on a Standing Committee, and in any case would have followed the procedural questions in the Council. Furthermore, the old members could give the new members the benefit of their experience and co-operate with them.

Mr. SUMSKOI (Union of Soviet Socialist Republics) thought the Committee should not make any recommendations or request that its terms of reference be extended. It should confine itself to stating the matters which it had not had time to consider in paragraphs 5 and 6 and leave the decision to the Council.

The CHAIRMAN supported the USSR representative's suggestion. The Committee could propose to the Council in paragraph 5 that the new Committee should meet as soon as possible to consider the remaining petitions concerning Togoland, in order to take advantage of the special representative's presence. In paragraph 6, the Committee could suggest that the new Committee should first consider the questions of procedure when it met before the Council's next session. He asked the Secretary of the Committee to alter the last sentence of paragraph 5 accordingly and also the last sentence of paragraph 6.

The meeting rose at 1.15 p.m.