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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE TWO HUNDRED AND SEVENTY-SIXTH MEETING

Held at Headquarters, New York,  
on Tuesday, 12 July 1955, at 10.15 a.m.

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PRESENT:

Chairman:

Mr. TARAIZI

Syria

Members:

Mr. HAMILTON

Australia

Mr. DOISE

France

Mr. CHACKO

India

Mr. BENDRYSHEV

Union of Soviet Socialist  
Republics

Mr. MULCAHY

United States of America

Secretariat:

Mr. BERENDSEN)

Mr. MASHLER )

Secretaries of the  
Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF THE CAMEROONS UNDER FRENCH ADMINISTRATION (T/C.2/L.164, T/OBS.5/50, T/OBS.5/51) (continued)

III. Petition from the Vice-Chairman of the UPC (T/PET.5/320 and Add.1)  
(continued)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) suggested that the Council should express the hope that the Administering Authority would ensure freedom of action for political parties in the Trust Territory, including the Union des Populations du Cameroun.

Mr. HAMILTON (Australia) pointed out that many of the States Members of the United Nations ensured freedom of action for all parties without distinction and that it would be difficult for representatives to agree to place any kind of restriction on freedom of action in a Trust Territory.

The CHAIRMAN said that the Secretariat would prepare a draft resolution taking into account the USSR representative's suggestion and that made by the Australian representative at the preceding meeting.

IV. Petition from Mr. Paul Toulag (T/PET.5/323 and Add.1)

In reply to questions from Mr. BENDRYSHEV (Union of Soviet Socialist Republics), Mr. DOISE (France) explained that the petitioner and his attacker had both appeared before the chef de brigade, who had dismissed the case because the complaints did not seem to warrant any action on his part and not because the petitioner was a member of the UPC. The official investigation had shown that some of the petitioner's other allegations were also false. In any case, he was absolutely free to institute proceedings.

Mr. HAMILTON (Australia) suggested that the petitioner's attention should be drawn to the observations of the Administering Authority and that the Council should state that no action on its part was called for.

The CHAIRMAN, speaking as the representative of Syria, suggested that the petitioner should also be reminded that he could take his case to court.

Speaking as Chairman, he said that the Secretariat would prepare a draft resolution taking into account the suggestions that had been made.

V. Petition from the villagers of Maboye (T/PET.5/332)

Mr. HAMILTON (Australia) recalled that the Committee had already prepared a draft resolution in reply to a previous petition relating to tax assessments and the damage caused by wild animals.

Mr. BERENDSEN (Secretary of the Committee) said that the petition in question was T/PET.5/349 and that the draft resolution, which he read out, was to be found in document T/L.588, Annex, section IV.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) referred to the petitioners' complaint of the lack of medical services and the Administering Authority's statement (T/OBS.5/51) that there was a medical station at Boumnyebel which was open twice monthly. He would like to know whether it meant that the medical station was open for only two days a month, and whether it was readily accessible to the population of the area, since the petitioner had complained about the lack of roads.

Mr. DOISE (France) replied that the Boumnyebel centre operated twice monthly, on market days. The villagers could also avail themselves of the public dispensary at Dibang, which was even closer and which was a permanent installation. A track linked Maboye with Dibang, and the Dibang-Sombo road, which had just been opened, provided communications with Edéa throughout the year.

Replying to questions by the Indian representative concerning maternity clinics, he said that the patients were free to use the services of trained midwives or, failing that, those of the auxiliary "midwives" of the medical stations who were available in various sections of the country for mothers who preferred to give birth to their children in their own homes.

Mr. CHACKO (India) asked whether there was any truth in the petitioners' charge that treatment at the French Government Hospital was reserved for high personages and officers, while their own women gave birth in squalor and practically unattended.

Mr. DOISE (France) denied the petitioners' charges and assured the Committee that all hospitals were open, on the same terms to all persons.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the tax to which the petitioners referred was income tax or head tax levied even on persons without income. He wondered why there was a discrepancy between the figures furnished by the petitioners and those given by the Administering Authority, and whether the local authorities might not have made some error.

Mr. DOISE (France) explained that the tax in question could not properly be called a "lump sum" tax, since it varied according to income, as explained in the observations of the Administering Authority (T/OBS.5/51). The table of rates provided by the Administration was correct and had been decided upon by the elected representatives of the Territory. No changes had been made in rates for the year 1955; on the other hand, the tax collectors could not collect taxes exceeding the last assessment rate.

Replying to questions by the United States and Australian representatives, he said that there was no village tax in the Territory and that the lowest units concerned with the collection of taxes (called in that case "additional pennies") were the urban centres and rural communes. The "commune tax" referred to in the observations was a special tax levied for the maintenance of roads and highways.

Mr. HAMILTON (Australia) observed that the local population must expect to pay for local improvements. The taxes did not seem exorbitant and might help to provide for some of the social services demanded by the petitioners.

Replying to a question by the CHAIRMAN, Mr. DOISE (France) explained that the Territorial Assembly fixed tax rates in consultation with the local authorities and that the local tax quota stood at 0.25 per cent of the lump sum tax. Collection of the two taxes took place at the same time, though the taxpayer received separate receipts for each and therefore knew exactly how much he had paid.

Mr. HAMILTON (Australia) pointed out that the Administering Authority had made no reference in its observations to the petitioners' complaint that there was no school in their district.

The CHAIRMAN asked whether there was any long-range plan to provide at least one school for every village.

Mr. DOISE (France) said he could assure the Committee that there were schools in the Edéa region and that if there was no school in the petitioners' village they were free to send their children to neighbouring schools. He did not know whether there was any particular plan to establish one school in every village but it was certain that the Administration's ultimate objective was to expand its school programme continuously.

Mr. HAMILTON (Australia) suggested that the petitioners might be referred to the observations of the Administering Authority and the French representative's statement, and in particular to the fact that (a) with regard to taxation, personal taxes, including the commune tax, had been increased in 1954 over the 1953 rate by proportions varying from one to five per cent; (b) those taxes were used to finance the development of social and economic facilities which the petitioners were seeking; (c) in respect of educational facilities, those were already in existence in the vicinity of the petitioners and strenuous efforts were being made to increase their number in the Territory as a whole; (d) in respect of health facilities, stations existed at points eight and eleven kilometres distant from the villages and equal access was guaranteed to all persons and (e) in respect of the damage caused by wild animals it was the practice of the Administration to give ex gratia assistance in case of serious damage.

The CHAIRMAN requested the Secretariat to take note of the suggestions.

VI. Petition from the "Comite de base" of the UPC of Mode (T/PET.5/339)

In reply to questions from Mr. MULCAHY (United States of America), Mr. DOISE (France) said that planters' cards had been instituted as a result of an order of 27 November 1952, which had originated as a recommendation of the 1951 conference of the main cocoa producers. The Territorial Assembly had then set up a permanent Cocoa Council and instituted these cards, to determine a basis for estimating production, to improve the methods in the maintenance of plantations and to help indigenous planters to improve their crops, by giving them technical assistance and by establishing prizes for quality. A person who was not a planter could derive no advantage from holding a card, since prizes were awarded on receipt of a certificate stating that a certain quantity of superior cocoa had been delivered to the markets.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the holding of a card entailed any other financial obligations for instance in connexion with taxation.

Mr. DOISE (France) replied that that was not the case. It was difficult to investigate the complaint, since the petitioners did not specify to whom the cards had been issued.

Mr. MULCAHY (United States of America) asked whether the normal procedure of consulting the customary owners had been followed when Mr. Ligier had been granted a felling permit in the area.

Mr. DOISE (France) replied that the normal procedure had been followed.

At the request of Mr. HAMILTON (Australia), Mr. BERENDSEN (Secretary of the Committee) read the recommendation on deforestation and erosion adopted by the Trusteeship Council at its fifteenth session.

In reply to a question from Mr. HAMILTON (Australia), Mr. DOISE (France) said that the Water and Forestry Service had investigated the complaint and had found that, four years previously, Mr. Ligier had decided to abandon his felling rights owing to the difficulties that had arisen from the attitude of the indigenous inhabitants. The permit gave him no right over the land and he had left behind the timber already felled. Thus the only change in the situation after Mr. Ligier had waived his rights was that the customary owners of the land had ceased to receive from him the refund of half the tree-felling taxes levied on the trees felled.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether Mr. Ligier had abandoned his rights as the result of a formal protest by the indigenous inhabitants and, if that was the case, on what grounds had the concession been made.

Mr. DOISE (France) replied that the customary owners had been consulted before the felling permit had been issued. Exploitation of tropical forests entailed scattered felling and no destruction of timber resources, so that it was unlikely that the petitioners' complaint had been prompted by a desire to conserve those resources. Mr. Ligier had waived his rights because of the general ill-will of the local inhabitants, which had made it impossible for him to obtain the necessary labour for felling and transport.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the present company in the area was entitled to extract more timber and whether the indigenous inhabitants objected to further felling of trees. He observed that the petitioners claimed that the trees belonged to the indigenous inhabitants; the fact that they did not complain specifically against the company was probably because they were unaware that Mr. Ligier's former rights had passed into other hands.

Mr. DOISE (France) replied that the permit had been transferred to the company soon after Mr. Ligier had waived his rights. The petitioners had included no complaint against the company in their petition and seemed to have no objection to further felling of trees.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked what the Administration's purpose was in sending a plan for the construction of a school building if no school was being contemplated for that area.

Mr. DOISE (France) said that the educational authorities had decided that the provisional school built of perishable material by the inhabitants did not conform with the minimum standards set for school buildings and that no school was urgently needed in the village because adequate educational facilities existed only two kilometres away from Mode.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) observed that neither the Administering Authority nor the petitioners stated that the provisional premises were inadequate. If the villagers preferred public education to schooling by missionaries, their request for a teacher should be met, all the more so, since they had helped the Administration to improve the facilities for education by building a school.

Mr. DOISE (France) said that mission schools were supervised and subsidized by the public authorities and therefore provided the same standard of education. The policy of the Higher Educational Council was to open schools only where no educational facilities were available. It would be wasteful to use funds assigned for education to set up a new school at Mode.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) drew attention to the statement in the observations of the Administering Authority (T/OBS.5/51) that the canton's needs were only to a large extent satisfied by the mission school at Makai. It was apparent that the needs of the village of Mode were not fully met. He asked why, in those circumstances, the authorities would not send a teacher to the school the villagers themselves had built.

Mr. DOISE (France) said that seven classes of the Makai school served the whole canton, the needs of which were thus to a large extent satisfied. There was no urgent need for a school at Mode.

The CHAIRMAN, speaking as the representative of Syria, asked whether a teacher would be sent to Mode in the near future.

Mr. DOISE (France) said that he could give no approximate date when a teacher would be sent.

Mr. MULCAHY (United States of America) asked whether religious instruction was compulsory at mission schools and whether the authorities' decision not to send a teacher to Mode was prompted by the fact that it was not a suitable situation for a public school serving the whole canton.

Mr. DOISE (France) replied that religious instruction was not compulsory in mission schools since they were subsidized by the public authorities. The choice of a site played an important part in the authorities' decision to establish a school. The villagers' action in anticipating the authorities' decision set an undesirable precedent which, if encouraged, would create confusion in the plans to extend in a regular manner the network of educational facilities.

Mr. CHACKO (India) asked whether the school building satisfied the standards set by the authorities and whether the villagers had been warned that if they proceeded with the building they would not be provided with a teacher.

Mr. DOISE (France) said that the standard for school buildings required that they should be constructed of durable materials; the provisional building at Mode was a straw hut, which was perishable. He was sure that the chief subdivisional officer had warned the villagers of the consequences of their action.

In reply to questions from Mr. HAMILTON (Australia), Mr. DOISE (France) said that it was **unlikely** that a teacher would be sent to Mode in the near future, in view of other more urgent requests. No obstacles would be placed in the way of the villagers if they wished to employ a private teacher; he doubted, however, whether they could afford to do so.

Mr. HAMILTON (Australia) suggested that the petitioners' attention should be drawn to the observations of the Administering Authority and the statements of the French representative, in particular that, subject to formal approval by the authorities of the locality and manner of construction of the building, a teacher would be provided for the school built by the inhabitants as soon as more urgent needs in other parts of the Territory were satisfied, that religious instruction was not in any sense obligatory in the mission school situated in the immediate vicinity of the village, that no obligations attached to the receipt of planters' cards by the villagers of Mode, and that the tree felling permit originally granted to Mr. Ligier had been transferred to another organization, which was continuing extraction of saleable timber from the forest.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) thought that the Committee had not been given a satisfactory assurance that the permit granted to the company had been approved by the indigenous inhabitants; the Council could not condone timber extraction without such approval. With regard to the request for a school, it was necessary to point out that the villagers had taken the initiative and had built premises which were undoubtedly better than nothing. He therefore suggested that the Administering Authority should be recommended to find some way of sending a teacher to the school without impairing its plans for other parts of the Territory.

The CHAIRMAN said that the Secretariat would prepare a draft resolution taking into account the suggestions that had been made.

VII. Petition from the "Union des Populations Du Cameroun", Yaoundé (T/PET.5/355)

Mr. MULCAHY (United States of America) asked whether membership in the Union des Populations du Cameroun was considered an offence, as the petitioners implied.

Mr. DOISE (France) replied that the implication was entirely groundless.

At the Chairman's request, he gave further details of the offence committed by Mr. Bernard Mathimbe. While waiting at the police superintendent's office to have his identity card checked, he had started a violent argument with a police

(Mr. Doise, France)

constable. The police superintendent had then given him a warning, upon which he had struck the superintendent. He had been immediately arrested and later sentenced to imprisonment for violence and acts of violence against an officer of the law.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked why the authorities had found it necessary to throw Mr. Siény out of the Subdivision office merely because he had expressed dissatisfaction.

The CHAIRMAN pointed out that the expression "thrown out" in the translation of the Administering Authority's observations (T/OBS.5/51, section 4) did not mean that Mr. Siény had been forcibly ejected but that he had been ordered to leave the premises.

He asked whether the Administering Authority could require an individual to leave a particular locality in the absence of a court decision.

Mr. DOISE (France) replied that Mr. Siény did not live at Mbalmayo and had left of his own accord.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether there were any residence restrictions on indigenous inhabitants. The fact that Mr. Siény had been told to leave Mbalmayo because he did not live there, seemed to imply some kind of restriction.

The CHAIRMAN wondered whether Mr. Siény had been officially told to leave Mbalmayo.

Mr. DOISE (France) replied that the indigenous inhabitants enjoyed full freedom of movement and could live where they pleased. Mr. Siény had been informed unofficially that it would be better for him not to remain at Mbalmayo, since he was not domiciled there.

Mr. CHACKO (India) asked whether Mr. Siény had been prosecuted on any previous occasion.

Mr. DOISE (France) said he had not.

Mr. HAMILTON (Australia) suggested that the petitioners should be referred to the observations of the Administering Authority and to the French representative's statement, in particular to the fact that, notwithstanding the allegations of the petitioners, the administrative acts and/or judicial proceedings which had been executed in November 1954 in respect of Mr. Mathimbe and Mr. Siény had had no relation to their political affiliations. In a second paragraph the petitioners might be referred to the text of a Council resolution on the principles governing the attitude of the Administering Authority towards political parties.

Mr. MULCAHY (United States of America) said he wished to lodge a strong protest in the name of his delegation against the manner in which the petitioners had wasted the Committee's time. Their complaint contained exactly three sentences, one of which was entirely untrue, and the Administering Authority had already devoted more time and effort replying to the accusations than was warranted by the insulting nature of the petition. He would therefore like the Council to express regret that the petitioners had seen fit to misrepresent the reasons for their own differences with the authorities.

The CHAIRMAN requested the Secretariat to take note of the suggestions that had been made.

The meeting rose at 1 p.m.