

UNITED NATIONS
TRUSTEESHIP
COUNCIL



Distr.
LIMITED

T/L.777
10 June 1957
ENGLISH
ORIGINAL: FRENCH

Twentieth session
Agenda item 9

REPORT OF THE COMMITTEE ON PROCEDURES
REGARDING PETITIONS

Chairman: Mr. Max H. DORSINVILLE (Haiti)

Introduction

1. At its 772nd meeting, on 10 April 1957, the Trusteeship Council decided to establish a Committee of four members, to be nominated by the President, to study the Council's procedures regarding petitions, with a view to suggesting possible improvement and to report thereon to the Council at its twentieth session.
2. At the 780th meeting of the Council, on 19 April 1957, the President nominated Belgium, Guatemala, Italy and Syria as members of this Committee. At the 793rd meeting, on 15 May 1957, Haiti was nominated by the President to replace Syria.
3. The representative of Haiti was elected Chairman. The Committee held seven meetings, on 14, 16, 17, 27 and 31 May and 4 and 10 June 1957. At its seventh meeting, on 10 June 1957, the Committee unanimously adopted the present report.

A. Terms of reference of the Committee; general principles

4. The Committee, which had been given very wide terms of reference by the Council, first laid down the principles on which its recommendations would be based.
5. The first of these principles was that the aim of all its proposals must be fully to safeguard the exercise of the right of petition. Any modification made to the procedure would be solely with the object of accelerating the examination of petitions.

6. The second principle which guided the Committee in its deliberations was that its recommendations should conform to the existing rules of procedure of

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the Council as well as to present practices and to precedents already adopted with regard to the examination of petitions. The Committee felt it advisable, therefore, to adapt the existing rules of procedure to current circumstances rather than to endeavour radically to amend the existing procedures.

7. To sum up, the Committee concluded that the present procedures are adequate to deal with the communications and petitions at present being received from all but one of the Trust Territories. From the experience acquired during recent sessions of the Council and from the figures given in table A of Annex II, it is clear that only when an exceptionally large number of petitions and communications has been received have the existing procedures proved inadequate.

8. It is in the light of those facts that the Committee has prepared this report, which contains, in addition to a rather detailed account of its deliberations and some annexes, its recommendations and a draft resolution which it suggests the Council might adopt.

9. For the information of the Council, a summary of the existing procedures is given in Annex I.

B. Classification of petitions and communications

10. In the course of its review of the present procedures the Committee agreed that it was with regard to the initial process of classification of a communication, together with the form of its subsequent reproduction and examination, that the most effective action might be taken in order to speed up the consideration of any large number of petitions and communications.

11. It was noted that in respect of three of the five categories into which a communication may be placed, the provisional classification at present made by the Secretariat is subject to review by the Standing Committee on Petitions. Petitions classified in the other two categories, namely, petitions which contain requests, complaints and specific grievances which call for action by the Trusteeship Council and to which the established procedure is applicable ("specific petitions") and those which are considered manifestly inconsequential, are submitted direct to the Standing Committee on Petitions and to the Trusteeship Council respectively.

12. The Committee's attention was drawn to another difficulty which often arises in determining the classification of a communication. This concerns the

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fact that a communication may deal primarily with general problems but may also mention a specific incident adduced by the petitioner to support his wider demands or grievances. Moreover, the specific incident may not have directly concerned the petitioner and is often mentioned only from hearsay. In such instances the Secretariat can only classify the communication as a petition to which the established procedure is applicable under rule 85, paragraph 1, of the rules of procedure. The disadvantage of this system is that the Standing Committee on Petitions examines only the specific incident, with little reference to the wider context, with the result that the important general problems raised in the petition are not brought sufficiently to the attention of the Council; nor doubtless, is the petitioner satisfied by having only the specific incident examined without any comment by the Council on what are probably, to him, the more important problems raised in his petition.

13. The Committee was informed that a considerable number of petitions fall into this "mixed" category.

14. In view of the many difficulties pointed out during its discussion of the classification procedure, the Committee felt that that function should not be left to the sole responsibility of the Secretariat. Basing itself on the precedents created by the Council in the past when confronted by the problem of dealing with a large number of petitions, the Committee felt that it would be advisable to recommend the establishment by the Council of a standing committee of two members, which would determine, with the assistance of the Secretariat, the provisional classification of all communications received.

C. Reproduction, translation and examination of petitions

15. The Committee next considered the question of the reproduction, translation and examination of petitions. At present the full text of each petition and communication is reproduced as a document and is examined individually. When, however, a large number of petitions is received from the same Territory, dealing with the same problems, and especially when the majority of them repeat with merely slight textual variations the same requests or grievances, the question arises whether the present practice is appropriate. Apart from the time required for their examination by members of the Council, the individual reproduction and

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translation of large numbers of petitions create a heavy burden on the Secretariat, and involve considerable expenditure. The relevant statistics are set out in Annex III.

16. The Committee first considered the question of petitions which raise general problems concerning the same Territory and which are normally classified in accordance with rule 85, paragraph 2 of the rules of procedure. Basing itself once more on the procedure adopted by the Council at its nineteenth session with regard to the substance of the 4,500 petitions received in 1957 from the Cameroons under French administration, the Committee recommends that, where large numbers of petitions are received concerning general problems in the same Territory, instead of being reproduced and examined individually they should be taken together, their contents analysed and reproduced in summarized form in one document, which would also contain indications as to the authors, dates and places of origin of the petitions.

17. The Committee then considered the question of petitions which essentially concern the same specific incident or complaint and are consequently classified as petitions to which the established procedure is applicable. The Committee recommends that such petitions, instead of being individually reproduced, should also be included in a single document which would contain all the essential facts mentioned in the various petitions. This single document, like the suggested document summarizing general problems petitions, would state the place of origin of each petition, their dates, the names of the signatories and the passages setting forth the precise facts of the original petitions, arranged under appropriate headings. The Committee wishes to emphasize particularly that specific petitions raising the same complaint should not be summarized, as in the case of general problems petitions, but that the exact words used by the petitioners to state their complaints should be reproduced. The Committee also recommends that, together with this single document, three typed copies of the full text of each petition should be sent to the Administering Authority concerned in order to ensure that it has all the available information concerning the petitioners and their complaints. It is understood that the original petitions will also be available on request to the members of the Standing Committee on Petitions,

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which will examine the substance of the complaints together with the observations of the Administering Authority concerned.

18. The Committee discussed the question of the report of the proposed Standing Committee on Classification. It suggested that this report should be submitted to the Standing Committee on Petitions, while emphasizing that this would be a deviation from the normal procedure under which a committee reports to its parent body. It wishes to point out that such a deviation is not without precedent and that in this particular case it is justified by its practical advantages. The report should contain the Classification Committee's conclusions on the classification of all communications and on the form in which they should be reproduced. The Committee wishes to emphasize that it would continue to be the function of the Standing Committee on Petitions to recommend to the Trusteeship Council any action on the substance of specific petitions. The Committee recognizes that in some cases the Standing Committee on Petitions might not agree with the conclusions of the Classification Committee concerning the form of reproduction of petitions and that in that event it could decide on alternative procedures.

19. The attention of the Committee was drawn to the provisions of rules 2⁴ and 85 of the rules of procedure and in particular to the stipulation that all communications and petitions shall be transmitted in full unless the provisions of rule 85, paragraph 3, concerning lengthy petitions are applicable. The Committee was, however, of the opinion that it was the strict application of the rules of procedure in the case of a large number of petitions that had led to the present situation whereby over a thousand petitions, many of them two to three years old and dealing with events long since overtaken by subsequent developments, are still awaiting examination. The Committee felt that in exceptional circumstances involving large numbers of petitions, the only practical solution would be the adoption of exceptional measures such as those mentioned in paragraph 2⁴ below in order to rectify the situation and give a meaning to the proper exercise of the right of petition. The Committee recalled that such exceptional measures had been adopted on two previous occasions when the Council had been confronted by large numbers of petitions. It further recalled that during the discussion in the Council of the report (T/L.732) of the Committee appointed to submit proposals regarding the 4,500 petitions concerning the

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Cameroons under French administration, it had been suggested that the provisions of rule 85, paragraph 3, concerning the summarizing of lengthy petitions might well be interpreted as applying to numerous petitions on the same subject.^{1/}

20. The Committee next discussed the question of communications which bore insufficient indication of the signatory's identity or address. It suggests that the Administering Authority should be asked to include in its observations any information concerning the identity and address of petitioners. If the Administering Authority is unable to identify a petitioner, this fact should be stated and the Standing Committee on Petitions could then review the classification proposed by the Classification Committee in respect of such petitions.

21. With regard to the application of rule 81 of the rules of procedure, relating to petitions which shall be considered inadmissible if they are directed against judgements of competent courts of the Administering Authority or if they lay before the Council a dispute with which the courts have competence to deal, the Committee agreed that if the Classification Committee had any doubt about the admissibility of a petition it should provisionally classify it as a petition to which the established procedure is applicable. In similar cases where there is no doubt, the Classification Committee might suggest to the Standing Committee on Petitions that the petition should be considered inadmissible under the provisions of rule 81 of the rules of procedure.

22. The Committee also reviewed the procedures relating to communications classified under rule 24; to anonymous petitions and to petitions considered manifestly inconsequential under the provisions of rule 85, paragraphs 2 and 4 respectively, and to the transmission by the Administering Authority of special information on the action taken on the recommendations of the Trusteeship Council, under the provisions of rule 90, paragraph 6. The Committee, has, however, no recommendations to make regarding the existing procedures on those four points.

23. The Committee lastly discussed whether its recommendations should apply retroactively to the large number of petitions already reproduced and awaiting examination. It would be for the Council to decide on such actions after it had adopted the Committee's specific recommendations, a list of which follows.

24. The Committee draws the Council's attention to the fact that some of the measures proposed in this report - which have already been applied on several

1/ See T/PV.763, page 11.

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occasions by the Council - would imply the temporary suspension of rule 24 and of certain paragraphs of rules 85 and 90 under rule 106 of the rules of procedure. The Committee points out that should the Council wish to give a permanent character to the proposed measures it would have to amend the rules of procedure in accordance with rule 107.

D. Recommendations of the Committee

25. In the light of the foregoing considerations, the Committee drafted the following recommendations:

- I. The establishment by the Trusteeship Council of a Standing Committee of two members to determine, with the assistance of the Secretariat, the provisional classification of all communications received.
- II. The Council to appoint at the end of each regular session one member administering Trust Territories and one member having no administering responsibilities to serve on the Standing Committee on Classification of Communications. These two members should be other than the six appointed to serve on the Standing Committee on Petitions.
- III. The Classification Committee to meet as often as necessary, depending on the number of incoming communications.
- IV. The Classification Committee to examine the contents of each original communication and to determine, with the assistance of the Secretariat, its provisional classification. It should take into account in its work the suggestions appearing in this report.
- V. When confronted by a large number of petitions which concern general problems of one and the same Trust Territory, the Classification Committee would instruct the Secretariat to analyse their contents and reproduce them in summarized form in one document, which would also give the names of the authors, the dates of despatch and the places of origin of the petitions.
- VI. Similarly, when confronted by a large number of petitions concerned mainly with the same specific incident or grievance and classified as petitions to which the established procedure is applicable, the Classification Committee would instruct the Secretariat to prepare a single document reproducing under appropriate headings the passages setting forth the precise facts contained in each petition and using the exact words of

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the petitioners. This document too would give the names of the authors and the date and the place of origin of the petitions. This document, together with three typed copies of the full text of each petition, would be sent to the Administering Authority concerned for observations.

VII. In the case of a petition which deals primarily with general questions but in which mention is also made of a specific incident adduced by the petitioner to support his broader complaints or requests, the Classification Committee would decide whether or not the petition should be classified as a general problems petition under rule 85, paragraph 2, of the rules of procedure. In reaching its decision the Committee would consider whether the specific incident mentioned had already been the subject of a petition to which the established procedure has been applied, in which case it would instruct the Secretariat to indicate in a footnote the symbol of the T/PET. document in which the specific incident mentioned in the otherwise general problems petition was recounted.

VIII. The original of all petitions and communications would be available for perusal by members of the Standing Committee on Petitions or of the Trusteeship Council and if a request for the individual reproduction of any of the petitions or communications was made it would be at the discretion of the Standing Committee on Petitions or the Council to decide accordingly.

IX. The Classification Committee to submit its report to the Standing Committee on Petitions.

E. Draft resolution

26. The Committee accordingly recommends to the Trusteeship Council the adoption of the following resolution:

"The Trusteeship Council,

"Having considered the report (T/L.777) of its Committee on the review of the procedures regarding petitions;

"Approves the recommendations contained in the report."

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ANNEX I

PRESENT PROCEDURES APPLIED TO PETITIONS IN ACCORDANCE WITH THE
RULES OF PROCEDURES OF THE TRUSTEESHIP COUNCIL (CHAPTER XV)

I. Receipt of petitions

- A. Addressed directly to the Secretary-General (rule 82).
- B. Transmitted through the Administering Authority (rules 82 and 83).
- C. Received through Visiting Missions (rule 84).

II. Classification and reproduction of petitions and communications

The following are the five categories into which a petition or a communication may be classified. With the exception of petitions which are manifestly inconsequential under rule 85, paragraph 4, each petition and communication is at present reproduced in full as an individual document.

- A. Specific petitions to which the established procedure is applied (rule 85, paragraph 1): reproduced under the symbol T/PET.
- B. Petitions concerning general problems (rule 85, paragraph 2): - symbol T/PET./L.
- C. Communications (rule 24): - symbol T/COM./L.
- D. Anonymous petitions (rule 85, paragraph 2): - symbol T/PET./R.
- E. Manifestly inconsequential petitions (rule 85, paragraph 4): - T/ document containing summary.

III. Examination of petitions

A. Specific petitions:

- 1. Preliminary examination by the Standing Committee on Petitions (rule 90, paragraph 1).
 - (a) After receipt of written observations of the Administering Authority (rule 86, paragraph 4).
 - (b) In consultation with the Special Representative of the Administering Authority (rule 90, paragraph 4, and rule 92).
 - (c) Recommendations of the Standing Committee forwarded to the Trusteeship Council in the form of draft resolutions (rule 90, paragraph 5).

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2. Consideration by the Trusteeship Council on the basis of the report of the Standing Committee.
3. Resolution and relevant documentation sent to the Administering Authority and to the petitioner (rule 93).

B. Petitions concerning general problems:

1. Provisional classification by the Secretariat reviewed by the Standing Committee on Petitions (rule 90, paragraph 3).
2. Taken into account by the Trusteeship Council in connexion with the examination of the Annual Report on the Territory.
3. Relevant chapter of the Council's report to the General Assembly is sent to the petitioner.

C. Communications:

Provisional classification reviewed by the Standing Committee on Petitions (rule 90, paragraph 3).

D. Anonymous petitions:

Provisional classification reviewed by the Standing Committee on Petitions (rule 90, paragraph 3).

E. Manifestly inconsequential petitions:

Communicated to members of the Trusteeship Council in summary form (rule 85, paragraph 4).

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ANNEX II

A. Total number of petitions and communications dealt with in recent sessions of the Council:

Year and Session	General questions petitions and communications considered by the Council	Petitions to which the established procedure was applied		
		on agenda	examined	carried forward
1954 XIII	80	176	142	34
"	26	149	97	52
1955 XV	21	355	218	137
" XVI	8	422	154	268
1956 XVII	69	671	399	272
" XVIII	22	448	229	219
1957 XIX	539	1,057	62	995
" XX	34	1,181	-	-

B. Petitions on the agenda of the 20th session of the Council requiring the established procedure:

ANNEX III

COST OF REPRODUCTION OF PETITIONS DOCUMENTS

1. The following is an estimate, prepared in conjunction with the Executive Office of the Department of Conference Services, of clearly identifiable costs incurred in the translation and reproduction of petitions and of documents relating thereto:

<u>Item</u>		<u>Cost per page</u>
Translator, P3, step 2, translates an average of 6 pages per day and is paid	\$32.63	\$ 5.44
Reviser, P4, step 4, revises an average of 15 pages per day and is paid	42.78	2.85
Typist, G3, types an average of 12 pages per day and is paid	16.06	1.34
Reproduction per page (i.e. labour, supplies and stencil) averages		1.40
		<hr/>
		\$11.03
Common staff costs (19%), say		<hr/>
		2.00
		<hr/>
		\$13.03

2. Over the years 1952-56 inclusive, petitions have averaged 3-1/4 pages, which for reproduction purposes is equivalent to 4 pages.

3. The average distribution of each document published is:

<u>Language</u>	<u>No. of copies</u>
English	947
French	<hr/> 365
Total	1,312

4. The following tables set out details of petitions documentation from 1952 to 1956 inclusive. The apparent decrease in 1956 is attributed to the unusual activity of the Assembly in that year and the consequent postponement, or routing to Geneva, of documents which would otherwise have been produced at Headquarters.

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DOCUMENTS CONTROL - STATISTICAL UNIT

English Documentation
Attributed to

PETITIONS (T/PET) concerning TRUST TERRITORIES;
COMMUNICATIONS (T/COM) concerning TRUST TERRITORIES;
OBSERVATIONS (T/OBS) from ADMINISTERING AUTHORITIES.

SYMBOL	NO. OF DOCUMENTS ISSUED				
	1952	1953	1954	1955	1956
T/PET.	349	370	540	870	533
T/COM.	117	84	162	176	182
T/OBS.	19	84	92	122	90
TOTAL	485	538	794	1,168	805
Total Documents (round figures)	500	500	800	1,200	800

SYMBOL	NO. OF PAGES ISSUED				
	1952	1953	1954	1955	1956
T/PET.	1,325	1,224	1,680	2,619	2,196
T/COM.	410	250	472	493	542
T/OBS.	58	448	382	442	403
TOTAL	1,793	1,922	2,534	3,554	3,141
Total pages (round figures)	1,800	1,900	2,500	3,600	3,100