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Chairman: Mr. Luciano JOUBLANC RIVAS
(Mexico).

AGENDA ITEM 35

The Togoland unification problem and the future of the Trust Territory of Togoland under British administration: report of the Trusteeship Council (A/3046, A/C.4/L.428/Rev.1, A/C.4/L.429/Rev.1, A/C.4/L.431, T/1206 and Add.1, T/1214, T/1215) (*continued*)

GENERAL DEBATE AND CONSIDERATION OF THE DRAFT RESOLUTION SUBMITTED BY INDIA (A/C.4/L.428/Rev.1) (*continued*)

1. Mr. GREKOV (Byelorussian Soviet Socialist Republic) said that his delegation had always attached great importance to the Togoland unification problem. For nine years, it had consistently called for a solution satisfactory to the peoples concerned. As those peoples had long ago expressed their desire for unification, the General Assembly had considered the question from the point of view of unification and had adopted numerous resolutions with that in view. Nevertheless, a tendency to give priority to the question of integration with the Gold Coast had recently become evident; it was reflected in the recommendations of the United Nations Visiting Mission to the Trust Territories of Togoland under British administration and Togoland under French administration, 1955, particularly concerning the questions to be put at the plebiscite (T/1206, para. 105). That was not at all surprising, as the Mission had allowed itself to be influenced by the Administering Authority and had concentrated on the solution of integration with the Gold Coast.

2. The Byelorussian delegation noted that some petitioners had been against the plebiscite. It would be wrong to impose that on the people; the initiative should come from the people themselves.

3. He noted that it was proposed that responsibility for all the plebiscite arrangements should devolve upon the Administering Authority, or rather the authorities

which represented it in the Gold Coast. But as those authorities were directly concerned, they could not have the impartiality which was essential if the result of the plebiscite was really to represent the freely expressed wishes of the population. Furthermore, such a method would be contrary to the principle of the separation of powers. At all events, the Byelorussian delegation considered that before there was a plebiscite at all, the Territory should be provided with its own institutions and in particular a legislative body; otherwise, Togoland under British administration would be nothing more than a dependency of the Gold Coast.

4. The Byelorussian delegation would therefore be unable to support any draft resolution which was not consistent with the essential objectives of the Trusteeship System, namely self-government or independence.

5. Mr. BARGUES (France) said that he endorsed the views expressed by the Indian representative at the 538th meeting on the original Liberian amendments (A/C.4/L.429). His comments would refer mainly to the Indian draft resolution (A/C.4/L.428/Rev.1), which had been revised to take into account the Liberian proposals on some points.

6. As a whole, the new draft resolution was a useful text which provided the General Assembly, the Trusteeship Council, the United Kingdom and France with valuable material on which to base their judgment. It was worth consideration and study, but was capable of improvement, and the French delegation had therefore submitted a number of amendments (A/C.4/L.431). The amendments were of three kinds: some related to the sub-titles in the two sections of the draft resolution, some to section A, concerning Togoland under British administration, and some to section B, concerning Togoland under French administration.

7. The French delegation proposed the deletion of the sub-titles in both sections of the Indian draft resolution, because it felt that the resolution should not go beyond the wording of the agenda item. While the division of the draft resolution into two sections seemed quite logical, the presentation of the two sections under new titles was less defensible. It was true that the item the General Assembly had been discussing since the ninth session related principally to Togoland under British administration, and the Visiting Mission's report (T/1206 and Add.1) dealt mainly with the plebiscite to be organized in that part of Togoland. However, Togoland under British administration could not easily be dissociated from Togoland under French administration. It was preferable, in his opinion, to use the wording of the agenda item as the title. There was possibly only a shade of difference, but the Liberian delegation had been aware of it, since, after proposing (A/C.4/L.429) that the two operative parts of the Indian draft resolution should be amalgamated, it had accepted in its revised amendments (A/C.4/L.429/Rev.1) a clear-cut division between them. Amalgamation would be acceptable, but as it might lead

to some confusion, it was advisable merely to delete the sub-titles.

8. Turning to section A of the Indian draft resolution, he said that he supported that text as a whole; more specifically, he endorsed the proposal that the plebiscite should be supervised by a commissioner and not, as the Liberian delegation proposed, by a commission. A single official would adapt himself more readily to local conditions. To delegations favouring a multiple organ he remarked that such an organ already existed in the shape of the Trusteeship Council. In that connexion, he supported the amendments concerning the role of the Trusteeship Council which the Indian representative had made to his original draft resolution at the 538th meeting.

9. The French delegation was however submitting an amendment to the fourth paragraph of the preamble of section A. There were distinct disadvantages in listing by name the political groups or parties whose representatives had made oral statements before the Fourth Committee. First, such a list ran the risk of being incomplete. Some parties in the Territory were short of funds and were deterred by the costs involved in sending one or several representatives to New York. For example, the Mouvement populaire togolais was not named in the paragraph, yet it was listed among the groups which had presented memoranda to the Visiting Mission (T/1206/Add.1, annex III). Secondly, the petitioners who had made oral statements would certainly make the most of their organizations being mentioned in so important a document as a General Assembly resolution, to the disadvantage of those who had lacked the means to obtain a hearing. It would be better to insert a general reference, as was proposed in the French amendment to the fourth paragraph of the preamble.

10. Section B of the Indian draft resolution was devoted to Togoland under French administration. In its amendments to that section, the French delegation had pursued a twofold purpose. First, it wished to state the facts in their true perspective, for as presented in the Indian draft resolution they were not entirely in accordance either with the information he had received from his Government or with the statements made by the Visiting Mission in its report. The first paragraph of the preamble and paragraph 1 of the operative part of section B read as if the initiative in the matter of a plebiscite in Togoland under French administration had been taken by the Visiting Mission, whereas the Mission had merely reported statements made to it by the Administering Authority. The fact was that some months earlier the Togoland Territorial Assembly had asked for a change of the Territory's status and the French authorities, taking that wish into account, had decided to consider ways and means of consulting the peoples concerned. That decision had preceded the statement of the Visiting Mission, which, incidentally, had accurately described the situation in paragraph 118 of its report. He hoped that his delegation's amendment to the first paragraph of the preamble, the phrasing of which had been taken from paragraph 118, would be accepted by the Committee.

11. His delegation's second purpose had been to correct the unfortunate impression given by the first paragraph of the preamble. Some passages of the draft resolution might be interpreted as an injunction to the Administering Authority with an overtone of censure that was the more unjustified as the Administer-

ing Authority itself had taken the decision which the Committee could but endorse. For those reasons, the French delegation proposed that the first paragraph of the preamble should be replaced by the two paragraphs given in amendment 4 of document A/C.4/L.431. He explained that the words "with regard to Togoland under French administration" in the first of those paragraphs would be necessary if the sub-title of section B was deleted. The need for the second paragraph arose because there was no longer any reference to the French representative's observations in the second paragraph of section A of the revised Indian draft resolution. While he agreed that the reference was unnecessary in the section dealing with Togoland under British administration, it was not superfluous in the section relating to Togoland under French administration.

12. Amendment 5 proposed by France was designed to bring the Indian draft resolution into line with paragraph 120 of the Visiting Mission's report, which again confirmed that the initiative as regards the proposed reforms had been taken by the Administering Authority.

13. In the same spirit, he urged the replacement of paragraph 1 of the operative part by the text given in amendment 6, which gave a true account of the situation. The Territorial Assembly had first expressed the wish for a consultation with the people, and the Administering Authority had then stated its intention to organize such a consultation. He pointed out that in his amendment the word "plebiscite" had been replaced by the expression "consultation with the people". Two terms were generally used in French to designate such a consultation—referendum and plebiscite. However, to French ears the word "plebiscite" smacked of absolutism and dictatorial action. The last plebiscite held in France had carried the Emperor Napoleon III to power on 2 December 1851. On the other hand, it was by a referendum that the French people had voted on the Constitution in 1946. The consultation recently held in the Saar had also been a referendum. The expression "consultation with the people" was in common use and had the advantage of enabling the General Assembly to decide on the form the consultation should take. He was therefore opposed to the use of the word "plebiscite" in the French text of the resolution, but had no objection to its being retained in the English text, as the latter would not be circulated in territories where French was spoken.

14. Continuing his analysis of paragraph 1 of the operative part of section B, he said it would be simpler and more logical not to establish too close a connexion between the development of the Trust Territory's political institutions and the holding of a plebiscite. The population could certainly not be asked to decide on its future until after it had reached a certain degree of political development, but he agreed with the Liberian representative that it would be wrong to establish too rigid a link. The Administering Authority, which was entirely willing to hold a consultation with the people, should be allowed greater latitude. Moreover, the Fourth Committee should not set a time-limit based on two factors one of which was within the Administering Authority's control, rather than its own.

15. Paragraph 2 of the operative part contained an injunction that would hurt the Administering Authority, which had given evidence of its goodwill. Moreover, the phrase "at an early date" was very vague;

if France wanted to take an unfair advantage it could use that phrase as a pretext for burying the whole matter; but, on the contrary, it preferred to leave the question pending. The Trusteeship Council, which met in New York twice a year and which could hold special sessions, was in an excellent position to deal with it. The Indian representative had quite correctly gauged the Trusteeship Council's importance in that respect, as his draft resolution showed. He himself proposed a slightly different text, under which the Trusteeship Council would be requested to undertake a special study of the question of Togoland in close and constant contact with the Administering Authority, and then to report to the General Assembly. France considered that wording more satisfactory and less vague than that contained in the Indian draft resolution.

16. Mr. BOZOVIC (Yugoslavia) made some comments on the revised draft resolution submitted by the Indian delegation. In paragraph 2 of the operative part of section A there was a reference to "the union" of the Territory with an independent Gold Coast. He supposed that the question put to the Territory's inhabitants would be, "Do you or do you not want union with the Gold Coast?", but he would like that understanding to be confirmed.

17. In his delegation's view, it was essential to define clearly the powers and functions of the United Nations supervisory organ mentioned in paragraph 3. Its functions seemed much more limited than those of commissioners entrusted by the United Nations with similar duties in Eritrea and Kashmir. They should be stated with precision in order to avoid subsequent difficulties with the Administering Authority.

18. He also felt that the scope of paragraphs 5 and 6 of the operative part should be clarified. Under paragraph 5 the commissioner would submit his report to the Trusteeship Council, which would consider it and transmit it to the General Assembly. However, the Trusteeship Council should play no further part in the matter, which must now be settled between the General Assembly and the Administering Authority.

19. Paragraph 6 was intended to enable the Trusteeship Council to settle any disputes that might arise between the Administering Authority and the supervisory body. In view of the composition of the Council, it seemed unlikely that its members would be able to agree on the solution of any dispute that might be referred to them. The powers of the supervisory body must therefore be laid down in sufficient detail to avoid any possibility of dispute and it should be instructed to report directly to the Assembly. If the plebiscite was inconclusive, the Trusteeship Council would resume its functions.

20. Commenting on amendment 1 of the revised Liberian amendments, he said that he preferred the text of the Indian draft resolution.

21. With regard to the composition of the body set up to supervise the plebiscite he wondered whether it might not be better to entrust the task to a commission rather than to a commissioner. In previous cases, the appointment of a distinguished individual had been justified, as then the object had been mediation requiring preliminary negotiations and continuing efforts to reconcile the views of the parties. In the present case, however, all that was involved was the supervision of a plebiscite. The arguments in favour of the appointment of a commissioner did not seem to be conclusive and his delegation considered that

the Committee should decide to send a commission to Togoland under British administration, the size and the membership of the commission to be decided at a later date.

22. He agreed with the United States representative that the commission should function as a United Nations commission. With regard to the qualifications of voters for the purposes of the plebiscite, his delegation considered that Togoland residents living outside the Territory for economic reasons should be entitled to vote; otherwise persons not natives of the Territory would have to be excluded from the vote.

23. Mr. JAIPAL (India) said, in reply to the Yugoslav representative, that the word "union" in operative paragraph 2 of section A of the Indian draft resolution was in his view adequate as it was used in a general sense and would leave open the question of the nature of the union of Togoland with an independent Gold Coast, a question which India naturally was not attempting to settle at the present stage.

24. With regard to the possibility of dispute between the commissioner and the Administering Authority, his delegation considered that it was unfortunately impossible to make more effective arrangements than those contemplated in paragraphs 5 and 6 of the draft resolution.

25. Turning to the French amendments, he regretted that he could not accept amendment 1. The problem was a dual one and the sub-titles must therefore be retained.

26. With regard to amendment 2, the reasons given by the French representative were pertinent from the point of view of the Administering Authority. His delegation was not seeking to give some petitioners a privileged position by explicitly mentioning the parties they represented. He felt that it was for the Committee to decide which wording it preferred.

27. It was possible that amendment 4 more faithfully reflected paragraph 118 of the Visiting Mission's special report but the Indian draft laid greater stress on the main provisions of paragraphs 120 and 121, in particular the view that a plebiscite would constitute the most effective and direct method of ascertaining the wishes of the people of Togoland under French administration. His delegation was therefore reluctant at first sight to accept the amendment, but would consider it further and would if necessary return to the subject at a later meeting.

28. Mr. BARGUES (France) said that what should be noted was not so much the views of the Visiting Mission regarding the desirability of a plebiscite as the fact that the Mission was actually endorsing a proposal made by the elected representatives of Togoland under French administration and the Minister for Overseas France. Elementary courtesy required that the Administering Authority should be given credit for having been first to consider such action, and the views of the Administering Authority and of the elected representatives of Togoland were reported in paragraphs 118 to 120, while the Mission's opinion was stated in paragraph 121.

29. Mr. JAIPAL (India) explained that his delegation was not seeking to belittle the importance of the French Government's initiative. It was prepared to meet the desires of the French representative but would like some time to consider the matter.

30. Mr. BOZOVIC (Yugoslavia) did not agree with the Indian representative's view that the plebiscite should be organized by the Administering Authority rather than by the United Nations. In its memorandum (A/2660, para. 50) the Administering Authority had itself invited the United Nations to take steps to ascertain the wishes of the inhabitants of the Territory as to their future. The practical arguments in favour of leaving the organization of the plebiscite to the Administering Authority were not persuasive. In the case of the Sudan for example, despite all the practical considerations that had been put forward, the people had decided that the plebiscite should be held under international supervision.

31. Mr. ESKELUND (Denmark) noted that under amendment 2 proposed by France the Committee would take note only of the views of political groups mentioned in the Visiting Mission's report. It would be better to add the words "and expressed in the Fourth Committee during the hearings", thus making it possible to take into account all the views expressed by petitioners.

32. Mr. BARGUES (France), explaining the intention of the paragraph, said that the Committee should take into account all the views expressed by political groups which had been brought to its knowledge. The Committee had been informed of such views, first as a result of the Mission's contacts with political parties (T/1206/Add.1, annex III) and, secondly, by the representatives of political parties who had appeared before the Committee. The Indian text referred only to statements made orally before the Committee. The French amendment included those opinions and also those expressed to the Visiting Mission. Only some of those opinions had been restated before the Committee as not all the political parties had sent representatives to New York.

33. Mr. ESKELUND (Denmark) said that if the French representative wished to indicate that only some of the views expressed to the Visiting Mission had been repeated before the Committee and wished the Committee to take note of all the views that had been expressed, his text should be more explicit; as it stood, it did not take into consideration statements made before the Committee which were not included in the Mission's report.

34. Mr. TRIANTAPHYLAKOS (Greece) said that, as the Yugoslav representative had pointed out, the Gold Coast constitution had not yet been finally drafted. Accordingly, even if Togoland under British administration decided to join the Gold Coast, it must do so under federal arrangements as one federal unit joining another. The inhabitants of the Territory would otherwise be joining a country without knowing what its constitution would be.

35. He asked whether the Indian representative envisaged the union of the Trust Territory and the Gold Coast along those lines.

36. Mr. JAIPAL (India) said that in referring to "the union" of Togoland under British administration with the Gold Coast in operative paragraph 2 of its draft resolution, India did not rule out the possibility of association on federal lines; it was for the people of the Territory to decide the form of its union

with the Gold Coast and inquiries designed to determine its views on that subject were in progress in the Territory. The important point was that the Gold Coast would soon become independent and it was necessary to decide whether Togoland under British administration wished to be united with an independent Gold Coast.

37. Mr. SAAB (Lebanon) asked the French representative whether the popular consultation that was to be organized in Togoland under French administration would be of a domestic or of an international character. Furthermore, in his delegation's view, the distinction between "plebiscite" and "referendum" was not purely academic. The consultation organized to ascertain whether the inhabitants of Nice and Savoy wished to be united with France had been a plebiscite.

38. Mr. BARGUES (France) said that the answer to the question whether the popular consultation that was to take place in Togoland under French administration would be a constitutional or an international operation depended on the form of the consultation. The consultation proposed for Togoland under British administration, for example, was a mixed type of operation, for the consultation was organized by the Administering Authority, and hence was internal in character, but it was under the supervision of the United Nations, which gave it an international character. He did not wish to prejudge the United Nations decision, but there was every reason to believe that the popular consultation to be held in Togoland under French administration would be of the same type as that soon to be held in Togoland under British administration. Plebiscites were organized in the Trust Territories pursuant to Article 76 of the Charter and under the supervision of the United Nations and in that respect they were international, but it was the Administering Authority that was responsible for organizing them and to that extent they were a domestic matter.

39. With regard to the second point raised by the Lebanese representative, Mr. BARGUES explained that the consultation organized to ascertain the wishes of the people of Nice and Savoy had been called a plebiscite because it had been held during the Second Empire, at a time when the plebiscite had been the prevailing idea, but that at present that type of consultation was called a referendum, as in the case of the consultation recently held in the Saar.

40. Mr. PACHACHI (Iraq) asked whether the French delegation would accept the Indian draft resolution if the word "plebiscite" were replaced by the word "*référéndum*" in the French text.

41. Mr. BARGUES (France) was prepared to accept the substitution of the word "*référéndum*" for the expression "*consultation populaire*" in amendment 6 presented by his delegation but that modification of the Indian draft resolution would not in itself solve certain problems. For example, there was a question of principle to which his delegation was firmly wedded, namely the need to point out that the initiative in organizing a popular consultation had been taken by the elected representatives of Togoland under French administration and the French Government and not by the Visiting Mission, which had merely noted, and approved, the French Government's intentions.

AGENDA ITEM 32

Consideration of communications relating to the cessation of the transmission of information under Article 73 e of the Charter: Reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories (continued):**(c) Procedures concerning the consideration of communications (A/2908, A/C.4/L.424, A/C.4/L.425) (continued)**

42. Mr. JAIPAL (India) said that the Iraqi draft resolution (A/C.4/L.424) dealt with many aspects of the question and required thorough study for which the Committee had no time. Accordingly, he asked whether the Iraqi representative would agree to the draft resolution's being referred to the Committee on Information from Non-Self-Governing Territories, which was to meet the following spring; as the latter

was a member of that Committee he could explain the scope of the draft resolution in detail to that body. The Committee on Information would then report to the General Assembly.

43. Mr. PACHACHI (Iraq) said he would have preferred his draft resolution to be considered at the current session, but in view of the lack of time, he accepted the Indian representative's suggestion and he would raise the question at the next session of the Committee on Information.

44. Mr. TRIANTAPHYLLAKOS (Greece) said that, in the circumstances, he would not press for a vote on his draft resolution (A/C.4/L.425), provided that it was clearly understood that the question would be included in the Committee's agenda for the next session.

It was so decided.

The meeting rose at 10.35 p.m.