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Chairman: Mr. Enrique de MARCHENA
(Dominican Republic).

In the absence of the Chairman, Miss Brooks (Liberia), Vice-Chairman, took the Chair.

AGENDA ITEM 39

The Togoland unification problem and the future of the Trust Territory of Togoland under British administration: reports of the United Nations Plebiscite Commissioner and of the Trusteeship Council (A/3169 and Corr.1 and Add.1, A/C.4/340 and Add.1, A/C.4/341, A/C.4/L.452/Rev.1, A/C.4/L.453/Rev.1 and Add.1) (*continued*)

At the invitation of the Chairman, Mr. Nanamale Gbegbeni, representative of the Union des chefs et des populations du Nord-Togo, Mr. Victor Atakpamey, representative of the Parti togolais du progrès, Mr. Michel Ayassou, representative of the Traditional chiefs of the South, Mr. Sambiani Mateyendou, representative of the Traditional chiefs of the North, Mr. André Akakpo, representative of the Mouvement populaire togolais, Mr. A. I. Santos, representative of the Mouvement de la jeunesse togolaise (Juvento), and Mr. Sylvanus Olympio, representative of the All-Ewe Conference, took places at the Committee table.

GENERAL DEBATE OF THE FUTURE OF TOGOLAND UNDER FRENCH ADMINISTRATION (*concluded*)

1. Mr. ABIKUSNO (Indonesia) said his delegation disagreed with the line taken in the six-Power draft resolution (A/C.4/L.453/Rev.1 and Add.1) in several important respects.

2. It did not agree that the people of Togoland had attained a degree of self-government which warranted the termination of trusteeship. The form of autonomy it had been granted would give it the status not of an independent State but of a province within a State, from which it would be unable to secede except by force. Hence, under the new Statute, the people of Togoland would be further than ever from independence. It was true that France had said it would no longer use force in colonial matters; nevertheless, it was difficult to believe that France's goodwill would continue if an attempt to secede was ever made. The French argument appeared to be that a measure of self-government could be given to the people of Togoland only if the Administering Authority gave up its func-

tions under the Trusteeship Agreement, and hence only if that Agreement was terminated. His delegation found it hard to understand why an agreement which had been drafted precisely for the purpose of promoting the development of the people of the Trust Territory towards self-government should now stand in the way of that goal. Indonesia's position was, on the contrary, that no situation requiring the termination of trusteeship could arise until the people of a Trust Territory had actually attained self-government. Moreover, in view of the different interpretations which had been placed on the second of the two goals laid down in Article 76 b of the Charter, the United Nations should proceed very carefully.

3. The six-Power draft resolution lent support to the idea that United Nations supervision of a referendum was unnecessary and that an unsupervised referendum could form the basis for the termination of a trusteeship agreement. His delegation wholly disagreed with that idea. It accordingly viewed the deadlock which had been reached at the eighteenth session of the Trusteeship Council on the question of sending observers to the referendum as proof that at present no agreement could be reached on a basis for terminating trusteeship.

4. His delegation felt further that any commission sent to Togoland under French administration should study not only the application of the Statute, but the situation in the Territory as a whole. If the terms of reference of such a commission were confined to the Statute, the General Assembly would be accepting an accomplished fact and ruling out other solutions to the problem.

5. His delegation was extremely dissatisfied with the extent of the political powers granted to the people of Togoland by the Statute; nor did it feel sure that the reforms embodied in the Statute would lead to the goals set forth in Article 76 b of the Charter. For those reasons, it would vote against the six-Power draft resolution. In so doing, it was also actuated by the fact that the referendum had been improperly conducted, not only because it had been held without United Nations supervision, but because there was evidence that coercion and intimidation had been used.

6. His delegation fully supported the Indian draft resolution (A/C.4/L.452/Rev.1), which reflected a much more realistic approach to the problem.

7. Mr. ROLZ BENNETT (Guatemala) said it was necessary to bear in mind that the problem now before the Committee had taken a new turn with the announcement of the decision to hold a plebiscite in Togoland under British administration. The United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955, which had been sent to make a special study of the situation in pursuance of General Assembly resolution 860 (IX), had concluded that fundamental political reforms should first be under-

taken in Togoland under French administration, and that the Territory might be ready, a few years later, to determine its political future. The General Assembly, in resolution 944 (X), had endorsed those conclusions and recommended that a consultation of the population should be conducted under the supervision of the United Nations. The General Assembly had plainly not intended to countenance a hasty referendum held on the basis of incomplete reforms. Its intention had been that the organization of the referendum would be discussed and approved by itself and that it would be held in consultation with and under the supervision of the United Nations. But the hopes of the General Assembly had been disappointed when France had announced at the seventeenth session of the Trusteeship Council (660th meeting) that it had not had time to prepare proposals regarding the procedure to be followed for the consultation of the population. At its eighteenth session, however, the Trusteeship Council had been informed that the Administering Authority had decided to hold a referendum (T/1274/Rev.1), but it had not been supplied with the text of either the new Statute or the law relating to the referendum, both of which were necessary if the Council was to take informed action on the matter. In those circumstances, the Council had been unable to agree to send observers to the referendum. France had then requested a special session of the Trusteeship Council, which had been held in December 1956 and at which it had finally presented the text of the Statute and an explanatory memorandum regarding the referendum (T/1290¹), which had been followed by the report of the Referendum Administrator (T/1292²). By that time, however, the referendum had already been held and the Statute had come into force. It was necessary to emphasize that sequence of events, because it had been said in the Committee that attempts were being made to undermine the authority of the Trusteeship Council. It should be clear, however, that if any such attempt was being made, the culprits were those who had prevented the Council from fulfilling its functions and had withheld their co-operation from it.

8. Since France had withdrawn its request for the termination of the Trusteeship Agreement, it was unnecessary to discuss the referendum in detail; he would therefore say only that, in the interests of complete impartiality, it was essential for such a referendum to be conducted under United Nations supervision, and that the haste with which the referendum in Togoland under French administration had taken place had clearly made it impossible for the population to be adequately informed or for the political parties to participate on an appropriate scale.

9. The new Statute could be considered from two points of view. Taken as a political reform, as a step in the political development of the Territory, it appeared to his delegation to constitute an important advance. But his delegation completely rejected the contention that the Statute represented the attainment of self-government or autonomy by the Territory.

10. Article 1 of the Statute referred to the Territory as an Autonomous Republic, a designation which was not borne out by the remainder of the text. In fact, article 2 of the Statute made it quite clear that the Territory's real status would be that of a protectorate established and maintained by France. A careful study

of article 3 led to the conclusion that it summed up the course the constitutional development of the Territory was intended to take, namely, incorporation in the French Union without any possibility of future secession or independence. Since the representation of Togoland in the central organs of the French Government was not based on a freely concluded agreement between equals, such representation could only mean participation in an indivisible political unit, from which Togoland, not being an Associated State within the meaning of article 61 of the French Constitution, could not withdraw by constitutional or legal means.

11. It had been maintained that article 38 provided a procedure for the evolution of the Statute. It was true that that article made evolution possible, but only at the will of the French Parliament, which had complete discretion to grant or withhold the reforms requested. For that reason, his delegation could not accept the retention of the word "decisive" in operative paragraph 1 of the six-Power draft resolution, since it feared that the decisive step embodied in the Statute was precisely the incorporation of the Territory in the French Union.

12. In order to transform a territory into an autonomous republic, a statute would have to transfer to the people of the territory themselves the legislative, executive and judicial powers corresponding to that status. The Statute did not do that, since all the most important powers were reserved to the central organs of France. But the Togoland Legislative Assembly's powers were restricted even in matters not reserved to France, article 21, for example, limiting its powers in connexion with the nomination of the prime minister. In general, the Statute assigned the functions usually exercised by the prime minister of a republic not to the Prime Minister of Togoland but to the High Commissioner of France. The dual sovereignty established by the Statute made necessary a special section of the Statute dealing with the general co-ordination of administrative action—another proof that sovereignty was not exercised by the Togoland people through their Government, but was shared under a system which might be appropriate to a country taking the first steps towards self-government, but not to an autonomous republic.

13. In brief, it could be said that the Statute embodied reforms which represented an important step towards self-government, and not self-government itself. Nevertheless, his delegation wished to congratulate the representative of France for the frankness, clarity and goodwill with which he had stated its case. It also wished to congratulate the spokesmen for the opposition parties, whose political talent, vision and realism augured well for the future of their country.

14. His delegation favoured the proposal to send a commission to the Territory and felt that careful attention should be given to such details as the number of members, the manner in which they would be appointed, the commission's terms of reference, and the time at which it would carry out its study. In principle he thought a five-member commission would be adequate, but the number could be increased if it were felt that a larger group would be better balanced and more representative. It should be appointed by the General Assembly in accordance with the usual practice, since in that way it was likely to receive wider support than would otherwise be the case. Its terms of reference should not be restricted to mere observa-

¹ Same text as A/3169/Add.1, annex I.

² Same text as A/3169/Add.1, annex II.

tion of how the Statute was being applied, but should be sufficiently broad to enable it to be of the greatest possible service to the people of the Territory, the Trusteeship Council and the General Assembly. Since the French representative had stated that the question of how the Statute was to be applied had not yet been determined, the commission's departure for the Territory should not take place until that process had been completed. Otherwise it might become involved in the discussions which would inevitably arise on that subject. Its visit should also be postponed until the Legislative Assembly had been reconstituted by means of free elections on the basis of the universal suffrage instituted by the Statute.

15. His delegation considered that of the two draft resolutions before the Committee, that submitted by India more closely reflected its own views, and would therefore receive its support. He would also vote in favour of the Philippine amendment (A/C.4/L.455), which he thought might be improved by the addition of the words "and before the visit of the commission to the Territory" after the words "universal adult suffrage". With regard to the amendments submitted by the seven Powers (A/C.4/L.454), he would support amendments 1 and 4 as they stood. He did not favour the deletion proposed in amendment 2. He would vote in favour of the first of the paragraphs proposed in amendment 3, if the reference to the Autonomous Republic of Togoland were omitted, since that reference seemed to imply acceptance of the stated consequences of the Statute. He would be compelled to vote against the second paragraph proposed in that amendment for the same reason. In amendment 5, it would be preferable to add the words "as well as the application of the reforms" to the end of the sixth paragraph of the preamble. He would vote for the first paragraph proposed in amendment 6 and might be able to vote for the second if the words "Government of the Autonomous Republic of Togoland" were changed to "Government of Togoland". He would substitute the word "important" for the word "decisive" in the first of the new paragraphs proposed in amendment 7. In the second paragraph, he would suggest omitting the words "economic, social and cultural", since political reforms only were in question. He was in favour of amendment 8, though, for the reasons he had already given, he would prefer the omission of the words "President of". In regard to amendment 9, he would prefer the words "the entire situation in the Territory" in operative paragraph 1 of the draft to be replaced by the words "all the aspects of the situation in the Territory following the implementation of the Statute".

16. Mr. JAIPAL (India) wished to reply to those representatives who maintained that the Trusteeship Council had abdicated its own responsibilities in transmitting the question of Togoland under French administration to the General Assembly. At the previous session of the General Assembly, the French delegation had left Member States with the impression that reforms would first be introduced in the Trust Territory and that a referendum would be held a few years later. It had also been understood that the questions to be put to the population in such a referendum and the conditions under which it would be held were to be determined by the General Assembly, as had been the case in Togoland under British administration. But at the eighteenth session of the Trusteeship Council the French delegation had made the startling proposal that the Trusteeship Council should send a mission to the

Territory to observe rather than to supervise the conduct of the referendum. By rejecting that proposal, the Council had rightly refused to associate itself with a unilateral attempt to terminate the Trusteeship Agreement. It logically followed that the Council could not consider the results of the referendum until the General Assembly had had an opportunity of examining the situation. Article 85, paragraph 2, of the Charter made it clear that the Council operated under the authority of the General Assembly in matters pertaining to Trusteeship Agreements.

17. It had been claimed that the referendum had been held under article 5 of the Trusteeship Agreement. But while he agreed that under article 5 a referendum could be held to consult the people on political reforms, if such reforms were presented as an alternative to trusteeship, such a consultation affected the very basis of the Trusteeship Agreement and was therefore subject to the provisions of article 12 of the Trusteeship Agreement rather than of article 5. The linking of the proposed reforms with the termination of trusteeship was contrary to the Trusteeship Agreement, and the Council had therefore been correct in refusing to accede to the request for the termination of the Agreement made by the Administering Authority at the Council's sixth special session (T/1290). His delegation's view had been that once the General Assembly had disposed of the request for termination, the Council would be free to examine the reforms within the framework of the Trusteeship Agreement and in accordance with the Charter. That was why its original draft resolution (A/C.4/L.452) had recommended referring the matter back to the Council after the General Assembly had reached its conclusions. Had the Council done otherwise, it would have set an unhealthy precedent that might have resulted in the elimination of the remaining Trust Territories.

18. Action to terminate the Trusteeship Agreement could be taken only after the objectives of the Trusteeship System had been attained and, for that to be the case, the people of the Territory must not only be capable of, but be actually exercising, self-government. The Trusteeship Agreement must not be prematurely terminated, simply because that had been requested by the people of the Territory. The case of South West Africa was relevant, for, although a majority had voted in favour of incorporation with the Union of South Africa in a referendum held there a number of years earlier, the General Assembly, in adopting resolution 65 (I), had not accepted that verdict.

19. The purpose of trusteeship was to lead the people to the goal of self-government or independence, as the case might be. There was general agreement in the Committee that the Statute did not represent self-government in any sense of the word. Part V of the Statute showed that the supreme power, which in an autonomous republic should be vested in the people, lay with the French Government. It was significant in that connexion that the Administering Authority had originally proposed to call the area an autonomous territory rather than autonomous republic. The relationship of the Territory to France, which had been established by decree of the French Republic, was one of subordination. Some years earlier, the French representative had said during a discussion of administrative unions that France's relationship with Togoland derived from the Trusteeship Agreement itself and that the Territory was associated with France only to the

extent provided for in that Agreement. The relationship which had now been established was more than an administrative union and more than a federation with adjoining territories, as permitted by article 4 of the Trusteeship Agreement. He questioned the use of the term "provisional trusteeship" in part X of the Statute, for it seemed to imply that the Statute had rendered the Trusteeship Agreement inoperative. The Indian delegation held that if the General Assembly refused to terminate the Trusteeship Agreement as was likely, then trusteeship procedures should be applied and the matter should go back to the Council. The majority, however, seemed to be in favour of sending a General Assembly commission to the Territory, and it was in deference to that opinion that his delegation had revised its original resolution.

20. Turning to the amendments (A/C.4/L.454) to the Indian draft resolution, he said that a reading of the memorandum mentioned in the first paragraph proposed in amendment 3 showed that its authors considered the Trusteeship Agreement to have been terminated on 28 October 1956. Such a document could obviously not be accepted by the General Assembly, and his delegation would accordingly vote against the paragraph. The second paragraph proposed in amendment 3 was factually incorrect in that it made no mention of the termination of the Trusteeship Agreement, which had been one of the issues put to the people in the referendum. The paragraph also took note of a unilateral action designed to bring about the end of trusteeship; that, too, could not be accepted by the General Assembly, and his delegation would vote against the paragraph.

21. By mentioning the representatives of the Government of Togoland, amendment 4 raised the question of credentials. Since the Secretary-General had stated that only the delegation of France was present, his delegation could not vote in favour of that paragraph.

22. Amendment 5 referred to the application of reforms. But it was not only their application that the Trusteeship Council could examine. Probably it was not the intention of the sponsors to restrict the powers of the Trusteeship Council, since the Council could examine reforms in any way it saw fit. The Council's study of reforms would doubtlessly include consideration of their implementation. Amendment 5 was therefore unnecessary and his delegation would vote against it. It would vote against amendment 10 for the same reason.

23. His delegation preferred its own version of the first paragraph proposed in amendment 6 and the second paragraph was redundant. There was no reason why the members of the commission should have to regard themselves as guests when the terms of both the Charter and the Trusteeship Agreement made it incumbent upon the Administering Authority to facilitate such visits.

24. The two paragraphs proposed in amendment 7 would place the seal of international approval on an arrangement which had been presented to the people as an alternative to the continuation of trusteeship. In his delegation's opinion, the reforms could not be separated from the rest of the Statute, which dealt, *inter alia*, with the relationship between the Territory and the French Republic. In the absence of a detailed examination, it was too early to express satisfaction or congratulate the people on their progress. He wished to make it clear, however, that his position did not

imply criticism of the people themselves. It was significant that the resolution concerning the Territory of Togoland under British administration adopted at the 619th plenary meeting, held on 13 December 1956, had not included expressions of congratulations, which apparently had not been expected by the people or the Administering Authority in that case.

25. With regard to amendment 8, his delegation thought the members of the commission should be chosen by the General Assembly rather than by its President.

26. The effect of the amendments seemed to be simply to convert the Indian draft resolution into a replica of the original five-Power draft (A/C.4/L.453).

27. In reply to the comments made at the 593rd meeting by the Italian representative, he wondered whether the latter's reference to "irresponsible nationalism" had been directed at nationalism in colonial areas or in sovereign States. If he had meant the former, and if such nationalism were indeed irresponsible, then surely that was all the more reason for allowing the populations of those areas to assume responsibility.

28. Mr. SELAND (Norway) associated himself with the Danish representative's appeal for co-operation and conciliation. He thought that delegations should concentrate on the points of agreement rather than of disagreement. He agreed with the representative of Canada that, whatever delegations might think of the referendum or the reforms introduced, they were bound to recognize that a substantial majority of the people of Togoland had voted in favour of them. Mr. Olympio himself had said the opposition saw much that was good in the Statute.

29. It should be remembered that it was not claimed that the Statute fulfilled the objectives of the Trusteeship System, but only that it was a step towards that goal. It had already undergone various changes. Since it had been promulgated, meetings had been held to discuss its implementation and agreements had been reached. The only way to determine the possible extent of the evolution provided for in the Statute was to accept the invitation to appoint a commission to study the matter. There was reason to expect that the Autonomous Republic would gradually take over many of the powers currently exercised by the High Commissioner.

30. Failure to express satisfaction at the progress which the Statute unquestionably represented would be a discourtesy not only to France, but to the people of Togoland, whose co-operation the proposed Commission would certainly want to have when it went to the Territory. To include references to the Statute and the Autonomous Republic of Togoland in a resolution was not to prejudge the issue, but simply to take the basic facts into account. If the Indian draft resolution were adopted with the amendments proposed by the seven Powers, the term "Togoland under French administration" would be used six times, while the local authorities would be referred to as the "Government of the Autonomous Republic" only twice. It was important to realize that many peoples in Africa and elsewhere were following developments in Togoland with keen interest, and would conclude that the General Assembly had acted high-handedly if it treated the Togoland Government as though it did not exist.

31. Mr. QUIROS (El Salvador) said his delegation could not have voted in favour of terminating the

Trusteeship Agreement, but in view of the co-operative attitude shown by the French delegation in agreeing to postpone that request, it considered it would be both ungracious and unwise to refuse the invitation that delegation had extended. He was convinced that the conclusions reached by the commission would provide valuable information for further study by the Trusteeship Council and the General Assembly. His delegation had always maintained that the best way to determine the true wishes of dependent peoples was to hold a plebiscite under United Nations auspices, drawing on the experience gained in previous cases. The Statute was an important step towards the attainment of self-government and would bring the Territory's political development into line with the social, economic and cultural development which the inhabitants had achieved, but it did not justify termination of the Trusteeship Agreement. His delegation was on the whole in accord with the seven-Power amendments, but thought that they would command wider support if mention of the Autonomous Republic of Togoland were omitted. He likewise shared the Guatemalan representative's view that the word "decisive" in the first paragraph of amendment 7 should be replaced by the word "important".

32. Mr. DIPP GOMEZ (Dominican Republic) wished to pay a tribute to both groups of petitioners for their devotion to the best interests of their country, and to the French delegation for its contribution to the work of the Committee.

33. If the Statute was not perfect, the Committee should strive to improve it rather than condemn it. Both the draft resolutions before the Committee had been drafted with that end in view. It seemed to him that they differed more in form than in substance. Both expressed the opinion that the Territory should remain under the Trusteeship System for the present and that postponement of the termination of the Trusteeship Agreement would not only benefit the population but would enable France the better to carry out its purpose of promoting the Territory's development towards self-government. The Statute undeniably had merits, and the French Government was to be congratulated on its concern for the Territory's progress. It was with those considerations in mind that his delegation had co-sponsored the six-Power draft resolution and the amendments to the Indian draft.

Mr. de Marchena (Dominican Republic), took the Chair.

34. Mr. NASH (United States of America) said that since the Canadian representative, speaking at the previous meeting on behalf of the sponsors of the amendments to the Indian draft resolution, had explained the reasons for those amendments, he would confine himself to two or three points which deserved special emphasis.

35. A lengthy discussion had taken place concerning the extent to which the new Statute had taken the people of Togoland under French administration towards real autonomy. That was the very problem which it was intended should be studied by the special commission proposed in both the draft resolutions. The problem would be further studied by the Trusteeship Council, and the General Assembly at its twelfth session would be able to act with a better understanding of the true situation.

36. The United States delegation had no wish to pre-judge the issue of the degree of autonomy so far

achieved. Like other speakers, including the representatives of the opposition parties in Togoland, he felt that the Statute did represent some progress. The extent of that progress remained to be determined, but the United States delegation considered that, as Mr. Olympio had said, it should be recognized for what it was worth and helped to evolve into something better. No new statute or constitution was ever perfect to begin with. He hoped that the Fourth Committee would not begrudge recognition of the progress that had been made or fail to encourage the people of Togoland by expressing appreciation of the strides they had made. Many delegations had expressed the view that the Statute was a good beginning which should be encouraged and the resolution to be adopted should reflect that opinion. The sponsors felt that the amendments to the Indian draft resolution would achieve that end.

37. Concern had been expressed about the use of the title "Autonomous Republic of Togoland". The sponsors of the amendments had been extremely careful to use phrasing which would in no sense commit the Fourth Committee or the General Assembly: the title had either been placed in quotation marks, as in the proposed new fourth paragraph of the preamble, where it was a quotation from a document transmitted to the United Nations; or, as in the proposed final paragraph of the preamble, had followed the precise terms used by the representative of the Togoland Government at the Committee's 588th meeting when he had invited the General Assembly to send a commission to investigate the degree of autonomy achieved in the Territory. It would be an inconceivable breach of courtesy to raise any question concerning the title used in an invitation by the host himself. Such matters were of great psychological importance to those intimately concerned. Thus, the manner in which the term "Autonomous Republic" was used in the amendments in no way committed the Fourth Committee or the General Assembly to any acknowledgement that full autonomy had been achieved by Togoland under French administration. Indeed, the action called for by those draft resolutions would in itself be a denial that full autonomy had been achieved.

38. There seemed to be some doubt among the members of the Committee whether whatever resolution was adopted should express satisfaction with the progress achieved. The United States Government wished to encourage people everywhere to attain self-government, and he therefore felt the Committee could not do less than congratulate the population of Togoland under French administration on the progress it had made. His delegation would be unable to support any draft resolution that did not contain something of that nature. Obviously the people of Togoland had not yet attained their ultimate goal, as many delegations had stressed, and in the light of the debate the French delegation had indicated that it would not press for the immediate termination of the Trusteeship Agreement. That was the essential point. Such a concession could have been made only by a Government which had what was sometimes called in the United States "a decent respect to the opinions of mankind". He appealed to the good will and political judgement of every member of the Committee to recognize that concession for what it was worth, to acknowledge with satisfaction that some good had been accomplished and to congratulate the people of Togoland.

39. There appeared to be general agreement in the Committee that, firstly, a full measure of autonomy had not yet been achieved in Togoland under French administration; secondly, that the Trusteeship Agreement should not, therefore, be terminated at the present time; thirdly, that some progress had been made; fourthly, that a special commission should be dispatched by the General Assembly at its present session to investigate the extent of the progress made so far; and, fifthly, on the basis of that commission's report and the further study to be made by the Trusteeship Council, the General Assembly would, at its twelfth session, be in a position to consider what action might be appropriate at that time.

40. Mr. THORP (New Zealand) said that his delegation recognized and appreciated the magnitude of the changes recently made in the political scene in Togoland and the joint efforts of the Administering Authority and the representatives of the inhabitants. Hence, the use of the word "decisive" in paragraph 1 of the six-Power draft resolution was fully deserved. Moreover, the evolution had been as peaceful as it had been rapid. Many delegations had remarked on the degree of political maturity achieved by the leaders of Togoland, which had enabled the pace of development to be sustained. Those tributes rightly recognized political progress of a subtle kind which was the product of guidance by the Administering Authority and of confidence and co-operation on the part of the inhabitants.

41. The two draft resolutions placed before the Committee were sufficiently akin to enable the joint sponsors of one of them to move as amendments to the revised Indian draft resolution material from their own text. Those draft resolutions provided for a commission to visit the Territory in response to the invitation from the Administering Authority. The New Zealand delegation proposed to vote in favour of any formulation of the resolution which was in keeping with the spirit in which the French delegation had presented that invitation. As a member of the Trusteeship Council, New Zealand would share the task of studying the commission's report. The members of the Council clearly had a special responsibility to maintain an open mind if they accepted, as his delegation did, the principle that a commission should be sent. He would go no further into the substance of the question at the present time.

42. His delegation would vote for the six-Power draft resolution and hence would also support all the amendments put forward by Canada, Denmark, the Dominican Republic, Liberia, Peru, Thailand and the United States.

43. Since the Committee was confronted with texts which represented two approaches to the same question, it might be helpful to examine their origins. The original Indian draft resolution (A/C.4/L.452) had requested the Trusteeship Council to study the reforms introduced by the decree of 24 August 1956. The revised Indian draft resolution (A/C.4/L.452/Rev.1) called for an examination by the commission of "the entire situation in the Territory" and a study of what was described as "the question". The great difference between the original text and the final version suggested that the delegation of India was not entirely clear what it wanted; in fact, to judge by a statement made by the Indian representative a short time previously, his delegation was apparently not convinced that a commission should go to Togoland.

44. The sponsors of the six-Power draft resolution, on the other hand, had decided what they wanted to achieve after a lengthy study and exchange of ideas. They deserved credit for the care they had taken in drafting the resolution, for their sense of responsibility towards the people of Togoland and for the clarity with which they had expressed their motives in putting forward their draft.

45. In connexion with the seven-Power amendments to the Indian draft resolution, it had been suggested by several speakers that the Committee was not in a position to express any opinion about the reforms introduced by the Statute and that it should therefore reject the proposed new paragraph 1 to be found in paragraph 7 of the amendments. The Canadian representative had already dealt with that argument, and he would therefore merely add that the Committee had seldom given closer scrutiny over a longer period to the political affairs of any Territory. He considered that it was qualified to express a general view of the effects of the Statute and that it ought to do so.

46. The Indian representative had asserted that the preamble of the six-Power draft did not fit the facts. The New Zealand representative had checked and rechecked the preamble and had been unable to find any inaccuracies. More facts were brought forward in the six-Power draft than in the Indian draft resolution and, if incorporated in the latter, they would make it a comprehensive and logical statement. The New Zealand delegation would support the joint text. Incidentally, the New Zealand delegation had voted at the eighteenth session of the Trusteeship Council (744th meeting) in favour of the attendance of United Nations observers at the elections. It saw no justification, however, for assuming that the conduct of the referendum had been in any way different from what it would have been had observers been present. It had been the intention of the Administering Authority that there should be United Nations observers and in fact even greater efforts appeared to have been made to ensure the fairness and freedom of the consultation after the Council's decision had become known.

47. The United Nations was fundamentally concerned with the interests and welfare of the people of the Trust Territory. There might be other means by which the eleventh session of the General Assembly could advance their interests to a greater degree, but if there were, ten days of debate had failed to reveal them. The joint sponsors believed that the draft resolution they had submitted would do no violence to the principles which should guide the United Nations and would not conflict with the aspirations of the people of Togoland as they had been explained to the Committee. It took advantage of the willingness of the Administering Authority to conciliate some of the broad differences of opinion that had been expressed. There did not appear to be the same assurance that an equal balance was struck by the Indian draft resolution.

48. With reference to the amendment proposed by the Philippine delegation (A/C.4/L.455), he did not think it would be appropriate to attempt to combine recommendations on the functioning of the machinery of government in Togoland with a proposal whose aim was to arrange for a study to be made. He would therefore be obliged to oppose that amendment.

49. Mr. DEFFERRE (France) thanked those representatives who had expressed appreciation of his dele-

gation's attitude. At the same time, as a national of a country which had enjoyed democracy for a very long time, he accepted the right of others to criticize. What he did find regrettable was that attitudes were sometimes assumed which appeared to be based on ideas completely extraneous to the subject under debate. In particular, certain statements had been made by representatives who had not been following the debate. The regular Indian representative on the Fourth Committee had shown a sincere desire to be fully and objectively informed, but the Chairman of the Indian delegation, who had not been present in the Committee until he had spoken there himself, at the 592nd meeting, had made inaccurate statements, misinterpreted the Statute and drawn unjustified conclusions. He would not take time to refute all the inaccuracies contained in the speech made by the Chairman of the Indian delegation, but he must refer to his statement that the guarantee of the frontiers of Togoland transformed the Territory into a kind of protectorate. In reality, it was a precaution adopted at the express request of the Togoland people.

50. There had been much criticism of the policy of the French Government in Togoland, but its liberal spirit was proved by the presence of the petitioners in the Fourth Committee. Some of the petitioners had attended meetings of the General Assembly year after year in order to criticize France and had returned to Togoland and resumed their activities there without interference of any kind. Furthermore, the Administering Authority had approved the offer made by the Togoland Prime Minister to one of the principal representatives of the opposition to participate in the Government. There was certainly less freedom in many of the countries which had criticized the French Government in the course of the debate.

51. The Administering Authority had been told that it had been ill-advised to carry out the referendum in the absence of United Nations observers. France would have preferred that there should be United Nations observers, because they would have been able to assure the General Assembly that the referendum had been carried out in a proper manner. Since, however, the United Nations had refused to appoint observers, France had been obliged to proceed with the referendum in their absence.

52. At the 594th meeting the representative of Morocco had drawn a comparison between the arrangements for the plebiscite in Togoland under British administration and those for the referendum in Togoland under French administration which, according to him, had been made with undue haste. The situation in the two Territories was, however, entirely different; Togoland under British administration had for many years been administered as an integral part of the Gold Coast. That was not intended in any way as a criticism of the United Kingdom Administration. The tribes and peoples in the Gold Coast and Togoland under British administration were so intermingled that a number of difficulties had arisen in connexion with the plebiscite. The situation in Togoland under French administration was entirely different; the Territory was a separate entity with electoral registers which were systematically revised every year. The Referendum Administrator's report (A/3169/Add.1, annex II) showed that the Statute had been sufficiently publicized and that the utmost care had been taken to avoid any suggestion of propagandism in its favour. All the petitioners had ad-

mitted that the vote had been entirely free. It was true that some of the representatives of the opposition parties had complained that they had been heckled and sometimes prevented from speaking at political meetings, but that was liable to happen in any democratic community when elections were held in an atmosphere of excitement. There had been complete freedom of assembly and expression.

53. With regard to the actual voting, some representatives appeared to have confused the various elections which had taken place in the Trust Territory. Ten years previously there had been a limited suffrage, but at the time of the referendum there had been universal adult suffrage with a single electoral college and all who had reached the voting age had had every opportunity to participate. An analysis of the figures showed that the ratio between the number of inhabitants and the number of registered voters was virtually the same in Togoland as it was in France. Of the registered voters 77.27 per cent had taken part in the referendum; 71.51 per cent had voted in favour of the Statute and 5.07 per cent in favour of the continuance of the trusteeship; the number of abstentions had been small.

54. Some members of the Committee appeared to hold the view that the representatives of the opposition parties were the true representatives of the people of Togoland. There was certainly nothing dishonourable about belonging to a minority party, but in a democratic system the majority must have the deciding voice.

55. The Administering Authority had been accused of proceeding too quickly with the introduction of the Statute. The argument had been put forward that the matter should have been placed before the United Nations first and only thereafter before the people of Togoland. That view was not in accordance with the Charter, which laid upon the Administering Authorities the responsibility for carrying out reforms which were to be subsequently submitted to the United Nations for its approval.

56. He had sometimes had the impression in the course of the debate that certain representatives would have preferred France to make no effort to promote the advancement of the Trust Territory, in order that they might be able to criticize it more vigorously. When he had taken office as Minister for Overseas France, he had been asked by the Togoland representatives to proceed as rapidly as possible with the introduction of reforms. If he had done nothing and if as a result there had been revolt and bloodshed in the Territory, France would undoubtedly have been severely criticized for its inaction.

57. The Statute had been called unsatisfactory because it did not grant independence. From the very beginning of the debate, however, he had made it clear that it was not a statute of independence but a statute of self-government and that was because the Togoland representatives had themselves stated that they did not want independence at the present time, because their country was not rich enough to bear the burdens of national defence and foreign relations and that they wanted continued help from France not only with regard to those matters but also in economic matters. France had, therefore, at the request of the Togoland representatives, agreed to maintain FIDES.³

³ Fonds d'investissement pour le développement économique et social des territoires d'outre-mer.

58. It had been stated or insinuated that France was anxious to keep its grasp on the wealth of Togoland. That was completely untrue; if Togoland were to detach itself from the French Union, France would suffer no harm economically. It had also been said that France needed Togoland as a market for its manufactures, whereas in fact Togoland was a free market and any country could export manufactured goods to it. France was linked to Togoland by ties of friendship and sentiment rather than by economic or commercial interests.

59. He had said that Togoland did not want independence; it did want responsibility and the management of its own affairs, and that it had. The Legislative Assembly was a sovereign assembly; it confirmed the Prime Minister in office; it alone could remove him from office; it adopted the laws. Some representatives had asked when an election to the Legislative Assembly would be held. The reply to that question demonstrated the genuineness of the Legislative Assembly's powers. Only the Togoland Government and Assembly could decide on the date of an election. The Minister for Overseas France would not even make any suggestion in case he might give the impression that he was endeavouring to exert pressure on the members of the Togoland Assembly. He emphasized that the Assembly had been elected by a single electoral college and, despite the assertions made by the Syrian representative at the previous meeting, the suffrage had not been restricted. The law of 23 June 1956 had extended the single electoral college and universal adult suffrage to all French overseas territories and Trust Territories under French administration.

60. The Committee's discussion had taught him that it had been a mistake to omit from the Statute of Togoland an enumeration of the powers of the Autonomous Republic and an indication that the enumeration was not exhaustive. Those powers included: finance, customs (except customs control), economic affairs, commerce and industry, agriculture, water and forests, stock-farming, fisheries, public works, transport, mining (except the enactment of legislation concerning minerals), the enactment of regulations (as opposed to laws) relating to internal political affairs, social organization, education (except secondary education), the postal, telegraph and telephone services, broadcasting, the Press and information, the administration of customary law, and general security.

61. It had not been for him to say that United Nations observers would be received in Togoland; that had been a question for the Government of Togoland to decide, and it was that Government, not the French Government, which would receive the observers.

62. Some representatives had accused France of contravening Article 76 b of the Charter in failing to offer the Togoland a statute of independence. In that provision of the Charter, however, self-government and independence were laid down as alternative objectives. Furthermore, the provision was qualified by the words "as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned"; France had acted upon the wish of the vast majority of the population of Togoland, and the fact that some minority representatives disapproved of the result did not invalidate that action.

63. The Indian representative had asserted that, under the French Constitution, the status of a territory could be changed only by the passing of an Act. That representative should, however, be aware that the *loi-cadre* of 23 June 1956 empowered the Government to effect such changes by decree. The Decree of 24 August 1956 setting forth the Statute of Togoland was thus wholly constitutional.

64. The validity of the term "Autonomous Republic" as applied to Togoland had been challenged. As he had already stated during the questioning of the petitioners, the phrase had been adopted at the desire of the Togoland representatives; it had been chosen, not as a high-sounding title or in order to deceive the United Nations, but as an accurate description of the new State. Those who had objected to it would come to realize that it would prove a powerful weapon for the Togoland should they wish in the future to amend the Statute, and a powerful inducement for France to accede to their just demands.

65. Some representatives had dubbed article 38 of the Statute a meaningless provision. On the contrary: France and Togoland had been in full agreement on its inclusion, and it was an earnest of French good faith and an indication of the future course of the Republic's development. The representatives of Member States which had been dependent territories knew how rarely such a provision was included in the measure according a country its freedom. France could have followed precedent and omitted such a provision, but had wished to incur no reproaches on that score. If at a later date representatives of Togoland presented the French Government with new demands, no one would be able to accuse them of acting *ultra vires*. To the representative of Morocco, who had cast doubt on the likelihood of evolution of the Statute, he would put the question whether it was likely that France, having taken what was universally acknowledged as a great step forward in Togoland, would shrink from further steps in the same direction.

66. In conclusion, the Statute unquestionably represented a major advance and provided for the self-government desired by the vast majority of the population. The next step was for the General Assembly to take; if it took refuge in procedural delays and disregarded the facts, it would only harm the United Nations by making the Organization appear indifferent to the wishes of the peoples under trusteeship. France was proud of its record in Togoland and had made a great concession in agreeing to abandon its request for the termination of the Trusteeship Agreement in 1957, a step which had entailed an even greater concession on the part of the young Government of Togoland. If the United Nations sent observers to Togoland, the truth of his words would at length become apparent. He appealed to the Committee not to give France and Togoland cause to regret the concessions they had made.

67. Mr. MUNK (Denmark) moved the adjournment of the meeting in accordance with rule 119 of the rules of procedure.

The motion for adjournment was adopted unanimously.

The meeting rose at 6.45 p.m.