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Item 10 of the agenda

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EXAMINATION OF PETITIONS

(GENERAL ASSEMBLY RESOLUTION 435 (V))

Tenth report of the Ad Hoc Committee on Petitions

Chairman: Prince WAN WAITHAYAKON (Thailand)

1. The Ad Hoc Committee on Petitions, established by the Trusteeship Council at the first meeting of its ninth session, and composed of the representatives of Argentina, Belgium, New Zealand, Thailand, the Union of Soviet Socialist Republics and the United States of America, examined during its nineteenth, twenty-second and twenty-third meetings on 20, 25 and 27 July 1951, General Assembly Resolution 435 (V) which had been referred to it by the Council at its 347th meeting.

2. The Ad Hoc Committee considered written observations submitted on this question by France (document T/AC.41/L.1), the United Kingdom (document T/AC.41/L.5) and Australia (document T/AC.41/L.6).

3. The Ad Hoc Committee also considered a draft resolution prepared by the Secretariat, at the request of the Ad Hoc Committee (document T/AC.41/L.13), and a draft resolution submitted by Belgium and New Zealand (document T/AC.41/L.14).

4. The Ad Hoc Committee decided to take the draft resolution prepared by Belgium and New Zealand as a basis for discussion.

5. It then considered and rejected by 2 votes in favour, 3 against and 1 abstention an amendment proposed by the Union of Soviet Socialist Republics to the third paragraph of the preamble of the draft resolution to delete the words "at which the Territory in question comes under examination."

/6. It considered

6. It considered and adopted by 3 votes in favour, none against and 3 abstentions, an amendment proposed by the United States of America to substitute two paragraphs (paragraphs 4 and 5 of the operative part of the resolution, as adopted) for paragraph 1 of the operative part of the draft resolution.

7. The representative of Belgium stated that he had abstained. While having no objection to the text as adopted, he preferred the paragraph contained in the draft resolution presented by Belgium and New Zealand, the text of which reads as follows:

"Decides that the procedure now applied for the examination of petitions appears to be adequate, and that the need for a committee on petitions which would meet between sessions has not been conclusively demonstrated."

8. The Committee then considered and rejected by 1 vote in favour, 3 votes against and 2 abstentions a sub-amendment proposed by Belgium to an amendment proposed by the United States of America to paragraph 2 of the operative part of the draft resolution of Belgium and New Zealand.

The Belgium sub-amendment consisted of replacing the second part of the amendment proposed by the United States of America (paragraph 2 of the operative part of the resolution as adopted) by the following text:

"Recognizes that the Administering Authority shall normally be allowed, for transmitting its written observations, a period of two to three months after the receipt of the petition by it."

9. It adopted by 3 votes in favour, none against and 3 abstentions an amendment proposed by the United States of America to modify paragraph 2 of the operative part of the draft resolution proposed by Belgium and New Zealand and to divide it into two paragraphs (paragraphs 1 and 2 of the operative part of the resolution as adopted).

10. It adopted paragraph 3 of the draft resolution by 4 votes in favour, none against and 2 abstentions (paragraph 3 of the operative part of the resolution as adopted).

11. It then adopted the resolution as amended, as a whole, with minor drafting changes, by 4 votes in favour, 1 against and 1 abstention.

12. The representative of Argentina explained his abstention. While having no objection against the text as adopted, he considered that this resolution served no useful purpose, because it did not establish, as recommended by the General Assembly, a body which could make a preliminary examination of petitions between sessions of the Trusteeship Council and give to the Secretary-General the guidance requested.

13. The representative of the Union of Soviet Socialist Republics explained that he had voted against the resolution because he did not agree with it, and in particular with the wording of the third paragraph of the preamble. His delegation considered that all petitions received by the Trusteeship Council should be examined at the session of the Council immediately following their receipt whether or not the annual reports of the Administering Authority on the Territory from which the petitions came, were being considered.

14. The Ad Hoc Committee recommends to the Trusteeship Council the adoption of the following resolution:

EXAMINATION OF PETITIONS

(General Assembly Resolution 435 (V))

The Trusteeship Council

Having considered resolution 435 (V) of the General Assembly;

Considering that the acceptance and examination of petitions is one of the most important responsibilities of the Trusteeship Council;

Considering that the Trusteeship Council should continue to keep its procedure under review to ensure that it remains able to consider petitions presented in accordance with the rules of procedure not later than at the session, following their receipt, at which the Territory in question comes under examination;

Considering that the Council, since its first session in 1947, has accepted and examined more than 700 petitions, with the co-operation of the Administering Authorities who have agreed on many occasions to examine petitions on shorter notice than is prescribed in the rules of procedure;

/1. Decides

1. Decides to amend rule 86, paragraph 2 of its rules of procedure and replace it by the following text:

"The Administering Authority concerned shall, whenever possible, transmit to the Secretary-General in writing, not less than fourteen days before the opening of the session at which the petitions will be examined, its observations on these petitions for circulation to the members of the Trusteeship Council."

2. Requests the Administering Authorities concerned to transmit whenever possible the written observations mentioned in Rule 86, paragraph 2, not later than two months after the receipt of the petitions by them;

3. Invites the Administering Authorities, while continuing to give in their annual reports information regarding problems raised in the petitions, to submit special information concerning action taken on the recommendations of the Council in respect of petitions examined, in cases where the Trusteeship Council has indicated such action to be necessary.

4. Considers that there might be certain advantages in a further review of its procedures for the examination of petitions;

5. Requests members to give further study to possible means of improving such procedures so that they will be in a position to give their views at the tenth session of the Council, possibly in conjunction with the revision of the rules of procedure proposed by the Council's Committee on General Procedure.