



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/C.4/333
20 November 1956

ORIGINAL: ENGLISH

Eleventh session
FOURTH COMMITTEE

TRAVEL DOCUMENTS OF PETITIONERS

Memorandum by the Secretary-General

I

1. At its 510th meeting, held on 15 November 1955, the Fourth Committee adopted the following resolution:

"The Fourth Committee,

"Considering that some petitioners who have been granted oral hearings but have been refused passports or travel documents by some Administering Powers, have appealed to the United Nations to intervene to enable them to leave the Territory in which they are situated in order to appear before the General Assembly,

"Suggests that the Secretary-General should examine what measures could be taken to enable such petitioners to appear before the Fourth Committee of the General Assembly."

2. It may be useful to recall the circumstances which led to the adoption of this resolution.

In the course of its 470th meeting, at the beginning of the tenth session of the General Assembly, the Fourth Committee was informed of the receipt of five requests for hearings emanating from organizations in Trust Territories. Three of these requests were contained in letters from the Political Section of the "Union des Populations du Cameroun", the Political Section of the Central Board of the "Union démocratique des Femmes camerounaises" and the Executive Committee of the "Jeunesse démocratique du Cameroun", respectively (A/C.4/301). At its 471st meeting, the Committee decided to grant these requests by 36 votes to 11, with 9 abstentions, after a discussion during which it was stated, inter alia, by

56-31518

/...

various representatives who wished the hearings to take place, (i) that as the right of petitions was embodied in Article 87 of the Charter, it was the Fourth Committee's duty to examine petitions and grant requests for hearings; (ii) that the petitioners' statements were helpful to the Committee in giving it additional information on conditions in the Trust Territories; (iii) that the granting of hearings was an encouragement to politically-backward masses, and enhanced the prestige of the United Nations. Among the points made by representatives who objected to the hearings, were the following: (i) that a Visiting Mission of the Trusteeship Council was to visit shortly the Trust Territories concerned and would have the opportunity of hearing those who wished to express grievances; (ii) that the "Union des Populations du Cameroun" and affiliated organizations had been dissolved during the previous year by the French Government and that the Fourth Committee should not hear representatives of those organizations, as such hearings would amount to an attempt to overrule a decision of a government which under the Trusteeship Agreement had full powers of legislation and jurisdiction in the Trust Territory; (iii) that in considering requests for hearings, the Fourth Committee should be guided by the urgency of the subject matter and the consideration whether that subject matter had not already been studied by the Trusteeship Council and its subsidiary organs, which should not be by-passed.

3. At the 479th meeting of the Committee, the Chairman announced that in the absence of opposition he would circulate to the members of the Committee the texts of telegrams which had been received from the organizations concerned. In these telegrams, which were sent from the Cameroons under British administration, the three organizations communicated the names of their representatives and requested the United Nations to intervene with United Kingdom and United States authorities in order that these representatives might obtain passports and entry visas respectively. The "Union des Populations du Cameroun" stated in its telegram that the French Government had burned the passports of the appointed representatives during the May incidents in the Trust Territory (A/C.4/306).

4. The attention of the Fourth Committee having been drawn at the 496th meeting to these telegrams, the representative of the United States informed the Committee that, if the petitioners applied for United States visas, their applications

/...

would receive the treatment that the United States Government had always given in similar cases. The representative of the United Kingdom stated that as the petitioners were not British subjects or British protected persons, they could not be granted British passports; there was nothing, however, to prevent their departure from the Cameroons under British administration at any time.

Answering a question of the representative of Indonesia, who wondered whether it would be possible for the Secretariat to give to the petitioners United Nations travel documents, the Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories explained that in accordance with the provisions of the Convention on Privileges and Immunities of the United Nations the laissez-passer, the official United Nations travel document, could be issued only to officials of the Organization or of one of the specialized agencies on official mission outside the Headquarters area. A proposal by the representative of Liberia that further consideration of the matter should be postponed in order to give the Chairman the opportunity to explore every possibility of helping the petitioners to reach New York was then adopted.

5. At its 498th meeting, the Fourth Committee decided without objection to circulate a further telegram from the "Union des Populations du Cameroun" in which the Political Bureau of that organization quoted the reply it had received from the Commissioner for the Cameroons under British administration, to its request for passports, similar in substance to the statement made by the representative of the United Kingdom in the Fourth Committee. It further requested the General Assembly to make representations to the United Kingdom Government on the ground that the petitioners were the victims of judicial proceedings instituted for political reasons by the French Authorities and that, as they resided in the Cameroons under British administration, they should have the benefit of the status of political refugees in conformity with the Universal Declaration of Human Rights (A/C.4/306/Add.1).

6. At its 510th meeting, the Fourth Committee had before it a draft resolution submitted for its consideration by the Delegation of Liberia. In presenting the draft resolution, the representative of Liberia stated inter alia that the Committee did not have the time to go fully into all the difficulties which had arisen in connexion with travel facilities for petitioners who had been granted oral hearings and that the Fourth Committee should therefore send the

/...

problem to the Secretary-General so that he could explore all possibilities and report on them to the Committee not later than the eleventh session of the General Assembly. The representative of Liberia stated in a later intervention that the purpose of the study of the whole matter should be to enable the Committee in the future to give an answer to petitioners who approached it for assistance in similar dilemmas. The Liberian draft resolution was adopted by the Committee in the text quoted in paragraph 1 of this report by 30 votes to 8, with 6 abstentions.

II

7. Following a study of the question which, as recalled above, has been referred to the Secretary-General by the Fourth Committee's resolution of 15 November 1955 in its general aspects, the Secretary-General wishes to bring to the attention of the Committee the following considerations and conclusions.

8. Under arrangements at present in effect, upon notification by the Secretary-General to the United States authorities that a hearing has been granted to a person by the Fourth Committee of the General Assembly, the United States authorities deliver an entry visa to that person, upon application, pursuant to Sections 11 and 13 (a) of the Headquarters Agreement. Section 11 provides that "the federal state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of ... 5) ... persons invited to the headquarters district by the United Nations ... on official business". Section 13 (a) provides that "Laws and regulations in force in the United States regarding the entry of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11. Where visas are required for persons referred to in that Section, they shall be granted without charge and as promptly as possible". After the hearings in the General Assembly have been completed, the United States authorities are entitled to require the petitioner to leave the United States for the country of his nationality or any other country willing to receive him.

9. In accordance with United States laws and administrative practices, United States entry visas may be affixed on national passports and also on other documents issued by a competent authority, showing the bearer's origin, identity

and nationality, and valid for the entry of the bearer into a foreign country. In certain cases of waiver of the above requirements, United States visa stamps are impressed on an appropriate space on the reverse side of the visa application form.

10. The further question of a general nature which requires comments, under the Fourth Committee's resolution of 15 November 1955, is therefore that of the right of a petitioner to leave the territory in which he finds himself at the time his request for a hearing is granted, and the possibility which may exist for his return to that territory or to another country. It may be noted in this connexion that while it may be assumed by analogy with the rules of procedure of the Trusteeship Council (rule 77), that persons to whom a hearing may be granted by the Fourth Committee may be inhabitants of Trust Territories or other persons, not necessarily resident in Trust Territories, the Fourth Committee's resolution refers only to administrative action with respect to travel documents which may be taken by the Administering Authorities. It may be recalled in this connexion that the relevant agreements concluded in pursuance of the provisions of the United Nations Charter under which States administering Trust Territories have accepted obligations towards the United Nations, e.g., the Convention on Privileges and Immunities of the United Nations or the Trusteeship Agreements, contain no specific provisions obliging the Administering Authorities to grant travel documents or to authorize the departure from the territories under their administration, of persons to whom hearings have been granted by United Nations organs. Most of the Trusteeship Agreements recognize the Administering Authorities' full powers of legislation, administration and jurisdiction in the Trust Territories within the framework of these agreements and of the Charter; these agreements also contain the undertaking by the Administering Authorities to collaborate with the Trusteeship Council and the General Assembly and to assist these organs in the discharge of their functions, as defined in Articles 87 and 88 of the Charter. The question of the extent to which this undertaking to collaborate implies the obligation of the Administering Authority to authorize a resident of a Trust Territory to leave the Territory for the purpose of a hearing before a United Nations organ has not, however, been considered by the General Assembly and there would seem, therefore, to be no present basis on which an overall solution may be offered.

/...

11. It is generally accepted in present international practice that the authorities exercising governmental functions with respect to a territory determine the conditions applicable to the departure of persons resident in that territory and, in the case of non-nationals who have not acquired a permanent right of residence, fix the conditions of re-entry. Under the system of passports, exit and entry visas, which has prevailed since the end of the first World War competent governmental authorities have reserved to themselves, in this respect, wide discretionary powers seldom defined with precision in their legislation. It may also be recalled in this connexion that national authorities have often invoked as grounds for refusal of the permission to travel abroad the fact that the prospective traveller is subject to judicial proceedings or may be fleeing from his obligations to pay taxes or personal debts or to perform military service, or that while abroad he may endanger the internal security of a foreign State or of his own State.

12. A great variety of rules and practices exist in this field. Some countries permit the departure from their territories of persons who do not hold a passport or a similar travel document. Others treat such a departure - at least by their own nationals - as a punishable offence. Various procedures are utilized by governmental authorities which grant documents necessary for travel to non-nationals and in limited situations international agreements might apply as, for example, for certain groups of refugees. Although in the case of direct travel to New York the question of the nature of the travel document of the petitioner on which a United States visa has been affixed may not normally be raised by the authorities of the countries through which the petitioner would pass in transit, certain problems may possibly arise in cases where transit visas are required or where the petitioner may have reasons to interrupt his travel.

13. In the course of his study of the question submitted to him by the Fourth Committee, the Secretary-General has sought the informal views of the Governments having responsibility for the administration of Trust Territories, as to the policy they would follow with respect to the issuance of passports or similar travel documents to persons resident in Territories under their jurisdiction who may be granted hearings by the General Assembly. It results from the replies received from all Administering Authorities of Territories from

which petitioners have so far appeared before the Fourth Committee, that while remaining subject to rules and conditions generally applicable to foreign travel, persons to whom a hearing has been granted would not encounter special obstacles to their leaving the Territory for the purpose of travel to the Headquarters of the United Nations for the purpose of a hearing. It may be recalled in this respect that up to the present, with the exception of the petitioners referred to in Part I of this memorandum, no petitioners from Trust Territories have failed to reach the United Nations Headquarters.

14. In the light of the above-mentioned data and considerations it appears that in the present circumstances no general measures can be suggested which would provide an effective solution to the problem raised by the Fourth Committee's resolution. In view, in particular, of the variety of situations which may be encountered, and the special factors which would have to be taken into account in each case, depending on the nationality and residence status of the petitioners, the applicable legislation and administrative requirements, and the route and means of travel to be used, it is the opinion of the Secretary-General, based on the experience acquired by the Secretariat in the handling of similar situations in other organs of the United Nations, that it would be preferable for the present to continue to deal with individual cases which may arise, on an ad hoc basis, by taking up the actual issues of each case with the national authorities concerned. Any appropriate action could thus take fully into account the nature of the specific obstacles which would exist to the travel of the petitioner to the United Nations Headquarters and to his return to the territory of which he is a resident.
