

GENERAL  
ASSEMBLY

TWELFTH SESSION

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12 JUL 1958

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Thursday, 14 November 1957,  
at 2.40 p.m.

NEW YORK

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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. SULTANOV (Union of Soviet Socialist Republics) said that the report (A/3677) of the United Nations Commission on Togoland under French Administration, established by General Assembly resolution 1046 (XI), was of great interest to the Fourth Committee, which was once again considering the future of the Territory. The report confirmed the misgivings and objections which had been voiced in the Committee at the Assembly's previous session.<sup>1/</sup> At that time the majority of the Committee members had refused to accept as well-founded the request of the Administering Authority for the termination of trusteeship on the basis of the new Statute. The arguments advanced appeared to have convinced the French delegation, which had withdrawn its request for the immediate termination of trusteeship. It was more than ever clear that the Administering Authority had expected something from the report of the United Nations Commission, but the report hardly justified the termination of trusteeship; on the contrary, all its conclusions and suggestions testified to the fact that the new Statute could not be regarded as giving Togoland the equivalent of self-government or independence.

2. Any one examining, as the United Nations Commission had done in its report, the limitations imposed by articles 26 and 27 of the Statute, would be led to the conclusion that they completely precluded real self-

<sup>1/</sup>For the discussion of the question at the previous session, see Official Records of the General Assembly, Eleventh Session, Fourth Committee, 556th and 584th to 599th meetings.

government, for a great many important matters—all those which had to do with foreign relations, with defence, with currency, with justice, with foreign trade, with the labour code, and even with educational programmes, and many others—and some essential powers, including the power to legislate, were reserved to the Administering Authority. Moreover, as the French Government had itself told the United Nations Commission, neither the Togoland Government nor private citizens of Togoland had any possible recourse to a court against French legislation, since in France the law could not be challenged, even on the ground of unconstitutionality. It had been argued that the French Parliament could not pass a bill contrary to the Statute, because the Togoland deputy would protest and would be supported by the forty overseas deputies. It was reasonable to ask, however, how the views of those few deputies would prevail in an assembly of 550 members. Clearly, they would not be in a position to prevent the enactment of legislation contrary to the Statute, and the fate of millions of human beings could not be made dependent on such a guarantee. It was for that reason that the Commission said in its conclusions that the Statute marked only the beginning of a trend which should lead to full self-government. That view was not challenged by the Administering Authority, which spoke of the possibility of broadening the Statute; logically it should take urgent measures to increase the degree of self-government enjoyed by Togoland in order to bring it forward along the road to independence.

3. Unfortunately, the Administering Authority considered that that fuller measure of self-government was inconsistent with the Trusteeship System, and it therefore confronted the United Nations with what was tantamount to an ultimatum: it would not transfer other powers to Togoland until trusteeship had been terminated, though the purposes of trusteeship had not yet been achieved. The United Nations could not accept that ultimatum, which was reminiscent of the action taken by the Administering Authority in defiance of United Nations wishes, in particular the holding of a referendum which was presented as a justification for the termination of trusteeship. The nature of that referendum was well known; it had been made clear, in particular, by the evidence of petitioners. In fact, the Administering Authority was saying to the United Nations: "Either agree to terminate trusteeship, in which case we promise to take still further steps to help the Territory to develop towards self-government; or abide by the principles of the Charter and the Trusteeship Agreement, in which case the Territory will make no more progress." There were no valid reasons for presenting such an ultimatum except a remark of secondary importance in the Commission's report, which referred to the liberal interpretation of the Statute and the promise by the Administering Authority that it would transmit additional powers to

Togoland. Needless to say, such a vague promise could not justify the termination of trusteeship because the Statute was far from corresponding to the objectives of trusteeship and the examples of liberal interpretation were not convincing. The report of the United Nations Commission and the statements of the petitioners showed the real significance of that interpretation.

4. Referring to the statements of the petitioners, which the French representative had sought to discredit and to represent as the expression of family quarrels or differences of opinion between the opposition and the Government, he said that, in his delegation's view, the French attitude confirmed the petitioners' allegations that France was attempting to suppress any discussion of the situation in the Territory. The petitioners had expressed the aspirations of their people and had declared their willingness to co-operate with all parties; with regard to the achievement of independence and the building of a new State, their attitude and the clarity of their replies showed that only a tendentious interpretation could ascribe evil intentions to them. The very important statements of the petitioners evidenced the great erudition of those chiefs, who represented a sizable portion of the population; their statements, like the answers to the questions asked—even the answers to those which were clearly tendentious—enabled the Committee once more to ascertain that the opinion of that portion of the population had been very worthily represented before it. What did the petitioners demand? They wanted complete independence for their country, in accordance with the Charter; they opposed the immediate termination of trusteeship, when the aims of trusteeship had not been achieved; they were asking for free elections. Those demands corresponded to the conclusions in the report of the United Nations Commission which had been sent to Togoland.

5. Opinion among the Togoland people varied considerably not only on the value of the present Statute but also on the question of the future status of Togoland. But where and when had the great mass of the Togoland people, whose views on those matters did not correspond to the actions and intentions of the Administering Authority, been consulted? There had, in fact, been no elections on the basis of direct universal suffrage since the adoption of the Statute in which that right was enunciated, despite the recommendation made by the General Assembly at its eleventh session, in resolution 1046 (XI). Yet there were people who liked to talk of the liberal application of the Statute, which, it was alleged, justified the termination of trusteeship.

6. In its report, the United Nations Commission had pointed out that article 6 of the Statute could not be regarded as implemented until such time as elections had been held; it considered that such elections might contribute towards the creation of a more favourable political atmosphere in the Territory. It was plain that the Administering Authority was linking the application of article 6 of the Statute to a requirement which went beyond the scope of trusteeship and that behind all the declarations concerning the competence of the Togoland authorities was the desire to bargain with the General Assembly in that matter instead of applying the Assembly resolutions. The tendentious attitude of the Administering Authority and those who zealously

supported it was clear from their position towards the report of the United Nations Commission; on the one hand, in support of the far-reaching request, they emphasized certain measures the Administering Authority had taken, and on the other, they disregarded the conclusions and recommendations of the United Nations Commission. The chief conclusion was that the new Statute of the Territory was merely a beginning and that self-government would not be fully attained until powers not yet held by Togoland had been transferred and until the Togoland people had been consulted on the future of the Territory, in full agreement with the United Nations, which was a party to the Trusteeship Agreement. However, the Administering Authority was seeking to throw off the embarrassing control of the United Nations, although the Togoland people more than ever needed the collective protection of the international organization. His delegation drew attention to a strange and illogical situation: for years the Administering Authority had refused to discuss the future of the Territory on the ground that it was impossible to foresee how quickly the Territory would develop; it was now asking for the termination of trusteeship, on the basis of a few constitutional reforms and the promise of a few ill-defined measures. That was not how the provisions of the Charter concerning the International Trusteeship System should be interpreted.

7. His delegation reaffirmed that its position on the future of Togoland was based on the principles of the Charter and the Trusteeship Agreement, which did not permit the termination of trusteeship until its objectives had been attained. It again asked that a time-limit of not more than three years should be laid down for the attainment of genuine independence by the Territory. During that period the Administering Authority would have to take the necessary measures to make Togoland a sovereign State, including the holding of elections on the basis of universal suffrage in accordance with the petitioners' wishes and the General Assembly's recommendations.

8. Mr. CHAPMAN (Ghana) said that the people of Togoland under French administration had lost their freedom at the same time as some of the people of Ghana had lost theirs, but unlike the latter, they had not yet had a chance of regaining it; to obtain a hearing in the United Nations, the representatives of Togoland under French administration had to occupy seats borrowed from their foreign rulers or the seats reserved for petitioners. The frontier established by the United Kingdom and France to mark their spheres of influence had not destroyed the links uniting Ghana and Togoland. The two neighbouring countries lived the same kind of life, spoke the same languages, had the same resources and the same desire for freedom and independence. The people of Togoland would, of course, have to determine their own future, but it was the duty of his delegation to ensure that its kinsfolk fully appreciated the implications of any proposal put before them. It would advise caution; it hoped that the United Nations would not plunge the Togoland people into precipitate action and that those members who were the friends of France would not disregard their responsibilities towards a weaker people.

9. The objectives of the Trusteeship System as defined in Article 76 of the Charter were not yet achieved in Togoland. Neither the measure of self-government at present achieved by the Territory nor the mere

promises of the Administering Authority justified termination of trusteeship. It was the duty of the United Nations to protect the interests of the inhabitants of the Territory and save them from accepting a new status unworthy of them and contrary to the provisions of the Charter.

10. He would be the last to wish to see Togoland's achievement of independence unnecessarily delayed, but he considered the absence of a sound parliamentary democracy disturbing; local government was but little developed; the Africanization of the upper levels of the civil service was rather rudimentary. However, that situation could be improved quickly, given the will, the determination, and co-operation between the Administering Authority and all the leaders of the people irrespective of their party affiliation. In that connexion, the Government of Ghana would gladly welcome the Togoland leaders, to show them how it was actually exercising its sovereignty and give them the benefit of its experience.

11. He noted that, according to France's plans for Togoland, that country would have no opportunity, after the termination of its trusteeship status, to choose a foreign policy different from that of its former Administering Authority. That was a particularly disturbing element, the effect of which might be felt by many African peoples. It was difficult to see why France and the probationary Government of Togoland should seek to impose such a fate on Togoland, since the two countries certainly did not have identical interests. It had been said that Togoland was so poor that it was willing to forego its independence for France's benefit. Would that not be a case of selling one's inheritance for a mess of pottage?

12. Many countries were obliged to appeal for outside help. France itself had done so after the Second World War, but it had not surrendered its sovereignty. It was the duty of the United Nations to place experts in such matters as public finance and economic planning at the service of the Togoland Government. The Togoland Government feared isolated independence, but no isolation was worse than that of a colonial territory concerning which the United Nations received no information. The Non-Self-Governing Territories, and the Trust Territories even more so, were in a much more favourable position. Independence did not cut a country off from the rest of the world, but quite the contrary. Ghana had found itself much less isolated after its independence. Various countries had offered it assistance, in addition to the grants which the United Kingdom was still making to it.

13. The United Nations Commission had devoted much space in its report to the rivalries of the political parties and the political atmosphere in Togoland under French administration. He did not consider that part of the report to be any cause for alarm. He believed in the advantages of the democratic system and thought that the African peoples were capable of adjusting themselves to it. What they needed was to be allowed to make their choice in complete freedom. In Togoland, unfortunately, the Administering Authority was closely identified with certain political parties, which inevitably increased the tension. He was happy to note that the Administering Authority and the Government of Togoland contemplated holding elections in the near future. He was confident that elections under universal adult suffrage, conducted in accordance with precise

regulations and supervised by officials above all suspicion, would clear the atmosphere. However, the Administering Authority must make it clear that it was completely impartial.

14. Such elections would make it possible to show that the charges of improper conduct during the last election no longer held. They would bring into office a legislature in which all shades of opinion were represented. A new Government could then take the necessary steps to ensure the effective functioning of parliamentary institutions and clearly define its policy. Lastly, it would be proved that all parties, including those of the opposition, enjoyed all public freedoms.

15. It would be preferable to exclude the question of the termination of the Trusteeship Agreement from the forthcoming election campaign. It should rather be the subject of a White Paper to be published by the new Government. That document should ensure that the implications of all the proposals to be considered were well understood by the people of the Territory; afterwards they would be asked to indicate by means of a referendum their wishes regarding their future. In order to avoid any complaints, the general election and referendum should be held under the auspices and supervision of the United Nations.

16. By thus separating the election campaign from the referendum, it would be possible for the people to get a clearer idea of the issues at stake, for in the midst of the political tension that had prevailed for so long in Togoland there had been some confusion in the minds of some leaders and their followers. It was important to help them to acquire a clear understanding of the difference between the attributes of sovereignty and the various forms of colonial status. The policy of the Administering Authority had always been opposed to independence for Togoland, and it was important that the people of the Territory should be well informed so that any choice they made regarding their future could be arrived at after careful consideration of the facts.

17. In conclusion, he noted that in the League of Nations in 1919 France and the United Kingdom had stressed the importance of the interests of the inhabitants in considering the question of Togoland and the Cameroons. Unfortunately, neither Power had given effect to those principles. France was now renewing its promises and in exchange was asking for the termination of the trusteeship over Togoland. The people of Togoland were being asked to give up their rights to freedom and independence and forego the safeguards provided for them under the Charter. Togoland was not for sale; Togoland was African.

18. Mr. ROLZ BENNETT (Guatemala) summarized the observations and suggestions in chapter V of the United Nations Commission's report which offered a framework within which Togoland could develop towards the speedy attainment of the objectives of the trusteeship System. The Commission had realized that in addition to political problems there were economic, social and cultural problems which could not be solved in isolation. Accordingly, although its terms of reference had been political, it had been obliged to study the principal aspects of the Territory's economy and social organization and the development of education.

19. It was evident that the Statute of August 1956, amended by the Decree of 22 March 1957, was a signi-

ficant step forward in the political development of Togoland, but it did not suffice to achieve the objectives of the Trusteeship System. Further transfers of power were necessary, and it was encouraging that the Administering Authority intended to make some transfers in the near future. His delegation viewed with concern certain articles in the Statute which, in their present form, seemed to point to the integration of Togoland into the French Republic or the French Union. The participation of representatives of the Territory in the organs of the French Republic and French Union might lead to that result, even if that was not the express purpose of the measure. There were also provisions which reserved to the Administering Authority a privileged position in political, administrative, economic and financial matters which might hinder the attainment of the objectives of the Trusteeship System. One of the factors which most embittered relations between Administering Authorities and dependent peoples was the suspicion, whether justified or not, that the metropolitan Power's ultimate objection was to absorb the Territory under its administration and to prevent it from achieving the independence which was the ideal of every national community. To dispel that suspicion, the Administering Authority must prove that it was not trying to stifle the political aspirations of the people; that must be reflected both in the legislation defining relations between the parties and in the conduct of every-day affairs.

20. With respect to the question of elections, it seemed that all the parties concerned were agreeable to the holding of new elections for the Legislative Assembly before June 1960, the date set by article 40 of the Statute. If it was agreed that the elections should be supervised by the United Nations to provide fuller guarantees at both the internal and international levels, that would be a further step forward and would help to further the development of the Territory. Elections to renew or, if necessary, form the district and municipal councils were no less important than the elections for the Legislative Assembly. The institutions created by the Statute would be more firmly implanted if they were brought into operation at both the local and the territorial level. The Territory's political and social evolution would largely depend on the balanced transformation which the new institutions effected in the traditional structure, particularly in the north. Relations between the North and South should receive the special attention of the Administering Authority, the Togoland Government and the political parties; one of the most effective ways, perhaps, to eliminate antagonisms between the two regions would be the reorganization of the local administrations.

21. He recalled that at the 695th meeting, the representative of France had asked on behalf of his Government that the appropriate procedure mentioned in paragraph 5 of Trusteeship Council resolution 1785 (S-VII) should be set in motion. His delegation had abstained when the Council had voted on that resolution, because it had maintained then, and still did, that the report of the United Nations Commission on Togoland properly defined the various stages through which Togoland must pass in order to attain the objectives of the Trusteeship System. It would have liked to add a paragraph to the operative part of the resolution summarizing the procedure suggested by the Commission, which was reproduced in paragraph 8 of the special report of the Trusteeship Council (A/3676 and Corr.1).

For that reason, his delegation could not accept the view of the representative of the Togoland Government on two points: firstly, that it was for the present Legislative Assembly to examine and accept the Statute and the amendments thereto; and secondly, that trusteeship should be automatically terminated with the first meeting of the new Assembly elected on the basis of universal suffrage. On the other hand, the Togoland Government representative's suggestions that there should be new elections for the Legislative Assembly on the basis of universal suffrage and that after the elections the institutions provided for in the revised Statute would begin to operate appeared to be reasonable. It would be pointless for the present Legislative Assembly to consider and accept the Statute, as the new Assembly would certainly want to study the new text of the Statute before doing anything else. The automatic termination of trusteeship on the basis of changes which had not yet been made and which neither the future Assembly, the Trusteeship Council nor the General Assembly would have had an opportunity of considering, would be contrary to the provisions of the Charter and the Trusteeship Agreement and inconsistent with the obligations of Member States, all of which were responsible for the future of the Territory.

22. His delegation considered that it was necessary to proceed in four steps. In the first stage new powers would be transferred to the Togoland Government and the Statute should be amended accordingly. Next, the contractual part of the Statute, i.e., the portion provisionally reserving certain functions to the Administering Authority, would be separated from the Statute and embodied in a treaty negotiated between the French Government and the Government formed in Togoland after the elections. The treaty would contain a clause providing that it could be terminated if either party freely expressed a desire to do so. Next, elections would be held to elect a new Legislative Assembly and, if possible, organs of local government, all stages of the elections being supervised by the United Nations. Lastly, the new Assembly would examine the amended Statute and relations between Togoland and France, while the Government formed after the elections would bring into operation all the institutions to be set up under the modified Statute. The actual operation of those institutions was of particular importance, since provisions in legal instruments were not enough: they must be supplemented in practice and it was there that a Government showed whether it was really self-governing or independent.

23. Once those steps were accomplished, the changes that had been made could be considered by the United Nations General Assembly at its thirteenth session. His delegation felt that it was still too early to take a decision. If the series of operations he had outlined were carried out with due regard for the Charter, it was certain that Togoland would develop towards self-government or independence, as the United Nations Commission envisaged in paragraph 466 of its report. It was necessary to avoid both delay and haste, for the Committee was concerned with the efforts of a people to realize its national destiny. It would be idle to cherish illusions about the real aspirations of the dependent peoples. To oppose those aspirations would be merely to pave the way for future disturbances of the utmost violence. If constructive and fruitful relations were to be maintained between the Administering Authorities and the dependent peoples, the urge to inde-



pendence felt by the peoples that had not yet attained it must be recognized and, in the light of that recognition, friendly and co-operative relations based on acknowledgement of the sovereign equality of peoples must be established.

24. He noted that there were a number of important errors in the Spanish text of the report of the United Nations Commission (A/3677) and said that he would bring them to the attention of the Secretariat.

25. Mr. LEVISTE (Philippines) and Mr. KING (Liberia) proposed that the texts of the statements made by the representatives of Ghana, Guatemala and Yugoslavia in the course of the meeting and at the previous meeting should be circulated to the Committee as official documents.

26. Mr. COHEN (Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories) stated that because of their heavy work load the technical services would be unable to undertake to circulate the statements at the present time. The importance of the statements was not questioned. The Secretary-General's position was determined by the fact that insufficient qualified staff were available to satisfy such requests and that the Fifth Committee had recommended the reduction of documentation.

27. He pointed out that when the question had been raised at an earlier meeting, the members of the Committee had appeared to agree that representatives wishing to read a particular statement would ask the delegation concerned to supply the text.

28. Mr. ROLZ BENNETT (Guatemala) said that his delegation viewed with some concern the regulations limiting the distribution of documents, which were likely to hamper the work of the Committees of the Assembly. Nevertheless, in the present case, as a co-operative gesture, it would communicate the text of its statement to delegations wishing to read it.

29. Mr. BOZOVIC (Yugoslavia) said that he would supply the text of his statement to members of the Committee wishing to read it.

30. Mr. KING (Liberia) and Mr. LEVISTE (Philippines) withdrew their proposal.

31. Mr. MUFTI (Syria) recalled certain observations he had made at the seventh special session of the Trusteeship Council, because the Council's resolution 1785 (S-VII) did not seem entirely satisfactory to him and because the construction placed on the report of the United Nations Commission on Togoland under French Administration by some speakers appeared seriously to distort that report.

32. He examined the Commission's conclusions and recommendations and pointed out that while the Commission had concluded that the Statute conferred upon the Togoland authorities a large number of competences previously exercised by the French authorities, it had also pointed out the various restrictions on the autonomy enjoyed by Togoland. Although the Commission had stated that as a result of the broad interpretation and liberal application of the Statute the autonomy of the Togoland Government had been considerably widened, it had likewise noted that certain interpretations of the Statute, notably that concerning the maintenance of internal law and order, had no explicit justification either in the Statute or in any other published legal text.

33. The Commission had noted that the Legislative Assembly was now exercising legislative power with regard to the affairs proper to Togoland yet it had also indicated that the present Assembly was not truly representative since it had been elected on the basis of restricted suffrage by an electorate comprising less than half of the present electorate. The Commission had also pointed out that a large number of important matters did not come within the legislative competence of the Assembly and that the French Minister for Overseas Territories had the right to veto Togoland laws. It had noted, furthermore, that the Legislative Assembly had not yet adopted any law concerning the election of its members and that the traditional chiefs were not affected by the provision that a member of the Legislative Assembly could not hold any public office remunerated from the funds of France, Togoland or any public body. Moreover, the Commission had observed that the majority of the services of the ministries were still directed by European officials.

34. The Commission had considered that the presence of the armed forces and gendarmerie under French control was a substantial potential limitation on Togoland autonomy. With respect to the crucial question of the enjoyment of political freedoms in the Territory, the Commission had felt the need to stress that in many areas opposition parties did not enjoy the same measure of political freedom of expression and assembly as did the pro-Government parties.

35. The following were the Commission's main suggestions. There should be a progressive transfer to the Togoland Government of the powers reserved to the central organs of the Administering Authority; an agreement with respect to the role of the High Commissioner in the maintenance of public order should be embodied in the Statute; the service of co-ordination should be transferred to the Togoland Government; the Africanization of the civil service should be vigorously implemented; a provision requiring agreement between France and Togoland on the strength of the armed forces and gendarmerie under French control should be inserted in the Statute; the French Government should reassert publicly that the Statute in its present form did not represent the final relationship between Togoland and France and that it would consider with sympathy any future views on the status of Togoland put forward by the elected representatives of the Territory; the political parties should be encouraged to co-operate and a round-table conference might be called to that end; the Togoland authorities should determine in the near future what parts of French laws and regulations in fields within their competence remained applicable after the adoption of the Statute; the Legislative Assembly should adopt a law on elections to the Legislative Assembly; all parties and individuals should make an effort to safeguard the exercise of political freedoms as a necessary step to ease the political tensions in the Territory; the municipalities and consells de circonscription should be reformed and municipal elections held; and, lastly, elections should be held on the basis of universal adult suffrage.

36. Those various points had more or less served as the basis of Trusteeship Council resolution 1785 (S-VII). He recalled the main points of the operative portion of the resolution and said that the Syrian delegation had abstained on the text on the grounds that the language should be clearer and should be unambiguous.

37. The discussion in the Fourth Committee had introduced several new factors, especially in Mr. Ajavon's statement at the 694th meeting emphasizing the inadequacy of financial resources, the desire to strengthen the work of economic and social progress and to put into operation a full employment policy on behalf of the Togoland élite groups and the advancement of the farming class. Those factors conditioned the Togoland Government's political attitude toward France and French Africa as a whole. Mr. Ajavon had indicated that the ultimate objective of the Togoland Government was independence within the French community; the current status was not perfect but the Togoland Government would claim from the French Government such residual powers as it did not yet enjoy; the Togoland Government would agree to fresh elections for the Legislative Assembly before the end of 1958. Mr. Ajavon had also said that if certain conditions were met the Trusteeship Agreement would automatically be terminated.

38. The French representative had said at the 695th meeting that the abrogation of the Trusteeship Agreement would bring about major transfers of jurisdiction and that the Togoland Republic would be free to select the form which its union with the Franco-African community as a whole would assume; he had stressed the incompatibility between the Trusteeship System and the exercise of autonomy by the Togoland people as well as the harm done to the right of peoples by the refusal to terminate trusteeship.

39. The petitioners had presented the main arguments of the Togolandians most ably: the present Togoland Government was not a legitimate spokesman for negotiations with France, since the men in power had linked their cause to that of the Administering Authority; the under-development of the Territory did not justify the political integration of Togoland with France, and independence, not autonomy, was the final goal of the Togolandians; the Trusteeship Agreement should not be terminated before its objectives had been attained, and political liberties should be re-established with a view to the free election of an Assembly which would look into existing institutions and consider what reforms should be introduced in order to ensure the independence of Togoland in accordance with the wishes of the people.

40. Mr. King, chairman of the United Nations Commission, had confirmed at the 694th meeting that complete self-government would be attained through the gradual transfer of powers and that it would be appropriate to take steps to consult the people of the Territory concerning their future.

41. Such was the essential background of the problem. It should be examined frankly and carefully. He recalled that in virtue of provisions of the Charter and of several resolutions the General Assembly was competent to decide whether a Non-Self-Governing Territory had attained complete self-government. The General Assembly was even more competent to decide in the case of a Trust Territory when it was a party to the Trusteeship Agreement. At the same time, the development of the feeling of inter-dependence of peoples throughout the world could not be interpreted as directly or indirectly modifying the right of peoples to self-determination. As long as the Trusteeship System operated, the Administering Authority should protect the population of the Territory against abuses

and could not seek refuge behind the transfer to the Territory's authorities of powers which it exercised under the Trusteeship Agreement.

42. A study of the various legal provisions concerning the powers and duties of the Administering Authority led to certain conclusions. Firstly, the Administering Authority should introduce measures to improve the political climate of the Territory—amnesty for political prisoners, solution of the refugee problem, convocation of a round-table conference of all political parties, respect and safeguards for the exercise of civil liberties. Secondly, general elections on the basis of universal suffrage should take place under United Nations supervision; they should not be subject to any condition such as the termination of trusteeship, and should have no other purpose but to establish a truly representative Legislative Assembly. Thirdly, when reforms had been introduced by that Assembly, the people could be consulted on their wishes with respect to the future status of the Territory.

43. The Syrian delegation could not accept the view that political dependence was a corollary of economic dependence. If that were the case, many independent countries which had lived and were still living on foreign subsidies would have to be considered Non-Self-Governing Territories. Nor could the Administering Authority's theory be accepted that the transfer of residual powers should occur after the termination of trusteeship, for if that were the case trusteeship would come to an end before its essential purposes had been attained. The General Assembly, which was a party to the Trusteeship Agreement, must be in a position to exercise its jurisdiction and powers of control before the obligations of trusteeship had been terminated.

44. It would be easier to settle the question if all the interested parties recognized that the Territory did not yet enjoy complete self-government, that independence freely chosen by the people was the final goal sought by all, that there should be close co-operation among all sectors of the population as well as between the people and the Administering Authority, and that progress had already been accomplished by France in the Territory. All those signs were encouraging and presaged a better future for Togoland under the patronage of France and the United Nations.

45. Mr. LEWANDOWSKI (Poland) said that his country had been following most attentively the Committee's discussions on the future of Togoland under French administration not only because as a Member of the United Nations Poland was in duty bound to see that the principles of the Charter were fully respected, but also because of its profound belief in the right of peoples to self-determination; and it had always felt sympathy for the tenacity with which the Togoland people had striven for their independence. The day would surely come when the notion of "Trust Territory" would be merely of historical interest. That would happen once all the Trust Territories had attained the goals of the Trusteeship System, namely complete self-government or independence. That was why the termination of trusteeship must always mean that those goals had been attained. Naturally, such a decision could be taken only with the freely expressed wish of the population, since the termination of trusteeship meant that the population could fully decide its own future. Hence the General Assembly, before taking a decision, should carefully examine the elements involved.

46. In the case of Togoland under French administration, his delegation, together with the majority of the Commission, had concluded at the previous session that the Statute did not permit trusteeship to be terminated because it did not ensure for Togoland the capacity to govern itself completely. His delegation had supported the dispatch of a commission, and it considered that the Commission's work had helped to promote a better understanding of conditions in the country. It had based its opinion mainly on the Commission's report, although the statements of petitioners to the Fourth Committee had supplied additional clarification.

47. His delegation had thus arrived at four main conclusions. Firstly the granting of the new Statute was an important step towards complete self-government but did not mean that self-government already existed; the Commission's report showed that important functions were still exclusively within the jurisdiction of the French authorities. Secondly, certain points were ill-defined and called for reservations; e.g., the dual citizenship of the inhabitants of Togoland; the fact that Togoland formed part of the administrative cadres of France and Togoland at the same time; and the representation of the Territory in French Government institutions concurrently with the existence of a Togoland Government. Thirdly, certain provisions of the Statute, such as that providing for the organization of elections on the basis of universal suffrage, had not yet been applied; the opposition parties were merely entitled to ask that elections should take place under United Nations supervision, particularly in view of the statement in paragraph 476 of the Commission's report that in many areas opposition parties did not enjoy the same freedom of action as did the pro-Government parties. Lastly, his delegation agreed with the Commission's opinion in paragraph 468 that the future legal and political relations between Togoland and France should be decided by the Togoland people themselves.

48. In view of what still remained to be done, the question arose whether it was urgent to terminate the Trusteeship Agreement. The Togoland people themselves should express their opinion since the matter concerned the future of their country. His delegation therefore approved the Commission's conclusion that the people of the Territory should be consulted. Consultation should be undertaken by appropriate means and with the consent of the United Nations, one of the parties to the Trusteeship Agreement. The question would arise when the Statute had developed so that it fulfilled the purposes of the Trusteeship System. The General Assembly, in agreement with the French delegation, would then decide on the manner in which consultation should be undertaken.

49. Mr. ABU BAKAR (Federation of Malaya) said that his delegation noted with satisfaction Togoland's progress towards the objectives of Article 76 of the Charter, but regretted to see that the Administering Authority still retained certain important powers. There should be early elections based on universal suffrage, certainly before 1960—not that his delegation wished to interfere in the internal affairs of Togoland, but the introduction of the Statute had made new elections necessary. The Statute should be implemented by an Assembly elected by the direct vote of the people of Togoland. Elections should therefore have priority and the authorities should remove all restrictions on civil liberties so as to permit free elections. It had

been said that before independence was granted to Togoland, Togolese cadres should be trained to take over the administration of their country. The question had also been raised whether the Togoland people, once they were free, would be capable of maintaining peace and order in their Territory, and it had been argued that Togoland should be economically stable before it attained independence. All those factors should be taken into account, but the decision to terminate trusteeship rested in the last instance with the Togolese people, which should take that decision when it felt that it had achieved its goal of complete self-government.

50. Mr. KIANG (China) thought that the report of the Commission on Togoland could provide a basis for the solution of the problem. The Chairman of the Commission had expressed the hope that all Togolese parties could collaborate in developing the country within the degree of autonomy which it now possessed. With such co-operation, in fact, the Territory could achieve political unity and the field of reform could be made still wider. His delegation therefore sincerely hoped that the United Nations would endeavour to create a favourable climate for bringing the parties together.

51. In that connexion, he recalled that Mr. Apedo-Amah's statement to the Trusteeship Council at its seventh special session (841st meeting) to the effect that Togoland could not progress without the active assistance of the whole population, represented an appeal to the opposition, to which Mr. Olympio had replied in his statement to the Fourth Committee at its 696th meeting. All parties, therefore, now seemed ready to participate in new legislative elections. Those elections would be a vehicle for political unity and the early attainment of independence. His delegation felt that elections would demonstrate the true wishes of the Togoland people and should be organized without delay. In that connexion, his delegation was pleased to note the view of the President of the Legislative Assembly of Togoland that elections could be held before the end of 1958.

52. It was of prime importance that the United Nations should not needlessly complicate the issue by imposing other conditions not essential at the present stage. Once the Legislative Assembly was renewed the Togoland people would have to decide freely on their future and their relations with France. On that point, he recalled the statement of the French representative during the seventh special session of the Trusteeship Council (845th meeting) to the effect that should the Trusteeship System be terminated, and should the duly elected Assembly of Togoland express the wish to leave the French Union, the Government and Parliament of France would undoubtedly have no choice but to accept and to meet by due legal procedures the expressed wish of the Togoland Assembly.

#### Requests for hearings (continued)

53. The CHAIRMAN, replying to the French representative who had asked at the previous meeting whether the Committee granted hearings to a particular person or to an organization, which was free to designate its representative, said that requests for hearings had to be submitted by persons in their own name or on behalf of an organization. In the former case, the hearing, if granted, was personal and the petitioner himself appeared before the Committee. That had been the

case with the Reverend Michael Scott and Mr. Getzen. If the request was on behalf of an organization, the hearing was granted to the organization. Occasionally the organization, in its request for a hearing, mentioned the name of its representative, but more often it designated him only when its request had been granted. In such cases, as soon as the Secretary-General was informed of the name of the representative he informed the Committee in an addendum to the request. It was presumed that in the absence of express objection the Committee agreed to hear the representative thus designated. Needless to say, if a member of the Committee had any objection to the representative of the petitioning organization he could raise the

question in the Committee and it would then be for the Committee to decide whether or not it would hear the representative.

54. Mr. KOSCZIUSKO-MORIZET (France), thanking the Chairman, said that he did not intend to reopen the discussion of the right of petition, but he wished to point out that it would be in the interests both of the United Nations and of petitioners that such a precious right should not be cheapened and that persons appearing before the Committee should be only bona fide persons who had come in accordance with a decision of the United Nations itself.

The meeting rose at 5.55 p.m.