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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE TWO HUNDRED AND SEVENTY-THIRD MEETING

Held at Headquarters, New York,
on Thursday, 7 July 1955, at 10.25 a.m.

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Petitions concerning the Trust Territory of the Cameroons under
French Administration (T/C.2/L.160 and T/C.2/L.166) (continued)

PRESENT:

<u>Chairman:</u>	Mr. TARAZI	Syria
<u>Members:</u>	Mr. HAMILTON	Australia
	Mr. de CAMARET)	France
	Mr. DOISE)	
	Mr. CHACKO	India
	Mr. BENDRYCHEV	Union of Soviet Socialist Republics
	Mr. MULCAHY	United States of America
<u>Secretariat:</u>	Mr. BERENDSEN	Secretary of the Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF THE CAMEROONS UNDER FRENCH ADMINISTRATION (T/C.2/L.160 and T/C.2/L.166) (continued)

The CHAIRMAN asked the Committee to resume consideration of its draft report (T/C.2/L.166).

IV. Petition from the Local Committee of the "Union des Populations du Cameroun" of Ndokok (T/ES.2/39) (continued)

The CHAIRMAN recalled that at the previous meeting the Soviet Union representative had proposed that a paragraph 4 should be added to the operative part of the draft resolution in which the Council would express the hope that the Administering Authority would take urgent steps to improve conditions among the indigenous population in the Ebibibi region.

Mr. HAMILTON (Australia) did not feel that the facts referred to in the petition justified the special urgent steps proposed by the Soviet Union representative. The Council was acquainted with the development programme for the Territory and at the Committee's 246th meeting the French representative had given an assurance that the Administration would pay special attention to the development of the region in question.

He therefore proposed that the Soviet Union proposal should be amended to read: "Expresses the hope that the Administering Authority will take, within the context of the development plans of the Territory, the necessary steps to improve conditions among the indigenous population in the Ebibibi region".

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that the inclusion of the words "within the context of the development plans of the Territory" might hamper the Administering Authority's freedom of action in its attempts to help the population of the Ebibibi region; the Administering Authority might wish to take special measures not provided for in the general development plan of the Territory. He considered that the text proposed by the Australian Representative was not an amendment to his own proposal but a new proposal.

Mr. HAMILTON (Australia) did not think that the Administration's plans were so rigid that, once drawn up, they could not be adapted to the special conditions in a given region. Neither should the Council recommend measures which did not fall within the framework of the general development plan of the Territory. It had always been the Council's policy to recommend that any measures taken should be part of a general integrated plan.

Mr. MULCAHY (United States of America) proposed that the Council should make the resolution more specific by explaining to the petitioner that the matter concerned the development plan financed by FIDES.

The CHAIRMAN pointed out that according to rule 62 of the Council's rules of procedure, if two amendments were moved to a draft resolution or another motion, the President should first put to the vote the amendment furthest removed in substance from the draft resolution or motion. He would therefore first put to the vote the Soviet representative's proposal and then if it were rejected, the Australian text.

Mr. HAMILTON (Australia) said that his proposal was an amendment to the Soviet proposal and therefore further removed from the original draft resolution than the Soviet proposal. He therefore requested that his amendment should be put to the vote first. In any event, if the Soviet amendment were rejected the Australian amendment would no longer exist because there would be no text to be amended. The Australian delegation had proposed its amendment in a spirit of compromise, in order to make the Soviet amendment more acceptable to the other members of the Committee. He would withdraw his own amendment if it was not accepted by the representative of the USSR, or if the Chairman decided that the Soviet amendment should be put to the vote first.

The CHAIRMAN ruled that the Soviet amendment should be put to the vote first. He then put that amendment to the vote.

There were 3 votes in favour and 3 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 3 votes in favour and 3 against.

The proposal was not adopted.

The CHAIRMAN said that according to article 59 of the rules of procedure in a case where a representative withdrew an amendment prior to the vote, any other representative on the Council might require that it be put to the vote under the same conditions as if the original mover had not withdrawn it.

Speaking as the representative of Syria, he said that he would sponsor the Australian delegation's amendment.

The CHAIRMAN put to the vote the amendment sponsored by the Syrian delegation.

The amendment was adopted unanimously.

The CHAIRMAN put to the vote draft resolution IV as a whole.

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

VI. Petition from Mr. Tiam Sakio (T/COM.5/L.57)

The CHAIRMAN asked the Secretariat to replace the word "greffier" by the word "pétitionnaire" in the French text of paragraph 1 and the word "décision" by the word "jugement" in each of the three paragraphs.

Mr. de CAMARET (France) drew attention to the word "invite" in paragraph 2. On the basis of the principle of the separation of powers, the Administering Authority could not "invite" a judicial authority to take any measures. The present text of paragraph 2 should therefore be amended to read as follows: "2. Expresses the hope that the Court will pronounce judgment as soon as possible and that the Administering Authority will take the necessary steps to ensure that the petitioner is fully informed of the effects of the judgment."

It was so decided.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) felt that the Council should refer to the delay in settling the matter. He therefore proposed that a new paragraph should be added after paragraph 1, to read as follows: "Regrets that the petitioner's complaint has not yet been examined by the judicial authorities of the Territory".

Mr. HAMILTON (Australia) pointed out that the new paragraph would be incompatible with paragraph 1, which made it clear that the delay was due to the petitioner's illness. If the Council expressed regret it would give the impression that it was blaming the judicial authorities of the Territory, which was not the case.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) emphasized that though many years had passed, no action had been taken on the petitioner's complaint. Nobody had maintained that Mr. Tiam Sakio had been ill throughout that period.

The CHAIRMAN put to the vote the new paragraph proposed by the Soviet Union representative.

There were 3 votes in favour and 3 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 3 votes in favour and 3 against. The proposal was not adopted.

The CHAIRMAN put draft resolution VI to the vote.

Draft resolution VI was approved by 4 votes to none, with 2 abstentions.

VII. Petition from Mr. Marcel Jules Ebéné (T/PET.5/284/Add.1)

Mr. CHACKO (India) said that for reasons of principle his delegation would like a separate vote to be taken on paragraph 2 of the draft resolution.

The CHAIRMAN put paragraph 2 to the vote.

Paragraph 2 was rejected by 3 votes to 2, with one abstention.

The CHAIRMAN put draft resolution VII, as amended, to the vote.

Draft resolution VII, as amended, was approved by 3 votes to none, with 3 abstentions.

VIII. Petition from the "Comité Directeur de la Co-ordination des Indépendants Camerounaise" (INDECAM) (T/PET.5/353) and Mr. Bekoungou (T/PET.5/354)

Draft resolution VII was approved by 5 votes to 1:

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) explained that he had voted against the draft resolution because he felt that the petitioners' complaints concerned simply a question of theft which did not justify the Council's intervention.

IX. Petition from Mr. Jean Mbouendé (T/PET.5/311)

Draft resolution IX was approved by 4 votes to none, with 2 abstentions.

Paragraph 3 of the Committee's draft report

The CHAIRMAN drew attention to paragraph 3 of the draft report, and pointed out that the Council was requesting special information concerning the action taken on resolutions VI and VIII. Speaking as the representative of Syria, he emphasized that the Council was requesting the Administering Authority to take certain action under resolution IV and IX. He therefore proposed that the Council should request special information on them.

Mr. HAMILTON (Australia) pointed out that the steps mentioned in paragraph 4 of draft resolution IV were such as would normally be taken by the Administration within the context of its development plans for the Territory. The Council regularly studied the implementation of those plans and therefore there was no need for special information concerning the action taken on resolution IV.

In draft resolution IX the Council invited the Administering Authority to press on with its efforts to obtain for the petitioner reimbursement of the advance payments he had made. That was not a special measure but simply part of an Administration's normal work. The Council could rely on the Administering Authority and did not require special information on the matter.

The CHAIRMAN put to the vote the proposal that the Council decide that special information was required concerning the action taken on resolution IV.

There were 3 votes in favour and 3 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 3 votes in favour and 3 against. The proposal was not adopted.

The CHAIRMAN put to the vote the proposal that the Council decide that special information was required concerning the action taken on resolution IX.

There were 3 votes in favour and 3 against.

After a brief recess in accordance with rule 38 of the rules of procedure of the Trusteeship Council, a second vote was taken.

There were 3 votes in favour and 3 against. The proposal was not adopted.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) felt that no special information was required concerning the action taken on resolution VIII.

The proposal was rejected by 3 votes to 1, with 2 abstentions.

The CHAIRMAN put to the vote paragraph 3 of the Committee's draft report, with the addition of the numbers I, II, III, IV, V, VII and IX.

Paragraph 3 was adopted by 3 votes to 1, with 2 abstentions.

The CHAIRMAN, speaking as the representative of Syria, said that he had voted against the adoption of paragraph 3 because it did not mention all the resolutions on which his delegation would like to have special information.

The CHAIRMAN put to the vote the draft report as a whole (T/C.2/L.166).
The draft report as a whole was adopted by 3 votes to none, with 3 abstentions.

The CHAIRMAN invited the Committee to resume its examination of section III of document T/C.2/L.160.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked why the ferry, although of recent construction, had carried no life-saving equipment on a notoriously dangerous river.

Mr. DOISE (France) regretted that the USSR representative had not asked the question earlier, as information could then have been obtained from the local authorities in the Territory. At the present juncture, he was not in a position to state what life-saving equipment had been carried. Generally, ferries of that type were equipped with one or two life-buoys for use in the event of an accident, but did not carry the equipment necessary for a total evacuation if the ferry capsized.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that he had not raised the question because the examination of the petitions in question had been interrupted before he had had the opportunity to do so. He wished to know what the present position was and what measures the Administration had taken or proposed to take to ensure the safety of the river crossing. He wondered whether it was proposed to build a bridge, a solution favoured by the indigenous inhabitants.

Mr. DOISE (France) said that technical surveys on the spot had shown that it would be difficult to build a bridge at that point on the river, as the ground was not sufficiently solid to hold the piers. The question was still being studied, but the traffic on the road crossing the river at that point did not, at present, justify any large-scale construction.

The capsized ferry had been quite modern and had been in service only four and a half months. It had not been a "collection of canoes", as the petitioners alleged but was a trail-ferry composed of three metal barges with a freight capacity of five tons each, bound together by wooden planking weighing three and

(Mr. Doise, France)

a half tons, the whole forming a single rigid unit. Trail-ferries of that type were used in France on fast-flowing rivers such as the Rhine and the Rhone, where a motor ferry might be carried away by the current. Under that system the trail-ferry was propelled forward by the pressure of the water on the hull (which was connected to a fixed cable by a series of pulleys).

The local authorities were closely following the inquiry into the causes of the disaster. It might well have been completely due to chance. Every means of transport - aircraft, railways and motor vehicles - was sometimes involved in equally unpredicable disasters. The ferry boat over the Sanaga River was a normal means of transport and it was difficult for the Administration to take special measures to provide against the unforeseeable.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that the ferry boat now in operation was similar to the one that had capsized, and asked what reply the Council could send to the petitioners and what they might be given to expect. It was not clear whether the Administration envisaged taking any safety measures.

Mr. DOISE (France) stressed that only the technicians in charge of the present inquiry into the disaster could decide whether further safety measures were necessary.

In reply to a question by Mr. MULCAHY (United States of America), Mr. DOISE (France) explained that a ferry such as the one involved in the accident would be worth approximately 10 million francs.

Mr. MULCAHY (United States of America) said that, in the circumstances, the Administration would doubtless try to avoid any recurrence of similar accidents, if only for the sake of economy.

Mr. HAMILTON (Australia) asked whether the French representative could give the Committee a formal assurance that the Administration would conduct an exhaustive investigation on the spot into the question of life-saving equipment.

Mr. DOISE (France) replied in the affirmative.

Mr. HAMILTON (Australia) suggested that, in its draft resolution, the Council should: (1) draw the attention of the petitioners to the observations of the Administering Authority and the Special Representative's statement, especially to the fact that the ferry had been new and modern; (2) note that the accident was at present the subject of an investigation on the spot and the case was within the jurisdiction of and to be submitted to the competent courts of the Territory; (3) express deep regret at the loss of life brought about by the accident; (4) note the statement of the Special Representative that the matter of providing life-saving equipment on ferries of that kind would be investigated. In a fifth paragraph, the Council might tentatively note that assistance amounting to one million francs CFA from the Administration and the Territorial Assembly and a further 500,000 francs CFA from the Red Cross, over and above the compensation which they would receive under the accident compensation scheme, had already been paid to the families of persons who had lost their lives in the accident.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) felt that the Council should also express the hope that the Administering Authority would take the necessary measures to provide the population, between Sakbayémé and Songmbengué, with safe means of transportation.

The CHAIRMAN asked the Secretariat to bear in mind the suggestions which had been made. He asked the Committee to consider the other questions raised by the petitioners in section III.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that the authors of petition T/PET.5/322/Add.1 complained that the area lacked hospitals, schools and roads. He wished to know whether those charges were justified.

Mr. DOISE (France) replied that they were unfounded. Moreover, the fact that several petitioners complained about the closing of the hospital at Sakbayémé proved that a hospital existed. The Samaga maritime region had a considerable number of medical establishments, both public and private. As far as roads were concerned, he could not give the details from memory but the Sakbayémé ferry itself connected a road.

Mr. HAMILTON (Australia) felt that the authors of petition T/PET.5/322/Add.1 had clearly advanced fallacious charges.

At the request of the CHAIRMAN, Mr. DOISE (France) briefly gave the background of the incident at the Sakbayémé hospital. That establishment was run by an American religious mission. The hospital staff, under the influence of a trade unionist from outside, had made demands which the hospital could not meet. After some negotiation, the staff had threatened to resort to violence and had decided to go on strike. The management's efforts at conciliation had proved ineffective and the hospital had decided to evacuate the patients to two neighbouring hospitals in order to avoid the inevitably disastrous consequences of the strike. The establishment had consequently been closed and the staff dismissed. Subsequently, the local labour inspector had negotiated a compromise settlement between the parties concerned and the hospital had reopened three months after the strike.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked what had been the nature of the staff's complaints.

Mr. DOISE (France) replied that the complaints had mainly revolved round wages, working hours and the construction of living quarters.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether there existed in the Territory regulations prescribing the working conditions of hospital staff and whether those provisions applied to hospitals run by religious missions.

Mr. DOISE (France) replied in the affirmative.

Mr. BENDRYSHV (Union of Soviet Socialist Republics) asked for further particulars on the origin of the dispute. He wondered whether those provisions had been applied in the case of Sakbayev's hospital.

Mr. DOISE (France) stressed that the hospital staff was not defenceless; it was protected by the provisions of the Labour Code, which required the parties to a dispute to follow a procedure of conciliation and arbitration. However, instead of following the legal procedure, the staff had informed the hospital on 10 July that it would come out on strike two days later. The labour inspector and the hospital management had thus been presented with a fait accompli. An especially regrettable feature had been the fact that the establishment involved was a hospital, where compliance with the regulations governing labour disputes, which provided for several stages of conciliation before resorting to a strike, was exceptionally important.

Mr. BENDRYSHV (Union of Soviet Socialist Republics) wished to know exactly when and how it had been decided to close the hospital, and whether the hospital management had done so.

Mr. DOISE (France) explained that the hospital management had decided to close the establishment and to evacuate the patients as soon as the staff had given warning, on 10 July, that it would strike two days later. It had obviously been necessary before the beginning of the strike to evacuate the patients, who would have been without medical care or help on the morning of 12 July.

Mr. BENDRYSHV (Union of Soviet Socialist Republics) said that therefore there had been no strike at the hospital and that the hospital management had closed the hospital. He wondered whether the hospital staff had known of its rights to refer to the labour inspector in order to start conciliation proceedings. It was possible that the staff had threatened to strike simply because they had not been aware of the available remedies.

Mr. DOISE (France) doubted whether that had been the case, as the hospital staff's leader was an experienced trade unionist, presumably well acquainted with the regulations in force.

The CHAIRMAN proposed that further consideration of the case should be postponed until the following meeting.

It was so decided.

The meeting rose at 12.35 p.m.