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STANDING COMMITTEE ON PETITIONS

SUMMARY RECORD OF THE FIVE HUNDRED AND FIFTH-EIGHTH MEETING

Held at Headquarters, New York,
on Friday, 14 July 1961, at 3.15 p.m.

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PRESENT:

Chairman:

Mr. BACON

United States of America

Members:

Miss TENZER

Belgium

Mr. YIN

China

Mr. NATH

India

Mr. ANTONOV)

Mr. FOTIN)

Union of Soviet Socialist Republics

Mr. SANKEY

United Kingdom of Great Britain
and Northern Ireland

Secretariat:

Mr. CHACKO

Secretary of the Committee

EXAMINATION OF PETITIONS CONCERNING RUANDA-URUNDI: DRAFT 265TH REPORT OF THE
STANDING COMMITTEE (T/C.2/L.447)

The CHAIRMAN suggested that, in order to simplify the work of the Committee, a vote should be taken on each draft resolution in turn and that members of the Committee should propose votes on separate paragraphs when they saw fit and should submit any amendments as the resolutions were discussed.

I. Three petitions relating to the position of the Mwami (T/PET.3/115)

Mr. ANTONOV (Union of Soviet Socialist Republics) pointed out that the text of the draft resolution did not take into account the observations made by members of the Committee, and in particular by the representative of India, to the effect that the Administering Authority should be requested to implement the General Assembly resolutions relating to the questions raised in the petitions. He proposed that the Administering Authority should be requested to respect the General Assembly resolutions on the question of the Mwami (resolutions 1580 and 1605 (XV)).

Mr. NATH (India) agreed in principle with the remarks of the USSR representative and proposed that, whenever a draft resolution referred to a General Assembly resolution, a formula should be added to the operative part urging the Administering Authority to implement the relevant resolution fully and expeditiously.

Miss TENZER (Belgium) recalled that, during the debate on Ruanda-Urundi in the Trusteeship Council, the Administering Authority had assured the Council of its intention to try to implement the General Assembly resolutions and had also given some particulars of the action it had already taken in that direction. Discussions and negotiations were proceeding between the United Nations Commission for Ruanda-Urundi and the local authorities on the subject of certain problems relating to the resolutions. She was afraid that the Indian representative's proposal might, quite unintentionally, appear to imply undeserved censure of the Administering Authority. Such a categorical formula might give the impression,

(Miss Tenzer, Belgium)

especially after some of the discussions which had taken place in the Committee, either that the Administering Authority had no intention whatever of implementing the General Assembly resolutions or that its intentions were inadequate.

Mr. NATH (India) confirmed that his amendment was in no way intended as a censure. In order to prevent any misunderstanding, he suggested that when the resolutions were sent to the petitioners the text of his remarks and those of the representative of Belgium should be attached.

The CHAIRMAN pointed out that the petitioners would receive the text of the summary record of the debate, which would give them the necessary information.

Mr. ANTONOV (Union of Soviet Socialist Republics) thought that it was not necessary to draw the attention of the petitioners each time to the observations of the Administering Authority, especially since he doubted the sincerity of those observations. It would be more appropriate to draw the attention of the Administering Authority to the General Assembly resolutions.

Mr. NATH (India) observed that the resolutions in question had often been adopted after the events which had given rise to the petitions. Furthermore, after the Administering Authority had been asked to submit observations it was only natural that they should be brought to the attention of the petitioners.

He repeated his proposal that the Administering Authority should be urged to implement the General Assembly resolutions.

Mr. ANTONOV (Union of Soviet Socialist Republics) proposed that a paragraph 3 should be added to the draft resolution, to read:

"Draws the attention of the Administering Authority to the need to apply General Assembly resolution 1580 (XV), and in particular to paragraph 2 without delay."

Mr. YIN (China) recalled that during the discussion in the General Assembly a number of delegations, including his own, had voted against that

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paragraph of resolution 1580 and that, furthermore, resolution 1605 was more recent. If the amendment was adopted, he would abstain in the vote on the draft resolution.

Mr. NATH (India) said that he thought the amendment unnecessary and that, if it was put to the vote, his delegation would abstain.

Mr. ANTONOV (Union of Soviet Socialist Republics) said that he was prepared to withdraw his amendment but would vote against the draft resolution.

Draft resolution I was approved by 5 votes to 1.

II. Petition from UNAR Ruanda, Abadahemuka, Uganda (T/PET.3/117) and from the Abadahemuka at Kabale (T/PET.3/118)

Mr. ANTONOV (Union of Soviet Socialist Republics) proposed that the words "to the observations of the Administering Authority and" in the operative part of the draft resolution should be deleted and that the words "and 1579 (XV)" should be added after the words "resolution 1605 (XV)".

The USSR amendment was adopted.

Draft resolution II, as amended, was approved by 5 votes to none, with 1 abstention.

III. Petition from Mr. Ruzibiza Kanyoni Matayo N. (T/PET.3/119)

Draft resolution III was approved unanimously.

IV. Three petitions from the "Union nationale ruandaise" (T/PET.3/120)

Mr. ANTONOV (Union of Soviet Socialist Republics) proposed that the words "to the observations of the Administering Authority and" in operative paragraph 1 of the draft resolution should be deleted.

Miss TENZER (Belgium) had no objection to the deletion, since the observations in question referred to the General Assembly resolution mentioned elsewhere.

The USSR proposal was adopted.

Draft resolution IV, as amended, was approved unanimously.

V. Petition from Mr. Jean Kibibiro (T/PET.3/121 and Add.1)

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

VI. Petition from the women of Ruanda in Kivu (T/PET.3/122) and from the Central Committee of the "Union nationale ruandaise (UNAR)" (T/PET.3/123)

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

VII. Petition from the League for the Rights of Man in Ruanda-Urundi (T/PET.3/124)

Miss TENZER (Belgium) did not think that operative paragraph 2 was in accordance with the facts. The Administering Authority could not have acted in accordance with the General Assembly resolutions, since they had been adopted after the events in question. Furthermore, the measures taken had been legal and not arbitrary. She therefore proposed that paragraph 2 should be deleted. If it was retained, her delegation would vote against the draft resolution.

Mr. ANTONOV (Union of Soviet Socialist Republics) proposed that the words "to the observations of the Administering Authority, to the statements of its Special Representative and" in operative paragraph 1 should be deleted.

The USSR proposal was adopted by 2 votes to none, with 4 abstentions.

The Belgian proposal was adopted by 3 votes to 2, with 1 abstention.

Draft resolution VII, as amended, was approved by 4 votes to none, with 2 abstentions.

Mr. YIN (China), explaining his abstention, pointed out that the petition raised specific points. Hence the observations of the Administering Authority and the statements of the Special Representative were relevant and should have been mentioned.

VIII. Petition from Mr. J. Jamar (T/PET.3/125)

Mr. ANTONOV (Union of Soviet Socialist Republics) proposed that the words "the observations of the Administering Authority and" in operative paragraph 2 of the draft resolution should be deleted and that the text should be redrafted to read: "Draws the attention of the petitioner to the assurances given by the representative of the Administering Authority".

In reply to a question from Mr. NATH (India), Mr. ANTONOV (Union of Soviet Socialist Republics) explained that the Administering Authority was a colonial Power which was not acting in the interest of the indigenous populations. Its observations might be useful to the Committee, but they were always pro domo arguments, to which the Committee would be ill-advised to draw the attention of the petitioners.

Mr. SANKEY (United Kingdom) said that he had thought at first that the deletions proposed by the USSR representative were in the interests of brevity but he would now oppose them.

Mr. NATH (India) said that he too had not completely understood the USSR representative's reason for asking for the deletion of the phrase from all draft resolutions. When the observations of the Administering Authority were transmitted to the petitioner they served to make the latter participate, as it were, in the discussion of the problems at issue. The Committee's task was a collective task, in which the co-operation of the Administering Authority was necessary. He asked for his delegation's vote on the USSR proposal - to delete the phrase in draft resolution VII - to be recorded as an abstention.

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

At the request of the USSR representative, a separate vote was taken on each operative paragraph of draft resolution VIII.

Operative paragraph 1 was adopted by 5 votes to none, with 1 abstention.

Operative paragraph 2 was adopted by 5 votes to 1.

Draft resolution VIII as a whole was approved by 5 votes to none, with 1 abstention.

IX. Petition from the Refugee Committee at Nyamata (T/PET.3/126)

Mr. ANTONOV (Union of Soviet Socialist Republics) proposed that the words "to the observations of the Administering Authority and" in operative paragraph 1 of the draft resolution should be deleted, since those observations were patently absurd.

Miss TENZER (Belgium) was opposed to that proposal: the observations in question took account of the debates in the Fourth Committee and the resolutions adopted by the General Assembly. Since those debates and resolutions were not

(Miss Tenzer, Belgium)

mentioned elsewhere in the draft resolution, it would be well to preserve the text of paragraph 1 as it stood so that the petitioners would realize that their problems had been given thorough consideration.

The USSR amendment was rejected by 4 votes to 1, with 1 abstention.

Draft resolution IX as a whole was approved by 5 votes to none, with 1 abstention.

X. Petition from the Executive Committee of the "Union nationale ruandaise (UNAR)" (T/PET.3/127)

In reply to a question by Mr. ANTONOV (Union of Soviet Socialist Republics), Miss TENZER (Belgium) said that the Administering Authority had been unable to transmit written observations but the Special Representative had replied to the questions which had been put to him by members of the Committee.

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

XI. Petition from Mr. François Rubeka, Chairman of the "Union nationale ruandaise (UNAR)" in Bukavu, Republic of the Congo (T/PET.3/128) and from Mr. Faustin Busingo, Mr. Raphael Gafandi, Mr. Gervais Habyarimana and Mr. Straton Nyandekwe, on behalf of the Ruandese refugees in Bukavu (T/PET.3/130)

Draft resolution XI was approved by 5 votes to 1.

XII. Petition from the "Mouvement pour l'Union ruandaise (MUR)" (T/PET.3/129)

Draft resolution XII was approved by 5 votes to 1.

XIII. Petition from Mr. Georges Ntabana, Chairman of the "Union des Aborozi africains du Ruanda-Urundi (UAARU)" (T/PET.3/131 and Add.1)

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

XIV. Petition from the Barundi Union (Tanganyika) (T/PET.3/132)

Mr. NATH (India), recalling the position which his delegation had taken during the discussion on the petition, proposed that a new paragraph reading:

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(Mr. Nath, India)

"Expresses the hope that such arrests will not recur" should be added to the operative part of the draft resolution.

The Indian amendment was adopted by 2 votes to none, with 4 abstentions.

Mr. ANTONOV (Union of Soviet Socialist Republics) explained that his delegation had abstained in the vote because it did not consider the wording proposed by the Indian representative to be constructive. Many hopes had already been expressed, but unfortunately in vain. He proposed that the first operative paragraph should be deleted, since the Administering Authority's observations were unfounded and to draw the attention of the petitioners to them would be tantamount to approving of the arrest of Mr. Rwagasore.

The first operative paragraph was adopted by 5 votes to 1.

Mr. NATH (India) requested that his delegation should be recorded as having abstained.

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

XV. Petition from Mr. Mohamed Bin Foz Osman (T/PET.3/133 and Add.1)

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

XVI. Petition from Mr. Thaddée Siryuyumunsi and six others, representatives of the Nationalist parties of Ruanda-Urundi (T/PET.3/134)

Draft resolution XVI was approved by 5 votes to 1.

XVII. Petition from Mr. Kayibanda (T/PET.3/135)

Paragraph 3 was adopted.

The CHAIRMAN invited the Committee to consider paragraph 4 of the preamble of the Committee's draft 265th report (T/C.2/L.447), the text of which was to be completed in conformity with the decisions taken by the Committee.

Paragraph 4 of the preamble was adopted unanimously.

The CHAIRMAN, speaking as the representative of the United States, said that, like the United Kingdom representative, he had thought that the USSR representative's proposal that all references to the observations of the Administering Authority should be deleted had been made for the sake of brevity.

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(The Chairman)

The USSR representative's explanation, however, had unfortunately shown that such was not the case and that the proposal was merely the reflection of a political tenet. A petition, by definition, concerned a dispute between two parties and, as in any dispute, both sides of the question should be heard.

EXAMINATION OF PETITIONS CONCERNING TANGANYIKA: DRAFT 266TH REPORT OF THE STANDING COMMITTEE (T/C.2/L.448)

I. Petition from the All Muslim National Union of Tanganyika (T/PET.2/238)

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

II. Petition from Mr. Mohamed Alamkhan and Mr. Nassor Abdulla (T/PET.2/239)

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

III. Petition from Mr. Wilson Mantoga (T/PET.2/240)

Mr. ANTONOV (Union of Soviet Socialist Republics) requested a separate vote on operative paragraphs 1 and 2 of the draft resolution.

Mr. SANKEY (United Kingdom) proposed that, in order to bring the draft resolution more into line with the explanations given by the Special Representative, operative paragraph 2 should be deleted and operative paragraph 1 should be replaced by the following: "Draws the attention of the petitioner to the observations of the Administering Authority, and in particular to the statement by the Special Representative that it is prepared to consider a further application by the petitioner for an opportunity to enter government service in accordance with normal regulations".

Mr. YIN (China) said that he would vote in favour of that amendment because operative paragraph 2 as it stood was so worded that the petitioner could apply only for the post of probationary survey assistant, for which he might again be considered unsuitable. The United Kingdom amendment would make it possible for the petitioner to apply for employment in the Administration, and for the Government of Tanganyika to take his abilities into account.

Mr. NATH (India) pointed out that the petitioner had already been in government service and was asking to be reinstated in his former position. He would be glad if the United Kingdom representative would accordingly revise his amendment. Furthermore reference to regulations, etc., was unnecessary.

Mr. SANKEY (United Kingdom) revised his amendment to read: "Draws the attention of the petitioner to the observations of the Administering Authority, and in particular to the statement by the Special Representative that the Administering Authority is prepared to consider a further application by the petitioner for another opportunity to enter the Survey Department".

He also accepted a proposal by Mr. NATH (India) that the word "sympathetically" should be added after "consider".

The United Kingdom amendment was adopted by 5 votes to none, with 1 abstention.

Draft resolution III, as amended, was approved by 5 votes to none, with 1 abstention.

IV. Petition from Mr. G.L. Allaway (T/PET.2/241)

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

V. Petition from the sons of the late Prince Lwabuyango of Bukoba District (T/PET.2/242)

Mr. SANKEY (United Kingdom) asked for operative paragraph 3 of the draft resolution to be voted on separately. He would vote against that paragraph for the reasons he had stated at the preceding meeting.

Mr. NATH (India) thought that the text of the draft resolution, including operative paragraph 3, should be improved. All the members of the Committee had recognized that natural justice had been thwarted in the case in question but obviously even the wisest people could make mistakes. That was why his delegation had suggested that it should be left to the judgement, ingenuity and wisdom of the Administering Authority to find a solution to the problem outlined in the petition.

Mr. YIN (China) said that his only purpose in invoking rule 81 of the rules of procedure had been to draw attention to the principle it embodied, namely, the sanctity of judgements of competent courts in the Trust Territories and the complete separation of the executive and judiciary.

Miss TENZER (Belgium) said that, while her delegation understood the humanitarian concern expressed by the Indian representative, it attached the greatest importance to the principle to which the Chinese representative had drawn attention and for that reason it could not vote in favour of operative paragraph 3.

Mr. SANKEY (United Kingdom) said it was the Administering Authority's view that the courts had handed down an equitable judgement, which left no room for compromise.

Mr. NATH (India) proposed that operative paragraph 3 should be reworded to read: "Further requests the Administering Authority to consider taking all possible measures ... ". Everything that happened in the Trust Territories was the concern of the United Nations in general and of the Trusteeship Council in particular. Hence it was natural that the United Kingdom delegation should be asked to seek means of calming the fears of the petitioners.

Mr. SANKEY (United Kingdom) said that he feared that the fact that Tanganyika was to become independent on 9 December 1961 had been overlooked. In his opinion, operative paragraph 2 was sufficient, for under that paragraph the Tanganyika Government would have access to the detailed records of the discussions in the Committee and could act in full knowledge of the opinions expressed there. In any event, nothing that the Administering Authority might do now would be of any consequence in view of the brief time left to it.

Miss TENZER (Belgium) wished to assure the Indian representative that she had not meant that under rule 81 the Committee should not have considered the petition; she had simply meant to stress the need to bear in mind the importance which the Trusteeship Council attached to the principle of the separation of powers.

Mr. NATH (India) shared the United Kingdom representative's views on operative paragraph 2. It was the United Kingdom delegation's proposal to delete paragraph 3 that caused him some concern: the petitioners were not as powerful or as rich as the present holders of the property to which they laid claim. If solely the records of the discussions in the Committee and the draft resolution, shorn of paragraph 3, were transmitted to the Tanganyika Government, the latter might gain the impression that the United Nations had received the petition but had taken no decision on it. He accordingly proposed that operative paragraph 3 should be redrafted to read: "Further requests the Administering Authority to consider taking all possible measures to remove the grievances of the petitioners."

A vote was taken on the Indian amendment.

There were 2 votes in favour and 2 against, with 2 abstentions.

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 2 votes in favour and 2 against, with 2 abstentions. The amendment was not adopted.

The CHAIRMAN put operative paragraph 3 to the vote.

Operative paragraph 3 was rejected by 4 votes to 1, with 1 abstention.

Draft resolution V as a whole, as amended, was approved by 5 votes to none, with 1 abstention.

VI. Petition from Mr. Anton Weber-Salim (T/PET.2/243 and Add. 1)

Mr. SANKEY (United Kingdom), observing that the present text of operative paragraph 2 of the draft resolution did not accurately reflect the facts, proposed that the words "Expresses the hope that" should be replaced by "Notes the statement of the Special Representative of the Administering Authority that" and that the words "the most careful" should be deleted.

The amendment was adopted.

Draft resolution VI, as amended, was approved by 5 votes to none, with 1 abstention.

VII. Petition from the Bahaya Coffee Planters Association (T/PET.2/244 and Add.1)

Mr. FOTIN (Union of Soviet Socialist Republics) asked for separate votes on operative paragraphs 1 and 2 of the draft resolution.

Paragraph 1 was adopted by 4 votes to none, with 2 abstentions.

Paragraph 2 was adopted unanimously.

Draft resolution VII as a whole was approved by 5 votes to none, with 1 abstention.

VIII. Petition from Mr. Latham Leslie-Moore (T/PET.2/245 and Add.1)

Paragraph 8 was adopted.

IX. Petition from Mr. Jackson Lwendekwe (T/PET.2/246)

Draft resolution IX was approved unanimously.

The CHAIRMAN drew the Committee's attention to paragraph 3 of the preamble to the draft report of the Committee (T/C.2/L.448).

Paragraph 3 was adopted.

CLASSIFICATION OF COMMUNICATIONS: DRAFT 267TH REPORT OF THE STANDING COMMITTEE (T/C.2/L.449)

The draft report was adopted unanimously.

EXAMINATION OF PETITIONS: DRAFT 268TH REPORT OF THE STANDING COMMITTEE (T/C.2/L.450)

The draft report was adopted unanimously.

The CHAIRMAN thanked the members of the Committee, the Secretary of the Committee and the Secretariat staff for their co-operation.

Miss TENZER (Belgium), Mr. NATH (India), Mr. YIN (China) and Mr. SANKEY (United Kingdom) associated themselves with the Chairman's statement and congratulated him upon the manner in which he had conducted the Committee's proceedings.

The CHAIRMAN declared that the Committee had completed its work.

The meeting rose at 5.50 p.m.