



UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
GENERAL

T/C.2/SR.282
26 August 1955
ENGLISH
ORIGINAL: FRENCH

STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE TWO HUNDRED AND EIGHTY-SECOND MEETING

Held at Headquarters, New York,
on Wednesday, 20 July 1955, at 10.50 a.m.

CONTENTS

Petitions concerning the Trust Territory of Ruanda-Urundi
(T/C.2/L.181)

Petitions concerning the Trust Territory of the Cameroons under
French Administration: draft report of the Committee
(T/C.2/L.175, T/C.2/L.182) (continued)

Draft report of the Standing Committee on Petitions (T/C.2/L.183)

PRESENT:

Chairman:

Mr. TARAIZI

Syria

later:

Mr. de CAMARET

France

Members:

Mr. HAMILTON

Australia

Mr. DOISE

France

Mr. JAIPAL

India

Mr. BENDRYSHEV

Union of Soviet Socialist
Republics

Mr. MULCAHY

United States of America

Secretariat:

Mr. MASHLER

Secretary of the Committee

PETITIONS CONCERNING THE TRUST TERRITORY OF RUANDA-URUNDI (T/C.2/L.181)

I. Petition from Mr. Bigiraneza (T/PET.3/79)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) suggested that the operative part of the draft resolution should be replaced by the following text: "Expresses the hope that the lawful rights of the indigenous inhabitants of the area to the land will not be violated."

Mr. HAMILTON (Australia) pointed out that the rights of the indigenous inhabitants were already safeguarded in paragraph (1) of the operative part of the draft resolution.

The CHAIRMAN put the USSR 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 amendment was not adopted.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked for a separate vote on the operative part of the draft resolution. As it stood, it amounted to an endorsement of the alienation of the land from the indigenous inhabitants and he could not support it.

Mr. HAMILTON (Australia) thought that the present wording of the operative part of the draft resolution accurately reflected the attitude of the Administration and implied neither approval nor criticism.

Mr. JAIPAL (India) did not think that paragraph (1) of the operative part was at all clear.

The CHAIRMAN, speaking as the representative of Syria, shared that view and said that paragraph (1) should be put to a separate vote.

Mr. MULCAHY (United States of America) pointed out that the persons concerned had not protested against the transfer of their land. He hoped that the Committee would not reject paragraph (1), for it contained an important statement.

Mr. HAMILTON (Australia) said that in some cases the transfer of land made it possible to develop the Territory considerably and was thus of benefit to the indigenous inhabitants. The Council did not systematically oppose such transfers but it had shown anxiety on some occasions that they should not take place without the approval of the indigenous inhabitants. In the case under discussion, if the latter refused to approve the transfer, the Administering Authority would prohibit the transaction. If, however, they agreed to the final conditions of the transfer, they would be assigned land quite as good as that which had formerly been in their use. Their rights were therefore fully safeguarded.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that his amendment had been designed solely to safeguard the rights of the indigenous inhabitants; nevertheless, three members of the Committee had voted against it.

Mr. HAMILTON (Australia) thought that if it rejected paragraph (1) of the operative part, the Committee would in effect be refusing to convey the Administration's point of view to the petitioner.

Mr. JAIPAL (India) saw no objection to giving the petitioner information but he did not think that would be enough to satisfy the petitioner. In his view, the Committee was not in possession of enough information to enable it to reach a decision on paragraph (1); consequently, he could not support that paragraph.

The CHAIRMAN, speaking as the representative of Syria, pointed out that if the Committee adopted paragraph (1), it would be to a certain extent making the observations of the Administering Authority its own. In any case, the petitioner could find out what those observations were from the summary records, which would be transmitted to him.

A vote was taken on paragraph (1) of the operative part.

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. Paragraph (1) was not adopted.

Mr. HAMILTON (Australia), supported by Mr. MULCAHY (United States of America), said that as the remainder of the operative part of the draft resolution was to be put to a separate vote, as the USSR representative had requested, it would be logical to confine the voting to the passage beginning with the words "in particular that...". If the Committee took a separate vote on the whole of the operative part, minus paragraph (1), it might well have no resolution left to approve, should rule 38 be called into play. In adopting such a negative attitude, the Committee would certainly not be fulfilling its role as a mediator. As for informing the petitioner of the Administration's opinion by sending him the summary records, that would be a wasted effort, for the petitioner would certainly not be able to understand them.

Mr. JAIPAL (India) said that if the Committee was unable to adopt the draft resolution for lack of adequate information, it could always re-examine the case, in co-operation with the Administering Authority.

The CHAIRMAN put to the vote the operative part of the draft resolution, as amended.

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 operative part of the draft resolution was not adopted.

Mr. HAMILTON (Australia) pointed out that the Committee had given the petition a very thorough examination and that the Indian delegation had had ample opportunity to ask questions.

Mr. JAIPAL (India) said that he could not possibly accept such an unsatisfactory text.

Mr. DOISE (France) regretted that, after such a protracted examination of the petition, the Committee had been unable to find a solution to the problem.

II. Petition from Mr. Kizito Gitambala (T/PET.3/80)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that not all the questions raised in the petition had been dealt with. He proposed

(Mr. Bendryshev, USSR)

that the following paragraph should be added to the operative part of the draft resolution: "Decides further, to consider the general questions raised in the petition in the course of its discussion of the next annual report."

Mr. HAMILTON (Australia) recalled that, when the petition was being examined, he had tried to persuade the Committee to refer the matter to the Council. The Committee had, however, decided otherwise and had examined the petition in great detail. He did not therefore understand why the representative of the Soviet Union was now proposing to go back on a decision already taken and to refer the substance of the matter to the Council.

A vote was taken on the Soviet amendment.

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 amendment was not approved.

The CHAIRMAN put the draft resolution to the vote.

The draft resolution was approved by 3 votes to none, with 3 abstentions.

Mr. MULCAHY (United States of America) asked the Secretariat to insert the following passage in the summary of section II: "The representative of the United States of America wished it to be noted that the general questions raised in the present petition were discussed by the Standing Committee at its 280th meeting for approximately one and one-half hours, at which the Representative of the Administering Authority was questioned by all members present."

Mr. JAIPAL (India) said he would be glad if the Secretariat would insert the following passage in the report: "The representative of India wished it to be noted that the fact that a petition may have been discussed by the Standing Committee on Petitions should not preclude its consideration by the Council."

The CHAIRMAN, speaking as the representative of Syria, said that he would like the report also to contain a reference to the fact that his proposal to transmit the petition to the Trusteeship Council had been rejected.

Paragraph 3 of the draft report

The CHAIRMAN noted that the Committee did not desire any special information concerning the action taken on the resolutions.

A vote was taken on the draft report as a whole.

The draft report as a whole was approved by 1 vote to none, with 5 abstentions.

Mr. DOISE (France) said he had abstained because he did not approve of the way in which the Committee had dealt with the questions raised in the report.

PETITIONS CONCERNING THE TRUST TERRITORY OF THE CAMEROONS UNDER FRENCH ADMINISTRATION (T/C.2/L.182)

I. Petition from Miss Annette Eleanore Biyaga (T/PET.5/368)

Mr. DOISE (France) proposed that sub-paragraph 1 of the operative part should be amended to read: "no racial discrimination is practised or is permitted to be practised in the hospitals of the Territory but sections of the 'first category' are available to those who prefer to pay for hospitalization".

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked what the differences between the various categories of hospital sections were.

Mr. DOISE (France) explained that there were two categories; in the first, which was for paying patients, there were only one or two beds to a room, while in the second, which was for "assisted" patients, the beds were in wards. The treatment given, however, was the same in both categories.

The amendment proposed by the French representative was approved.

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

The draft resolution, as amended, was approved by 3 votes to none, with 3 abstentions.

II. Petition from the Committee of the UPC at Bouassom (T/PET.5/378)

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) pointed out that the draft resolution did not deal with the petitioners' complaint that they had been detained for thirteen hours. That omission could be rectified by making an addition to the last sentence of the operative part.

The CHAIRMAN proposed that the words "taking food" should be replaced by the words "leaving the meeting place".

It was so decided.

Draft resolution II was approved by 3 votes to none, with 3 abstentions.

III. Petition from the Secretary-General of the Central Committee of the UPC Mbalmayo (T/PET.5/383)

Mr. DOISE (France) suggested a number of drafting changes in the French text of the draft resolution.

Draft resolution III was approved by 3 votes to none, with 3 abstentions.

IV. Petition from the "Union démocratique des femmes camerounaises du centre de Loum" (T/PET.5/384)

Mr. DOISE (France) thought that paragraph 2 of the operative part of the draft resolution overlapped with paragraph 1 (b). He therefore requested a separate vote on the former paragraph.

Mr. HAMILTON (Australia) asked for a separate vote on paragraph 1 of the operative part.

The CHAIRMAN put to the vote paragraph 1 of the operative part.
Paragraph 1 was approved by 3 votes to 2, with 1 abstention.

The CHAIRMAN put to the vote paragraph 2 of the operative part.
Paragraph 2 was rejected by 3 votes to 2, with 1 abstention.

The CHAIRMAN drew the Committee's attention to paragraph 3 of the draft report and proposed that, in the absence of any objections, the Committee should recommend the Council to decide that no special information was required concerning the action taken on the resolutions contained in the draft report.

It was so decided.

The CHAIRMAN put to the vote draft report T/C.2/L.182 as a whole.
The draft report was adopted by 3 votes to none, with 3 abstentions.

DRAFT REPORT T/C.2/L.183

Mr. de Camaret (France) took the Chair.

The CHAIRMAN invited the Committee to consider draft report T/C.2/L.183.

Mr. MASHLER (Secretary of the Committee) introduced the Committee's draft report and drew attention to some minor changes required to correct typographical errors and bring the document up to date.

Mr. MULCAHY (United States of America) thought that the Committee might confine itself to taking note of the draft report without voting on it.

Mr. HAMILTON (Australia) felt it unnecessary for a vote to be taken on the draft report since no delegation had expressed any objections.

The CHAIRMAN accordingly proposed that the Committee should take note of the report.

It was so decided.

PETITIONS CONCERNING THE TRUST TERRITORY OF THE CAMEROONS UNDER FRENCH ADMINISTRATION: WORKING PAPER T/C.2/L.175 (continued)

Mr. Tarazi (Syria) resumed the Chair.

The CHAIRMAN invited the Committee to continue its consideration of working paper T/C.2/L.175.

V. Petition from the Permanent Secretary of the "Union des Populations du Cameroun" of Boumnyébél (T/PET.5/335)

Mr. JAIPAL (India) expressed surprise at the fact that a petition which was a page and a half long was summarized, in the working paper, in half a page, while the observations of the Administering Authority were reproduced in extenso. In future his delegation would like to see petitions summarized in greater detail.

Mr. MASHLER (Secretary of the Committee) explained that the Secretariat always endeavoured to strike a balance in summarizing petitions and the observations of the Administering Authority. In the case of

(Mr. Mashler, Secretary of the Committee)

section V, the observations had arrived on the very day when the document was to be reproduced. The Secretariat had preferred to include them in the working paper in full rather than to delay the publication of the document.

Mr. JAIPAL (India) asked what was the situation, in fact and in law, regarding palm wine.

Mr. DOISE (France) said that the campaign against alcoholism in the Territory was governed by a legislative measure of 1931, which regulated the import of alcoholic beverages. The measure also regulated the consumption of palm wine manufactured locally. It was manufactured solely for family use, and could exceptionally be used on traditional festivals. The Administration had also been forced to prohibit the local manufacture of distilled beverages - and even palm wine could be distilled - because the methods of distillation and the equipment used were often very primitive and the spirit produced represented a serious danger to public health.

Mr. MULCAHY (United States of America) asked whether it was true that the petitioners were obliged to walk 300 km. to reach the only market place in the region.

Mr. DOISE (France) said that the subdivision was 75 km. long at its longest and 50 km. wide at its widest. There had been four controlled markets in the subdivision in 1954.

At the request of Mr. MULCAHY (United States of America), Mr. MASHLER (Secretary of the Committee) read out Trusteeship Council resolution 983 (XIII) on the subject of petition T/PET.5/217 and the situation in the Babimbi subdivision.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) observed that the Council was dealing with questions it had already considered at its thirteenth session in connexion with petition T/PET.5/217. A year had passed and, according to the petitioners, it seemed that the situation had not changed. The Administering Authority had stated that it was implementing resolution 983 (XIII) so far as its financial resources allowed. He asked for details of the measures taken by the Administration during the past year.

Mr. DOISE (France) said that, in the first place, the petitioners' allegations were so obviously exaggerated that they were unworthy of consideration by the Council.

He did not know what measures had been taken between 1 January 1954 and 31 December 1954, but he could assure the Committee that the Administering Authority had continued to implement its four-year programme, which provided, in particular, for the addition of a surgical unit to the principal hospital of the region and the creation of several mobile dispensaries and field units.

Mr. JAIPAL (India) asked what was the total area of land owned by the chiefs as compared with that of the land belonging to the tribes and how the chiefs had become owners of vast plantations.

Mr. DOISE (France) said that in the past the chiefs had not been owners but "masters of the land". It had been their duty to distribute the land among different members of the tribe, the non-intensive and semi-itinerant farming methods practised at that time having necessitated constant redistribution. Those customs were now disappearing. Nevertheless, the villagers continued to perform certain services out of a spirit of solidarity. Thus, if it was decided that a shelter should be built in the market-place, all the villagers helped with the work. Sometimes they also assisted the chief with his harvest. Such assistance, however, was not obtained by any form of legal coercion; it was more a matter of an exchange of services.

Mr. JAIPAL (India) asked how the anniversary of the signing of the Charter was celebrated in the Territory.

Mr. DOISE (France) said that the anniversary of the signing of the Charter was a public holiday in the Territory. Talks were given in every village school; pamphlets about the United Nations were distributed and festivities organized in the principal towns.

Mr. MULCAHY (United States of America) asked whether the chiefs in the Babimbi region were elected or hereditary.

Mr. DOISE (France) pointed out that the Administering Authority only recognized the traditional chiefs and did not appoint them. As a general rule, the chiefs were not hereditary but were selected by the customary council from a family which regularly provided chiefs. The selection was then submitted to the people for approval. A chief who proved unsatisfactory could be deposed by the people themselves.

Mr. HAMILTON (Australia) asked what was the situation, in fact and in law, regarding racial discrimination.

Mr. DOISE (France) replied that all discriminatory measures were prohibited, not only by statute but also by an express provision in the preamble of the French Constitution, the main principles of which applied to the Territory.

Mr. HAMILTON (Australia) proposed that the Council should draw the attention of the petitioners to its resolution 983 (XIII), to the observations of the Administering Authority and to the statements of the Special Representative, in particular that the Administering Authority could not neglect the needs of other parts of the Territory, that it must meet those needs by planned action in accordance with the formally expressed wishes of the Trusteeship Council, that racial discrimination did not exist, and was not permitted under the law, in the Territory, that the chiefs exercised no coercion in recruiting labour and that the anniversary of the signing of the Charter was a public holiday in the Territory.

Mr. JAIPAL (India) said that he would make his proposals at the following meeting.

The meeting rose at 12.40 p.m.