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**Chairman:** Mr. Thanat KHOMAN (Thailand).

## AGENDA ITEM 37

**The future of Togoland under French administration:  
report of the Trusteeship Council (A/3676 and  
Corr.1, A/3677, A/C.4/367, T/SR.841-847) (*con-  
tinued*)**

GENERAL DEBATE (*continued*)

At the invitation of the Chairman, Mr. Anani Ignacio Santos, representative of the Mouvement de la jeunesse togolaise (Juvento), Mr. Alexandre John Ohin and Mr. André Akakpo, representatives of the Mouvement populaire togolais, and Mr. Sylvanus Olympio, representative of the All-Ewe Conference, took places at the Committee table.

1. Mr. MAKSIMOVICH (Ukrainian Soviet Socialist Republic) observed that it had become clear in the course of the debate at the eleventh session of the General Assembly <sup>1/</sup> and at the present session that the Statute did not give Togoland autonomy or entitle it to be called a republic and that the French Government's request for the termination of trusteeship was premature since the objectives of the Trusteeship System had not been achieved in Togoland. In fact, at the eleventh session the French delegation had withdrawn that request. The question now arose what fresh developments there had been to justify the Administering Authority's raising the matter again. It was true that in accordance with the Decree of 22 March 1957 the Statute had been amended to some extent, but the amendments were certainly not sufficiently substantial to bring about any radical change in the situation. That had been the view taken by a majority of the members of the Trusteeship Council who, while agreeing that some progress had been made and that the Administering Authority had granted a certain measure of self-government to Togoland, had maintained that the objectives of the Trusteeship System had not been attained, that the Territory was not really self-governing and that the grandiloquent title of Autonomous Republic was not in accordance with the facts. Nor had the United Nations Commission on Togoland under French Administration, appointed at the eleventh session of the General Assembly, felt able to support the Administering Authority's request. Chapters II and III of the Commission's report

<sup>1/</sup>See Official Records of the General Assembly, Eleventh Session, Fourth Committee, 556th and 584th to 599th meetings.

(A/3677) referred to various restrictions on Togoland's autonomy and paragraph 470 of the report stated that the people of Togoland and its Government were not empowered to decide for themselves on the form of their internal political organization or, on an equal footing, on the nature of the association of Togoland with France.

2. In the light of all the facts, and having heard the statements of the petitioners, his delegation had come to the conclusion that the request for termination of trusteeship was still premature. It was clear that the intention of the Administering Authority was not to grant self-government but to annex the Territory to France; the urgency with which it was pressing for the termination of United Nations control over the Territory was explained by that fact as well as by the growing national liberation movement among the people of Togoland, the growing political opposition to its colonial policy and the demand for full self-government and independence. The movement for national liberation could not be satisfied by the piecemeal granting of powers or by the allocation of high-sounding functions to individual Togolandese. The genuine representatives of the people demanded real self-government and independence; they wished to decide on the future of Togoland for themselves after the Territory had become a sovereign State. The French delegation had maintained, both at the eleventh session and at the present session, that the petitioners represented only a small minority of the population, basing that assertion on the results of the referendum of 28 October 1956 when over 70 per cent of the registered electors had voted in favour of the Statute and the termination of trusteeship. It was well known, however, that the referendum, held without United Nations supervision or even consent, had not been fairly conducted and its result could not therefore be regarded as the true expression of the will of the people. His delegation was in favour of the holding of genuine free elections in the Territory under United Nations supervision in order to ascertain the real aspirations of the inhabitants.

3. The Ukrainian delegation was anxious to see independence achieved in Togoland, as in all other Trust Territories. The Administering Authority should fix a date for the granting of such genuine independence. The achievement of a partial measure of autonomy could be regarded as a preliminary stage on the road towards full self-government and independence but should not be used as a pretext for the termination of the Trusteeship Agreement. The trusteeship could end only when the Territory had achieved full and genuine independence.

4. Mr. PRADO (Ecuador) declared that the people of Togoland had achieved a high level of civic life as a result of constant efforts and sacrifices and with the assistance of the Administering Authority, without which they would not have been able to develop to a

point at which they could aspire to full self-government. The delegation of Ecuador, which was faithful to the principle of the right of peoples of self-determination, viewed with sympathy the effort of the people of Togoland to achieve full self-government. There might be differences of opinion among the various political parties with regard to the methods to be employed, but the desire for self-government was common to them all.

5. Article 1 of the Statute stated that Togoland was an Autonomous Republic. The question was, however, whether it was really autonomous, or in other words what powers had been transferred to the Government of Togoland by the French Republic. According to the Government of Togoland, Togoland was no longer an "Associated Territory" but an "Associated State". The Statute would thus be the equivalent of a political constitution in the case of a republican State. In the opinion of the Togoland Government, representation in the French National Assembly would not impair Togoland's status as an Associated State. In that connexion he drew attention to paragraph 317 of the Commission's report.

6. The Statute as drafted was the one undeniable fact. The nature and scope of the modifications announced by the French delegation and the Togoland Government were not yet known. The powers reserved to the French Republic under article 26 of the Statute concerned aspects of administration without which no Territory could be regarded as autonomous or independent, while article 27 contained further limitations on the authority of the Government of Togoland. He would not go into the reasons why the French Government had reserved those powers to itself, which were no doubt partly of an economic nature and partly influenced by the need for experience and technical knowledge which the Government of Togoland did not yet possess. At all events the essential fact was that under the Statute as it stood at present there were restrictions on the free exercise of the functions of the Togoland Government which were inconsistent with the autonomy and independence the Togoland authorities demanded for their country.

7. The advancement of a dependent territory to absolute self-government was a slow process requiring patience and perseverance on the part of the people concerned. Social development could not be hastened. He did not mean to imply that Togoland was not ready to become a sovereign State; that was not a point which his delegation could decide. It would be for the people of Togoland themselves to settle their own future.

8. He wished to draw particular attention to one important aspect of the question, namely, the modification of the Statute. The French Government had declared that the Statute was susceptible of evolution but the benefit of that provision was somewhat vitiated by the fact that the Togoland Government was not competent to modify the Statute. In consequence, as noted in the Commission's report, the people of Togoland and its Government were not empowered to decide by themselves on the form of their internal political organization, or on an equal footing, on the nature of the association of Togoland with France. It was that fact which had caused the impression among some Togolandians that the Statute was an attempt to integrate Togoland into the French Republic or the French Union.

9. He had been glad to learn from the report that the Statute had been interpreted in a broad and liberal manner. So interpreted, the Statute was a great step forward for the people of Togoland, as was recognized both by the Togoland authorities and by the opposition parties. There were, however, great divergences of opinion among the Togolandians on whether or not the Statute gave the country genuine self-government. Clearly, although it represented a real advance, the Statute was merely an important step in the direction of the achievement of the objectives of Chapter XII of the Charter.

10. The French representative had informed the Trusteeship Council at its seventh special session (841st meeting) that France could not transfer all the remaining powers to the Togoland Government as long as the Trusteeship Agreement remained in force but that some further powers would be transferred shortly. Mr. Ajavon, the President of the Legislative Assembly of Togoland, had, however, informed the Fourth Committee at its 694th meeting that the French Government had agreed to transfer all the powers reserved to France with the exception of foreign affairs and the issue of currency. The Government of Togoland must be pleased with that new development, which would further confirm its political autonomy, and appreciate the wisdom of the United Nations in not agreeing prematurely to the request for the termination of the Trusteeship Agreement. The fact that further powers were to be transferred proved that the Statute in its present form lacked some of the characteristics of a self-governing and independent State. His delegation would like to know the scope of the new powers to be transferred, how they would be applied and what guarantees there would be concerning their exercise. It would also like to know what final form the Statute would take. He would not go into the subject of the amendments and additions to be made to the Statute since it would be for the Government of Togoland to decide what modifications should be introduced to ensure the stability and smooth working of the Government of the Autonomous Republic. In that connexion, his delegation endorsed the observations on the matter in the Commission's report.

11. At the Committee's 695th meeting the French representative had expressed the view that the continuation of trusteeship was inconsistent with the exercise of full self-government by the people of Togoland. It might, however, be equally well contended that the United Nations was not in a position to terminate the Trusteeship Agreement until Togoland had become truly self-governing. Only the development of events would make it possible to judge whether self-government had really been achieved. The end of trusteeship presupposed the existence of a Government possessing all the sovereign attributes of a political entity and the ability of the people of the country to determine their own future.

12. While, however, it was not desirable to terminate the Trusteeship Agreement prematurely, it was not feasible to maintain it indefinitely. It was for the people themselves to strike a balance, in harmony with the principle of self-determination. They were at present torn between two opposing factions, for one of which the Statute and union with France was the highest aspiration, while the other maintained that only absolute independence could satisfy the aspirations of the Togolandians. It was not for the United Nations to decide

which was right: all it could do was to respect the choice made by the people, whichever it proved to be.

13. The only means of ascertaining the true wishes of the population was by holding free elections. There was no need to discuss the merits of the previous elections, for Mr. Ajavon had given his assurance that in order to facilitate the speedy termination of trusteeship the Government of Togoland would agree to the election of a new Legislative Assembly before the end of 1958. The Government of Togoland was to be congratulated on its spirit of conciliation in accepting that measure, which would be the first step towards restoring political calm to the Territory and facilitating the determination of its future status. Mr. Ajavon had not, however, touched on the question of United Nations supervision of the conduct of the election. Considering that the opposition had announced its readiness to participate in the election if the United Nations agreed to supervise it, and in view of the fact that such a course should ease the tension in the Territory, it was imperative that the election should be conducted under the supervision of the United Nations, with the necessary co-operation of the Administering Authority. A clear distinction should be made, moreover, between supervision and mere observation: the same measure of supervision should be accorded to the election in Togoland under French administration as had been exercised in the case of Togoland under British administration. The United Nations might therefore appoint a commission, consisting perhaps of three members, for that purpose. Moreover, in view of the lack of proper electoral rolls and organized voting procedure in the Territory, the United Nations might do well also to assist in the preparation of the election, provided that the Administering Authority approved. The holding of free elections on the basis of universal suffrage would undoubtedly further the collaboration between the parties and arouse the interest of the population in questions concerning the administration and Government of Togoland.

14. In agreeing to the election of a new Legislative Assembly, Mr. Ajavon had laid down certain conditions to be fulfilled simultaneously: firstly, examination and approval by the present Legislative Assembly of the revised Statute granting Togoland full self-government; secondly, election of a new Legislative Assembly by universal adult suffrage; thirdly, the application of the revised Statute; fourthly, the automatic termination of the Trusteeship Agreement at the first meeting of the new Assembly. While Mr. Ajavon was understandably anxious to terminate the trusteeship and to secure the speedy approval of the Statute, it was difficult to understand how the Government of Togoland could expect to impose upon the General Assembly certain conditions to its agreement to the holding of a general election. The conditions outlined involved matters which were not a matter for the General Assembly. For example, the General Assembly could not guarantee that the new Legislative Assembly would accept the Statute even if it were revised; the new body should be free to adopt its own agenda and make its own decisions. Moreover, if the election of the new Assembly were to lead automatically to the termination of trusteeship, there would appear to be little advantage in the United Nations supervising the election, since the main purpose of the latter was to establish a truly represen-

tative body, with full powers to determine the Territory's future status, decide on the acceptance, modification or rejection of the Statute, and thus—among other questions—on the desirability of terminating the Trusteeship Agreement. Apart from those considerations, the fact of holding free elections did not constitute a sufficient reason for terminating the Trusteeship Agreement.

15. At the 697th meeting, in reply to certain questions from the delegation of Ecuador, Mr. Olympio had stated that it was immaterial whether the transfer of further powers to the Togoland Government took place before or after the election and that the purpose of the election should be merely to ensure the adequate functioning of the democratic institutions which existed in theory. That, however, conflicted with Mr. Olympio's earlier statement (696th meeting) that one of the two basic tasks of the new Assembly would be to review the Statute and consider the reforms that needed to be introduced. The delegation of Ecuador did not agree that the stage at which the transfer of powers was made was unimportant. If the opposition maintained that a truly autonomous Government did not exist in view of the residual powers retained by France, it would be logical to advocate the transfer of those powers to the Togoland Government before the new Legislative Assembly was elected. The latter might then proceed freely to examine the Statute in the light of the powers conceded by France. Only if it had a thorough knowledge of the Statute and the degree of sovereignty it accorded to Togoland would the new Assembly be able to assess its own political powers and decide what changes were needed. His delegation would therefore like to know France's decision with regard to the transfer of those new powers before the election for the new Legislative Assembly was held.

16. Mr. Olympio had suggested that if the new Legislative Assembly was to be called upon to decide the future of the Territory, the electorate should be informed of that fact before the election was held. That suggestion should be taken into consideration. At all events it was not for the United Nations to press for a decision on the Territory's future, but to consider any requests or recommendations put to it by the new Assembly, acting freely in accordance with the Charter and bearing in mind the objectives of the Trusteeship System.

17. The new Legislative Assembly might conclude, as suggested in paragraph 471 of the report, that Togoland should assume full responsibility for the modification of the Statute dealing with the internal organization of the country and that the subjects reserved to France might form part of a separate agreement between the two Governments. Alternatively it might adopt the course foreseen in paragraph 474 and leave aside certain points for determination at a later period, when their solution would not be so difficult. Again, it might decide to hold a plebiscite to ascertain the people's wishes with regard to the future status of the Territory, requesting the co-operation of the United Nations, as a party to the Trusteeship Agreement. However that might be, the important point was that the new election which the Government of Togoland had agreed to hold in 1958 should be on the basis of universal adult suffrage and under the supervision of the United Nations. The Assembly thus elected would consider the Statute and any changes that might be necessary. Until then the

United Nations should take no decision which would either directly or indirectly bring pressure to bear on the new Assembly or have the effect of prejudging its actions or conclusions. If during the following year any request was made by the new Assembly, the United Nations should examine it, taking into account the interests and wishes of the population and its own responsibilities as a party to the Trusteeship Agreement.

18. It would be perfectly understandable if Togoland eventually decided in favour of union with France. Many considerations of a historical, political, economic and social nature led a large proportion of the population to favour such a solution. It was equally understandable that another large faction, although constituting the minority, should demand complete autonomy and independence.

19. While the delegation of Ecuador was not in a position to give an opinion concerning Togoland's economic viability, it would suggest that it might be useful to consider helping the Territory in that respect, by means of a United Nations technical commission which, in co-operation with the Administering Authority, could study the conditions for the economic and financial development of the Territory.

20. Finally, his delegation agreed with the opinion expressed by the Trusteeship Council in resolution 1785 (S-VII) that the statements made by the representative of the Government of France and the representative of the Government of Togoland provided a useful and constructive basis for consideration and action by the General Assembly with a view to reaching a mutually satisfactory solution in accordance with the Charter of the United Nations and the Trusteeship Agreement.

21. To sum up its position, the delegation of Ecuador considered that the following four points were of vital importance for the future of the Territory: first, the early transfer of further powers as promised by the French Government, preferably before the new election was held; secondly, the election of a new Legislative Assembly on the basis of universal suffrage and under United Nations supervision; thirdly, the free examination by the new Assembly of, and a decision concerning, all possible alternatives for the future status of the Territory and the revision of the Statute; fourthly, free consideration and discussion by the General Assembly of any request or recommendation made by the Legislative Assembly of Togoland, taking into account the objectives of the Trusteeship System and the principles of the Charter.

22. Mr. FILALI (Morocco) recalled that at the eleventh session of the General Assembly his delegation, while reserving its position with regard to the degree of autonomy attained by the Territory and considering the termination of the trusteeship premature, had considered that the Statute might constitute a step towards fulfilling the objective of the Trusteeship System, which was the attainment of complete independence. Since then there had been further developments: first, the United Nations Commission had visited the Territory to examine conditions there, particularly with regard to the application of the Statute; secondly, the Statute itself had undergone certain modifications which necessitated a review of its main provisions.

23. His delegation congratulated the Commission on

its remarkable achievement in accomplishing its difficult task in the most objective manner. The Commission's observations and suggestions would be of considerable value in the debate.

24. He had listened with interest to the statements made by the representative of France and by the petitioners. The former had stated that Togoland, being in possession of new institutions and a considerable measure of autonomy, should no longer remain within the Trusteeship System. The opposition, on the other hand, considered that even if the Statute might be regarded as a step towards the achievement of the aims of the Trusteeship System, political conditions in the Territory, as also the absence of civil liberties and truly representative institutions, made its application more theoretical than practical. If the people of Togoland were to be effectively assisted to realize their aspirations, the Committee should eschew academic discussion and endeavour to resolve the problem in a calm and objective spirit. It was in that spirit that his delegation proposed to consider the following two questions: whether Togoland enjoyed true self-government and whether the time was ripe for the termination of the Trusteeship Agreement.

25. As far as self-government was concerned he recalled that Mr. Ajavon had told the Committee (694th meeting) that self-government in Togoland was an indisputable fact, while Mr. Apedo-Amah had told the Trusteeship Council (841st meeting) that the Togoland authorities had very broad constitutional, legislative, administrative and economic powers limited only by the need to respect certain philosophical and legal principles and the supremacy of certain international covenants. In the view of his delegation, those statements did not reflect either the legal nature of the Statute or the real state of affairs. It was clear from the Statute that even in domestic affairs the role of the Administering Authority was paramount, for the real Chief of State was the French High Commissioner, who was empowered to appoint the Prime Minister, preside over the Council of Ministers and supervise the administration of justice and the maintenance of public order. What was even more serious was that he had the power to negate the wishes of the Togoland legislators by an appeal to the Conseil d'Etat. Such control was not compatible with genuine internal self-government and was all the more objectionable in that the French Government exercised the right of veto through the Minister for Overseas France and the High Commissioner.

26. The report of the Commission showed, moreover, that the powers still held by the French authorities were very broad. His delegation could not agree with the French representative's statement that France, as the Administering Authority, must retain those powers until the Trusteeship Agreement had been terminated, for Article 76 of the Charter stipulated that one of the basic objectives of the Trusteeship System was to promote the progressive development of the Trust Territories towards self-government or independence. That meant that the United Nations could not agree to the termination of the trusteeship régime until the condition that the Togoland people should be responsible for the management of their own affairs had been fulfilled. The attitude of the Administering Authority was inconsistent, for if it could not relinquish its powers so long as the Trusteeship Agreement re-



mained in force it was difficult to understand on what grounds it had already transferred some of those powers to the Togoland authorities; if, on the other hand, the Trusteeship Agreement was not an obstacle to such a transfer there was no reason why France should retain any powers relating to internal sovereignty. In short, his delegation felt that since the Administering Authority had rightly recognized its trusteeship function as a temporary one it had all the more reason to allow the Togoland Government to exercise full autonomy.

27. With regard to the residual powers which were to be transferred to the Togoland authorities, he had two questions to ask the French delegation: firstly, whether the legal powers to be established would give the Togoland judiciary real autonomy if the Administering Authority reserved the right to legislate in penal and commercial matters and the Togoland courts remained subject to control by the Court of Cassation and the Conseil d'Etat; secondly, since the constitutional rules applicable to the Territory had their origin in a decree of the French Government, to what extent the Togoland authorities would be free to revise them. The amendments to the Statute which had been made so far were more fictitious than real and did not allow the people of the Territory to exercise full self-government.

28. To the question whether the time was ripe for termination of the Trusteeship Agreement, his delegation must answer in the negative. Firstly, it did not think that the General Assembly had the power to terminate the Trusteeship Agreement without the consent of the population of the Territory. The referendum of October 1956, by which, according to the French representative, an overwhelming majority of the population had voted in favour of the termination of trusteeship, might be regarded as an effort on the part of the Administering Authority to consult the population concerning the reforms which it wished to introduce but it was in no way binding on the United Nations, which had had no part in preparing or administering it. Secondly, the termination of trusteeship presupposed political, economic and social conditions which had not yet been established. The Committee was well aware of the hostilities—to a large extent artificially provoked—dividing North and South and the harassment to which the opposition was subjected. To talk of terminating the trusteeship in such circumstances was premature, to say the least. An effort must be made to create a new political climate in which the inhabitants of Togoland could assume *de facto* control of their own affairs, for it was useless to promulgate a statute if it was not supported by the people for whose benefit it had been drawn up. The election of a new Legislative Assembly was therefore imperative; in order to ensure that it would be carried out in an atmosphere of freedom the United Nations should participate in all its phases, from the drafting of the relevant legislation to the counting of the ballots. The newly elected assembly would then establish a Government which would assume responsibility for the administration of the Territory and would lay the foundation for the future institutions of the country. Only when the Territory had acquired the status of an independent State could the trusteeship régime lapse.

29. Mrs. SINHA (India) recalled that at the previous session the representative of her country had expressed the view that the Statute represented only a

limited measure of internal autonomy and a first step towards the establishment of a parliamentary system of government. Her delegation had therefore been opposed to the termination of the Trusteeship Agreement on the basis of the Statute, as also to integration of the Territory into the French Republic or the French Union. Its attitude on those aspects of the matter remained fundamentally unaltered. Her delegation had also pointed out at the previous session that the people of a Trust Territory could not unilaterally call for the termination of trusteeship, an action which was contingent upon the attainment of the goal of the Trusteeship System, namely, self-government or independence. Any other course of action would be contrary to the Charter and the Trusteeship Agreement. That Agreement was a valid legal contract between the Administering Authority and the General Assembly and no one except one of those two parties could initiate action to terminate the Agreement.

30. The United Nations Commission that had visited Togoland had drawn up a valuable report and her delegation had been glad to note from its observations that the Territory was enjoying a large measure of internal autonomy. The Administering Authority deserved credit for its liberal interpretation of the Statute. Nevertheless, the negative aspects of the Commission's report should not be overlooked. The inadequate participation of Togoland in the higher administrative services and in the principal economic activities of the Territory caused her delegation deep concern, as did the absence of full freedom to engage in political activity in certain parts of the Territory. She hoped that the Committee would be able to agree on a formula which would ensure the enjoyment of greater political freedom. Perhaps the major cause for concern was that general elections based on universal suffrage had not yet been held. Her delegation had long argued that the *loi-cadre* of 23 June 1956 itself called for the holding of such elections and it therefore remained only to implement that provision. The true merit of the new Statute could be assessed only when a democratically elected Legislative Assembly had come into being. Political progress required that general elections should be held at the earliest possible date with adequate guarantees of freedom of speech, Press and assembly, in accordance with article 10 of the Trusteeship Agreement.

31. The most important of the Commission's observations had been the following: first, that full autonomy would be attained through the further progressive transfer of those powers which were not yet within the competence of the autonomous Government; secondly, that the holding of elections on the basis of universal suffrage would represent the implementation of an important democratic principle embodied in the Statute and contribute to the creation of a more favourable political atmosphere; thirdly, that the population should eventually be consulted by appropriate means to ascertain its wishes with regard to the future status of the Territory and that such consultation should be undertaken with the full agreement of the General Assembly. Those three observations outlined in brief the procedure which would enable the Territory to advance towards the final objective of the Trusteeship System.

32. The amendments to the Statute whereby the Togoland authorities were given a few additional powers were of minor significance. On the other hand, the

amendment providing that ministers of the Togoland Government might at the same time be members of the French Parliament was a development which disturbed her delegation for it saw no reason why the Territory should be represented in the governing bodies of the metropolitan country. While such representation might formerly have had the advantage of providing training in legislative activity, the existence of the Togoland Legislative Assembly now made it possible to obtain such experience in the Territory itself. The modified Statute did not constitute a basis for the termination of trusteeship, which should not take place until the Administering Authority had made further transfers of power and could show convincingly that the final goal of trusteeship had been attained.

33. Mr. GRINBERG (Bulgaria) said that at the previous session his delegation had reached the conclusion that an essentially simple matter was being transformed into a complicated problem by France's unreasonable insistence on termination of the Trusteeship Agreement. That conviction had been strengthened by subsequent developments. Following the enactment of the Statute and the holding of the so-called referendum the French delegation had informed the Committee that the Territory was fully self-governing and that the Trusteeship Agreement must be terminated if the Administering Authority was to be in a position to transfer its powers to the Togoland Government. In the course of the Committee's discussions, however, it had become clear that the so-called Autonomous Republic of Togoland was neither autonomous nor a republic and that most delegations considered the referendum invalid in view of the conditions in which it had been held; the General Assembly had then recommended, in its resolution 1046 (XI), that a new Legislative Assembly should be elected on the basis of universal suffrage. The French Government had therefore temporarily abandoned its request and had put forward the idea of dispatching a United Nations commission. The report of that Commission was now before the Committee. The conclusion arrived at in the report was that Togoland had not yet attained full self-government, a development which could come about only through the progressive transfer of the numerous powers still held by the Administering Authority.

34. Instead, however, of acknowledging that its position was unrealistic, France had placed before the twelfth session the very same request. To strengthen its position it had announced its intention of transferring new powers to the Togoland Government and Legislative Assembly and of holding new elections on the basis of universal suffrage. It claimed, however, that it could not carry out either of those plans until the Trusteeship Agreement had been terminated, on the ground that the transfer of the powers in question while the Agreement was still in force would be incompatible with the obligations which it had assumed in subscribing to the Agreement and to the United Nations Charter. The pledge to transfer additional powers, however, was proof that France itself admitted the groundlessness of its earlier assertion that Togoland was fully self-governing. Yet even now the situation remained essentially the same. The French representative had said nothing which would actually commit his Government to keep either of its promises and had not indicated what specific steps it intended to take in that connexion. Even if it did abide by its pledge, the result would merely be that self-government would have been car-

ried one step further. A logical interpretation of Article 76 of the Charter indicated that the trusteeship régime should be terminated when the process of progressive development towards self-government had been completed rather than at some stage along the way. Hence the French delegation's assertion that to transfer certain powers to Togoland would be incompatible with its obligations under the Trusteeship System was entirely unfounded. Article 76 laid down another extremely important condition for the termination of trusteeship, namely, the freely expressed wishes of the people themselves. That condition had not yet been fulfilled and until it had been there could be no question of terminating the Trusteeship Agreement. The Administering Authority was complicating matters still further by resorting to outright repression in order to retain power in the hands of local organs which were not truly representative. The holding of new elections under the supervision of the United Nations would eliminate that difficulty.

35. The proper procedure would be to place the stages of development in their natural order: namely, to transfer to the Togoland people all the prerogatives of real self-government, to allow the new institutions sufficient time to prove their worth, to give the people the possibility of electing their true representatives to the organs of government and only after that to raise the question of terminating the Trusteeship Agreement. To make the fulfillment of those conditions contingent upon the prior termination of trusteeship was tantamount to asking that a voucher should be torn up before a debt was paid. Such haste to terminate a system which constituted the best guarantee for the attainment of the objectives set forth in Article 76 of the Charter gave support to Mr. Olympio's contention that the Administering Authority's position was dictated by its desire to have a free hand once the Trusteeship Agreement had been terminated. The United Nations must not accede to France's request, for to do so would be to create a precedent which would have a far-reaching impact on the entire Trusteeship System; on the contrary, it should persuade the Administering Authority to postpone its request for the termination of the Trusteeship Agreement and to proceed to the transfer of its so-called residual powers and the holding of new elections. The Administering Authority had already recognized that the Togoland people were mature enough to take over most of those powers and that there was an urgent need to hold a democratic election for the Legislative Assembly. The United Nations, which was competent to decide whether or not the provisions of the Charter were being respected, should be able to dispel any doubts that might still linger in some quarters concerning the compatibility of the further transfer of powers to the Togoland Government and the obligation undertaken by France as the Administering Authority.

36. His delegation endorsed the suggestion made by the USSR representative at the previous meeting that an early target date should be established for the attainment of independence, a step which would not only hasten the attainment of the objectives of the Charter in the present instance but would reaffirm previous resolutions adopted by the General Assembly.

37. He had not had time to give full consideration to suggestions offered by other delegations, many of which seemed to be of a constructive character; he reserved the right to comment on them at a later meeting.

38. Mr. VIXSEBOXSE (Netherlands) observed that the work of the Commission which had been dispatched to Togoland in accordance with General Assembly resolution 1046 (XI) had been extremely important, first from the standpoint of the United Nations, in that it involved the proper functioning of the Trusteeship System and the attainment of its objectives, and secondly from the standpoint of Togoland itself, in that the future of the country and the well-being of its people were at stake. The Commission had drawn up a well-balanced and informative report. The fact that it embodied a certain amount of material that had been discussed at previous sessions of the Trusteeship Council and the General Assembly did not detract from its value and it was useful for the Assembly to go over the same ground once again.

39. Once a certain chain of events had been set in motion with regard to the future of a dependent territory it was in the best interests of its people that no time should be lost. While his delegation was not in favour of undue haste on the part of the General Assembly, it felt that appropriate and constructive action should be taken without delay. That did not mean, however, that it underestimated the difficulties which might lie ahead or the confusing factors which might be encountered. In that connexion he wished to refer to the impression some of the statements of the petitioners had made on his delegation. He did not, of course, question the right of petition, but simply had in mind the note of confusion which might inadvertently be introduced into the discussion and might divert attention from certain essential facts. One such fact was the existence of an effectively functioning Togoland Government constituted by virtue of the new Statute and increasingly endowed with such powers as to make self-government a reality. That Government bore the fullest share of responsibility for the management of the country's affairs and in the circumstances might be expected to have had the full support of all sectors of the nation in the present decisive period in the

country's development. From the petitioners' statements, however, it was clear that that was not the case. In the opinion of his delegation, the petitioners would have had a stronger case had they taken part in the referendum and their refusal to do so seemed to be indicative of a certain weakness or, at best, to constitute a strategic withdrawal. Yet from the statement made by Mr. Ajavon and from those of the petitioners it would appear that the views of the Togoland Government concerning elections, and perhaps other matters too, were not entirely irreconcilable with those of the opposition. The crux of the matter would appear to be whether or not there was an honest desire for co-operation on both sides. The United Nations, in supervising elections, could open the way to initial collaboration by all parties in the Territory. In doing so, however, it would need the support and consent of all parties concerned.

40. Another important aspect of the item under discussion was the Africanization of the essential government services. The report of the Commission did not appear to share in full measure the concern voiced by certain delegations earlier in the debate that the continued presence of high French officials might infringe the freedom of action of the Togoland Government in the management of its own affairs. At the previous session representatives of the Togoland Government had stated that if certain key personnel of French nationality remained in the Government they did so at the express request of the Togoland authorities. That, in his opinion, was the essential consideration. If Togoland was to have good self-government it must retain such expert personnel as it deemed necessary for the proper functioning of all government services. The question was actually one which came within the province of technical assistance and there was no need for concern as long as full powers of decision rested in the hands of the Togoland authorities themselves.

The meeting rose at 12.55 p.m.