



UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
GENERAL

T/C.2/SR.472
17 July 1958
ENGLISH
ORIGINAL: FRENCH

STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FOUR HUNDRED AND SEVENTY-SECOND MEETING

Held at Headquarters, New York,
on Friday, 14 February 1958, at 10.50 a.m.

CONTENTS

Examination of petitions concerning Ruanda-Urundi (T/C.2/L.324)

Examination of petitions concerning the Cameroons under French
administration (T/C.2/L.322) (continued)

PRESENT:

Chairman:

Mr. JAIPAL India

Members:

Mr. YANG China

Mr. MAX France

Mr. KOCIANCICH Italy

Mr. BENDRYSHEV Union of Soviet Socialist
Republics

Mr. SMALLMAN United Kingdom of Great
Britain and Northern Ireland

Also present:

Mr. LEROY Special Representative of the
Administering Authority for
the Trust Territory of
Ruanda-Urundi

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

EXAMINATION OF PETITIONS CONCERNING RUANDA-URUNDI (T/C.2/L.324)

At the invitation of the Chairman, Mr. Leroy, Special Representative of the Administering Authority for the Trust Territory of Ruanda-Urundi, took a place at the Committee table.

I. Petition from Mr. Augustine S. Mutabaruka (T/PET.3/85)

In reply to questions from the CHAIRMAN, speaking as the representative of India, and Mr. MAX (France), Mr. LEROY (Special Representative) said he had no detailed information about the diplomas held by the petitioner. He explained that the Government of Ruanda-Urundi was not prepared to meet the cost of his studies in Uganda, since it had offered him the opportunity of carrying on his university studies free of charge in the Territory. In that way Mr. Mutabaruka would learn French, which would enable him to be of service later in his own country.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked whether the petitioner's statement that no national of Ruanda-Urundi had yet been able to take advantage of the scholarships offered to inhabitants of the Trust Territories by Members of the United Nations pursuant to certain resolutions of the General Assembly was correct.

Mr. LEROY (Special Representative) said that he was unable to answer that question. He pointed out, however, that many students had taken advantage of scholarships for secondary and higher education offered by the Belgian Government. All the students in the Territory who had followed courses of higher education had received Government assistance.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked what the Administering Authority was doing to further the utilization of the scholarships offered by Member States and what means it used to bring them to the notice of the inhabitants. Were they mentioned in publications that were available to the population?

Mr. LEROY (Special Representative) said that he could not reply in detail to the first questions of the representative of the Soviet Union. As far as he knew, the Belgian Administration had not intervened to ensure that the indigenous inhabitants took advantage of the scholarships offered by international organizations. He did know, however, of one national of Ruanda-Urundi who was at present studying at Oxford. The Administration of Ruanda-Urundi was in no sense against the inhabitants of the Territory making use of such advantages but in most cases the candidates did not fulfil the necessary conditions either in educational level or in knowledge of languages. Information about offers of scholarships was received by the educational services in Ruanda-Urundi, who passed it on to the heads of the various educational establishments. The latter brought the offers, where necessary, to the notice of those of their students who might be able to take advantage of them. The question had scarcely arisen so far, for it would not be until July 1958 that the first batch of students would receive their secondary school certificates in Ruanda-Urundi, giving them access to the universities without further training.

Mr. MAX (France) thought that the Administering Authority could scarcely be blamed for failing to assist the petitioner to study abroad, when he refused to study in his own country.

Mr. YANG (China) said that he was satisfied with the Special Representative's comments. He suggested that the draft resolution should draw the petitioner's attention to the observations of the Administering Authority and the statements of the Special Representative, and to the offers of scholarships made by English-speaking States Members of the United Nations.

In reply to a question by Mr. KOCIANCICH (Italy), Mr. COTTRELL (Secretary of the Committee) said that the United States had offered five scholarships in 1957 and eight in 1958 for the Trust Territories as a whole. During 1957-1958 the United Kingdom had offered an indefinite number of scholarships to the inhabitants of its own Territories.

Mr. MAX (France) drew attention to the footnote by the Secretariat on page 2 of the working paper.

The CHAIRMAN, speaking as the representative of India, pointed out that the petitioner had not received the letter from the Secretariat when he had written his petition.

He supported the Chinese representative's suggestion and proposed that the draft resolution should draw the petitioner's attention to the fact that he could be admitted immediately to the pre-university section of the University of Elizabethville and that his travelling expenses would be paid by the Government. He should also be informed that if he preferred to study in an English-speaking university he could apply to the competent authorities in Uganda, where he had already attended a secondary school.

Mr. KOCIANCICH (Italy) shared the Chairman's view and thought that the petitioner's attention might also be drawn to the communication the Secretariat had sent him on 1 February 1957.

Mr. SMALLMAN (United Kingdom) confirmed that the petitioner could apply to be admitted to the University College of Makerere on his merits. He did not, of course, on the face of it, seem eligible for a Uganda Government scholarship.

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

II. Petition from Mr. Zakariya Kamuhanda (T/PET.3/86)

Replying to questions by Mr. SMALLMAN (United Kingdom), Mr. LEROY (Special Representative) said that the inquest had made it clear that the ill-fated cyclist was largely responsible for the accident. The young man, who was not a very experienced cyclist, had suddenly fallen in front of the car, which had slowed down considerably.

Applicants for a driving licence in Ruanda-Urundi had to appear before the territorial authorities and take a theoretical and practical test. Another point was that, contrary to the petitioner's assertions, there was very little difference between the financial status of the plaintiff and that of the accused. The latter was the son of a shopkeeper in a very small way of business.

Mr. SMALLMAN (United Kingdom) said that he was satisfied with the Special Representative's replies. He suggested that the draft resolution should draw the petitioner's attention to the observations of the Administering Authority and the statements of the Special Representative.

Mr. YANG (China), Mr. KOCIANCICH (Italy) and Mr. MAX (France) supported the United Kingdom representative's suggestion.

Replying to a question by Mr. KOCIANCICH (Italy), Mr. LEROY (Special Representative) confirmed that no further recourse was available to the petitioners. The Court of the Parquet had given its decision on appeal.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) asked the Special Representative to explain how the damages had been assessed at 6,000 or 15,000 francs. He asked for details of the particular assessments for the bicycle, the funeral and the boy's death. He also requested an explanation of the expression "an unacknowledged Indian half-breed".

Mr. LEROY (Special Representative) said that the material and moral damages suffered by the victim's father had been assessed by the court at 15,000 Belgian francs. As it had been estimated that the cyclist was 80 per cent responsible for the accident, the plaintiff had been awarded one-fifth of that sum, namely 3,000 Belgian francs. The judge had probably estimated the cost of the bicycle at 800 or 1,000 francs and the moral damage at about 14,000 francs. There was no fixed scale for cases of that kind; they were assessed according to established precedents. Funeral expenses were not taken into account when damages were assessed.

The expression "unacknowledged" Indian half-breed meant an illegitimate child, born of an Indian and an indigenous woman, who had not been acknowledged by his father.

Mr. MAX (France) expressed surprise that a decision given by two competent courts should be criticized. He drew the Committee's attention to rule 81 of the rules of procedure, according to which the petition should be treated as inadmissible.

The CHAIRMAN said that the Committee on Classification of Communications had taken that rule into account when it had examined the petition and the Standing Committee on Petitions had accepted the classification.

Speaking as the representative of India, he asked whether in fixing the amount of damages the court had taken into account the petitioner's estimate of what constituted a reasonable sum.

Mr. LEROY (Special Representative) said that he did not think the victim's father had mentioned any figures before the court of first instance. It had been a different matter at the time of the appeal, when he had been assisted by a Belgian lawyer. It was probably due to the lawyer's activities that the total damages had been increased.

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

EXAMINATION OF PETITIONS CONCERNING THE CAMEROONS UNDER FRENCH ADMINISTRATION
(T/C.2/L.322) (continued)

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

IX. Petition from Mr. Pouda Appolinaire (T/PET.5/894, section 20)

In reply to questions from the CHAIRMAN and Mr. BENDRYSEV (Union of Soviet Socialist Republics), Mr. DENIAU (Special Representative) said that the petitioner was now cultivating his plantation; he could not say exactly what his family expenses were. Mr. Pouda could apply to the Ex-servicemen's Office to obtain either non-reimbursable assistance or artisanal or agricultural equipment loans, of which a large number were granted each year.

The CHAIRMAN said that the Secretariat would prepare a draft resolution drawing the petitioner's attention to the observations of the Administering Authority and particularly to the Special Representative's remarks concerning the granting of assistance and loans.

X. Petition from Mr. Ekani André (T/PET.5/894, section 21)

In reply to a question from the CHAIRMAN, Mr. DENIAU (Special Representative) explained that the petitioner had been granted a loan of

(Mr. Deniau, Special Representative)

60,000 francs before the date of his petition and had later requested a second loan of 200,000 francs. The Ex-servicemen's Office had not complied with his request because it had had before it requests from other ex-combatants who had not yet been granted loans. The petitioner's request might be considered later if there were no requests which had priority.

Mr. SMALLMAN (United Kingdom), noting the petitioner's statement that European ex-servicemen drew allowances every three months, asked whether those allowances were not pensions rather than gratuities.

Mr. DENIAU (Special Representative) said that the petitioner was confusing several categories of allowances. He was probably referring to the disability or retirement pension which was granted to ex-combatants over sixty years of age and which the petitioner might claim when he had reached the required age.

In reply to a question from the CHAIRMAN, Mr. DENIAU (Special Representative) said that the allowances paid to ex-combatants were charged to France's budget and not to the Territory's.

In response to a question from Mr. KOCIANCICH (Italy) concerning the petitioner's complaint that the Catholic priests abused their power, Mr. DENIAU (Special Representative) read out the pertinent passage of the petition and pointed out that the priests were actually accused of not observing canon law, a matter which was nothing to do with the Administering Authority.

The CHAIRMAN said that the Secretariat would prepare a draft resolution drawing the petitioner's attention to the observations of the Administering Authority and the statements of the Special Representative.

XI. Petition from Mr. Moussa Aboh and four of his colleagues in the SEITA (T/PET.5/894, section 22)

In reply to a question from the CHAIRMAN, Mr. DENIAU (Special Representative) said that Mr. Moussa Aboh had submitted an application for a disability pension, which the Ex-servicemen's Office had at first rejected because the time-limit had expired. As a special favour Mr. Aboh had later been allowed to submit a new application, which had been accepted, and he had already received several back-payments of the pension which had been granted him.

In reply to a question from Mr. BENDRYSHEV (Union of Soviet Socialist Republics), Mr. DENIAU (Special Representative) explained that the four other signatories of the petition had never applied for pensions and that they had not replied to the summons the Administering Authority had sent them during the investigation which had been made in connexion with the petition. The Ex-servicemen's Office always examined such applications with the greatest care and diligence.

Lastly, he explained that in order to be entitled to an ex-combatant's pension, as opposed to an ex-serviceman's pension, it was necessary to have served at least three months in a first-line combat unit. If Mr. Aboh's four colleagues fulfilled the necessary conditions, the applications they might submit later would be given due consideration.

Mr. YANG (China) proposed that the attention of the five petitioners should be drawn to the observations of the Administering Authority and the Special Representative's statement concerning the conditions for the granting of ex-combatants' pensions.

The CHAIRMAN said that the Secretariat would take the Chinese representative's proposal into account in drawing up the relevant draft resolution.

XII. Petition from Mr. Mébina Christophe (T/PET.5/894, section 23)

In reply to a question from the CHAIRMAN, Mr. DENIAU (Special Representative) said that the various sums to which the petitioner had been entitled as an ex-combatant had been paid before the date of his petition.

Replying to a question from Mr. YANG (China), Mr. DENIAU (Special Representative) said that the loan on trust of 500,000 francs requested by the petitioner had not been granted because he had already been given non-repayable assistance to a total of 20,000 francs - which did not mean that he could not be granted a loan later. With regard to the petitioner's statement that he had not received the family allowances to which he had been entitled during his period of service in the army in Indo-China, he pointed out that the total sum of 30,980 francs which the petitioner had been paid in 1955 included all the indemnities to which he had been entitled.

Mr. YANG (China) proposed that the petitioner's attention should be drawn to the Administering Authority's observations and the Special Representative's statement.

In reply to questions from the CHAIRMAN and Mr. BENDRYSHEV (Union of Soviet Socialist Republics), Mr. DENIAU (Special Representative) said that the petitioner's complaint that he had not received a subsidy for the school he had opened in the village of Nkog-Edzen in 1955 was without foundation. In order to open a school it was necessary to apply to the Department of Education, which inspected the premises and examined the qualifications of the teachers and the sanitary conditions. The petitioner had in fact been granted a temporary authorization but it had been withdrawn because the results of the inspection had not been satisfactory. The school had not been opened and the petitioner was now living on the produce of his cocoa plantation.

Mr. BENDRYSHEV (Union of Soviet Socialist Republics) said that the Special Representative's explanations were not convincing. It was admitted that there was no other school in the village of Nkog-Edzen, that the petitioner was authorized to open a primary school there, that he had opened the school, but that it had had to be closed because of the current need for subsidies, which had not been forthcoming from the Administration. It was the Administering Authority's duty to grant all necessary assistance to indigenous inhabitants who took the initiative in developing education in the Territory. He proposed that the Committee recommend that the Administering Authority should provide the petitioner with the assistance necessary for reopening and maintaining the school in the village of Nkog-Edzen.

Mr. MAX (France) said that the Special Representative had fully explained why the petitioner had at first been authorized to open a school and why that authorization had later been withdrawn. There was no reason why the Administering Authority should grant a subsidy to people who did not possess the necessary qualifications.

The CHAIRMAN said that the Secretariat would prepare a draft resolution taking into account the observations that had been made, and particularly the proposals of the representatives of China and the Union of Soviet Socialist Republics.

XIII. Petitions from Mr. Daniel Tchock (T/PET.5/895, section 2, and T/PET.5/895/Add.1)

In reply to a question from Mr. YANG (China), Mr. DENIAU (Special Representative) explained that in 1953 the notables of Hikoadjom village had taken the initiative in opening a school, which had been built of temporary materials. The petitioner had taken an active part in the construction of the school and had run it until it had been replaced by a permanent school built by the Administering Authority. In the new school, which had about 100 pupils, the classes were taught by qualified teachers. What the petitioner was really complaining of was the fact that he had not been engaged as a teacher in the new school.

The CHAIRMAN proposed that the examination of the petition should be continued at the next meeting.

It was so decided.

The meeting rose at 1 p.m.