



Thursday, 15 November 1951, at 3.15 p.m.

Palais de Chaillot, Paris

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Chairman: Mr. Max HENRÍQUEZ UREÑA (Dominican Republic).

**Order of discussion of agenda items (A./C.4/186)
(continued)**

1. Mr. PEREZ CISNEROS (Cuba) withdrew his amendment (A/C.4/L.134/Rev.1) to the oral proposal by the representative of the Union of South Africa at the 201st meeting and introduced as a new amendment, sponsored jointly by his delegation and the delegations of Egypt, Guatemala, India, Indonesia, Iran, Liberia and the Philippines the following draft resolution (A/C.4/L.135):

“ *The Fourth Committee,*

“ 1. *Resolves* that the application for a hearing contained in document A/C.4/187 be considered as a previous question, to be taken up before item 1 of the agenda ; and

“ 2. *Decides* that items 8 and 6 on the provisional agenda (A/C.4/186) be placed as items 2 and 3 respectively on the final agenda”.

2. In reply to a question by Mr. ZIAUD-DIN (Pakistan), the CHAIRMAN stated that he had also received two petitions from the Ewe people that their representatives might be given a hearing.

3. Mr. ZIAUD-DIN (Pakistan) suggested that paragraph 1 of the joint draft (A/C.4/L.135) should be amended to read :

“ *Resolves* that the applications for hearings contained in document A/C.4/187 and any other documents be considered as a previous question...”

4. Mr. PEREZ CISNEROS (Cuba) agreed, provided that his co-sponsors also agreed. He suggested the following wording :

“ *Resolves* that the applications for hearings presented up to the present date, including that contained in document A/C.4/187, be considered as a previous question...”

5. Mr. ZIAUD-DIN (Pakistan) accepted the Cuban suggestion.

6. Mr. RIVAS (Venezuela) and Mr. MATTOS (Uruguay) supported the joint draft as amended.

7. Mr. DONGES (Union of South Africa) had no objection to paragraph 2. He considered, however, that, paragraph 1 prejudged the question of substance, since it referred to two entirely different categories of petitions. One category—petitions from the Ewe people—came from a Trust Territory the people of which, under the terms of the Charter and of the Trusteeship Agreement, had the right to present either oral or written petitions. The other category came from a country for which there was no Trusteeship Agreement, and the whole position of which was at present under consideration. He would therefore be compelled to vote against the joint draft.

8. In the opinion of his Government, the Fourth Committee was not competent to hear petitions relating to South West Africa. At the proper time South Africa would deal with the constitutional issue involved ; in the meantime he would reserve his position.

9. He asked that the draft should be voted upon paragraph by paragraph.

10. Mr. MENDOZA (Guatemala) said that he would vote in favour of paragraph 1 but that, in view of the attitude adopted by the South African delegation, he would vote against paragraph 2. He asked for a vote by roll-call on paragraph 1.

11. Mr. DE MARCHENA (Dominican Republic) said that he would vote in favour of paragraph 1 and abstain on paragraph 2.

A vote was taken by roll-call on paragraph 1 of the joint draft resolution as amended.

Haiti, having been drawn by lot by the Chairman, was called upon to vote first.

In favour : Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Guatemala.

Against : Union of South Africa.

Abstaining : Israel, Netherlands, New Zealand, Norway, Peru, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, France, Greece.

Paragraph 1 was adopted by 39 votes to 1, with 13 abstentions.

Paragraph 2 was adopted by 29 votes to 6, with 15 abstentions.

The joint draft resolution as a whole was adopted by 36 votes to 1, with 15 abstentions.

12. The CHAIRMAN observed that, as a result of the decision just taken by the Committee and of its decision at the 201st meeting, item 9 of document A/C.4/186 would become item 1, item 8 would become item 2 and item 6 would become item 3. He asked for the Committee's views on the order of the remaining items.

13. Mr. LANNUNG (Denmark), Rapporteur, pointed out that item 7, election of two members of the Special Committee on Information transmitted under Article 73e of the Charter, should logically be placed immediately after former item 6, now item 3.

It was agreed to make that change and to make the remaining items 1, 2, 3, 4 and 5 of document A/C.4/186 items 5, 6, 7, 8 and 9 respectively.

Request for hearings

14. Sir Alan BURNS (United Kingdom) suggested that the question of the Ewe petitions (A/C.4/193) should be decided first, in view of the fact that they had been received first. There was some doubt whether the petitioners would be able to make any very useful contribution to the discussion, but as members of the Trusteeship Council were aware, it was the invariable practice of his Government to agree to oral hearings of petitioners in relation to Trust Territories and his delegation would welcome them to the Fourth Committee.

15. Mr. RYCKMANS (Belgium) considered that a question of such importance, involving so serious a precedent, should be given the most careful consideration. The Belgian delegation had never opposed the hearing of petitioners by the Trusteeship Council, but the consideration of petitions from the Ewes was not among the items on the agenda of the Fourth Committee. If the petitions in question were of a date previous to the Trusteeship Council's most recent session, they would have already been discussed by the Council and

would be covered by its report (A/1856); if not, the Committee should advise the Ewes to submit them to the Council.

16. The General Assembly should be asked to take a decision of principle on the question of the hearing of representatives of bodies other than Member States by its Committees. He reserved the right to bring the matter to the General Assembly, and pending a decision would abstain on the question of hearing the Ewe representatives.

17. Mr. KHALIDY (Iraq), replying to the Belgian representative, maintained that the matter could quite properly be considered under the agenda item on the report of the Trusteeship Council. There were precedents for the hearing of representatives of indigenous peoples by the Fourth Committee. That body was the appropriate Committee of the General Assembly for that purpose, and its action would in no way impinge on the functions of the Trusteeship Council, as the Belgian representative has suggested.

18. Mr. INGLES (Philippines) observed that his delegation had followed the Ewe problem with interest from the outset, and was much concerned at the delay in finding a satisfactory solution to it. The previous year the General Assembly had been moved to intervene directly and had asked the Trusteeship Council to deal with the matter quickly.¹

19. The Trusteeship Council's report was before the Committee and the right of the peoples concerned to be heard by the Fourth Committee was implicit in the consideration of it. Furthermore, the fundamental right to petition should be accorded to the Ewe people without qualification; the hearings should not be limited to the petitions already received.

20. Mr. EL PHARAONY (Egypt) favoured the granting of a hearing to the Ewe petitioners for similar reasons.

21. He suggested that the Committee should ask the Secretary-General to circulate all the information bearing on the problem which had been received since the date of the Trusteeship Council's report.

22. Mr. MENDOZA (Guatemala) thought the Belgian representative's arguments had been exhaustively discussed and fully answered on a previous occasion. He would merely point out that, under Article 87 of the Charter, the Trusteeship Council was empowered to accept and hear petitions. It was therefore incontestable that the General Assembly had the same right and that the Fourth Committee was entitled to hear representatives of the Ewe people without further authorization from the Assembly.

23. Mr. TARAZI (Syria) disagreed with the Belgian representative's assumption that the authorization of

¹ See General Assembly resolution 441 (V).

the General Assembly would be needed before the Committee could hear representatives of the Ewe people. The Fourth Committee was part of the General Assembly and the practice had always been for the Committees to decide such questions on their merits. Furthermore, since the Ewe problem had already been discussed by the Trusteeship Council, there would seem to be no further obstacle to the hearings.

24. Despite the General Assembly's direct intervention the previous year, no solution of the Ewe problem had yet been found, and relations between the Ewe people and the Administering Authorities had apparently grown worse. The Syrian delegation would vote in favour of granting hearings to the two petitioning bodies.

It was decided by 44 votes to none, with 8 abstentions :
1) to grant hearings to representatives of the All-Ewe

Conference and the Togoland Congress ; and (2) to request the Secretary-General to place before the Committee, in suitable form, all information bearing on the problem which he had received since the date of the Trusteeship Council's report.

25. Mr. DONGES (Union of South Africa) observed that the amendments adopted in the course of the meeting had given a new turn to the debate, and he would accordingly like to have time to consider his position. He moved the adjournment of the meeting, in accordance with rule 117 of the rules of procedure.

The motion for adjournment was adopted by 25 votes to 11, with 15 abstentions.

The meeting rose at 4.30 p. m.