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# UNITED NATIONS TRUSTEESHIP COUNCIL



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## STANDING COMMITTEE ON PETITIONS

### SUMMARY RECORD OF THE TWO HUNDRED AND EIGHTH MEETING

Held at Headquarters, New York,  
on Thursday, 13 January 1955, at 2.40 p.m.

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Petitions concerning the Trust Territory of the Cameroons under French Administration (T/C.2/L.121, T/C.2/L.122; T/PET.5/245 and Add.1 and 2, T/PET.5/256, T/PET.5/267 and Add.1, T/PET.5/272, T/PET.5/274 and Add.1-8, T/PET.5/294, T/PET.5/296, T/PET.5/301, T/PET.5/309) (continued)

PRESENT:

<u>Chairman:</u>	Mr. TARAZI	Syria
<u>Members:</u>	Mr. MASSONET	Belgium
	Mr. BARGUES	France
	Mr. SINGH	India
	Mr. KARTSEV	Union of Soviet Socialist Republics
	Mr. CRAMER	United States of America
<u>Also present:</u>	Mr. BECQUEY	Special Representative of the Administering Authority for the Trust Territory of the Cameroons under French Administration
<u>Secretariat:</u>	Mr. RANKIN	Secretary of the Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF THE CAMEROONS UNDER FRENCH ADMINISTRATION (T/C.2/L.121, T/C.2/L.122; T/PET.5/245 and Add.1 and 2, T/PET.5/256, T/PET.5/267 and Add.1, T/PET.5/272, T/PET.5/274 and Add.1-8, T/PET.5/294, T/PET.5/296, T/PET.5/301, T/PET.5/309)(continued)

The CHAIRMAN requested the Committee to continue its examination of document T/C.2/L.121.

Mr. SINGH (India) asked why all the petitions from the Cameroons under French Administration had not been included in a working document prepared by the Secretariat.

Mr. RANKIN (Secretary of the Committee) explained that of the 346 petitions on the agenda of the Standing Committee's present session, 155 were from the Cameroons under French Administration. The Secretariat had drafted a working paper on eighty-seven of them. Of the remaining sixty-eight, forty-three had been received after the time-limit had expired; twenty-five had been received in time, but the observations of the Administering Authority concerning those petitions had not all arrived.

Mr. SINGH (India) reiterated his delegation's confidence in the Secretariat in general and the Committee Secretary in particular. Nevertheless, as the inhabitants of the Trust Territories became more aware of their rights, and in particular of their right of petition, the Secretariat which prepared the working papers on the petitions would be subjected to an increasing pressure of work. He wondered whether the Trusteeship Council's attention should not be drawn to that point.

Mr. RANKIN (Secretary of the Committee) said that the Trusteeship Council would have an opportunity to discuss the matter in connexion with the relevant observations made in the report of the United Nations Visiting Mission to the Trust Territories in East Africa, 1954.

VIII. Petition from Mr. Theodore M. Matip (T/PET.5/245 and Add.1 and 2)

In reply to a question from Mr. SINGH (India), Mr. BECQUEY (Special Representative) explained that in the Cameroons under French Administration the executive and the judiciary were separate; he recalled some of the facts concerning the organization of the judiciary that were set forth in detail in the annual report. It was only in certain very remote areas, where the population was relatively sparse, that there were still a few vestiges of the system which had been in force before 1946.

In reply to a question from the CHAIRMAN, Mr. BECQUEY (Special Representative) replied that examining magistrates in the Cameroons under French Administration had the same functions as in France.

The CHAIRMAN enquired whether the public prosecutor's department could have initiated proceedings even without a deposit having been made.

Mr. BECQUEY (Special Representative) said that the public prosecutor's department could always initiate proceedings if no action had been brought by a private individual.

Mr. CRAMER (United States of America) proposed that the Council should draw the petitioner's attention to the fact that he could still have an enquiry opened if he made the deposit required by law.

The CHAIRMAN speaking as the representative of Syria, proposed that that comment should be supplemented by a paragraph in which the Council would ask the Administering Authority to clear up the matter. It would certainly be to the Administering Authority's own advantage to dispel the feeling of insecurity to which the petitioner had referred.

Mr. KARTSEV (Union of Soviet Socialist Republics) supported the Chairman's proposal, for it seemed that there had been no enquiry but simply a confirmation of a previous decision.

Mr. BECQUEY (Special Representative) said that the Administering Authority was anxious to dispel any feeling of insecurity, on the part of both the petitioner and the inhabitants of the Territory in general.

The CHAIRMAN requested the Secretariat to draft a resolution taking into account the suggestions that had been made.

IX. Petitions from Mr. Michel Owona (T/PET.5/267) and Mrs. Melanie Nga (T/PET.5/267/Add.1)

Mr. SINGH (India) was surprised that there had been a gap of thirteen years between the birth of the child and the petitioner's appeal. He asked why the petitioner's action had been declared inadmissible.

Mr. KARTSEV (Union of Soviet Socialist Republics) asked what had happened to the girl. In cases of that nature the chief consideration should be the interests of the child. He consequently wondered whether there should not be a further inquiry and whether the petitioner's appeal should not be admitted, taking the child's interests into account.

Mr. BECQUEY (Special Representative) explained that the action to establish paternity had doubtless been prompted by the petitioner's desire to collect the bride price that they would be paid, according to custom, by Miss Marie Ngono's future husband. Having reached the age of thirteen, the girl was already marriageable. From the legal point of view, he explained that the appeal had been declared inadmissible because it had not been lodged within the requisite time. The Administration would find it difficult to implement a recommendation which contravened the principle of res judicata.

Mr. MASSONET (Belgium) said that the Committee should confine itself to dealing with the substance of the complaint, i.e. the action for the establishment of paternity.

Mr. CRAMER (United States of America) and Mr. SINGH (India) associated themselves with the humanitarian views expressed by the representative of the

(Mr. Cramer, USA and  
Mr. Singh, India)

Soviet Union. They nevertheless had every confidence in the judicial system in force in the Territory and were convinced that the Administration would act in the best interests of the young girl.

The CHAIRMAN requested the Secretariat to prepare a draft resolution taking into account the views expressed by members of the Committee.

X. Petition from Mr. Samuel Ntchame Zo'o (T/PET.5/274 and Add.1-8)

Mr. RANKIN (Secretary of the Committee) stated that the petitioner had submitted further communications which would shortly be distributed as addenda. He pointed out that the petitioner had requested a hearing by the Trusteeship Council.

Mr. SINGH (India) suggested that the examination of the petition should be deferred to a later meeting.

After an exchange of views, it was decided to postpone examination of the petition.

XI. Petition from Mr. Tchinda, Chief of Bamendjinda (T/PET.5/296)

Mr. MASSONET (Belgium) inquired whether the livestock mentioned in paragraph 2 of the summary was the personal property of the petitioner or whether he only had the use of it in his capacity as Chief.

Mr. BECQUEY (Special Representative) could not answer that question. If the Committee so desired, an enquiry would be held, but the results would not be known before the end of the Trusteeship Council's forthcoming session.

Mr. MASSONET (Belgium) suggested that the Council should reply to the petitioner by drawing his attention to the observations of the Administering Authority and in particular pointing out to him that he was at liberty to bring an action before the courts to recover his personal property.

The CHAIRMAN requested the Secretariat to prepare a draft resolution along those lines.

The meeting was suspended at 3.55 p.m. and resumed at 4.10 p.m.

XII. Petitions from Mr. Pierre Nagameni Ntapie (T/PET.5/309) and Mr. Ntapie, Chief of Balafié (T/PET.5/301)

Mr. KARTSEV (Union of Soviet Socialist Republics) asked why the petitioner, who had asked for a copy of the decision of the court which had sentenced him, had received no reply.

Mr. BECQUEY (Special Representative) said that any convicted person who asked for a copy of the court decision could obtain it under the regulations in force.

The CHAIRMAN pointed out that under French law an individual could always obtain a copy of a decision from the Clerk of the Court upon payment of the proper fee. He thought that that judicial procedure was applied in the Cameroons as in all the territories under French Administration.

Mr. BECQUEY (Special Representative) confirmed the Chairman's statement.

The CHAIRMAN observed that the petitioner was a member of the community and must have certain personal property as well as the customary property of which he had the use in his capacity as Chief. He asked whether it would not be possible to make an inventory of the property the petitioner had lost, so that any that was his own could be restored to him.

Mr. BECQUEY (Special Representative) explained that, in the long list of property he had lost, the petitioner included articles of which he certainly had only the use - for instance, the four large tom-toms. He also mentioned 250 pieces of material for the dance; probably some of them belonged to him and others were the property of the chiefdom. The same remark applied to many other articles which appeared in the list. A separate valuation could undoubtedly be made, but for that purpose Mr. Ntapie should apply to the customary court; it was not the responsibility of the Administration.

The CHAIRMAN thought it was difficult to come to a decision with regard to the other questions raised by the petitioner. The Trusteeship Council could therefore only advise him to apply to the court for the restoration of his personal property.

He asked the Secretariat to draw up a draft resolution based on that suggestion.

XIII. Petition from officers of the Mungo Regional Branch of the UPC (T/PET.5/29)

Mr. MASSONET (Belgium) asked the Secretary of the Committee why the Secretariat described the petition as "not addressed to anyone in particular". Rule 85 of the rules of procedure, paragraph 1, laid down that "the Secretary-General shall circulate ... all written petitions ... seeking action by the Trusteeship Council". Since the petition in question was not addressed to the Council, he could not see what grounds there were for considering that it sought action by that body.

Mr. RANKIN (Secretary of the Committee) explained that a copy of the "motion" was addressed to the United Nations. Moreover, the penultimate paragraph read "Draws the particular attention of the competent authorities ...". Those last words meant that the petitioners were asking the General Assembly - i.e. the Trusteeship Council, acting under its authority - to settle their grievance. The Secretariat therefore thought it had been justified in classifying the document as a petition.

Mr. KARTSEV (Union of Soviet Socialist Republics), Mr. SINGH (India) and the CHAIRMAN agreed with the Secretary of the Committee.

Mr. MASSONET (Belgium) accepted that explanation. He had simply asked for information and had had no intention of criticizing the classification adopted by the Secretariat. Nevertheless, the words "not addressed to anyone in particular" might lead to confusion and should be deleted.

It was so decided.



Mr. KARTSEV (Union of Soviet Socialist Republics) asked why a request to the authorities for an autopsy following a sudden death should be an offence.

Mr. BECQUEY (Special Representative) replied that in most if not all civilized countries slanderous accusation was an offence. If the person making the accusation acted in good faith, he would not of course be found guilty; only the courts would be competent to decide on the question of good faith.

The papers concerning the affair were in the possession of the judicial authorities, but he had been able to see a copy of the letter Mr. Fayet had sent to the authorities accusing an indigenous chief of having murdered Mr. Ngongang for political reasons. The autopsy, which had greatly surprised the deceased's family, had shown that Mr. Ngongang had died from natural causes.

In reply to a further question by the USSR representative, he stated that Mr. Fayet had not said he was repeating rumours; he was undoubtedly the sole author of the accusation.

Mr. SINGH (India) remarked that since the matter was still before the courts, the Committee could only reply to the petitioners by drawing their attention to the Administering Authority's observations and the explanations given by the Special Representative.

The CHAIRMAN asked the Secretariat to draw up a draft resolution in the light of that suggestion.

He invited the Committee to turn to document T/C.2/L.122.

I. Petition from the Secretary of the Committee of Bogso-Ilanga (T/PET.5/256)

In reply to a question by Mr. MASSONET (Belgium), Mr. BECQUEY (Special Representative) said that by "ancestral lands" the petitioners meant lands which had been occupied by the tribe to which their ancestors had belonged.

Mr. KARTSEV (Union of Soviet Socialist Republics), referring to paragraph 2, asked whether it was true that taxation was being increased yearly.

Mr. BECQUEY (Special Representative) replied that it was true that taxes did tend to increase as the Territory's expenses went up. The authorities were putting into effect development plans for the improvement of economic and social conditions in the Cameroons. In particular they were endeavouring to develop the means of production of the indigenous inhabitants in order to help them to pay the taxes. He pointed out that the Territorial Assembly had refused to increase any taxes for 1955.

Mr. KARTSEV (Union of Soviet Socialist Republics) asked what was the difference between prosperous planters and ordinary planters. He asked whether the Special Representative had any details concerning the petitioner's financial situation.

Mr. BECQUEY (Special Representative) thought that prosperity was a relative concept and that it was difficult to decide exactly whether a planter was prosperous or not. However that might be, in fixing the tax rates the planter's situation, the area of his cultivable land, his means of transport and so on were taken into account. He did not know exactly what the petitioner's position was.

Mr. SINGH (India) suggested that in its draft resolution the Council should draw the petitioner's attention to the Administering Authority's observations and that it should communicate to him later the conclusions and recommendations adopted by the Council concerning the political and economic situation in the Territory.

The CHAIRMAN said that the Indian representative's proposal would be taken into account.

II. Petition from the UPC, Central Committee of Manjo (T/FET.5/272)

Mr. BECQUEY (Special Representative) read out the Administering Authority's observations with regard to the petition.

In reply to questions by Mr. MASSONET (Belgium), he quoted the fees charged for felling licences. The fee paid by the holder of a felling licence for cutting timber, for example, was 5 francs per hectare per annum. Outside classified forest land, the cutting of planks was subject to previous authorization; that regulation had been introduced in order to protect rare species.

Mr. KARTSEV (Union of Soviet Socialist Republics) asked on what conditions a felling licence was granted.

Mr. BECQUEY (Special Representative) explained that the person concerned must submit an application for a licence and state the purpose for which he required the timber. Permits for wood for house-building were granted free of charge on condition that the trees felled should be over 50 centimetres in diameter and that the timber should be for the applicant's personal use.

Mr. CRAMER (United States of America) suggested that the Council should draw the petitioner's attention to the Special Representative's remarks.

The CHAIRMAN said that that suggestion would be taken into account.

The meeting rose at 5.35 p.m.