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Chairman: Mr. Luciano JOUBLANC RIVAS
(Mexico).

Acceptance and examination of petitions concerning Trust Territories: draft resolution submitted by Israel (A/C.4/L.390) (*continued*)

1. The CHAIRMAN invited the Committee to resume consideration of the draft resolution (A/C.4/L.390) proposed by Israel.
2. Mr. KHOMAN (Thailand) thought that the idea of safeguarding the rights of petitioners, on which the draft resolution was based, was most commendable. However, the wording of the third paragraph of the preamble was questionable, for although the Committee had not drawn up any rules for the examination of petitions, it had established a method and procedures for doing so. In many cases, it had reached satisfactory conclusions, as, for example, at the 478th meeting, when it had dealt with the question of the representation of Juvento.
3. The number of petitions examined by the Committee was not sufficiently large to justify the adoption of special rules. Moreover, such rules would have the effect of reducing the number of petitions and consequently of restricting the rights of petitioners, particularly the right to be heard by the Committee.
4. For those reasons his delegation would abstain from voting.
5. Mr. ESPINOSA Y PRIETO (Mexico) recalled that at the eighth session (320th meeting) his delegation had voted against a similar proposal submitted by the United Kingdom (A/C.4/L.271 and Rev.1). It would have to adopt the same attitude with respect to the Israel draft resolution.
6. Mr. HARARI (Israel), replying to the remarks made by the Indonesian representative at the previous meeting, pointed out that there was a difference between the two proposals made at previous sessions on the same question and the draft resolution proposed by Israel at the present meeting.
7. The first proposal had been made by the delegation of the Dominican Republic (A/C.4/L.240 and Rev.1), and had requested the General Assembly to draw up rules for the examination of petitions. Some representatives had questioned the Committee's right to draw up rules before the Sixth Committee had expressed an opinion on the subject or the Fourth Committee had been requested by the General Assembly to prepare rules. The Dominican delegation had not pressed the matter, and no decision had been taken.
8. The second proposal, which had been submitted by the United Kingdom delegation, had been quite different from the one before the Committee. It had provided for the establishment of a sub-committee composed of eight members, namely, four members of the Trusteeship Council, two Administering Authorities and two non-administering States. The present draft resolution did not propose any such arrangement; it did not establish any link with the Trusteeship Council and did not divide the members of the proposed sub-committee into two categories. His delegation was merely proposing the establishment of a sub-committee to carry out a study.
9. He recalled that the United Kingdom proposal had been rejected, at the Committee's 320th meeting by 23 votes to 22, with 12 abstentions. Experience, however, had shown that the views of delegations changed over the years. The present discussion would achieve its purpose even if only one delegation had changed its opinion.
10. He re-emphasized that the discussion concerned the question of a study to be carried out and not the actual question of the examination of petitions. The proposed sub-committee would decide whether it was advisable to establish procedures for the acceptance and examinations of petitions by the Fourth Committee.
11. Mr. CHAMANDI (Yemen) pointed out that the purpose of Article 87 b of the Charter was to enable petitioners in Trust Territories to submit their petitions and express their complaints. That purpose could be achieved only if the parties concerned were represented before the Committee, which should hear them directly and not through a sub-committee. His delegation felt that the adoption of the Israel draft resolution would hamper the Committee's work and impair the normal procedure by making it more difficult to grant hearings to representatives of the people of the Trust Territories. That would be contrary to the Charter. His delegation would therefore vote against the draft resolution.
12. Mr. RIVAS (Venezuela) pointed out that the third paragraph of the preamble was tantamount to a censure of the Fourth Committee and of those delegations which, like his own, had always cast votes favourable to the people of Trust Territories. If his delegation voted for the draft resolution, it would be sanctioning that censure, and that it could not do.
13. Mr. BELL (United States of America) said that he was convinced that in the interests of the petitioners themselves there was room for improvement in the Committee's procedure for dealing with petitions, particularly requests for hearings. Under the present procedure, when the Committee examined a request

for a hearing, it was frequently not familiar with the nature of the problems which the petitioner wished to discuss. Thus, petitioners had been invited to come to New York, where they had often raised complex problems to which the Committee had been unable to give proper attention. It had become apparent that those problems could have been dealt with more effectively by the Trusteeship Council or one of its visiting missions. The petitioners concerned had therefore made a long and costly journey only to have their petitions referred to another body.

14. His delegation considered that the sub-committee proposed by the Israel delegation could profitably examine means of solving such difficulties. His delegation would therefore vote for the draft resolution and was convinced that by doing so it would contribute towards a more efficient examination of petitions in the Fourth Committee.

15. Mr. DIPP GOMEZ (Dominican Republic) recalled that his delegation had always been in favour of the adoption of rules for the examination of requests for hearings. Such rules would safeguard the rights of petitioners and would facilitate the Committee's task by providing a means for avoiding doubt and confusion.

16. His delegation had been interested in finding a solution to the problem and had submitted a draft resolution at the seventh session (A/C.4/L.240 and Rev.1), which it had, however, later withdrawn as some representatives had had serious doubts about it at that time. The idea had been adopted by other delegations and had been embodied in a draft resolution submitted at the eighth session by the United Kingdom (A/C.4/L.271 and Rev.1). His delegation had supported that draft resolution and would continue to follow the same policy until the question had been settled.

17. Mr. ESKEKUND (Denmark) recalled the statements by some delegations that the Fourth Committee should act according to established principles, but he wondered what those principles were. To his knowledge no specific rules had been drawn up. The Committee could decide to invite persons about whom it knew nothing and who might not represent the people on behalf of whom they spoke. Consequently the present procedure could cause much dissatisfaction.

18. If the peoples of the Trust Territories were to attain the objectives set out in the Charter, rules of procedure had to be drawn up under which the Committee could exclude, not the petitioners whose rights were recognized in the Charter, but those who would only be wasting time and money by coming to Headquarters, and those who did not represent anything or anyone.

19. Mr. GIDDEN (United Kingdom) supported the observations made by the United States and Danish representatives. He said that those delegations which doubted the usefulness of a study of the question were in a somewhat false position. Committee members knew much better than petitioners what results the latter could expect to obtain. It seemed that the delegations opposed to the idea of a simple study of the question considered that petitioners, to whom the United Nations granted hearings with great liberality, should learn by experience. There were, however, many petitioners or potential petitioners in Trust Terri-

tories. Most petitioners must inevitably be disillusioned, as certain delegations had already noted.

20. He also wished to draw attention to yet another point. By coming to New York, the petitioners who had gathered sufficient funds to make the journey acquired an adventitious personal prestige which did not spring from any real political merit. The United Kingdom Government had always considered that in local politics, the authority which local politicians could acquire in their party should not be gratuitously enhanced by visits to the United Nations. He was convinced that no Committee member desired that result either, and yet that was what happened. His delegation considered that if political advancement in Trust Territories was to be achieved in the normal manner, the local politicians must establish their reputations at home.

21. Mr. SOLE (Union of South Africa) pointed out that nothing more than a mere study was involved. The proposed sub-committee was not being asked to give its views on the substance of the question but only to say whether a procedure for accepting and examining petitions should be established by the Fourth Committee. He did not understand why there was any opposition to a preliminary study of the problem.

22. Regarding the Venezuelan representative's objections to the third paragraph of the preamble to the draft resolution, he felt, even though he approved the paragraph, that the Israel representative might re-draft the text if that would lead to general agreement.

23. If the draft resolution were adopted, the Committee might ask the Secretariat to facilitate its implementation by drawing up a repertory of procedures so far followed and of results obtained. If the Committee had already been in possession of such a document, he was certain that members would be much less hesitant to adopt rules for the examination of petitions.

24. Mr. ROLZ BENNETT (Guatemala) pointed out that rules of procedure were divided into two categories. In the case of legal disputes, the rules were intended to afford guarantees that the parties at issue would always enjoy equality and be protected by law. In the case of non-contentious matters, the procedure was much simpler and consisted in general merely in a guarantee that the interested party would be able to exercise his rights.

25. Where petitions were examined under Article 87 of the Charter, no legal dispute was involved, and the provisions of that Article as thus far applied seemed sufficient.

26. His delegation considered that to draw up rules of procedure might limit the exercise of the right of petition, compel petitioners to familiarize themselves with difficult and complicated questions of procedure, and open the door to procedural discussions which might be long and subtle. It would be regrettable if petitioners who desired to submit definite and direct applications had to spend their time listening to procedural discussions or were subjected to restrictions on the means by which they could make their views known.

27. His delegation, although appreciating the motives which had prompted the Israel proposal, would therefore vote against the draft resolution.

28. Miss BROOKS (Liberia) wished to point out to the Danish representative that her delegation had always observed the principles of the Charter by voting in favour of requests for hearings. She recalled what she had said at the preceding meeting concerning the draft resolution proposed by Israel. Even if a petitioner who was fighting for his freedom found that the Fourth Committee could do nothing but refer him to another organ, he would be more satisfied than if no hearing were granted to him.

29. Mr. BOZOVIC (Yugoslavia) said that his delegation had always considered the granting of hearings a duty for the United Nations and a right for petitioners. It would continue to vote in favour of requests for hearings because it felt that to do so was the best way of acting in the petitioners' interests.

30. If certain petitioners had returned to their territories disappointed, that was not due to the absence of rules of procedure. The number of petitioners asking for hearings in the Fourth Committee could better be reduced by eliminating the causes of their grievances.

31. Furthermore, apart from the ninth session when various petitioners had appeared to speak on the question of Togoland, requests for hearings had not been very numerous. Thus there seemed to be no need for special rules. Petitioners' interests would be adequately safeguarded if the provisions of the Charter were applied.

32. Turning to the draft resolution itself, he pointed out that the statement appearing at the end of the fourth paragraph of the preamble was open to doubt. If a repertory of procedures in the Fourth Committee were asked for, a similar request could be made in respect of the procedures in the Trusteeship Council.

33. Mr. ALTMAN (Poland) emphasized that under Article 87 of the Charter the peoples of the Trust Territories were granted the right of petition, which was one of the essential features of the Trusteeship System. Requests for hearings were similar to petitions. Contrary to what the Israel representative seemed to think, the procedure so far followed in the Fourth Committee for the examination of such requests had given complete satisfaction. Moreover, the number of requests had not been unduly large.

34. He was apprehensive lest attempts to introduce sets of rules would merely result in limiting the right to a hearing, and that apprehension was confirmed by the statements of the United Kingdom and South African representatives. He would therefore vote against the draft resolution.

35. Mr. CALLE Y CALLE (Peru) was well aware that the right of petition was not at issue but that the question was merely whether the General Assembly should adopt a definite procedure for the application of Article 87 of the Charter. In his opinion, it was natural that the rules of procedure of the Trusteeship Council should deal with the examination of petitions, annual reports and other matters within the Council's purview, but it would be less in order for such matters to be the subject of the General Assembly's rules of procedure. Moreover, the Assembly, which was the organ superior to the Trusteeship Council, had not been presented with very many applications for hearings, and its present rules of procedure had enabled it to deal with such applications.

36. In principle he was not opposed to the idea contained in the Israel draft resolution. The third paragraph of the preamble, which seemed to criticize the Committee for having acted without good reason, had given rise to objections. He thought those objections would be overcome if the first part of the paragraph were replaced by a phrase recalling that the Assembly had applied general principles and had not laid down definite rules for the examination of petitions. The operative part should contain a passage directing the sub-committee to study first the advisability of establishing procedures for the acceptance and examination of petitions and then to review the methods of procedure which the Fourth Committee had so far followed.

37. Mr. RIVAS (Venezuela) said he did not believe that the liberal policy hitherto followed by the Fourth Committee had harmed anyone. In deciding to adopt a less liberal course the Committee would in fact be limiting the right of petitioners, and that would certainly not be to the interest of the peoples of the Trust Territories.

38. Mr. RYCKMANS (Belgium) said that he would vote neither for nor against the draft resolution. He would not vote against it because the Charter had created the right of petition without providing a procedure therefor, and he could hardly oppose the idea of a study to determine whether that right should be regulated. He would not vote for it either, because he was convinced that an objective and impartial study could lead to only one conclusion: that it served no useful purpose for the Fourth Committee to hear oral petitions. The study would also show that petitioners had never derived any benefit from appearing at Headquarters and would have obtained the same results if they had written to the Trusteeship Council or to the Fourth Committee. The Belgian Constitution, liberal though it was, recognized the right of petition but prohibited oral petitions, as did the laws of other countries.

39. He drew the Peruvian representative's attention to the fact that the rules of procedure of the General Assembly contained a provision regarding petitions in rule 13 which automatically placed the Trusteeship Council's report on the Assembly's agenda; the Assembly could study the question of petitions when it was considering the Trusteeship Council's report and could refer all petitions to the Council.

40. Finally, he also drew attention to rule 99 of the rules of procedure, which provided that Committees could not introduce new items on their own initiative. In principle, then, requests for hearings should go first to the Assembly, which would transmit them to the General Committee, which in turn would refer them to the Fourth Committee.

41. Mr. BELL (United States of America) suggested, to meet the difficulties referred to by the Venezuelan representative, that the third paragraph of the preamble of the draft resolution should be amended to read: "Considering that the acceptance and examination of petitions has been conducted without any established procedures..."

42. Mr. HARARI (Israel) explained that he had not meant to suggest that the various delegations had not observed any rules in taking their decisions in the past or that the Venezuelan delegation did not observe its principles, but the Committee as a whole decided each time, without any established set of principles.

43. To make it easier for other delegations to vote, he was willing to accept the United States amendment but would like to retain the phrase "and without rules for safeguarding the rights of petitioners having been laid down".

44. Mr. VERGARA (Chile), without questioning the good intentions of the Israel representative, criticized certain points of the draft resolution. The fourth paragraph of the preamble stated that "detailed" rules had been adopted by the Trusteeship Council. He questioned the use of that word. The rules of procedure of the Trusteeship Council had the merit of being couched in very general terms; rules that were too specific often limited the field of action. In the opinion of the United Kingdom, a set of rules would have the advantage of putting an end to the excessive liberality with which hearings had been granted in the past. Yet one of the merits of the hearings was precisely the liberal spirit in which the Fourth Committee had always granted them.

45. Referring to the confidence that the peoples living in Trust Territories placed in the United Nations, he was afraid that by adopting a rigid set of rules the United Nations might make itself too inaccessible to the people who applied to it with such spontaneity and trust. Moreover, members of the Committee had also on occasion profited from the presence of the petitioners. For example, the hearings held the preceding year on the question of Togoland had helped the Chilean delegation to determine its position with a view to satisfying the desires of the peoples concerned.

46. He would vote against the draft resolution.

47. Mr. ESKELUND (Denmark) endorsed the amendment proposed by the United States representative. He called upon the Israel representative to accept the amendment without change, since the Charter itself provided a set of rules to safeguard the rights of the petitioners.

48. Miss ROESAD (Indonesia), commenting on the observations of the Belgian representative, considered it was the General Assembly's duty to keep in touch with the populations of Trust Territories, and it could do that by granting them hearings. As most of the petitioners who appeared before the Fourth Committee were spokesmen of organizations and political parties, the Committee had an opportunity, by observing the *élite* of the present, to assess the leaders of the future.

49. According to the United Kingdom representative, petitioners' visits were adventitious prestige for them. She contested that assertion and pointed out that the petitioners already enjoyed a certain prestige before coming to Headquarters, since their constituents had sent them there. They did not come as tourists, as the Belgian representative seemed to think; they came with an ardent desire to inform the United Nations of their struggle and their aspirations, which it was the duty of the United Nations to satisfy.

50. Mr. RIVAS (Venezuela) said that the United States amendment would not change the position of his delegation, which approved the method that the Committee had hitherto followed. He had the impression that the purpose of the draft resolution was to satisfy those who favoured limiting the number of hearings in future. His delegation saw no reason why hearings should be limited so long as the number of requests did not so require.

51. Mr. AZIZ (Afghanistan) said that his delegation had always voted in favour of granting requests for hearings. The procedure followed in the past seemed satisfactory and he saw no reason to change it. He feared that the adoption of a set of rules would only result in limiting the right of petition, a right which had made it possible to gain a better understanding of situations in the Trust Territories. Accordingly, he would vote against the draft resolution.

52. Mr. HARARI (Israel) remained convinced that a sub-committee would be in a better position to study the question, in a true democratic spirit and without prejudicing the petitioners. The draft resolution had been opposed on the ground that the number of requests for hearings was small, but that was not a valid argument. What would the Committee do if there were a great many requests? Would it then decide to grant no hearings?

53. The Liberian representative had expressed the fear that petitioners would not understand the details of the rules to be drafted, but for himself he believed that if they knew the conditions to be fulfilled they would be better able to prepare themselves. Last year's petitioners had shown themselves perfectly able to understand the rules for appearances before the Committee.

54. He would accept the United States amendment in its entirety. He had also decided to delete the fourth paragraph of the preamble to the draft resolution. He hoped that the draft resolution would be adopted, as he felt that the Committee could not refuse to have such a complex problem studied.

55. The CHAIRMAN put to the vote the Israel draft resolution (A/C.4/L.390) as amended.

The draft resolution was rejected by 26 votes to 15, with 9 abstentions.

Requests for hearings (A/C.4/304 and Add.1, A/C.4/309) (continued)

56. The CHAIRMAN proposed that the Committee should consider the request for a hearing submitted by the General President of the Parti togolais du progrès and by the Union des chefs et des populations du Nord-Togo (A/C.4/309).

In the absence of any objections, the request was granted.

57. Mr. RYCKMANS (Belgium) said that if he had been called upon to vote on the request for a hearing he would have voted against it.

58. Mr. PIMENTEL BRANDAO (Brazil) and Mr. SOLE (Union of South Africa) informed the Committee that they would have abstained.

59. The CHAIRMAN explained that documents A/C.4/304 and A/C.4/304/Add.1 referred to the request for a hearing from the Juvento. The Fourth Committee had granted a hearing to that organization at its 471st meeting, and at its 478th meeting had decided to request the Secretariat to inquire from Juvento whether it wished Mr. Nicodème Amégah to be its spokesman at the hearing. Document A/C.4/304/Add.1 contained the reply of Juvento to the Secretary General's inquiry. In the reply Juvento quoted the names of two persons whom it designated as its spokesmen.

60. Mr. ESPINOSA Y PRIETO (Mexico) said that he had always defended the rights of petitioners and had no intention whatever of restricting them; but his policy was to decide on the merits of each case. With regard to Juvento, he was quite ready to hear Mr. Amégah, but felt somewhat reluctant to hear Mr. Asare, who lived in New York and had United States nationality. He felt that the Committee should not immediately decide whether to grant hearings to both representatives or to only one of them. If Mr. Amégah was unable to come to New York, he could be asked to explain the reason—for example, the French Government might not grant him a passport—and it would then be open to the Committee to grant Mr. Asare a hearing. If, however, the Committee decided immediately who the Juvento representatives were to be, he would vote to grant both representatives a hearing, to make assurance doubly sure.

61. Mr. BOZOVIC (Yugoslavia) said that he had similar doubts about Mr. Asare, and felt that if Mr. Amégah came to New York, Mr. Asare should serve only as an adviser. If Mr. Amégah could not come, the Committee could then hear Mr. Asare as an extraordinary representative. He therefore supported the Mexican suggestion that the decision should be postponed until the Committee had begun to hear the petitioners. If he had to make an immediate decision, he would regretfully vote against hearing Mr. Asare, on the ground that he did not live in the Territory concerned. If, on the other hand, the Committee later learned that Mr. Amégah could not come to New York, it would be reasonable to hear Mr. Asare.

62. Mr. RYCKMANS (Belgium) feared that the Committee might find itself no further advanced in a few days' time. If Mr. Amégah felt tempted to save the travel expenses, he might very well wait until the Fourth Committee had decided whether to hear Mr. Asare; and if it did decide to do so, Mr. Amégah would not have to make the journey. If the Committee postponed its decision, therefore, it would be in a vicious circle. Moreover, the Committee would be taking a serious decision if it accepted the Mexican representative's argument and agreed to hear Mr. Asare if Mr. Amégah could not come to New York: it would be granting lawyers—for Mr. Asare was a lawyer—the right to plead petitioners' causes. But such lawyers would only be able to base their case on correspondence or on documents supplied by their clients. It would be much better if the United Nations received the documents itself directly.

63. Mr. BOZOVIC (Yugoslavia) did not think that Mr. Amégah had submitted his request in the knowledge that if the Committee granted Mr. Asare a hearing he would be able to save the travel expenses.

64. Mr. CALLE Y CALLE (Peru) and Mr. SERAPHIN (Haiti) pointed out that the Secretariat had asked Juvento to submit the names of its representatives. The telegram circulated under the symbol A/C.4/304/Add.1 supplied the answer: Juvento wished to have both Mr. Amégah and Mr. Asare as its representatives, not one or the other. That being so, the Committee had no reason to postpone its decision.

65. Mr. RIVAS (Venezuela) said that he was prepared to make an immediate decision. In his view, Mr. Amégah was better qualified to speak on behalf of Juvento, but Mr. Asare could act as adviser to Mr. Amégah or even substitute for him if he could not come.

66. Mr. HARARI (Israel) observed that the establishment of procedures for the acceptance and examination of petitions, as he had proposed, would not be without value.

67. Miss ROESAD (Indonesia) thought that the choice of representatives should be left to the petitioners. However, since Yugoslavia hesitated to take any immediate decision, she felt that the Committee should postpone the vote.

68. Mr. APUNTE (Ecuador) thought that the Committee might decide first on Mr. Amégah and then on Mr. Asare.

69. Mr. CORTINA (Argentina) agreed. Before deciding on Mr. Asare the Committee ought to wait and see whether Mr. Amégah would come.

70. Mr. JAIPAL (India) said he would vote for Mr. Amégah; the question could be reopened later if he could not come to New York. He did not, however, wish to make an immediate decision on the principle of the representation of petitioners by professional lawyers.

71. Mr. BELL (United States of America) thought that the Committee might agree to accept both representatives as representatives of the petitioners, with Mr. Amégah to serve as spokesman and Mr. Asare as adviser.

72. Mr. INGEBRETSEN (Norway) observed that Juvento had mentioned in document A/C.4/304/Add.1 that it was sending papers by air mail. It might be better to postpone a vote until those papers arrived, as they might help the Committee to decide on the question of Juvento's representatives.

73. Mr. VEGARA (Chile) proposed that the Committee should await the arrival of the Juvento papers before making its decision.

It was so decided.

The meeting rose at 1.5 p.m.