



TRUSTEESHIP COUNCIL

Eighth Special Session

OFFICIAL RECORDS

Monday, 13 October 1958,  
at 11.10 a.m.

NEW YORK

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under French Administration, submitted his report on the elections held in Togoland under French administration on 27 April 1958 (T/1392 and Corr.2 and Add.1), which he had drawn up in accordance with the General Assembly resolution 1182 (XII). He drew particular attention to the addendum to the report (T/1392/Add.1), which gave the essential features of six dossiers relating to contested election results in six *circonscriptions*. Since all the appeals had been rejected by the Administrative Tribunal, the composition of the Chamber of Deputies remained as it had been announced by the Election Returns Board, as given in paragraph 541 of the report. He reiterated the conviction expressed in paragraph 564 of the report that the general outcome of the elections faithfully reflected the wishes of the people of Togoland.

**President:** Mr. Alfred CLAEYS BOUUAERT  
(Belgium).

*Present:*

The representatives of the following States: Australia, Belgium, Burma, China, France, Guatemala, Haiti, India, Italy, New Zealand, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representative of the following specialized agency: United Nations Educational, Scientific and Cultural Organization.

**Opening of the session**

1. The PRESIDENT declared open the eighth special session of the Trusteeship Council.

**Adoption of the agenda (T/1408)**

[Agenda item 1]

*The provisional agenda (T/1408) was adopted.*

2. The PRESIDENT suggested that items 2 and 3 of the agenda should be examined concurrently.

*It was so decided.*

**The future of Togoland under French administration (General Assembly resolution 1182 (XII)) (T/1392 and Corr.2 and Add.1, T/1409, T/1410/Rev.1)**

**Examination of the annual report of the Administering Authority on Togoland under French administration, 1956 (T/1371, T/1381, T/L.882, T/PET.7/L.31, T/PET.7/L.33-46, T/PET.7/R.2 and Add.1)**

[Agenda items 2 and 3]

*At the invitation of the President, Mr. Dorsinville, United Nations Commissioner for the Supervision of the Elections in Togoland under French Administration, took a place at the Council table.*

3. Mr. DORSINVILLE, United Nations Commissioner for the Supervision of the Elections in Togoland

4. He would not hesitate to describe the election which had taken place on 27 April 1958 as historic. The unanimity which up till then had been a feature of the Government of Togoland had been broken up and the present Government consisted of a majority of a little over two-thirds of the members of the new assembly. The results of the election, which had caused general surprise, appeared to be the outcome of a remarkable change in public opinion in Togoland. He felt justified in saying that the mere presence of the United Nations mission had helped to create circumstances favourable to the free expression of the people's will.

5. The first of those circumstances had been, in his opinion, the decision of the then Togoland Government to agree to United Nations supervision of the elections. The second had been the confidence created by the presence of the observers. The third had been the determination of the people to avail themselves of every possible means of expressing their desires. The fourth had been the great effort made by the authorities to see that the mission should carry out its task in the most favourable conditions possible.

6. Bearing in mind the terms of paragraph 6 of General Assembly resolution 1182 (XII), and with the knowledge that he had carried out his responsibilities to the best of his ability, he submitted the results of the mission to the members of the Trusteeship Council.

7. Paragraph 7 of the same resolution invited the Administering Authority to inform the Trusteeship Council concerning, *inter alia*, the convening of the new Togoland Legislative Assembly, now known as the Chamber of Deputies, and regarding any wishes expressed by the Legislative Assembly concerning the Statute of the Territory and the termination of the Trusteeship Agreement.

8. He had felt convinced that, quite apart from the events in Togoland, the wish which had been manifested in France itself to escape from the dead hand of the past would help to clear the air and ensure a climate of serenity and mutual understanding which would be bound to promote good relations between Togoland and France. His optimism had been justified by the terms of the *communiqué* published at the conclusion of the

talks in Paris between the French Government and a Togoland delegation (T/1410/Rev.1).

9. In conclusion he paid a tribute to the members of the Secretariat who had accompanied him on the mission and expressed his thanks to those representatives of the Administering Authority who had assisted him in his task.

10. He expressed his delegation's cordial good wishes to the people and Government of Togoland.

11. Mr. KOSCZIUSKO-MORIZET (France) gave an account of the way in which the measures recommended in General Assembly resolution 1182 (XII) concerning Togoland had been carried out. The Administering Authority had met all its commitments and the Trusteeship Council was confronted with a clear-cut situation.

12. The elections for the renewal by universal suffrage of the Togoland Chamber of Deputies had taken place on 27 April 1958 in the presence of the United Nations Commissioner and his observers. In his report to the Council on those elections, Mr. Dorsinville, to whose conscientiousness and impartiality the French delegation wished to pay a tribute, had declared that the general outcome of the elections faithfully reflected the wishes of the people and that the new Chamber was truly entitled to speak for the people of Togoland. He had added that, in spite of certain defects and weaknesses which could have invalidated the results of the voting, voters had been able to cast their votes peacefully and freely. Mr. Kosciusko-Morizet took note of those statements. France had taken care not to interfere in any way in the preparation and organization of the elections. The High Commissioner, who represented France at Lomé, had played no part other than that of a witness and an impartial arbiter. With what must surely be rare disinterestedness, the Administering Authority had refrained from exercising the slightest pressure. The legitimacy of the Chamber now in office and of the Government to which it had given its confidence must therefore be fully recognized.

13. As soon as the results of the elections had been known, Mr. Spénale, the High Commissioner of the French Republic, in accordance with the constitutional forms envisaged, had first sounded out and then nominated the head of the new majority, Mr. Sylvanus Olympio, as Prime Minister of the Republic of Togoland. The latter had been unanimously confirmed in office by the new Chamber of Deputies and had immediately formed his Government. He read out a list of the members of that Government.

14. The transfer of powers to the Togoland Government, announced by France in the Fourth Committee in November 1957<sup>1</sup> and intended to complete the autonomy of Togoland, had become effective from February 1958. The transfer had been dealt with in two series of texts (T/1409): namely, Decree No. 58-187 of 22 February 1958 amending the Decree of 24 August 1956 setting forth the Statute of Togoland, and nine Conventions for the application of the Decree, which had been signed at Lomé on 25 February 1958. Both the Decree and the Conventions had been drawn up in Paris and at Lomé in February 1958, during preliminary discussions between the French and Togoland Governments.

15. The basic provisions of the Decree of 22 February 1958, under which the Autonomous Republic of Togoland had been transformed into the Republic of Togoland, were contained in title IV, headed "Division of competence". Article 25 stipulated that all powers of legislation and regulation should be vested in the authorities of the Republic of Togoland, and then gave the main fields in which those powers might be exercised. The French Republic had been left responsible for external affairs, monetary policy and defence only, as could be seen from article 27. The new Statute had been put into effect immediately. As early as 29 March the Lomé Supreme Court of Appeal had been instituted. The ceremony had marked the transfer of judicial power to the Togoland Government. Thenceforward, justice had been administered in the name of the Togolese people and Mr. Olympio had set up a Ministry of Justice. The United Nations Commissioner for the elections of 27 April had been able to see for himself that the transfer of power had actually been carried out. In particular, the organization of the elections themselves had been the exclusive responsibility of the Togoland Government, without a single instance of recourse to the services of the French Republic.

16. The Conventions for the application of the Decree covered arbitration, which was provided for in article 30 of the new Statute and which was to be the responsibility of the French *Conseil d'Etat*; the implementation of article 29 concerning appeals procedure; the participation of the armed forces of the French Republic in the maintenance of public order in Togoland; defence, civil aviation, meteorology, currency and external trade, cultural activities and education; and the judicial personnel to be placed at the disposal of the Republic of Togoland by the French Republic.

17. All those provisions in the new Statute and the Conventions conformed very strictly to the undertakings given by France in the Fourth Committee of the General Assembly at its twelfth session. They had been faithfully applied by both parties and no special difficulties had arisen from their application. The changes in Togoland's institutions had been brought about by the procedure of free discussion, which France had already employed on many occasions and under which the two Governments and the Togoland Chamber of Deputies were on a footing of complete equality. That was an example of the evolutionary nature of the Statute. As his delegation had often stated, the bilateral instrument represented by the Statute was not fixed once and for all; it was subject to revision, particularly at the request of the Togolandians themselves. Additional evidence of that could be found in the fact that further changes in the Statute had been examined in Paris jointly by the French and Togoland Governments and were now under consideration by the Togoland Chamber of Deputies. Such a revision of the Statute would entail also the signature of new conventions and would, in the words of the joint *communiqué* by France and Togoland (T/1410/Rev.1), mark the final stage in the development of Togoland's institutions before independence.

18. Thus all that France had promised had been fulfilled: all internal powers without exception had been handed over to the Republic of Togoland and the people of Togoland now possessed complete self-government, which under Article 76 b of the Charter constituted one of the two possible objectives of the Trusteeship System.

19. France would have been within its legal rights in asking for the end of the trusteeship on that basis.

<sup>1</sup> See *Official Records of the General Assembly, Twelfth Session, Fourth Committee, 695th meeting.*

France's principal aim, however, had never been the termination of the Trusteeship Agreement but rather the implementation in Togoland of a policy in conformity with the wishes of the population and the terms of the Charter. It had therefore taken into consideration the wishes clearly expressed as a result of the April 1958 elections and it was from that angle that France had approached the problem of the future of the Territory. His country had had no desire to force the new Togoland leaders to take a hasty decision and it was for that reason that on 30 June 1958 it had asked the Trusteeship Council to defer consideration of the question of the future of Togoland (T/1395).

20. His delegation was now in a position to inform the Council of the views of the Togoland Government on the future of the Territory and of France's own intentions. The Prime Minister of Togoland had been to Paris and had been received by General de Gaulle, the President of the French Council of Ministers. The Togoland delegation, headed by Mr. Olympio, had included Mr. Santos, Minister of Justice, and Mr. Savi de Tové, President of the Togoland Chamber of Deputies. The talks between that delegation and the representatives of the French Government, in which he himself had taken part, had resulted in an agreement,

embodied in a joint *communiqué*, the text of which had been transmitted to the Secretary-General of the United Nations (T/1410/Rev.1). That *communiqué* recognized that Togoland had opted for independence; it was not merely a question of recognition in principle, for the year 1960 had now been fixed as the year in which Togoland was to attain independence and in which, simultaneously, the Trusteeship Agreement was to be terminated.

21. That was an important decision. France had fulfilled all its obligations under both the Charter and the Trusteeship Agreement. Peace, law and order, and good administration had been ensured, fundamental freedoms guaranteed, education developed, economic and social progress stimulated, and democratic institutions established. The people had freely expressed their views on their system of government and their future. The objectives laid down in Article 76 b of the Charter had therefore been attained and it was now for the United Nations, as the other contracting party to the Trusteeship Agreement, to crown the work thus accomplished and to join with France in signing the birth certificate of a new nation.

The meeting rose at 11.50 a.m.