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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, A/C.4/L.508/Rev.1, T/
 SR.841-847) (continued)**

**CONSIDERATION OF DRAFT RESOLUTIONS (A/C.4/L.508/
 REV.1) (continued)**

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

1. Mr. JAQUET (France) observed that the Committee was about to take a decision which would affect the future of an entire people. He had said at the 707th meeting that in his opinion the original draft resolution submitted to the Committee (A/C.4/L.508) was lacking in boldness. If his delegation was prepared to support, in an accommodating and conciliatory spirit, the revised draft resolution (A/C.4/L.508/Rev.1), it was because that draft, which represented a fresh attempt to reach a compromise, seemed to him to define all that was essential and to provide a generally acceptable solution which was in accordance with the Charter.

2. What was in fact the content of the draft resolution? First of all, there was the fundamental principle that the people of Togoland should be free to decide their own destiny. To that end, it provided for elections to be held prior to the date which had been fixed to allow of the renewal by universal suffrage of the Togoland Legislative Assembly, which would be entrusted with the formulation of proposals for the final attainment of the objectives of the Trusteeship System. To avoid any possible criticism of the election—and he reiterated that the criticisms of the earlier elections were unfounded—United Nations observers would be present. The holding of elections prior to the date which had been fixed and the presence of international observers were justifiable only if the problem of the decision to be taken was viewed in the light of the termination of the Trusteeship Agreement. Further, the draft reso-

lution took cognizance of the French Government's intention to make Togoland fully autonomous by transferring to its authorities all competences relating to internal order. Finally, it left it to the General Assembly at its thirteenth session to reach a decision concerning the termination of the Trusteeship Agreement.

3. Those principles were generally accepted. There was therefore no reason to alter the draft resolution which was now before the Committee and which was itself a revised text. In any case, his delegation would vote against any amendment altering the substance and spirit of the draft resolution and it was convinced that those who approached the problem in a constructive spirit would adopt the same attitude. If, unhappily, there should be any distortion of the meaning of the draft resolution as originally worded he would have to vote against it as a whole. It would be most regrettable if, through some minor differences, the debate was concluded without a solution being reached, when there was agreement on principle. He appealed to his colleagues' sense of responsibility and hoped that they would show a spirit of understanding and not be swayed by their emotions.

4. Mr. KING (Liberia) explained that the sponsors of the draft resolution had tried in the revised text to satisfy, in so far as it was possible, those delegations which had criticized the original text. They had however been anxious to remain faithful to the principles set forth in Trusteeship Council resolution 1785(S-VII) and in general to the most important concepts in the first draft resolution. That was why it had unfortunately not proved possible to accept all the amendments, which were sometimes incompatible with one another, but he was prepared to consider any suggestion impartially.

5. He explained the changes that had been made in the draft resolution. The first paragraph of the preamble had been added to satisfy those who wanted a reference at the beginning of the draft resolution to the final objectives of the Trusteeship System. The original operative paragraph 2 had become the fourth paragraph of the preamble; it had been reworded, among other things to include the phrase "Taking note of resolution 1785 (S-VII)" instead of the words "Endorses the opinion of the Trusteeship Council". The original operative paragraph 3 had been criticized on the grounds that it was not for the General Assembly to affirm that the new Legislative Assembly should be entrusted with the formulation of proposals for the final attainment of the objectives of the Trusteeship System. That criticism had been taken into account by the sponsors of the revised draft resolution in the new paragraph 2, which was the corresponding paragraph of the revised text. The original paragraphs 4 and 5, now paragraphs 3 and 4, had also been altered. It was specifically stated that the invitation of the Government of Togoland had been transmitted by the Administering Authority, and it was no longer a case of

"observing" the elections but of "supervising" them. Some representatives would have preferred a commission of three members to a commissioner. Unfortunately, he had been unable to accept that view because, as he had previously said, he believed it was obviously better to entrust the purely technical task of supervising the elections to a single person than to a group. Paragraph 5 of the new text had been inserted to take into account the observations which had been made regarding the need for collaboration between the Administering Authority, the Government of Togoland and the United Nations commissioner during the elections to the Legislative Assembly. The original paragraphs 7 and 8 had been retained, because it was very important to indicate the measures normally required before a country could attain full self-government. He agreed with the observation made by the representative of Denmark at the 710th meeting that paragraph 8 left the General Assembly perfectly free to decide as it thought fit. Further, it was certainly the Administering Authority's privilege to inform the General Assembly of a request for the termination of the Trusteeship Agreement and for the General Assembly to reach a decision on that request in due course.

6. Mr. PRADO (Ecuador) paid a tribute to the conciliatory spirit which the sponsors of the draft resolution had shown. The amendments had allayed his fears and the Committee was now able to adopt a satisfactory draft resolution. He noted however that paragraph 8 had not been amended and he believed that it should be made more explicit by the incorporation of the amendment submitted by Ecuador and Venezuela (A/C.4/L.509). That amendment was a word-for-word quotation from a statement made by the representative of the United States during the general debate. It was also consistent with the observations of the representative of Denmark, who had said that the Assembly ought to be entirely free to reach a decision with full knowledge of the facts.

7. Mr. BOZOVIC (Yugoslavia) said that in its report (A/3677) the United Nations Commission on Togoland under French Administration had suggested what action should be taken before the consultation proposed in paragraph 482 of that report was held. That consultation would have to be the last stage in the process, if the pace of events was not to be forced. One year might in fact not be long enough to institute the reforms which France planned to carry out in Togoland. His delegation was, however, prepared to try the experiment in order to see what could be done during that period. It regretted that the members of the Commission on Togoland had not been able to consult each other and to give, in the spirit of collaboration which had animated them when they had been in the Territory, an interpretation of the procedure suggested in the report, in order to work out an acceptable solution.

8. In his delegation's view the first draft resolution (A/C.4/L.508) was at fault mainly in that it assumed that the next Legislative Assembly would hold the same views as the present Assembly on the future of the Territory. That might be so, but in the opposite case the Assembly to be elected in 1958 must be in a position to make decisions without being committed by the opinion of the previous Assembly.

9. Although the revised text of the draft resolution (A/C.4/L.508/Rev.1) had dispelled some of their misgivings, eleven Powers had nevertheless found it necessary to propose changes based on the statements

and explanations of the sponsors of the draft resolution themselves, and those Powers were therefore submitting the amendments set forth in document A/C.4/L.510. The first amendment restated what the French delegation had said: that France was proposing to transfer to the Togoland Government all powers with the exception of those relating to defence, foreign affairs and currency. The second amendment commended the observations and suggestions contained in the report of the United Nations Commission on Togoland to the consideration of the Administering Authority and of the Togoland Government. That should not be taken to mean that a formal acceptance of those observations and suggestions was desired; however, the report, it must be admitted, contained ideas which the authorities concerned might take up. The third amendment was intended to substitute the election of a three-member commission for the appointment of a commissioner. The same proposal had been made with regard to Togoland under British administration. Where the fate of a Trust Territory was involved, every precaution should be taken, and the presence of three observers would constitute an additional safeguard. Also, Togoland under French administration was larger than the former Territory under British administration, and the task would be too heavy for one man alone. The fourth amendment corresponded approximately to the text adopted in General Assembly resolution 944 (X) concerning Togoland under British administration; in that case the Commissioner had remained in close touch with the Administering Authority, a procedure which had yielded excellent results. The fifth amendment was intended to ensure that the commissioner or the commission would supervise all stages of the elections. The sixth amendment attempted to ensure that the Legislative Assembly was not confined to one sector only but could make decisions on other questions too, such as, for example, the Statute. The seventh and last amendment related to operative paragraph 8 and was based on the explanations given by the Liberian representative concerning the joint draft resolution: when the time came, the General Assembly would be quite free to take a decision concerning the termination of the Trusteeship Agreement, but it could not decide to terminate that Agreement until it had satisfied itself that Togoland had in fact attained the final objectives of the Trusteeship System.

10. The amendments he had just explained in no way changed the spirit of the draft resolution, and he saw no reason why the sponsors of that draft resolution should refuse to accept them as an expression of what corresponded to their own ideas.

11. Mr. ARAMBURU (Peru) said that the report of the United Nations Commission on Togoland did justice to the democratic spirit of France; thanks to the Statute and to the liberal manner in which it had been interpreted, the Territory had made considerable progress towards the objectives enunciated in Article 76 of the Charter.

12. His delegation would vote in favour of the revised draft resolution (A/C.4/L.508/Rev.1), because it would enable the Territory to attain those objectives, and because it was in accordance with the fundamental principles of international law and the principle of the right of peoples to self-determination, to which Peru was strongly attached. It was gratifying to note that the Administering Authority was not disregarding that

right, since the Minister for Overseas France had stated that if Togoland wished to go further along the road to independence, France would not object. It would therefore be for the next Legislative Assembly to decide on the constitutional provisions which would govern the Territory. However that might be, the great concessions already made by France, which was retaining merely three categories of powers, were proof of its sincerity and self-denial.

13. Regarding the eleven-Power amendments (A/C.4/L.510), his delegation could see no point in the election of a commission; the appointment of a commissioner, a solution which had been so successful in the case of Togoland under British administration, was preferable, and the Committee should place its trust in the President of the General Assembly to make the right appointment.

14. Mr. ROLZ BENNETT (Guatemala) commented on the eleven-Power amendments, which his delegation had helped to draft.

15. The observations and suggestions submitted by the United Nations Commission in its report, the debates of the Trusteeship Council and the statements made in the Fourth Committee showed that there was a great deal of common ground among the various delegations. He favoured a gradual evolution which would enable the Trust Territory of Togoland to attain the essential objectives of the Trusteeship System: the transfer of the residual powers and a corresponding modification of the Statute, elections, the drafting of a bilateral document defining the relations between the Administering Authority and the Togoland Government. The Commission had also recognized the need for consulting the Togoland people on the termination of trusteeship, as could be seen from paragraph 482 of its report.

16. The draft resolution, which stated practically all those points, made no distinction between the final consultation on the future of Togoland and the elections. The eleven-Power amendments were intended to improve the draft resolution without altering its form or substance; the Yugoslav representative had already introduced those amendments to the Committee, and he would therefore confine himself to examining the question of United Nations supervision of the elections and the context in which some of the paragraphs of the draft resolution should be read.

17. On the first point, his delegation considered that supervision of the elections should be entrusted to a commission, not a commissioner, in view of the importance of such popular consultation, the amount of work and travel involved and the need to remain in continual contact with the people in all parts of the Territory. For those reasons, the supervision of popular consultations by international observers had generally been entrusted to commissions composed of several members, as appeared from document A/C.4/351. There seemed to be no difference of opinion on the observers' terms of reference.

18. Regarding the second point, the amendment proposed to operative paragraph 8 of the draft resolution was based on the principle that the Trusteeship Agreement should not be terminated until the chief objectives of the Trusteeship System had been attained, a point which had to be clearly brought out; under the

terms of that amendment, the General Assembly would, at its thirteenth session, examine the entire situation in Togoland, in case a request for the termination of trusteeship had been made, and would decide whether or not the Territory had attained the chief objectives of the Trusteeship System; if its decision was in the affirmative, it would take a decision on the termination of the Trusteeship Agreement. His delegation considered that the adoption of the eleven-Power amendments would dispel the misgivings in the minds of some delegations and by eliminating the ambiguities and the vagueness of the draft resolution, pave the way for its unanimous adoption.

19. Mrs. SINHA (India) explained the position of her delegation concerning the draft resolution and the amendments. She thanked the sponsors of the draft for keeping her delegation informed of their work and for taking into account, in the preparation of the revised draft, the suggestions made by several delegations, in particular the Indian delegation.

20. The first of the eleven-Power amendments (A/C.4/L.510) related to the statement made by the Minister for Overseas France concerning the transfer to the Togoland Government of the residual powers necessary for internal self-government. The second amendment took into account the practice of the General Assembly in always drawing the attention of the Administering Authorities to the reports on Trust Territories. The basis of the fourth amendment was the arrangements that had been made for observing the plebiscite organized in Togoland under British administration and carried out with the full co-operation of the United Kingdom Government and the United Nations Commissioner. The seventh amendment made it clear that the termination of the Trusteeship Agreement had to be preceded by the attainment of the final objective of the Trusteeship System. With regard to the proposed amendment to operative paragraph 4, the Indian delegation, although it was one of the co-sponsors of the eleven-Power amendments, felt that it would be preferable to entrust the supervision of the elections to a single elected commissioner.

21. She also considered that the views of the sponsors of the draft resolution and those of the sponsors of the amendments were not very far apart and related merely to matters of form. She hoped that the sponsors of the draft resolution would be able to accept the greater part of those amendments so that the draft resolution would be supported by a greater number of Committee members.

22. Mr. MUFTI (Syria) said that as the doubts entertained by his delegation had not been completely dispelled by the discussions in the Committee on the original draft resolution and on the revised draft resolution, his delegation, together with other delegations, had sponsored the eleven-Power amendments.

23. The first of those amendments, which reproduced a statement by the representative of France, should not be interpreted as limiting the powers to be transferred to the Togoland Government; the General Assembly must allow the Administering Authority complete freedom of action in that respect. The second amendment took into account the fact that the Trusteeship Council had wished, as indicated in its resolution 1785 (S-VII), to leave it to the General Assembly at its thirteenth session to formulate recommendations con-

cerning the political situation in Togoland. The amendment did not compel the Administering Authority to accept the observations and suggestions contained in the report of the United Nations Commission but simply commended them to its consideration. Those observations had been acknowledged as pertinent and well-founded by the Trusteeship Council, the Fourth Committee and the Administering Authority itself. In connexion with the third amendment providing for the election of a commission of three members to supervise the elections, it had been pointed out that the observation of the plebiscite organized in Togoland under British administration had been entrusted to a single Commissioner. He recalled, however, that Togoland under British administration had only about 400,000 inhabitants whereas Togoland under French administration had over 1 million; that in Togoland under British administration a Legislative Assembly elected on a basis of universal suffrage had been in existence since 1952; and, finally, that the exercise of political freedoms was not satisfactorily guaranteed in Togoland under French administration, as was apparent from the report of the United Nations Commission. Besides, the General Assembly would have no difficulty in finding three outstanding persons possessing the necessary qualities of impartiality and objectivity. The fourth amendment aimed at improving operative paragraph 5 which, in its present form, implied a sort of passivity on the part of the observers. The purpose of that amendment was to establish closer and more effective co-operation with the Administering Authority and the Togoland Government. The sixth amendment was intended to correct, in operative paragraph 7, the discrepancy between the general

expression "any wishes" and the phrase "concerning the termination of the Trusteeship Agreement" and thus to avoid giving the appearance of prejudging the wishes of the Legislative Assembly as being definitely in favour of the termination of the Trusteeship Agreement. The same remark applied to the last amendment relating to operative paragraph 8.

24. He pointed out that the amendment proposed by the delegations of Ecuador and Venezuela (A/C.4/L.509) had been included in the eleven-Power amendments (A/C.4/L.510). The Syrian delegation hoped that those amendments would be accepted so that the draft resolution could be adopted by a large majority.

Question concerning agenda item 35 (Information from Non-Self-Governing Territories)

25. Mr. BOZOVIC (Yugoslavia) and Mr. MUFTI (Syria) asked why the Committee's report on agenda item 35 (A/3733) had not yet been placed on the agenda of the plenary meetings of the General Assembly. The financial implications of the Committee's proposals had already been dealt with by the Fifth Committee, which would report on them direct to the General Assembly.

26. The CHAIRMAN replied that he had raised the question with the President of the General Assembly, who was responsible for the order in which the items came before the plenary meetings, and he hoped to have the President's reply soon.

The meeting rose at 1 p.m.