



UNITED NATIONS TRUSTEESHIP COUNCIL



Distr.
GENERAL

T/C.2/SR.466
5 June 1958

ORIGINAL: ENGLISH

STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FOUR HUNDRED AND SIXTY-FOURTH MEETING

Held at Headquarters, New York,
on Thursday, 6 February 1958, at 10.40 a.m.

CONTENTS

Request for a hearing, referred to the Standing Committee on Petitions
by the Trusteeship Council at its 849th meeting (T/PET.5/1095 and
Add.1-3) (continued)

Examination of petitions concerning the Cameroons under French
administration (T/C.2/L.319)

PRESENT:

Chairman:

Mr. JAIPAL

India

Members:

Mr. YANG

China

Mr. de CAMARET

France

Mr. ZADOTTI

Italy

Mr. BENDRYSHEV

Union of Soviet Socialist
Republics

Mr. SMALLMAN

United Kingdom of Great
Britain and Northern
Ireland

Also present:

Mr. DENIAU

Special Representative of
the Administering
Authority for the Trust
Territory of the
Cameroons under French
administration

Secretariat:

Mr. COTTRELL

Secretary of the Committee

REQUEST FOR A HEARING, REFERRED TO THE STANDING COMMITTEE ON PETITIONS BY THE TRUSTEESHIP COUNCIL AT ITS 849TH MEETING (T/PET.5/1095 and Add.1-3) (continued)

At the invitation of the Chairman, Mr. Deniau, Special Representative of the Administering Authority for the Trust Territory of Cameroons under French administration, took a place at the Committee table.

The CHAIRMAN called for comments on the draft report which had been prepared by the Secretariat (Conference Room Paper No. 68).

Mr. de CAMARET (France) said that his delegation had no objection to Mr. Ngondjeu's request for a hearing but it had formal reservations about the petition itself under rule 81 of the rules of procedure of the Trusteeship Council, since the petitioner had been charged with embezzlement. It would accordingly abstain if a vote were taken.

Mr. YANG (China) thought that the words "there is no objection..." in the English text of the proposed communication were unsuitable. He suggested that the latter part of that sentence should be redrafted to read "and that it will hear you about 10 March should you decide to present your case orally to it".

It was important to avoid bringing the petitioner to New York on a fruitless visit. It might make the position clearer if the final sentence were redrafted to read:

"In view of the fact that the matters you describe are before the court, a copy of rule 81 of the rules of procedure is now communicated to you".

Mr. SMALLMAN (United Kingdom) said that his delegation had no objection to the granting of a hearing but it reserved its position on how far the substance of the petition fell within the provisions of rule 81 of the rules of procedure. It was important to make it quite clear to the petitioner that his petition might be found inadmissible under that rule. To that end the following sentence could be inserted as the second sentence of the communication: "You are, however, reminded of the limitations of rule 81 of the rules of procedure should your petition be the subject of a dispute in a competent court".

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) had no objection to the petitioner's being granted a hearing. The last sentence of the proposed

/...

(Mr. Bendryshev, USSR)

communication would, however, oblige the petitioner to decide for himself whether or not rule 81 of the rules of procedure applied to his case. That would be unfair to the petitioner, since it was clear that he would be in no position to reach a decision. The responsibility for applying the rules of procedure lay with the Council; in any event, rule 81 had no bearing on this case.

Mr. ZADOTTI (Italy) considered that as it stood the communication hinted rather than instructed. He agreed with the USSR representative that the petitioner should not be left in doubt and that the Council should hear him if he came to New York. The Committee itself must decide whether the petition was acceptable under rule 81.

The CHAIRMAN did not think that rule 81 applied to hearings.

The suggestions made by the representatives of China and the United Kingdom might be combined to form some such text as the following: "The Trusteeship Council wishes to inform you that your petition will be examined by the Council during its current session and it will be prepared to hear you about 10 March should you decide to present your case orally to it. The Council draws your attention to rule 81 of the rules of procedure, herewith communicated to you, which may have some relevance to the substance of your hearing." The sentence beginning "The Council emphasizes ..." would remain and the final sentence would be deleted.

Mr. SMALLMAN (United Kingdom) stressed that the difficulties must be made quite clear to the petitioner, who might otherwise be so impressed by the granting of a hearing that he might fail to notice the doubtful terms of the remainder of the communication.

The CHAIRMAN suggested that the representatives of China and the United Kingdom might be asked to produce a suitable text for the Committee to discuss.

It was so decided.

EXAMINATION OF PETITIONS CONCERNING THE CAMEROONS UNDER FRENCH ADMINISTRATION
(T/C.2/L.319)

I. Petitions from the Djoum Committee of the Union des Populations du Cameroun (T/PET.5/556) and from Mr. Tamack Mbock (T/PET.5/557)

The CHAIRMAN asked where Mr. Morel was at present, whether he was still in charge of the Djoum Subdivision and whether Mr. Mbock was still head of the wireless station.

Mr. DENIAU (Special Representative) said that Mr. Morel had left the Djoum Subdivision in 1955 and that the last he had heard of Mr. Mbock was that in early 1957 he had been active as a staff representative on the housing commission.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that in its observations the Administering Authority made no reference to the complaint that the men who had worked on the construction of an airfield and a fish pond had been unpaid. He asked whether such work was paid.

Mr. DENIAU (Special Representative) pointed out that the Administering Authority's observations made it clear that such work was carried out under the Petit equipment rural (PER) scheme, which had been described in the annual report of the Administering Authority. Under the scheme the community contributed work, material or money to a particular project and financial help was provided from the Territorial or FIDES budget (Fonds d'Investissement pour le Développement Economique et Social). Quite often communities asked to be allowed to undertake such projects although there were always some individuals who disliked the social discipline involved in the scheme, which called for co-operation from all the members of a particular village. When there were disputes over the working of a scheme, they were normally settled on the basis of custom.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether those persons who were unwilling to perform the work were forced to do it and if so how such force was imposed.

Mr. DENIAU (Special Representative) reiterated that community activities were organized according to African custom. It was entirely a question of community initiative and the Administration stood aside, except on credit

/...

(Mr. Deniau, Special Representative)

questions and when asked to intervene as a conciliator, which rarely happened. Any individual who refused to take part in a PER scheme might find himself prohibited from using the product of the scheme e.g. a building erected as a PER project.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) observed that the construction of an airfield seemed somewhat out of line with community development work, which was normally aimed at improving local services of a particular community.

Mr. DENIAU (Special Representative) agreed that the building of an airfield was not the kind of work usually associated with community development; what the villagers were doing was to clear the ground for an airfield which had been asked for by the Sangmélima commune. Such a project quite frequently involved a number of villages and FIDES or the Territorial budget would provide some 20 to 60 per cent of the cost, the balance of which would be found locally.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) considered that the indigenous inhabitants should be paid for work of that kind and that in the present instance they were being deprived of their lawful right to payment for their labour.

Mr. DENIAU (Special Representative) emphasized that communities participated in the PER scheme to their own advantage, since they shared in the projects and received financial assistance from the Government towards their cost.

The CHAIRMAN asked the Secretariat to draw up a resolution taking into account the observations of the Special Representative and the various suggestions that had been made.

II. Petition from the Melong Central Committee of the Union des Populations du Cameroun (T/FET.5/561)

Mr. SMALLMAN (United Kingdom) noted the petitioners' statement that Mr. Tchaté had been cultivating his plantation since 1941 and the Administering Authority's statement that the Melong forest reserve had been classified in December 1947; he asked whether the local population had been consulted before the decision to classify the area had been reached.

/...

Mr. DENIAU (Special Representative) replied that the population had been consulted in the proper form as was invariably done before any forest area was classified. There had, in fact, been no classifications in the past ten years. Mr. Tchaté was not a native of Belong but an immigrant to the region; he had begun growing coffee on the edge of the forest area but had persisted in encroaching upon the reserve, whence his difficulties with the law.

Mr. ZADOTTI (Italy) asked whether the destruction of the young coffee shrubs planted in the forest reserve had been the consequence of judicial action or of the carrying out of the forestry reserve regulations.

Mr. DENIAU (Special Representative) explained that the officials of the Water and Forestry Service had uprooted the shrubs in accordance with the forestry reserve regulations; Mr. Tchaté had submitted a complaint and the judge had upheld the officials' action as being in conformity with the regulations in force and with their instructions from their superiors. The number of shrubs destroyed was about 500, not 3,500 as the petitioners claimed.

In reply to a question from the CHAIRMAN, speaking as the representative of India, Mr. DENIAU (Special Representative) confirmed that Mr. Tchaté had been given due warning of the penalties for planting coffee shrubs within the classified forest area. Upon the first two occasions his coffee plants had not been destroyed; it had been only at the third infringement that the Water and Forestry officials had felt obliged to uproot the shrubs, as prescribed in their regulations.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked how the growing of coffee in the forest interfered with the forest itself.

Mr. DENIAU (Special Representative) explained that coffee could not be grown unless the area was first cleared, which meant the felling of the trees in it. The very object of forest protection was to prevent such destruction. Otherwise, of course, there would be no objection to the growing of coffee in the forest area.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether there were no circumstances in which Mr. Tchaté, although a Bamiléké, but still a Cameroonian, could secure a right of usage of land in that area.

/...

Mr. DENIAU (Special Representative) said that a Bamiléké could secure the right to use land in any part of the Territory if the members of the local community, in whom the right was primarily vested, were willing to accord it to him and made the appropriate arrangements. He could gradually become integrated into a community if he married into it, contributed certain services, and so on.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether there was any land in the Territory which did not belong to any specific community and on which an indigenous inhabitant had the right to settle and grow crops.

Mr. DENIAU (Special Representative) observed that according to civil law any so-called vacant and ownerless land reverted to the private domain of the Territory. The indigenous inhabitants, however, did not recognize that; in their estimation there was no land in the Territory which did not fall within the user's rights of one or another indigenous community. If a Cameroonian who moved into one part of the Territory from another found land which was not being used or cultivated, he could seek the right of possession of it under customary law or the right of ownership under civil law. In the former case it was for the local community to decide whether they wished to accord him user's rights and in what conditions; in the latter it was necessary for him to follow the normal procedure for the granting of concessions, whether to Africans or to Europeans, and in that case a palaver would be held for the consultation of the local population. Indigenous inhabitants who moved into the Territory of another community normally sought customary and not concessionary rights.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the indigenous inhabitants had any privileges in comparison with Europeans or other foreigners when they wanted to occupy, or to settle on, land that belonged to the private domain of the Territory. He expressed the view that all land in the Territory was the inalienable possession of the indigenous population and should be entirely at its disposal, with all its resources above and below ground. He deplored the fact that indigenous inhabitants had no special rights of ownership and occupation of the land.

Mr. DENIAU (Special Representative) informed the USSR representative that all "vacant and ownerless" land belonged to the Territory, namely, to the entire indigenous community, concessions were granted only in accordance with a strict judicial procedure providing for full consultation of the population.

Mr. YANG (China) felt that the petitioner's attention might be drawn to the observations of the Administering Authority.

The CHAIRMAN said that the Secretariat would take that suggestion into account in drafting the relevant resolution.

III. Petitions from Mrs. Anne Langne (T/PET.5/573) and the Manjo Central Committee of the Union des Populations du Cameroun (T/PET.5/567)

In reply to a question from the CHAIRMAN, speaking as the representative of India, Mr. DENIAU (Special Representative) said that the petitioner had not replied to his letter and consequently he had no recent information on the matters referred to in the petition. The regulations in question were those governing the obtaining of licences by itinerant dealers. The goods were miscellaneous dry goods.

In reply to a question from Mr. YANG (China), he said that Mr. Nestor was a "market boy" of long standing and familiar with the regulations concerning itinerant dealers.

Mr. YANG (China) thought that it would be sufficient to inform Mr. Nestor that he could recover his goods as soon as he acquired a valid licence.

Mr. ZADOTTI (Italy) observed that the case was simply one of the breach of licence regulations and that it was open to the petitioner to comply with those regulations and so recover the goods confiscated. He suggested that the petitioners' attention should be drawn to the observations of the Administering Authority.

The CHAIRMAN said that the Secretariat would take the suggestions of the representatives of China and Italy into account in drafting the resolution.

IV. Petition from Mr. Zacharie Nana (T/PET.5/569)

The CHAIRMAN asked the Special Representative if he would explain the present circumstances in which motor transport could be requisitioned.

Mr. DENIAU (Special Representative) said that under a decree issued in 1951 the civil and military authorities could requisition transport in an emergency only. He pointed out, however, that the incident referred to by the petitioner had allegedly occurred in 1939 and the lorry, which he claimed had been requisitioned without compensation, had belonged to the petitioner's father.

The CHAIRMAN inquired whether in 1939 compensation would have been paid for requisitioned transport.

Mr. DENIAU (Special Representative) said that compensation would normally have been paid. In the case in question, however, the authorities had been unable to find any evidence that the lorry had been requisitioned, nor was there any record that the petitioner's father had filed a claim for compensation. Since the latter was now dead, it was impossible to obtain any further information about the alleged incident.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked the Special Representative whether the land at Ndikiniméki which had been granted to Mr. Rouly, and which had reverted to the private domain of the Territory when the concession had been revoked in 1955, was now being cultivated.

Mr. DENIAU (Special Representative) said it was being used by the Agricultural Service, which had planted a nursery there and was now planning to set up an agricultural station.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) inquired whether in 1940, when the concession had been granted to Mr. Rouly, the land had been community land or had already formed part of the private domain of the Territory.

Mr. DENIAU (Special Representative) said that the land had been part of the community land in the sense that it came within the community's area, but it had not been cultivated and the law recognized vacant and ownerless land as belonging to the Territory. It was the Territory which had granted the concession to Mr. Rouly and it had resumed ownership of the land when the concession had been revoked.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked the Special Representative why the Administering Authority had ignored Mr. Max Nana's protests at the granting of a concession to a foreigner, although it had been well aware that he had cleared part of the land.

Mr. DENIAU (Special Representative) said that at the palaver held in March 1939 in connexion with the granting of the concession to Mr. Rouly the villagers concerned had raised no objections. It was only after the palaver that Mr. Max Nana had raised an objection to the granting of the concession, but his objection had been overruled by the Administrative Council in February 1940, since he had had no right to the land under either customary or civil law. The files showed that Mr. Rouly had offered voluntarily to pay Mr. Max Nana some compensation for the clearing work he had done, but the latter had refused to accept the amount offered.

Answering a further question by the USSR representative, he said that, since Mr. Max Nana had never had any rights over the land, it could not have reverted to him or his descendants when the concession granted to Mr. Rouly had been revoked.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked the Special Representative whether Mr. Zacharie Nana possessed any land in the region at present or whether he had been forced to leave the area.

Mr. DENIAU (Special Representative) said that he had no specific information on the point. It was highly probable, however, that he had a concession at Makénéné since he was still domiciled there.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said he concluded from the answers given by the Special Representative that after Mr. Max Nana had cleared some of the land, the French officer had applied for a concession to cultivate that land. Mr. Max Nana had protested, as he wished to cultivate that land himself, but his claims had been rejected on the grounds that he had no right to the land because he was a Bamiléké. The land had been given to a foreigner in preference to an indigenous inhabitant of the Territory. Again, in 1955, his son, Mr. Zacharie Nana, had been denied the right to work the land. That certainly was in contradiction with the Trusteeship Agreement.

/...

Mr. DENIAU (Special Representative) said that the USSR representative had misunderstood him. Mr. Rouly and Mr. Max Nana had not competed for the land in 1940. The latter had made no application to keep the land: he had only asked for compensation for the work he had done on the land, saying that he had certain rights over it. It was absolutely clear that he had no right whatsoever to the land, since he had not availed himself of either of the two methods by which he could have acquired such rights. Since he had never had any rights to the land, they could not have been restored to him or his descendants in 1955.

Mr. de CAMARET (France) pointed out that the incidents under discussion antedated the Trusteeship Agreement by many years. While the Administering Authority was of course willing to provide any information which was available in its files, he wondered whether the Committee was not devoting undue attention to the petition, at the expense of others relating to current issues.

Mr. SMALLMAN (United Kingdom) felt that the position with regard to land usage was now quite clear. He suggested that the petitioner's attention should be drawn to the observations of the Administering Authority and the statements of its Special Representative.

The CHAIRMAN said that the Secretariat would take that suggestion into account in drafting the relevant resolution.

V. Petitions from Mr. Abel Tchouanteng (T/PET.5/578) and from the Syndicat des petits planteurs de Nlohé (T/PET.5/606)

In reply to a question from Mr. SMALLMAN (United Kingdom), Mr. DENIAU (Special Representative) said that the majority of the Syndicat's members had formed a co-operative in 1955 and had consequently been able to secure railway facilities for the transport of their bananas.

In reply to a question from Mr. YANG (China), Mr. DENIAU (Special Representative) explained that article 18, paragraph 2, of the Labour Code did not permit trade unions to engage in marketing activities.

In reply to a question from Mr. BENDRYSHEV (Union of Soviet Socialist Republics), Mr. DENIAU (Special Representative) said that the fact of assisting producers to obtain transport for their bananas was considered a commercial activity. Co-operatives had a pecuniary objective, whereas trade unions had not, being formed solely for the purpose of protecting the interests of their members.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that he could not understand how helping the members of a trade union to get transport for their produce could be considered a commercial activity if no commercial operation was involved.

Mr. YANG (China) suggested that the petitioners' attention should be drawn to the Special Representative's reply.

The CHAIRMAN said that the Secretariat would take the Chinese representative's suggestion into account in drafting the relevant resolution.

The meeting rose at 1 p.m.