



UNITED NATIONS

TRUSTEESHIP COUNCIL

OFFICIAL RECORDS

EIGHTH SPECIAL SESSION

13 - 17 OCTOBER 1958

SUMMARY RECORDS AND ANNEXES

NEW YORK



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INTRODUCTORY NOTE

The *Official Records of the Trusteeship Council* consist of records of meetings, annexes to those records and supplements. The records of meetings include corrections requested by delegations and such editorial modifications as were considered necessary.

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Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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LIST OF DELEGATIONS

Members of the Council

AUSTRALIA

Representative

H.E. Dr. E. Ronald Walker, C.B.E., Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations

Alternate Representatives

Mr. Kevin T. Kelly, Counsellor, Permanent Mission
Mr. J. E. Ryan, Consul, New York

BELGIUM

Representative

Mr. Alfred Claeys Bouúaert, former Vice-Governor-General of the Belgian Congo, former Governor of Ruanda-Urundi

Alternate Representative

Mr. Luc Smolderen, Attaché of Embassy, Permanent Mission

BURMA

Representative

U Tin Maung, Deputy Permanent Representative to the United Nations

Alternate Representatives

U Kyan Min, Consul, New York, Secretary of the Permanent Mission
U Aung Thant, Third Secretary, Permanent Mission

CHINA

Representative

Mr. Chiping H. C. Kiang, Minister Plenipotentiary, Permanent Mission

Alternate Representative

Mr. Hsi-kun Yang, Technical Counsellor for Trusteeship Council Affairs, Permanent Mission

Adviser

Mr. Wei-liang Yin, First Secretary, Trusteeship Council Affairs, Permanent Mission

FRANCE

Representative

Mr. Jacques Kosciusko-Morizet, *Maître des requêtes*, Conseil d'Etat

Alternate Representatives

Mr. Michel de Camaret, Counsellor, Ministry of Foreign Affairs, Permanent Mission
Mr. Frédéric Max, Counsellor, Eastern Affairs

Adviser

Mr. René Doise, Administrator, Ministry of Overseas France

Special Representative for Togoland

Mr. Jacques Taravant, Administrator, Ministry of Overseas France

GUATEMALA

Representative

H.E. Dr. Alberto Herrarte, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations

Alternate Representatives

Mr. Luis Beltranena Valladares, Envoy Extraordinary and Minister Plenipotentiary, Alternate Representative to the United Nations
Mr. Arturo Pérez Galliano

HAITI

Representative

H.E. Mr. Max H. Dorsinville, Ambassador Extraordinary and Plenipotentiary, Alternate Representative to the United Nations

Alternate Representatives

Mr. Ernest Jean-Louis, Minister Counsellor, Permanent Mission
Mr. Robert Théard, First Secretary, Permanent Mission

INDIA

Representative

H.E. Mr. V. K. Krishna Menon, Minister for Defence

Alternate Representatives

H.E. Mr. Arthur S. Lall, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations
Mr. T. J. Natarajan, Counsellor, Permanent Mission

Adviser

Mr. Jaipal, First Secretary, Permanent Mission
Mr. M. Rasgotra, First Secretary, Permanent Mission

ITALY

Representative

Mr. Girolamo Vitelli, Minister Counsellor, Permanent Mission

Alternate Representative

Mr. Vittorio Zadotti, Counsellor, Trusteeship Council Affairs, Permanent Mission

Adviser

Mr. Sergio Kociancich, Second Secretary, Permanent Mission

NEW ZEALAND

Representative

H.E. Mr. Foss Shanahan, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations

Alternate Representatives

Mr. T. P. Davin, Consul General, New York
Mr. P. K. Edmonds, Second Secretary, Permanent Mission

UNION OF SOVIET SOCIALIST REPUBLICS

Representative

Mr. I. I. Lobanov, Counsellor, Adviser for Trusteeship Council Affairs, Permanent Mission

Alternate Representative

Mr. V. N. Bendryshev, First Secretary, Permanent Mission

Expert

Mr. G. S. Stashevsky, Permanent Mission

UNITED ARAB REPUBLIC

Representative

Dr. Jawdat Mufti, Counsellor, Permanent Mission

UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND*Representative*

Sir Andrew Cohen, K.C.M.G., K.C.V.O., O.B.E.,
Permanent Mission

Alternate Representative

Mr. G. K. Caston, First Secretary for Colonial Affairs,
Permanent Mission

UNITED STATES OF AMERICA

Representative

Mr. Mason Sears, Permanent Mission

Alternate Representative

Mr. Benjamin Gerig, Director, Office of Dependent
Area Affairs, Department of State

Advisers

Mr. Nicholas Feld
Mr. René Tron

Specialized agencies

INTERNATIONAL LABOUR ORGANISATION

Dr. R. A. Métall, Director, Liaison Office with the
United Nations

Mr. M. H. Khan, Member, Liaison Office with the
United Nations

Mr. Roberto Payro, Member, Liaison Office with the
United Nations

FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS

Mr. J. L. Orr, Director, Liaison Office with the United
Nations

UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION

Mr. Asdrúbal Salsamendi, Liaison Office with the
United Nations

WORLD HEALTH ORGANIZATION

Dr. R. L. Coigney, Director, Liaison Office with the
United Nations

Dr. Michael R. Sacks, Liaison Office with the United
Nations

AGENDA

1. Adoption of the agenda.
2. The future of Togoland under French administration (General Assembly resolution 1182 (XII)).
3. Examination of the annual report of the Administering Authority on the administration of Togoland under French administration, 1956.
4. Arrangements for the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959.
5. Arrangements for the United Nations Visiting Mission to the Trust Territories of Nauru, New Guinea and the Pacific Islands, 1959.

CHECK LIST OF DOCUMENTS

NOTE. Listed below are all documents referred to during the eighth special session. The relevant agenda item is given only in the case of documents of that session.

<i>Document No.</i>	<i>Title</i>	<i>Agenda item</i>	<i>Observations and references</i>
T/1290	Memorandum by the Administering Authority		<i>Official Records of the General Assembly, Eleventh Session, Annexes</i> , agenda item 39, document A/3169/Add.1, annex I
T/1371	Note by the Secretary-General transmitting the report of the Government of France on the administration of Togoland under French administration for the year 1956	3	Mimeographed
T/1381	Observations of the United Nations Educational, Scientific and Cultural Organization on the annual report on the Trust Territory of Togoland under French administration for the year 1956	3	See page 15 of the present volume
T/1392 and Corr.2 and Add.1	Report of the United Nations Commissioner for the Supervision of the Elections in Togoland under French Administration	2	Same text as A/3957. See <i>Official Records of the General Assembly, Thirteenth Session, Annexes</i> , agenda item 40, addendum
T/1395	Letter dated 30 June 1958 from the representative of France on the Trusteeship Council addressed to the President of the Council		<i>Official Records of the Trusteeship Council, Twenty-second Session, Annexes</i> , agenda item 14
T/1408	Provisional agenda of the eighth special session of the Trusteeship Council	1	Adopted without change. See T/1414
T/1409	Decree No. 58-187 of 22 February 1958 amending the Decree of 24 August 1956 setting forth the Statute of Togoland and the Conventions of 25 February 1958 between France and Togoland	2	See page 18 of the present volume
T/1410	Letter dated 6 October 1958 from the representative of France on the Trusteeship Council addressed to the Secretary-General	2	Replaced by T/1410/Rev.1
T/1410/Rev.1	Letter dated 6 October 1958 from the representative of France on the Trusteeship Council addressed to the Secretary-General	2	See page 27 of the present volume
T/1411	Note by the Secretary-General	4	Mimeographed
T/1412	Note by the Secretary-General	5	Ditto
T/1413	Statement made by the representative of France at the 937th meeting of the Trusteeship Council	2 and 3	For the text of this document, see <i>Official Records of the General Assembly, Thirteenth Session, Annexes</i> , agenda item 40, document A/3958, annex II
T/1414	Agenda of the eighth special session of the Trusteeship Council	1	See page v of the present volume
T/L.882	Outline of conditions in the Trust Territory of Togoland under French administration: working paper prepared by the Secretariat	3	Mimeographed
T/L.883	Outline of conditions in the Trust Territory of Togoland under French administration: working paper prepared by the Secretariat concerning petitions raising general questions	3	Ditto
T/L.884	Burma, Guatemala, India, Italy, New Zealand and United States of America: draft resolution	2 and 3	Adopted without change. See <i>Official Records of the Trusteeship Council, Eighth Special Session, Supplement No. 1, resolution 1921 (S-VIII)</i>
T/L.885	Burma: draft resolution	4	<i>Idem</i> , resolution 1922 (S-VIII)

<i>Document No.</i>	<i>Title</i>	<i>Agenda item</i>	<i>Observations and references</i>
T/L.886	Haiti: draft resolution	5	<i>Idem</i> , resolution 1923 (S-VIII)
T/L.887	Draft special report of the Trusteeship Council	2 and 3	Adopted without change. See <i>Official Records of the General Assembly, Thirteenth Session, Annexes</i> , agenda item 40, document A/3958
T/PET.../...			Documents in this series are mimeographed



TRUSTEESHIP COUNCIL

Eighth Special Session

OFFICIAL RECORDS

937th (Opening) Meeting

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

NEW YORK

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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

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.

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 1957¹ 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 Togoland's 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.

¹ 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.



TRUSTEESHIP COUNCIL

Eighth Special Session

OFFICIAL RECORDS

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at 10.45 a.m.

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Arrangements for the United Nations Visiting Mission to the Trust Territories of Nauru, New Guinea and the Pacific Islands, 1959	10

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 representatives of the following specialized agencies: International Labour Organisation; United Nations Educational, Scientific and Cultural Organization; World Health Organization.

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, T/L.884) (*continued*)

Examination of the annual report of the Administering Authority on Togoland under French administration, 1956 (T/1371, T/1381, T/L.882, T/L.883, T/PET.7/L.31, T/PET.7/L.33-46, T/PET.7/R.2 and Add.1) (*continued*)

[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.

1. Mr. SEARS (United States of America), introducing the draft resolution on the future of Togoland under French administration sponsored by his own and five other delegations (T/L.884), said that his delegation regarded it as one of the two most important resolutions ever put before the Trusteeship Council, the other having been that which had set up the machinery of self-determination whereby the former Trust Territory of Togoland under British administration had become independent as a part of the State of Ghana.

2. The three influences which, more than any others, had contributed to the present favourable outlook were

the progressive attitude of the French Government in its capacity as Administering Authority, the effective work of the United Nations Commissioner and his staff in supervising the elections and the responsible leadership exercised by the independence movement in the Territory.

3. As an indicator of things to come, the French representative's exposition of the present situation in Togoland at the previous meeting had been one of the most significant statements made by a French official since the establishment of the Fifth Republic. That statement showed that France had made good the many assurances it had given the Trusteeship Council that the people of Togoland would have the opportunity to choose the government under which they wished to live.

4. The conduct of the former Government of Togoland, the Togolese people and the Administering Authority in the holding of the elections was a striking example of the vigorous functioning of the democratic process. In view of the assurances given by the Commissioner that the outcome of the elections reflected the wishes of the people and that the new Chamber of Deputies was entitled to speak for them, there could be no reason to delay the Territory's accession to independence beyond the date envisaged in the draft resolution. The year 1960, when it was anticipated that four African nations would become self-governing or independent, would indeed be a red-letter year in the history of that continent. It was fortunate that at such a time the African people should have leaders like Mr. Sylvanus Olympio, whose statesmanship and wisdom were contributing so greatly to the realization of the final goal of the Trusteeship System.

5. Mr. MUFTI (United Arab Republic) congratulated Mr. Dorsinville and his staff on the fidelity with which they had complied with their terms of reference and the dedication with which they had carried out their task. He also wished to express his satisfaction at the warm welcome extended to them by the former Togoland Government and the measures taken by it either on its own initiative or at the Commissioner's request to ensure the proper conduct of the elections. The Administering Authority was to be congratulated for its sincere effort to facilitate the task of the mission. The Togoland people, particularly the women, were also deserving of praise for their exemplary conduct in the course of the elections.

6. He regretted to note, however, that the Commissioner had not been permitted to participate in the drawing up of certain important texts relating to the holding of the elections, and that the former Togoland Government had not felt able to adopt certain suggestions made by him and had delayed in adopting others. It was particularly regrettable that the system of disqualifying candidates or voters for political reasons had not been revised, that therefore certain political figures had been barred from presenting themselves as candidates and that some of the traditional chiefs had abused their authority. The important thing was, however, that the

outcome of the elections, to judge by the conclusions set forth in the Commissioner's report (T/1392 and Corr.2 and Add.1), was representative of the wishes of the Togolese peoples. It was significant that the addendum to the report (T/1392/Add.1) showed that none of the appeals made against the results of the elections had concerned the candidates of the Comité de l'Unité togolaise. The report did not call for specific recommendations by the Council, which could do no more than to take note of it, express its appreciation of the work of Mr. Dorsinville and his staff and transmit the observations of its members to the General Assembly.

7. The information to be supplied to the Council by the Administering Authority in accordance with paragraph 7 of General Assembly resolution 1182 (XII) was particularly important inasmuch as there had been several important political developments in the Territory in addition to the elections, including the promulgation of the Decree amending the Statute of Togoland (T/1409), the signing of the Conventions of 25 February 1958 between France and Togoland (T/1409) and the issuance of the *communiqué* concerning the talks between the two Governments which had taken place in September 1958 (T/1410/Rev.1).

8. In connexion with those developments, it must be asked to what degree the new Statute ensured the transfer of powers referred to in the fifth preambulatory paragraph of resolution 1182 (XII); to what degree the nine Conventions were compatible with that transfer of powers; what was the attitude of the new Togoland Government with regard to the amended Statute and the nine Conventions and when and by whom the Council would be informed of that attitude; and what were the essential modifications which would have to be made to the Statute in order to achieve the final stage in the development of Togoland's institutions before its accession to independence. The United Nations would not be in a position to take action until it had received satisfactory replies to those questions and until it had heard the representatives of the new Togoland Government.

9. It was apparent that the French delegation was prepared to co-operate in every possible way; hence if it should be felt when the question was discussed in the Fourth Committee that certain other information was required, delegations could request it at that time.

10. With regard to item 2 of the Council's agenda, he thought that as the annual report of the Administering Authority for 1956¹ did not take into account the important political events which had occurred in the past two years, there would be no point in discussing that report at the present time. If, however, the Council decided to examine the report, it might usefully consider at the same time the economic and social situation in the Territory in the light of the Council's most recent recommendations on that subject, which had been adopted during the nineteenth regular session.²

11. The text of the six-Power draft resolution accorded with his delegation's position with regard to the future of Togoland, and he would therefore vote in favour of it. He wished only to point out in that

connexion that operative paragraph 6 could not be interpreted as requiring the termination of the Trusteeship Agreement before the Territory acceded to independence in 1960.

12. Mr. JAIPAL (India) said that in the absence of a special representative of the Administering Authority, and particularly in view of the great changes which had taken place in the Territory in the past two years, an examination of the annual report for 1956 could be of only academic interest, and the Council would do better to study the present situation and focus its attention on future developments.

13. He congratulated Mr. Dorsinville on the impartiality and diplomatic skill which he had displayed in supervising the conduct of the elections, and expressed the view that it had been Mr. Dorsinville's presence in the Territory more than anything else which had made the present situation possible. The significance of the elections lay primarily in the fact that the people of the Territory were now truly represented in the Chamber of Deputies and had thus been able to make clear their desire for independence. It was encouraging that the Administering Authority had accepted that decision and was ready and willing to give effect to it.

14. The transfer of powers which had already taken place meant that the Togoland authorities now exercised a substantial degree of self-government; the contemplated modifications to the present Statute and the further conventions to be concluded in addition to those of 25 February 1958 should bring the Territorial Government still closer to the attainment of the final objective of the Trusteeship System. As the General Assembly would doubtless receive information later in the current session concerning the substance of those modifications and the date of which they would take effect, the Council should leave it to the Assembly to determine the next step to be taken towards the attainment of independence. He suggested in that connexion that the Assembly might wish to consider the situation in Togoland in the light of the factors outlined in its resolution 742 (VIII) before deciding that the time had come to terminate the Trusteeship Agreement.

15. He recalled that his delegation had abstained from voting on resolution 1182 (XII) at the previous session of the General Assembly, because it had not referred to the termination of the trusteeship on the basis of independence. His delegation had been able to join in sponsoring the six-Power draft resolution before the Council because it did not suffer from that defect.

16. In conclusion, he expressed the hope that the present fruitful co-operation between Togoland and France would continue and would lead to the establishment of friendly relations between an independent Togoland and the French Republic on the basis of complete equality and mutual benefit.

17. Mr. KIANG (China) said that his delegation would make its comments on the report of the Commissioner for the Supervision of the Elections when it was laid before the General Assembly. Mr. Dorsinville was to be commended in particular for the influence which he had exercised in his prior consultations with the Administering Authority and the Government of Togoland regarding the organization and conduct of the elections. The advice he had given on the revision of the electoral lists, the problem of electoral disqualifications, the use of indelible ink to mark the thumbs of voters and the status of United Nations observers had

¹ *Rapport annuel du Gouvernement français à l'Assemblée générale des Nations Unies sur l'administration du Togo placé sous la tutelle de la France, année 1956* (St.-Ouen (Seine), Imprimerie Chaix, 1958). Transmitted to members of the Trusteeship Council by a note of the Secretary-General (T/1371).

² See A/3595 and Corr.1, part II, Chap. VI.

contributed significantly to the successful conduct of the elections.

18. The Chinese delegation was most happy to note from paragraph 564 of the report that the general outcome of the elections faithfully reflected the wishes of the people of Togoland as to their choice of representatives in the Chamber of Deputies and that the new Chamber was truly entitled to speak for the people of Togoland.

19. The Administering Authority could take pride in the efforts which it had made to guide the people of Togoland towards self-government. Those efforts had culminated in the progressive transfer of powers and the liberal application of the Statute of Togoland. He was particularly happy to note that in the interval that had elapsed since the elections the French Government and the Prime Minister of Togoland had reached agreement on the modifications to be made in the present Statute, a development which augured well for the future relationship between the two countries. The Togolese people, now solidly behind the leadership of their statesman, Mr. Olympio, could look forward to a great future with optimism and confidence. The strength and prestige of Togoland, which had been enhanced as a result of the elections, would be further enhanced by its willingness to co-operate on a footing of equality with the Government of France.

20. Mr. VITELLI (Italy) said that the history of the Territory's progress towards the final objectives of the Trusteeship System was so recent that it was unnecessary to recall it. He would confine himself to an examination of the situation in the light of the recommendations contained in General Assembly resolution 1182 (XII).

21. In operative paragraph 7 of that resolution the Administering Authority was invited to inform the Trusteeship Council concerning certain specified developments. He would take those matters *seriatim*.

22. It seemed clear from the joint *communiqué* (T/1410/Rev.1) issued on the conclusion of the talks between France and Togoland in September 1958 that the transfer to the Togoland Government of all powers except those relating to external affairs, defence and monetary policy had been accomplished. Moreover, agreement had been reached on the modifications to the existing Statute of Togoland which were necessary in order to achieve the final stage in the development of Togoland's institutions before independence.

23. As regards the elections, he wished to congratulate Mr. Dorsinville on the manner in which he had performed his task and on his most informative report. Mr. Dorsinville had concluded his report by saying that there was not the slightest doubt that the general outcome of the elections faithfully reflected the wishes of the people of Togoland. Another requirement of the General Assembly had thus been met.

24. The third and fourth matters referred to in operative paragraph 7 of the General Assembly resolution were the convening of the new Chamber of Deputies and the wishes of the Chamber concerning the new Statute and the termination of the Trusteeship Agreement. Both the statement of the French representative at the previous meeting and the *communiqué* itself confirmed that Togoland had opted for independence on the termination of the Trusteeship Agreement in 1960. True, the Chamber of Deputies had not formally ex-

pressed such a wish; but the Government of Togoland, enjoying as it did the support of the majority in that Chamber, was entitled to speak on its behalf.

25. Accordingly, the Administering Authority had, in his opinion, complied with the requirements of operative paragraph 7 of General Assembly resolution 1182 (XII). Operative paragraph 8 of that resolution requested the Trusteeship Council to consider those matters and to report thereon to the General Assembly at its thirteenth session. His delegation felt that the Trusteeship Council should note with satisfaction what had been achieved and report its findings to the General Assembly, in order that the latter, in agreement with the Administering Authority, might take the final decision on the termination of the Trusteeship Agreement. In so doing, the General Assembly should be guided by the desire for independence in 1960 which had been expressed by the Government of Togoland. Although, in fact, the Trusteeship Agreement could be terminated immediately, the Administering Authority had indicated its willingness to accede to the request of the Government of Togoland that the Agreement should be terminated in 1960. In view of the explanation given that the sole purpose of the delay was to further the interests of the people of Togoland, his delegation had agreed to be one of the sponsors of the six-Power draft resolution (T/L.884), in the earnest hope that it would be adopted unanimously.

26. In conclusion, he wished to congratulate the French Government on the manner in which it had led the Territory to the ultimate goal of the Trusteeship System and to express his warmest wishes to the Government and people of Togoland.

27. Mr. JEAN-LOUIS (Haiti) said that it was a noteworthy fact that, for the first time, a Trust Territory was on the point of achieving independence as a separate State. His Government fully approved the conclusions reached in the report of the United Nations Commissioner, who was himself a Haitian. There had been many difficulties, but they had not proved insurmountable, and his delegation wished to record its appreciation of the devotion of the observers, on whom so much had depended. Praise was also due to the people of Togoland for the civic virtues which they had displayed, and to the Togoland authorities who for the first time had been responsible for organizing elections on the basis of universal suffrage. As Mr. Dorsinville had said, the new Chamber was truly entitled to speak for the people of Togoland.

28. Although full information was not available on the essential modifications to be made to the present Statute in order to achieve the final stage in the development of Togoland's institutions before independence, the Trusteeship Council had sufficient information to enable it to express a preliminary opinion. Document T/1409 contained the text of the Decree of 22 February 1958 amending the Decree of 24 August 1956 setting forth the Statute of Togoland and the texts of the nine Conventions between France and Togoland concluded on 25 February 1958. Since Mr. Dorsinville had stated in paragraph 31 of his report that the Togoland authorities had power to enact laws and regulations in all matters concerning the political and administrative organization of the Territory, it was clear that the "essential modifications" mentioned in the *communiqué* (T/1410/Rev.1) could refer only to the Statute in its current form and to the Conventions.

29. The elections of 27 April 1958 had resulted in a majority for those who supported complete independence. The leader of the majority, Mr. Sylvanus Olympio, was now the Prime Minister of Togoland; in expressing his country's preference for independence, he could be sure that he spoke not only for his party but for a wide section of public opinion.

30. Mr. Jean-Louis said he would support the draft resolution: his delegation was satisfied with the course of events in Togoland and agreed with Mr. Dorsinville's statement in paragraph 580 of his report that the Administering Authority and the United Nations might well take pride in having helped to bring about the progress which had made the present outcome possible.

31. U TIN MAUNG (Burma) paid a tribute to Mr. Dorsinville for his impartiality and for his extremely interesting report, which undoubtedly gave an accurate description of the political situation at the time of the elections.

32. The results of the elections were cause for gratification. The people of Togoland had shown a high sense of dignity and had elected a legislative body which was potentially a constituent assembly. The administration was now in the hands of Mr. Sylvanus Olympio and a Togoland Government, and the Administering Authority had shown true statesmanship in welcoming Mr. Olympio as Prime Minister.

33. In his opinion, the Trusteeship Council had three tasks before it. Firstly, it should satisfy itself that Togoland was self-governing; on that point, the Council only possessed the assurance of the Administering Authority. But, except in regard to external affairs, defence and monetary policy, power was in the hands of the Togoland authorities. Secondly, the Council should take note of the statements in the *communiqué* (T/1410/Rev.1) that Togoland had opted for independence and that modifications were to be made in the existing Statute. Thirdly, detailed consideration of the questions which had been raised should be deferred until the Fourth Committee had considered the procedure for the termination of the Trusteeship Agreement and had ascertained the wishes of the people of Togoland through their Prime Minister, who was expected in New York the following month.

34. For those reasons, his delegation had agreed to be one of the sponsors of the six-Power draft resolution (T/L.884) in the hope that it would be unanimously adopted.

35. Mr. SHANAHAN (New Zealand) recalled that in its resolution 1182 (XII) the General Assembly had specified certain conditions that were to be fulfilled in Togoland under French administration before it took a decision at its thirteenth session concerning the termination of the Trusteeship Agreement.

36. In the first place, general elections were to be held under the supervision of the United Nations Commissioner. That condition had been fulfilled and his delegation, like others, wished to express its warm appreciation of the work done by Mr. Dorsinville and his staff.

37. Then there had been the transfer to the Government of the Territory of all political powers except those relating to external affairs, defence and monetary policy. As the French representative had stated, that transfer had been completed and the Territory had thus achieved self-government, which was one of the objec-

tives of the Trusteeship System as defined in Article 76 b of the Charter.

38. Finally, the General Assembly had desired to hear the views both of the Administering Authority and of the new Chamber of Deputies of the Territory on the future status of Togoland and the termination of the Trusteeship Agreement. The representative of France had reported that an agreement had been reached between his country and a Togoland delegation led by Mr. Olympio whereby the Trust Territory would become independent in 1960; the other specific objective of the Trusteeship System laid down in Article 76 b of the Charter would thus be achieved, and it was at that stage that the Administering Authority and the people of Togoland desired the Trusteeship Agreement to be terminated.

39. His delegation, as a co-sponsor of the draft resolution, congratulated the Government and people of Togoland on the peaceful and progressive solution of their political problem, and warmly commended the Administering Authority for its assistance in the attainment of that goal and for its whole-hearted co-operation with the United Nations and with the people of Togoland.

40. Mr. SMOLDEREN (Belgium) said that the choice of 1960 as the date for the termination of the Trusteeship Agreement had apparently been made at the request of the Togoland Government, which no doubt had good reason for wishing its country to remain under trusteeship for a further two years. That desire was clearly not the outcome of any request by France, since the French representative had stated at the previous meeting that Togoland was ready for independence. But it was evident from the *communiqué* (T/1410/Rev.1) that France, as the Administering Authority, had been anxious to meet the wishes of the Togoland authorities.

41. His delegation desired to express its sincere wishes for the prosperity of the new State, whose readiness for independence had been recognized by France. It felt, however, that the prolongation of the trusteeship for approximately two years gave rise to numerous problems. Since 24 August 1956 the successive Governments of Togoland had had the power of initiative and decision in most matters affecting the life of the Territory. The powers reserved to France—representation abroad, defence and currency—had been so reserved with the consent of the Togoland authorities themselves and were not an obstacle to the termination of the trusteeship. In consequence, although, *de jure*, France was still responsible for the exercise of the trusteeship, its *de facto* responsibility was reduced to very little and its annual reports dealt with matters with which it had no concern. In the existing circumstances a strict application of the provisions of Chapters XII and XIII of the Charter would interfere with Togoland's right to self-determination. For the past two years the Trusteeship System had had no more than a nominal existence in the Territory and had been devoid of any real meaning.

42. His delegation had supported General Assembly resolution 1182 (XII), but not without expressing the most serious reservations with regard to certain of its provisions. Those reservations applied *a fortiori* to the draft resolution before the Council, which in fact represented an implementation of the General Assembly's recommendation. At the 713th meeting of the Fourth

Committee, held during the twelfth session, he had emphasized that the proposed procedure concerning Togoland under French administration could no more constitute a precedent with regard to the manner in which trusteeship agreements should come to an end than could the procedure adopted when the Trusteeship Agreement for Togoland under British administration had been terminated. He had added that only the consent of the Administering Authorities concerned conferred any validity on the procedure adopted in those two cases.

43. He wondered what the words "take a decision" in operative paragraph 6 of the draft resolution were intended to mean. The Administering Authority and the elected Government of Togoland had reached agreement on the date for terminating the Trusteeship Agreement and on the manner in which the termination should be effected. The General Assembly was not entitled on legal or on any other grounds to intervene in that agreement. All that it could do between now and 1960 would be to take note of the fact that the trusteeship had come to an end.

44. Nevertheless, the draft resolution gave evidence of a sincere desire to respect the agreement recently reached in Paris between France and Togoland. On those grounds and on those grounds only his delegation would be prepared to support it.

45. Mr. KELLY (Australia) agreed that no useful purpose would be served by considering the report on the administration of Togoland for 1956.

46. At the invitation of both the Administering Authority and the Togoland Government, the elections had been supervised by a United Nations Commissioner, Mr. Dorsinville, to whose integrity and capacity the Australian delegation wished to pay tribute. The Council had been assured that the outcome of the elections reflected the will of the people of Togoland and that the Government of Togoland was fully capable of expressing the Territory's wishes concerning its future.

47. The representative of France had confirmed that the elections had been fair and that the results were beyond dispute; that all powers of self-government had been transferred to the Togoland Government with the exception of powers in three specific fields; that powers in those fields would be transferred to the Togoland Government; that the objectives of the Trusteeship System had in fact already been achieved; that Togoland was ready for the termination of the Trusteeship Agreement in 1960 and that France concurred in the Togoland Government's wish that the Trusteeship Agreement should be brought to an end in that year.

48. In view of the statement of the representative of France and having regard to the terms of the *communiqué* endorsed by the Government of France and the Prime Minister of Togoland, the Australian delegation supported the draft resolution. Australia congratulated France and Togoland on their achievement and welcomed the emergence of a new African State.

49. Sir Andrew COHEN (United Kingdom) said that his delegation whole-heartedly welcomed and would support the draft resolution, which it hoped would receive unanimous support.

50. He expressed his delegation's appreciation of the work done by Mr. Dorsinville as United Nations Commissioner for the Supervision of the Elections in Togoland.

51. The United Kingdom delegation welcomed the agreement between France and Togoland outlined in the *communiqué* published on the conclusion of the talks in Paris and felt that the situation augured well for the future. He associated his delegation with the congratulations tendered by many other delegations to the Administering Authority, France, and to the Government and people of Togoland.

52. Mr. KOSCZIUSKO-MORIZET (France) thanked those members of the Council who had expressed appreciation of the work done by France in Togoland and who had congratulated the Government and people of Togoland on their achievements.

53. He agreed with those speakers who had suggested that there was no point in examining the annual report of the Administering Authority for 1956 since the situation it described had now ceased to exist.

54. One previous speaker had appeared to feel that the assurances given by France to the effect that Togoland was indeed self-governing were insufficient. The French delegation had always adhered strictly to the facts and he could not imagine that any representative would question the veracity of the statements made by himself as the representative of the Administering Authority. In any event any doubts that might subsist would, he was sure, be dispelled in the course of the debate in the General Assembly.

55. In a recent interview at Lomé Mr. Sylvanus Olympio, the Prime Minister of Togoland, had explained that 1960 had been chosen as the date for Togoland's achievement of independence since time was needed to make the necessary arrangements. The French Government had agreed to that date at the wish of the Togoland Government. Incidentally, he had had a talk about a week previously with Mr. Olympio, who had expressed his intention of attending the present session of the General Assembly.

56. With regard to operative paragraph 6 of the draft resolution, he pointed out that the Trusteeship Agreement would automatically be terminated as soon as the French and Togoland Governments proclaimed the independence of the Republic of Togoland. The two events would be simultaneous; no other interpretation was possible.

57. His delegation would support the draft resolution and hoped that it would be adopted unanimously.

58. Mr. BELTRANENA VALLADARES (Guatemala) agreed with previous speakers that there was no need to examine the annual report of the Administering Authority for 1956 since the situation in Togoland had radically changed since that date.

59. His delegation welcomed the new nation that was entering into independence. It felt that the decision that there should be a short delay before the termination of the Trusteeship Agreement had been wise. The Conventions that had been concluded between France and Togoland were evidence that cordial understanding existed and that a detailed programme had been established for the achievement of Togoland's independence.

60. For those reasons he had been glad to join in sponsoring the six-Power draft resolution.

The joint draft resolution (T/L.884) was adopted unanimously.

61. Mr. LOBANOV (Union of Soviet Socialist Republics) said that his delegation had not participated

in the debate, since it had dealt exclusively with the joint draft resolution.

62. It has not been possible to discuss the substance of the matter because a number of important documents were lacking and because no representative of the Togoland Government had been present. Such a discussion would, however, take place in the Fourth Committee and the Soviet delegation would then state its position.

Arrangements for the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959 (T/1411)

[Agenda item 4]

63. The PRESIDENT recalled the decision concerning the membership of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959, taken by the Council at its twenty-third session (933rd meeting), and drew attention to the note by the Secretary-General (T/1411) informing the Council that France, India, the United Arab Republic and the United Kingdom had nominated Mr. Jacques Kosciuszko-Morizet, Mr. Arthur S. Lall, Mr. Omar Loutfi and Sir Andrew Cohen, respectively, as members of the Mission.

Those nominations were approved unanimously.

64. The PRESIDENT called for nominations for the chairmanship of the Mission.

65. Mr. SEARS (United States of America) nominated Mr. Lall (India).

Mr. Lall (India) was elected Chairman by acclamation.

Arrangements for the United Nations Visiting Mission to the Trust Territories of Nauru, New Guinea and the Pacific Islands, 1959 (T/1412)

[Agenda item 5]

66. The PRESIDENT drew attention to the note by the Secretary-General (T/1412) listing the nominations for membership of the United Nations Visiting Mission to the Trust Territories of Nauru, New Guinea and the Pacific Islands, 1959, made by the Governments of Belgium, Burma, China and Italy in accordance with the decision taken by the Council at its 933rd meeting.

67. Mr. LOBANOV (Union of Soviet Socialist Republics) asked that each nomination should be voted on separately.

The nomination of Mr. Alfred Clacys Boûlâcrt (Belgium) was approved by 13 votes to none, with 1 abstention.

The nomination of U Tin Maung (Burma) was approved by 13 votes to none, with 1 abstention.

The nomination of Mr. Chiping H. C. Kiang (China) was approved by 9 votes to 3, with 2 abstentions.

The nomination of Mr. Sergio Kociancich (Italy) was approved by 13 votes to none, with 1 abstention.

68. Mr. LOBANOV (Union of Soviet Socialist Republics) said that his delegation had voted in favour of all duly authorized representatives of countries participating in the Mission but had voted against the person nominated in the name of China, who was unlawfully occupying a position rightfully due to a representative of the People's Republic of China.

69. The PRESIDENT emphasized that all representatives on the Trusteeship Council were the duly accredited representatives of States Members of the United Nations.

70. Mr. JAIPAL (India) said that, in his delegation's view, only the representative of the People's Republic of China should occupy the chair set aside for China in the Council. For that reason he had voted against the nomination of Mr. Kiang as a member of the Visiting Mission.

71. Mr. BELTRANENA VALLADARES (Guatemala) nominated Mr. Kiang (China) as Chairman of the Visiting Mission.

72. Mr. JAIPAL (India) asked for a vote on the nomination.

73. Mr. MUFTI (United Arab Republic) asked that the vote should be by secret ballot.

A vote was taken by secret ballot.

Number of ballot papers: 14

Invalid ballots: 1

Number of valid ballots: 13

Number of members voting: 13

Number of votes obtained:

Mr. Kiang (China) 10

U Tin Maung (Burma) 3

Having obtained the required majority, Mr. Kiang (China) was elected Chairman of the Visiting Mission.

74. Mr. LOBANOV (Union of Soviet Socialist Republics) observed that visiting missions to Trust Territories were a very important feature of the International Trusteeship System, since they provided almost the sole means of obtaining direct information about events in the Trust Territories and the wishes of the indigenous inhabitants. Unfortunately, the domination of the Trusteeship Council by the colonial Powers, and especially one of them, had led to a diminution in the significance of those visits. By exerting pressure on other delegations, the United States of America and the other Administering Authorities prevented the representation on such missions of any States that were undesirable to them. In the present instance the United States delegation had gone so far as to force the appointment as chairman of a visiting mission of a person who represented no one and who retained a seat on the Council exclusively owing to United States support. Such unprecedented abuse on the part of the United States delegation could be understood since the Mission was to go to the Territory under United States administration. The prestige of the Trusteeship Council had frequently suffered from attempts to convert it into a tool of the colonialist Powers. Public opinion would undoubtedly condemn the choice of the Chairman of the Visiting Mission to the Pacific, which would impair the prestige of the Trusteeship Council and of the United Nations as a whole.

75. Mr. SEARS (United States of America) emphasized that he had not approached any member of the Trusteeship Council with a view to securing a vote for Mr. Kiang. Mr. Kiang had been nominated Chairman of the Visiting Mission in accordance with the established practice of the Trusteeship Council and there was no justification for any suggestion to the contrary.

76. Mr. KIANG (China) stated that, as the representative of a State that was a member of the Council, his legal position was as good as that of the representative of the Soviet Union, while his moral position was better and stronger than that of the representative of the Soviet Union. He also expressed his delegation's appreciation of the honour done to it and its gratitude to those who had given him their unsolicited support. He also thanked the representative of Guatemala for nominating him.

77. Mr. JAIPAL (India) said that the views of most of the non-administering members on the issue were well known and he felt that the Council might have paid more heed to that majority opinion.

78. Mr. KELLY (Australia) said that his Government would be glad to welcome the Visiting Mission to the Trust Territories under Australian administration.

The meeting rose at 1.5 p.m.



TRUSTEESHIP COUNCIL

Eighth Special Session

OFFICIAL RECORDS

939th (Closing) Meeting

Friday, 17 October 1958,
at 3 p.m.

NEW YORK

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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 representatives of the following specialized agencies: International Labour Organisation; United Nations Educational, Scientific and Cultural Organization.

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, T/L.887) (concluded)

Examination of the annual report of the Administering Authority on Togoland under French administration, 1956 (T/1371, T/1381, T/L.882, T/L.883, T/L.887, T/PET.7/L.31, T/PET.7/L.33-46, T/PET.7/R.2 and Add.1) (concluded)

[Agenda items 2 and 3]

1. The PRESIDENT put to the vote the draft special report of the Trusteeship Council on the future of Togoland under French administration (T/L.887).

The draft special report (T/L.887) was adopted unanimously.

Arrangements for the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959 (T/L.885) (concluded)

[Agenda item 4]

2. U TIN MAUNG (Burma) introduced the draft resolution (T/L.885) which the Burmese delegation was submitting in order to define the terms of reference

of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959.

The draft resolution (T/L.855) was adopted unanimously.

3. Mr. SHANAHAN (New Zealand) thanked the members of the Council and said that the decision to send the Mission was proof of the Council's understanding attitude towards the Administering Authority and the people of Western Samoa. The Mission's terms of reference accorded with the policy which the Council had laid down during its twenty-second session with regard to the Territory and had been drafted in sufficiently flexible terms not to impede the Mission's freedom of action. The Mission could be assured of the full co-operation of the New Zealand Government as well as of the Government and people of Western Samoa.

Arrangements for the United Nations Visiting Mission to the Trust Territories of Nauru, New Guinea and the Pacific Islands, 1959 (T/L.886) (concluded)

[Agenda item 5]

4. Mr. DORSINVILLE (Haiti) introduced the draft resolution (T/L.886) which set forth the Mission's terms of reference. The draft contained no special features, since the Mission was a regular one dispatched to study the situation in the Territories under terms of reference similar to those of previous missions.

5. Mr. LOBANOV (Union of Soviet Socialist Republics) asked for a separate vote on the words "Mr. Chiping H. C. Kiang (China)", in the second paragraph of the preamble of the draft resolution.

6. Mr. KELLY (Australia) requested that under rule 60 of the rules of procedure, the Council should decide by a vote whether parts of the draft resolution should be voted on separately.

7. Mr. LOBANOV (Union of Soviet Socialist Republics) withdrew his request for a separate vote and submitted an oral amendment to the effect that the words "Mr. Chiping H. C. Kiang (China)" should be deleted from the second paragraph of the preamble.

The USSR amendment was rejected by 10 votes to 4.

8. Mr. KELLY (Australia) explained that the main reason why he had voted against the amendment was that he wished to maintain the secrecy of the vote taken by the Council at the previous meeting.

9. Mr. LOBANOV (Union of Soviet Socialist Republics) requested that the remainder of the draft resolution should be put to the vote, because he wanted to indicate the position of his delegation on the text as it would stand without the words to which his amendment related.

10. Mr. BELTRANENA VALLADARES (Guatemala) was of the opinion that once the USSR amendment had been rejected, the only course open to the Council was to vote on the draft resolution as it stood.

11. Mr. JAIPAL (India) considered that it was a perfectly normal procedure, after the rejection of an amendment for the deletion of part of a sentence, to vote on the remainder of a draft resolution, and then on the text as a whole.

12. Mr. KELLY (Australia) pointed out that the USSR representative was in fact trying to reopen the debate on a point on which the Council had already taken its decision.

13. Mr. DORSINVILLE (Haiti) said that he had no objection to the Council's taking a vote as requested by the USSR delegation, since the fate of the disputed words had been definitely sealed by the vote on the USSR amendment.

14. The PRESIDENT put to the vote the draft resolution without the words to which the USSR amendment related.

That part of the draft resolution was adopted by 10 votes to none, with 2 abstentions.

The draft resolution (T/L.886) as a whole was adopted by 11 votes to none, with 3 abstentions.

15. Mr. MUFTI (United Arab Republic) explained that his delegation had abstained from voting at the previous meeting on the participation of China in the Visiting Mission, because it had certain reservations regarding the representation of China in the Trusteeship Council. He had voted against the inclusion of the words "Mr. Chiping H. C. Kiang (China)", because he felt

that the decision to choose China for the chairmanship of the Visiting Mission went rather too far and disregarded the feelings of a large number of delegations on the representation of China. The choice did not provide the balanced representation which should exist in the Visiting Mission between Administering Authorities and non-administering members of the Council. He had abstained in the vote on the draft resolution without the words in question because he had found it impossible to vote for a text which would have designated only three members of the Mission. Lastly, he had abstained in the vote on the draft resolution as a whole because of his delegation's reservations with regard to the representation of China.

16. The PRESIDENT made the most express reservations with regard to the voting procedure which the Council had just followed. After a vote retaining part of a sentence in a draft resolution, the Council could not logically proceed to take a separate vote on that same part of the sentence without reopening the question settled by the first vote. He had given satisfaction to the USSR representative in order not to prolong the procedural debate.

Closure of the session

17. The PRESIDENT noted that the Council had exhausted the agenda of its eighth special session and pronounced the session closed.

The meeting rose at 4.5 p.m.



Agenda item 2: The future of Togoland under French administration (General Assembly resolution 1182 (XII))

Agenda item 3: Examination of the annual report of the Administering Authority on the administration of Togoland under French administration, 1956

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DOCUMENT T/1381

Observations of the United Nations Educational, Scientific and Cultural Organization on the annual report on the Trust Territory of Togoland under French administration for the year 1956

[Original text: French]
[10 June 1958]

EDUCATIONAL POLICY AND ADMINISTRATION

1. Since the establishment of the Autonomous Republic of Togoland (August 1956), education in Togoland has been the responsibility of the Minister of Education. The latter, assisted by the Director of Education, as technical adviser, takes, in agreement with the Prime Minister, all administrative decisions concerning education. The Legislative Assembly can vote such laws and discuss such reforms pertaining to education as it may consider necessary. The only limitation on the local authorities' powers with regard to education is contained in article 26 of the Statute of the Autonomous Republic, which states that the laws and regulations relating to curricula and examinations in secondary and higher education are within the exclusive competence of the central organs of the French Republic (annual report¹ p. 205).

2. The general aims of education, as defined in 1955, are unchanged (p. 206) and progress may be noted in each of the sectors mentioned:

(a) Provision of primary education for all children of school age: in 1956, the total number of enrolments (p. 340) represented 41.76 per cent (as against 39.76 per cent in 1955) of the school-age population (calculated on the basis of 15 per cent of the total population);

the number of girls enrolled and the number of enrolments in North Togoland increased respectively by 9.2 per cent (p. 211) and 8.35 per cent (p. 212) in comparison with the previous year;

(b) As regards training for leadership in public life, it should be mentioned that the secondary schools prepare pupils for the same diplomas as those in France and that ninety Togolese scholarship-holders (sixty-three in 1955) followed courses at faculties, higher professional schools and institutes in France (p. 216);

(c) For the development of vocational skills, a new technical school was opened; in 1956, 568 pupils (as against 470 in 1954 and 552 in 1955) received this kind of education; the Department of Education has drawn up a far-reaching plan for the gradual establishment of complementary schools; two of these schools are already in process of building.

3. From the administrative point of view, it should be pointed out that an Order has changed the method of calculating subventions for private education (for teachers in service and costs of teaching materials) in accordance with the recommendations of the Conference of Directors of Education (29 September 1956) and in agreement with the representatives of private education.

4. In 1956, the regular expenditure for education totalled 389,610,000 CFA francs, or 18.89 per cent of the total regular budget (table 5, p. 246), as against 327 million CFA francs, or 18.3 per cent, in 1955. This situation may be regarded as satisfactory. It is unfor-

¹ *Rapport annuel du Gouvernement français à l'Assemblée générale des Nations Unies sur l'administration du Togo placé sous la tutelle de la France, année 1956* (St.-Ouen (Seine), Imprimerie Chaix, 1958). Transmitted to members of the Trusteeship Council by a note of the Secretary-General (T/1371).

tunate that this year's report does not contain a table showing public expenditure on education, similar to the one on page 353 of the annual report for 1955². In the absence of such a table it is impossible to know what branches of education benefited by the increase in funds.

5. The situation of the *Fonds d'investissement pour le développement économique et social* (FIDES) as at 30 June 1957 (table 11, p. 249) shows that the authorized expenditure prior to 1956 amounted to 3,815 million CFA francs, including 174,500,000 francs for school buildings. Of the 496 million francs obligated in 1956-1957, 13 million (or 2.8 per cent) were assigned to school buildings. In the previous financial year—1955-

² *Rapport annuel du Gouvernement français à l'Assemblée générale des Nations Unies sur l'administration du Togo placé sous la tutelle de la France, année 1955* (Paris, Imprimerie Chaix, 1956). Transmitted to members of the Trusteeship Council by a note of the Secretary-General (T/1300).

1956—of the 758,900,000 francs obligated, 37 million (or 4.8 per cent) had been allocated to school buildings (pp. 85 and 249).

PRIMARY EDUCATION

6. Primary schooling lasts for six years. It is compulsory for children either between six and twelve years of age or between eight and fourteen in the case of the older children. Approximately one-third of the pupils repeat at least one class during the course, so that few children leave school before the age of thirteen or fourteen. Efforts are being made to secure a younger population in primary schools. The curricula are the same as those in France, but efforts are being made to adapt them to the needs of the African environment.

7. The following table shows the quantitative progress achieved over the past five years:

DEVELOPMENT OF PRIMARY EDUCATION BETWEEN 1952 AND 1956

Year	Public schools		Private schools		Totals			
	Classes	Pupils	Classes	Pupils	Classes	Pupils	Number of girls	Percentage of girls
1952....	464	25,117	442	23,398	906	48,515	9,921	20
1953.....	490	27,183	475	25,514	965	52,697	11,371	22
1954.....	523	29,144	522	28,265	1,045	57,409	12,692	22
1955.....	572	31,445	550	30,590	1,122	62,035	14,174	23
1956.....	605	33,486	601	32,539	1,206	66,025	15,503	23

8. From these figures it is clear that the number of classes and the number of pupils have steadily increased in both public and private schools. The increase in the number of pupils is much the same each year (approximately from 4,000 to 4,500).

9. Regarding girl pupils, the report mentions (p. 210) that the Department of Education has increased their enrolment at the primary schools, particularly in the North. The above table shows that the number of girls attending schools has steadily increased, although the proportion of girls to the total number of pupils has varied little and amounted to only 23 per cent in 1956.

10. From 1952 to 1956, the percentages of enrolments by comparison with the total population of school age (table, p. 211) rose respectively to 32, 34, 37, 40 and 42 per cent (including the figures for secondary and vocational education, which are relatively small as compared with those for primary education). Whilst attention should be drawn to this advancement, the figures show that much still remains to be done to bring about compulsory education for all.

11. The percentages mentioned in the previous paragraph are not, however, spread evenly over all parts of the country. In 1956, in the South, the proportion of school enrolments was 69.78 per cent (p. 341) whilst in the North it was only 30.22 per cent. The authorities are giving this matter their attention and have made efforts to reduce the disproportion between the two regions. The report mentions, for instance, that in 1956 the proportionate increase in enrolments, by comparison with the previous year, was 5.67 per cent for the South and 8.35 per cent for the North. The

report also states (p. 210) that the main objective in the coming years must be to increase school attendance in the North.

12. The average number of pupils per class is fifty-four in public schools and fifty in private schools. From these figures it may be supposed that the lowest classes are overcrowded. This question is also linked up with that of the repetition of classes and of wastage during the six-year primary course. The report states (p. 209) that about one-third of the pupils repeat at least one class during the course, but no information is given on the number of pupils who leave school before completing the course. It would be desirable to have tables in the report, showing clearly the distribution of pupils between the six primary classes.

13. The number of pupils passing the examination for the primary school certificate (*certificat d'études primaires élémentaires*) (CEPE) is increasing. The percentage of candidates who pass the examination has improved every year—35 per cent in 1952, 36 per cent in 1953, 38 per cent in 1954, 41 per cent in 1955 and 43 per cent in 1956 (p. 339)—although it is just as difficult to pass this examination as the corresponding examination in France. It is to be noted, however, that in 1956 out of 66,025 pupils distributed between the six primary classes, 3,279 sat the final examination and only 1,416 passed it.

SECONDARY EDUCATION

14. The following table shows the total number of enrolments at the various kinds of secondary schools (general, vocational, teacher training) during the period 1952-1956.

SECONDARY SCHOOL ENROLMENTS

Year	Public schools	Private schools	Totals	Number of girls	Percentage of girls
1952.....	699	601	1,300	279	21
1953.....	877	711	1,588	329	21
1954.....	870	745	1,615	311	19
1955.....	885	881	1,766	374	21
1956.....	1,017	908	1,925	384	20

15. From this table it will be seen that there has been a steady but slow increase in enrolments in both public and private schools. According to the report (p. 214), this slowness is in agreement with a definite policy and appears to be justified by the shortage of premises, of qualified staff and of openings for pupils who have successfully completed the course. In 1956, the increase in enrolments was appreciably greater than in 1955, but this increase amounted to only 159 pupils, whereas 1,298 pupils (p. 339) had qualified for the CEPE the previous year and should normally have been able to go on to secondary schools.

16. The percentage of girls, in comparison with the total number of pupils, varies little; it was even slightly lower in 1956 than in the previous year.

17. General secondary education is the same as that provided at the general secondary schools (*collèges* and *lycées*) in France. It leads up to the lower certificate (*brevet d'études du premier cycle*) (BEPC) after a four-year course and then to the two parts of the *baccalauréat* (secondary-school-leaving examination) after three further years of study. Efforts are being made to improve the equipment and accommodation in secondary schools; in particular, the *lycée* at Lomé, the Sokodé *collège*, and the complementary and teacher-training school of the Evangelical Mission have been extended and better equipped (pp. 214-215).

18. No information is available concerning the number of pupils who have to repeat a class or who leave school before terminating the first or second cycle of studies. In 1956, out of a total of 1,357 pupils attending general secondary schools (p. 337), only ninety-nine (fifty-two in 1955) qualified for the BEPC and fifty-eight (thirty in 1955) for both parts of the *baccalauréat*.

19. The organization of vocational education was unchanged in 1956, and the passage in the report relating to it (p. 214) is the same as the corresponding passage in the 1955 report. The total number of pupils attending vocational schools is not high but is steadily increasing; it rose from 319 pupils in 1952 to 450 in 1953, 470 in 1954, 552 in 1955 and 568 in 1956. Other government departments also provide facilities for vocational education, including an agricultural training centre, annexed to the Tové farm (p. 107); practical courses for radio operators (p. 141); a school for male and female nurses, attached to the Lomé hospital (p. 186); training courses for hygiene personnel and public health specialists (p. 186). According to the report, the actual degree of industrial development of Togoland would not justify the existence of a very widely developed system of vocational education (p. 214).

TEACHERS

20. There are three categories of primary school teachers (p. 218): (a) monitors, holding at least the

CEPE; (b) assistant teachers, holding the elementary certificate or the BEPC (qualifying examinations); (c) teachers, holding the *baccalauréat* and a teacher's diploma. The report points out (p. 210) that increasingly higher qualifications are being required of teachers: for employment as a monitor, the elementary certificate is now demanded; the professional training of young teachers is ensured by regular refresher courses and lectures on educational subjects; since October 1956, the training school for assistant teachers at Atakpamé has extended its course to five years.

21. The qualifications required of secondary school teachers are the same as those required in France.

22. The following table shows the number of primary school teachers in service for the period 1952-1956 and the number of students preparing for the profession.

TEACHERS IN SERVICE AND STUDENTS PREPARING FOR THE
PROFESSION
(public and private schools)

Year	Primary school teachers			Students attending teacher-training courses
	Teachers	Monitors	Total	
1952.....	210	753	963	234
1953.....	222	757	979	281
1954.....	234	783	1,017	274
1955.....	266	825	1,091	...
1956.....	303	819	1,122	363*

* Including 47 girls.

23. During the five years in question, the number of primary school teachers steadily increased. There were 159 more teachers in 1956 than in 1952, making an increase of 16 per cent. In the same period, however, the number of primary school pupils increased by 17,510, or 36 per cent. This shows that the number of teachers is increasing less rapidly than the number of pupils. It is therefore desirable that the authorities should take steps to increase the number of students preparing for the profession, which at present seems too small to provide a sufficient number of qualified teachers to cope with the increase in school enrolments and to replace teachers leaving the profession.

HIGHER EDUCATION

24. There is no higher education in the Territory. For this reason there is a system of scholarships enabling Togoland students to receive higher education in France. Chapter IV (p. 216) and tables 3 and 4 (pp. 335-336) of the report give information on the methods of financing scholarships, the main fields of study and the results achieved. In the years 1952-1956, the number of scholarships for higher education amounted respectively to 79, 61, 67, 63 and 90. It is

noted with satisfaction that in 1956 the number of fellowships increased by 27 (i.e. 45 per cent) in comparison with the previous year. Nevertheless, since, in principle, the holders of these fellowships are intended to become the Togolese leaders, it is desirable that they should be still further increased in number.

FUNDAMENTAL AND ADULT EDUCATION

25. Summary information is given in chapter VII (p. 220). The adult courses are in the hands of local teachers, and the results depend mainly on their zeal and on the goodwill of the inhabitants. These courses are a means of combating illiteracy and deserve to be supported.

26. Previous reports have described experiments in fundamental education, enabling methods to be worked out. This stage is now finished and fundamental education has begun to be systematically developed in the Eastern Mono region.

CULTURE AND RESEARCH

27. It is gratifying to note the research being carried out by the Togoland Research Institute (IRTO), particularly that carried out by the Sociological Section, which was used as a basis for a plan for the economic and social development of the Eastern Mono region.

28. It is also interesting to note the information contained in the report on the Institut français d'Afrique noire and the increase in the latter's library collections. The composition of the libraries' collections and the proportionate coverage of subjects and also of languages represented are very important. This information could be transmitted, taking into account internationally known classification codes such as the decimal classifica-

tion. It would be advisable to study also the organization of a system of travelling libraries.

PRESS

29. Eighteen newspapers and periodicals were published in 1956 in the Territory as against twelve in 1955. There is no evidence in the report regarding the existence of a vernacular Press. A union of journalists was formed in Togoland in 1956.

FILM

30. No developments as compared with the situation in 1955 are reported. The information given with regard to this matter is rather scanty and more details, particularly on the use of films and other visual aids in fundamental, adult and youth education, would be welcome.

RADIO

31. During 1956 radio broadcasting was still limited to two hours per day. The two transmitters reserved for radio broadcasting, purchased in 1955, were awaiting instalment, which is to take place during 1957. The modern studio constructed and equipped in 1955 has been improved but its equipment is still modest. It is reported that tests with recreational and educational programmes are being carried out. It is hoped that future reports will contain information on the policy guiding the production of programmes, the languages of transmission, the use of radio for education in and outside schools and on the professional training of programme personnel. It is noted with interest that the number of declared radio receivers increased from 600 (or one receiver for every 1,815 inhabitants) in 1955 to 1,500 (or one receiver for every 729 inhabitants) in 1956.

DOCUMENT T/1409

Decree No. 58-187 of 22 February 1958 amending the Decree of 24 August 1956 setting forth the Statute of Togoland and the Conventions of 25 February 1958 between France and Togoland

[Original text: French]
[26 September 1958]

NOTE BY THE SECRETARY-GENERAL. The text of the following documents was transmitted to the Secretary-General by the Permanent Mission of France to the United Nations in a letter dated 26 September 1958.

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DECREE NO. 58-187 OF 22 FEBRUARY 1958 AMENDING THE DECREE OF 24 AUGUST 1956 SETTING FORTH THE STATUTE OF TOGOLAND

The President of the Council of Ministers,
Having considered the report of the Minister for Overseas France,

Having regard to Act No. 56-619 of 23 June 1956 authorizing the Government to introduce the necessary

reforms and to take the necessary measures to ensure the development of the Territories under the jurisdiction of the Ministry for Overseas France, in particular article 8 of the Act;

Having regard to Decree No. 56-847 of 24 August 1956 setting forth the Statute of Togoland, as amended by Decree No. 57-359 of 22 March 1957;

Having taken note of the wish expressed by vote of the Togoland Legislative Assembly on 15 February 1958;

Having heard the *Conseil d'Etat*,

Having heard the Council of Ministers,

Decrees as follows:

ARTICLE 1. The provisions of the Decree of 24 August 1956 setting forth the Statute of Togoland are amended and supplemented as follows:

TITLE I

The Republic of Togoland

Art. 1. Togoland is a Republic based on respect for treaties and international conventions and for the principles set forth in the Universal Declaration of Human Rights and in the preamble to the Constitution of the French Republic.

Its relationship with the French Republic is defined in this Statute on the basis of community of thought and of interests.

TITLE II

Institutions

Art. 2. Togoland affairs shall be managed by a legislative assembly to be called the Chamber of Deputies, elected by direct universal suffrage, and by a Togoland Government headed by a Prime Minister.

SECTION I

The Chamber of Deputies

Art. 3. The legislative power shall be vested in the Chamber of Deputies, which shall enact the laws.

Art. 4. Members of the Chamber of Deputies shall be elected for six years.

Art. 5. The Prime Minister in Council of Ministers, and the representatives, shall have the right to introduce draft legislation.

Art. 6. Legislation which alters the rules of customary law relating to civil status may not be adopted until the views of the *conseil* or *conseils de circonscription* concerned have been obtained, and shall require a majority of two-thirds of the members of the Chamber of Deputies for its adoption.

Art. 7. Before the expiration of a period of ten clear days following the adoption of a law, the Prime Minister in Council of Ministers may, in a statement giving his reasons, request the Chamber for a new deliberation, which request may not be refused.

Art. 8. The Chamber of Deputies may be dissolved by decree of the Prime Minister in Council of Ministers. The conditions under which the right of dissolution may be exercised shall be fixed by law.

SECTION II

The Togoland Government

Art. 9. The Prime Minister Designate shall appear before the Chamber of Deputies to be confirmed in office.

Art. 10. The Prime Minister shall be confirmed in office by a simple majority vote. He shall appoint the Ministers who together with him shall constitute the Cabinet. He may divest them of their functions.

Art. 11. A Prime Minister or Minister may not at the same time exercise the functions of:

President of the Chamber of Deputies, officer of the Chamber or member of any of its committees;

Member of the Government of the French Republic.

Art. 12. The Prime Minister shall preside at the meetings of the Council of Ministers.

Art. 13. The Prime Minister shall allocate to each member of the Council of Ministers the services which he shall direct and for which he shall be responsible.

Art. 14. The Prime Minister shall be appointed for a period of time equal to the term of office of the members of the Chamber of Deputies. This period shall not, however, expire until the date of appointment of the new Prime Minister, that appointment to take place not later than the eighth day of the first session held by the new Chamber of Deputies after its election.

Art. 15. The Chamber of Deputies may remove the Prime Minister from office by a motion of censure adopted by an absolute majority of all its members. The vote on the motion may not be taken until three days have elapsed since the motion was introduced. The adoption of a motion of censure shall have the effect of removing all the Ministers from office.

Art. 16. If the Chamber adopts a motion of censure or refuses to confirm a Prime Minister in office or if the Prime Minister resigns, the Government shall remain in office until the confirmation of a new Prime Minister.

Art. 17. The Prime Minister, in Council of Ministers, shall exercise the power to issue regulations. Within the limits of the budgetary credits, he shall organize the public services of the Republic and shall define the competence and general policy of each of them.

The acts of the Prime Minister provided for in this article shall be countersigned by the Minister or Ministers concerned and published in the *Journal officiel* of the Republic of Togoland. These regulations may provide penalties.

TITLE III

The High Commissioner of the French Republic

Art. 18. The French Republic shall delegate a High Commissioner to Togoland.

Art. 19. The High Commissioner, who is appointed by decree of the Council of Ministers, is the permanent representative of the French Republic. He shall exercise the powers reserved in Togoland to the French Republic, whose services shall be under his authority.

The High Commissioner shall be assisted by an Assistant High Commissioner, who shall replace him in the event of absence or disability and to whom he may delegate his powers.

At the request of the Togoland Government, the High Commissioner may assist in the maintenance of public order.

Art. 20. The High Commissioner, following the customary consultations, including consultation of the Chamber of Deputies, shall nominate the Prime Minister.

Art. 21. The High Commissioner shall have the right to attend the meetings of the Council of Ministers.

He shall preside over the Council when it deals jointly with matters of Togolese competence and the French services or programmes for the allocation of financial aid.

Art. 22. The following officials or services in Togoland are officials or services of the French Republic and shall therefore be financed from the French budget:

The High Commissioner of the French Republic, his representatives within the country and his *cabinet*; the Assistant High Commissioner and the services of the Office of the High Commissioner;

The forces and services in charge of defence, external and frontier security and the control of foreign exchange.

At the request of the Republic of Togoland, the Treasury of Togoland shall be administered by the Treasury of the French Republic, the cost being borne by the French budget, except that a sum equal to one-fourth of the real operational cost of this administration shall be charged against the budget of the Republic of Togoland.

Art. 23. In matters falling within the competence of the French Republic, the High Commissioner may, providing that he duly informs the appropriate Togoland authorities, require the head of the Togoland judicial services to carry out, in conformity with such instructions as he receives, the acts necessary to bring the matters before the courts.

The High Commissioner may, under the same conditions, personally carry out or require the competent officers of the judicial police to carry out, all the acts necessary for the determination of the commission of crimes, offences and contraventions and for bringing those responsible before the courts empowered to punish them.

Art. 24. The manner in which the High Commissioner may exercise his powers in his capacity as the representative of the French Government and as the head of the services of the French Republic, shall be determined by administrative regulations.

TITLE IV

Division of competence

Art. 25. All powers of legislation and regulation shall be vested in the authorities of the Republic of Togoland.

The said powers shall be exercised, in particular, in the following matters:

(a) Political and administrative organization of the Republic of Togoland:

Public freedoms;

Organization of local collective units (*circonscriptions and communes*);

Electoral system;

Organization of the representation of economic interests;

Organization of justice (civil, criminal, customary and administrative);

Public employment;

Public order;

Organization of public information and radio services;

(b) Public finances:

Financial system: budgets, loans;

Financial accounts, public accountancy;

Fiscal system, direct and indirect taxes;

Customs;

Public lands;

(c) Economic questions:

Economic affairs;

Development and investment plans;

Organization and development of the economy;

Internal trade;

Domestic credit;

Agriculture, animal husbandry, waters and forests, hunting, river fishing, sea fishing, co-operatives, mutual societies, agricultural loans;

Town planning, housing;

Public works, mineral resources;

Railways, road transport, coastal navigation and domestic air transport;

Postal system, telecommunications;

Scientific research;

(d) Social affairs:

Labour conditions;

Social security, family allowances;

Social aid, public assistance, public health, hygiene;

Primary and secondary education, vocational and technical education, higher education;

Youth matters, physical education, sports;

Mass education and the development of collective units;

(e) Private law:

Status of persons and property;

Customary and civil status;

Commercial legislation;

Penal legislation.

Art. 26. The French Republic shall, within the framework of international agreements, guarantee the integrity of the territorial limits of the Republic of Togoland.

Art. 27. The French Republic shall be responsible for the external affairs, monetary policy and defence of the Republic of Togoland.

Accordingly, notwithstanding the provisions of article 25, the French Republic shall have the powers of legislation and regulation in the following matters:

External affairs;

Currency and foreign exchange matters;

Defence.

The manner in which the foregoing provisions are to be applied shall be determined, as the circumstances may require, by convention between the French and Togoland Governments.

The High Commissioner of the French Republic shall be responsible for the application of laws and regulations concerning the powers specified in this article.

Art. 28. The Republic of Togoland, through its elected representatives, shall participate in the functioning of the central organs of the French Republic, and in the exercise of their powers.

To that end, and subject to the conditions prescribed by the laws concerning the formation of the assemblies of the French Republic, Togoland shall be represented in the Parliament and in the Assembly of the French Union and may be represented in the Economic Council if occasion arises.

Art. 29. Appeals against judgements and decisions of the ordinary and administrative courts may be lodged under conditions to be specified by convention.

Art. 30. Any Togoland laws or regulations or French regulations which are not in keeping with international conventions or with the division of competence between the French and Togoland authorities laid down in this Statute may be submitted to arbitration subject to the conditions and procedure to be established by convention between the Governments concerned. Requests for arbitration shall be made within ten days of final adoption of the law or of publication in Togoland of the regulations concerned. In the case of laws, such request shall suspend their operation. In the case of regulations, a request for arbitration shall suspend their operation if the two parties agree.

The arbitration award shall be rendered at the latest within three months of the adoption of the law or the publication of the regulations; otherwise, the request for arbitration shall be deemed to have been rejected.

TITLE V

Citizenship

Art. 31. The nationals of Togoland (*ressortissants du Togo*) are Togoland citizens.

Art. 32. Togoland citizens shall enjoy all the rights and freedoms guaranteed to French citizens, shall have free access to public office and may vote and stand for election anywhere in the French Republic, under the same conditions as French citizens.

Togoland citizens shall not be subject to military service. They may, however, enlist voluntarily in the armed forces of the French Republic.

Art. 33. French citizens shall enjoy in Togoland all the rights and freedoms attached to the status of Togoland citizens. Their personal status shall continue to be governed by French law.

TITLE VI

Evolution of the Statute

Art. 34. The present Statute which is susceptible of evolution may be modified following a motion of the Chamber of Deputies.

No modification may enter into force until it has received the favourable vote of that body.

The Chamber of Deputies may, by legislation adopted by a majority of two-thirds of its members, modify the provisions of the present Statute governing the powers of the Togoland Government (Title II).

TITLE VII

Miscellaneous provisions

Art. 35. The Republic of Togoland shall continue to benefit from the provisions of the Act of 30 April 1946

establishing the Investment and Economic and Social Development Fund (FIDES).

Art. 36. The Minister for Overseas France and the Togoland Government shall jointly prepare plans for the recruitment of staff and the orientation of students, with a view to accelerating the entry of Togoland officials into the services of the French Republic listed in article 22.

Art. 37. Participation by the Republic of Togoland in joint services may be the subject of special agreements with the French Government or the High Commissioner.

Art. 38. Laws and regulations duly promulgated and published in Togoland on or before the date of entry into force of this Statute and not contrary to the provisions thereof, shall continue to be operative until they are amended or repealed in the manner prescribed by the Statute.

Art. 39. The premises required for the functioning of the public services shall be allocated to the French Republic, the Republic of Togoland, and the local authorities respectively in accordance with the budgetary responsibilities for their maintenance as laid down in this Statute and the conventions giving it effect.

TITLE VIII

Transitional provisions

Art. 40. As long as Togoland remains under the International Trusteeship System, such provisional trusteeship as seems advisable (*une tutelle provisoire d'opportunité*) shall be exercised over the powers of the Togoland authorities in order to enable the French administration to discharge all its obligations under Chapter XII of the United Nations Charter and under the Trusteeship Agreement.

Art. 41. This provisional trusteeship shall be exercised by means of the right of veto on the part of the Minister for Overseas France over the laws of Togoland and a right of veto on the part of the High Commissioner over the decisions of the Council of Ministers and of the Ministers. The right of veto may be exercised only within a period of ten clear days from the date of the adoption of the relevant law, or from the date of publication of the decision. The application of the provisions of article 15 shall be suspended during the period of provisional trusteeship.

ARTICLE 2. Former article 42 is hereby repealed.

ARTICLE 3. The Minister for Overseas France shall be responsible for the execution of this decree and for negotiating conventions for its application. This decree shall be published in the *Journal officiel* of the French Republic.

DONE at Paris on 22 February 1958.

(Signed) Félix GAILLARD

CONVENTION BETWEEN FRANCE AND TOGOLAND CONCERNING JUDICIAL PERSONNEL PLACED AT THE DISPOSAL OF THE REPUBLIC OF TOGOLAND

Mr. Gérard JAQUET, Minister for Overseas France, of the one part, and

Mr. Nicolas GRUNITZKY, Prime Minister of the Republic of Togoland, of the other part,

Have agreed as follows:

ARTICLE 1. With a view to enabling the Togoland Government to maintain modern courts, the French Government undertakes to place at its disposal such judicial officers as it may require.

ARTICLE 2. The French judicial officers thus made available by the French Government shall be seconded to the Republic of Togoland from the French civil service establishment for a period of two years, subject to renewal.

ARTICLE 3. The Togoland Government shall guarantee the independence of the officers sent from France in the same manner as that of Togoland judicial officers.

In the performance of their duties, judicial officers shall enjoy the immunities, safeguards, privileges, rank and prerogatives to which similar duties would entitle them in France.

No proceedings in respect of crimes or offences may be instituted against a judicial officer except on the concurrent advice of a commission composed of four judges, including the two French judges of greatest seniority in the highest rank.

Where a minor offence is involved, the *chef du parquet d'appel* shall summon the officer concerned before the Court of Appeal.

The proceedings shall take place and the judgement shall be rendered *in camera*.

Where a crime is involved, the decision to refer the case to the Criminal Court must be made by the Court of Appeal.

The High Commissioner shall be kept informed of any such proceedings instituted.

Apart from the duties specified in the terms of secondment, a judicial officer may not be required to perform duties other than those normally undertaken by members of the judiciary.

ARTICLE 4. French judicial officers serving in the Togoland courts shall have the same duties and the same rights as those of Togoland.

ARTICLE 5. In cases of personal or professional misconduct, the Togoland Government may, on the concurrent advice of the commission specified in article 3, place the officer concerned at the disposal of the French Government before the expiry of the normal period of secondment. The commission's advice shall be transmitted to the French Government with the decision of the Togoland Government.

ARTICLE 6. The decision to call in the commission shall be communicated to the High Commissioner of the French Republic and to the judicial officer concerned at least fifteen days before the commission meets. The officer concerned shall have the right to appear before the commission if he so requests. He shall in all cases be informed of the charges against him. The complete records of the proceedings shall be communicated to him at least eight clear days before the commission meets.

ARTICLE 7. In its request for the secondment of a judge, the Togoland Government shall specify the duties which it proposes to entrust to him, and the place and court or department where he is to serve.

In accordance with the principle of immovability, judicial officers may not without their consent be assigned to other duties during their secondment except where the exigences of continuity of the service call

for replacement duty in the case of absence on leave or impediment.

ARTICLE 8. In all other respects, the rules applicable to officials of the French civil service establishment seconded to Togoland shall automatically apply to judicial officers in so far as the said rules are not incompatible with their status.

ARTICLE 9. As a transitional measure until 1 January 1960, French judicial officers at present serving in Togoland and those who may be seconded under the present system of judiciary in the manner specified in this Convention, shall constitute a charge on the budget of the French Republic.

ARTICLE 10. This Convention shall enter into force on the date of the publication in the *Journal officiel* of the Republic of Togoland of Decree No. 58-187 of 22 February 1958 amending the Decree of 24 August 1956 setting forth the Statute of Togoland.

DONE at Lomé on 25 February 1958.

(Signed) Gérard JAQUET (Signed) N. GRUNITZKY

CONVENTION BETWEEN FRANCE AND TOGOLAND CONCERNING ARBITRATION

Mr. Gérard JAQUET, Minister for Overseas France, of the one part, and

Mr. Nicolas GRUNITZKY, Prime Minister of the Republic of Togoland, of the other part,

Have agreed as follows:

ARTICLE 1. Arbitration under article 30 of the Statute of the Republic of Togoland shall be the responsibility of the *Conseil d'Etat*.

ARTICLE 2. Request for arbitration shall be made by the plaintiff to the Vice-President of the *Conseil d'Etat*. The other party shall be immediately notified of the request.

Requests on behalf of the Republic of Togoland shall be made by the Prime Minister and those on behalf of the French Republic by the representative of France in Togoland.

The Prime Minister of the Republic of Togoland shall suspend the promulgation of any legislative measure in respect of which a request for arbitration has been made in the manner specified in this article.

ARTICLE 3. In the case of regulations, the time-limit for requests for arbitration and the time-limit for the award by the *Conseil d'Etat* shall run from the date specified in article 30 of this Statute.

Official communication of the text of such regulations to the other party shall, however, suffice to set the above-mentioned time-limits in motion irrespective of publication.

ARTICLE 4. The *Conseil d'Etat* shall render its award after hearing the representatives of the Government of the French Republic and of the Republic of Togoland. The award shall be binding on the two Governments which solemnly undertake to abide by it.

ARTICLE 5. This Convention shall enter into force on the date of the publication in the *Journal officiel* of the Republic of Togoland of Decree No. 58-187 of 22 February 1958 amending the Decree of 24 August 1956 setting forth the Statute of Togoland.

DONE at Lomé on 25 February 1958.

(Signed) Gérard JAQUET (Signed) N. GRUNITZKY

CONVENTION BETWEEN FRANCE AND TOGOLAND CONCERNING THE IMPLEMENTATION OF ARTICLE 29 OF THE STATUTE OF TOGOLAND

Mr. Gérard JAQUET, Minister for Overseas France, of the one part, and

Mr. Nicolas GRUNITZKY, Prime Minister of the Republic of Togoland, of the other part,

Have agreed as follows:

ARTICLE 1. Appeals may be lodged with the Court of Cassation, in the manner and within the time-limits prescribed by the rules of that court, against judgements and decisions given by Togoland courts of final instance in any matter covered by a legal provision in writing.

The Court of Cassation shall also remain seized of all cases on which an appeal was lodged before the date of the entry into force of this Convention.

ARTICLE 2. Offences which are subject to the jurisdiction of the military courts shall be specifically excluded from the jurisdiction of the Togoland courts. The jurisdiction of the military courts shall be determined by mutual agreement on the basis of the codes of military and naval law and of articles 553 to 558, 570 and 571 of the Code of Criminal Procedure.

Offences against the external security of the Republic of Togoland shall be deemed to be offences against the external security of the French Republic.

ARTICLE 3. Appeals may be lodged with the *Conseil d'Etat*, in the manner and within the time-limits prescribed by the rules of that court, against decisions given by courts of final instance in administrative matters.

The *Conseil d'Etat* shall remain seized of all cases on which an appeal was lodged before the date of the entry into force of this Convention.

ARTICLE 4. Cases the decision on which has been quashed on appeal shall be referred to a Togoland court of a different composition.

ARTICLE 5. This Convention shall enter into force on the date of the publication in the *Journal officiel* of the Republic of Togoland of Decree No. 58-187 of 22 February 1958, amending the Decree of 24 August 1956 setting forth the Statute of Togoland.

DONE at Lomé on 25 February 1958.

(Signed) Gérard JAQUET (Signed) N. GRUNITZKY

CONVENTION BETWEEN FRANCE AND TOGOLAND CONCERNING THE PARTICIPATION OF THE ARMED FORCES OF THE FRENCH REPUBLIC IN THE MAINTENANCE OF PUBLIC ORDER

Mr. Gérard JAQUET, Minister for Overseas France, of the one part, and

Mr. Nicolas GRUNITZKY, Prime Minister of the Republic of Togoland, of the other part,

Have agreed as follows:

ARTICLE 1. The Government of the Republic of Togoland shall be responsible for public order in the Territory of the Republic of Togoland.

In addition to its own police force, it shall have for this purpose the *gendarmerie* units which may be placed at its disposal by the High Commissioner and which shall be employed in accordance with the provisions of the Protocol of 15 November 1956.

ARTICLE 2. At the request of the Government of Togoland, officers of the *gendarmerie* may be seconded

to the Togoland police force for the purpose of providing it with an officer corps and undertaking its training.

The aforesaid police and *gendarmerie* forces stationed in Togoland shall be equipped with standard weapons and uniforms.

ARTICLE 3. At the request of the Government of the Republic of Togoland, the representative of the French Republic may provide units of the French *gendarmerie* and armed forces to assist in maintaining public order in the Territory of the Republic of Togoland, if the internal situation so requires. Such forces shall be employed in accordance with the rules governing their employment within the Territory of the French Republic.

ARTICLE 4. If, by reason of serious events involving imminent threat to the territorial integrity or internal security of Togoland, the Government of Togoland is precluded from exercising its authority, the representative of the French Republic in Togoland may, as an exceptional and purely provisional measure, take such action as may be necessary to restore order and ensure the observance of Togoland law.

ARTICLE 5. This Convention shall enter into force on the date of the publication in the *Journal officiel* of the Republic of Togoland of Decree No. 58-187 of 22 February 1958, amending the Decree of 24 August 1956 setting forth the Statute of Togoland.

DONE at Lomé on 25 February 1958.

(Signed) Gérard JAQUET (Signed) N. GRUNITZKY

CONVENTION BETWEEN FRANCE AND TOGOLAND CONCERNING DEFENCE

Mr. Gérard JAQUET, Minister for Overseas France, of the one part, and

Mr. Nicolas GRUNITZKY, Prime Minister of the Republic of Togoland, of the other part,

Have agreed as follows:

ARTICLE 1. The French armed forces shall guarantee the defence of the Republic of Togoland against any danger threatening its territorial integrity.

Within the limits laid down by the laws and regulations applicable to them under the Statute, they shall be granted all the facilities necessary for the discharge of their functions.

ARTICLE 2. The Republic of Togoland shall also participate in the preparation and execution of measures relating to the organization of defence.

The Government of Togoland undertakes that, at the request of the French Government, it will take the necessary steps, so far as its resources permit and subject to reasonable compensation, to ensure that its decisions and the measures taken for their application are at all times in conformity with the general defence organization set up by France within the limits of its own responsibilities and of international agreements.

ARTICLE 3. The Government of Togoland shall consult the representative of the French Republic concerning applications for individual prospecting licences, for the purchase or sub-lease of licences or concessions with respect to mineral substances classified as defence materials and concerning permits to place such substances in circulation.

In the event of disagreement, the dispute shall be submitted to the arbitral procedure provided for in article 30 of Decree No. 58-187 of 22 February 1958.

The institution of this procedure shall have the effect of a stay.

The following shall be classified as defence materials:
Hydrocarbons;

Uranium, thorium, lithium, beryllium and helium ores and their compounds.

This list is not restrictive and may be amended in the light of the prevailing circumstances.

ARTICLE 4. For the purpose of ensuring, in accordance with this Convention, the co-ordinated use in time of war of the resources available to the Togoland authorities in time of peace and in order to facilitate the necessary planning, the Government of Togoland shall designate an official in each Ministry who will be responsible for questions arising out of the application of this Convention.

ARTICLE 5. This Convention shall enter into force on the date of the publication in the *Journal officiel* of the Republic of Togoland of Decree No. 58-187 of 22 February 1958, amending the Decree of 24 August 1956 setting forth the Statute of Togoland.

DONE at Lomé on 25 February 1958.

(Signed) Gérard JAQUET (Signed) N. GRUNITZKY

CULTURAL CONVENTION BETWEEN FRANCE AND TOGOLAND

Mr. Gérard JAQUET, Minister for Overseas France, of the one part, and

Mr. Nicolas GRUNITZKY, Prime Minister of the Republic of Togoland, of the other part,

Have agreed as follows:

ARTICLE 1. The Government of the Republic of Togoland shall be responsible for the direction and administration of the educational services at all levels and for the organization of every type of cultural activity.

ARTICLE 2. The Government of the French Republic undertakes to make available to the Government of the Republic of Togoland, at its request, such trained personnel as it may require for teaching, school inspection, the supervision of competitive and other examinations and, if necessary, for administrative services.

For its part, the Government of the Republic of Togoland shall grant teachers and members of boards of examiners all the necessary facilities for the performance of their duties.

ARTICLE 3. The Government of the Republic of Togoland undertakes to provide in its establishments, for the benefit of students desiring to follow French educational programmes, courses based on those programmes and leading to the award of French certificates.

The Government of the French Republic undertakes to recognize, throughout the Territory of the Republic and without imposing any further requirement, the degrees, diplomas and certificates issued under the supervision of the qualified personnel referred to in article 2 above in accordance with the conditions laid down by French regulations.

ARTICLE 4. Degrees, diplomas and certificates issued by the authorities of the Republic of Togoland otherwise than by the procedure specified in the preceding article shall be recognized as equivalent to French degrees, diplomas and certificates by agreement between the competent authorities of the French Republic and the Republic of Togoland.

ARTICLE 5. The Government of the French Republic shall make available to the Government of the Republic of Togoland such technicians, experts and research workers as it may require in accordance with the provisions of article 2 above and subject to the conditions to be laid down in a convention concerning scientific research.

ARTICLE 6. The provisions of the technical agreement concerning the status of French civil servants placed at the disposal of the Republic of Togoland shall apply to teachers made available to the Government of the Republic of Togoland under article 2 above who possess the university qualifications required for teaching but who are not on the metropolitan or general teaching establishment.

ARTICLE 7. Subject to observance of public order, morality and the laws of the country concerned, each Contracting Party may open or maintain in the territory of the other Contracting Party educational establishments at all levels providing an education based on its own programmes, standards and methods, and leading up to the award of its own certificates.

ARTICLE 8. Nationals of the French Republic and the Republic of Togoland, both physical and juridical persons, may, with the consent of the competent French or Togoland authorities, open or maintain private educational establishments in the territory of the other Contracting Party in conformity with the laws and regulations of the country concerned, particularly in regard to the qualifications required, and subject to the conditions prescribed in this Convention.

Establishments already opened in accordance with the regulations on the date of the signature of this Convention shall be deemed to have received the aforesaid authorization.

ARTICLE 9. The Government of the French Republic and the Government of the Republic of Togoland shall take the necessary steps to ensure that the institutions of higher education and culture of one Contracting Party are accorded the tax benefits received by the most favoured institutions of the same type of the other Contracting Party under the laws and regulations in force in their respective territories.

ARTICLE 10. The Government of the French Republic and the Government of the Republic of Togoland undertake not to suspend, without prior consultation, their respective contributions to public facilities for higher education and culture available to their nationals.

ARTICLE 11. This Convention shall enter into force on the date of the publication in the *Journal officiel* of the Republic of Togoland of Decree No. 58-187 of 22 February 1958, amending the Decree of 24 August 1956 setting forth the Statute of Togoland.

DONE at Lomé on 25 February 1958.

(Signed) Gérard JAQUET (Signed) N. GRUNITZKY

CONVENTION BETWEEN FRANCE AND TOGOLAND CONCERNING CURRENCY AND EXTERNAL TRADE

Mr. Gérard JAQUET, Minister for Overseas France, of the one part, and

Mr. Nicolas GRUNITZKY, Prime Minister of the Republic of Togoland, of the other part,

Have agreed as follows:

ARTICLE 1. The matters covered by those provisions of article 27 of Decree No. 58-187 of 22 February 1958

which relate to currency and foreign exchange shall be the following:

The definition of the currency unit, the fixing of currency equivalents and the control of foreign exchange and external trade;

The issue of bank notes and coin currency entrusted to the Issuing Institute of French West Africa and Togoland, in the management and supervision of which the Republic of Togoland shall continue to take part;

The regulation and organization of banking activities and the supervision of credit, which is within the competence of the franc area Currency Committee whereon the Republic of Togoland shall be represented.

ARTICLE 2. The Togoland authorities shall determine the conditions governing their appointment of representatives to the Board of Management and the Audit Board of the Issuing Institute of French West Africa and Togoland.

The Minister for Overseas France shall be kept informed of those appointments, so that he may give the necessary notice thereof.

The Togoland authorities shall determine the general conditions governing the use of funds paid into the Treasury by the Issuing Institute of French West Africa and Togoland, in conformity with article 4 of the Decree of 20 January 1955.

ARTICLE 3. A representative of the Republic of Togoland shall sit on the franc area Currency Committee.

ARTICLE 4. Before any authorizations for foreign investments in the Republic of Togoland and for Togoland investments abroad are issued under the foreign exchange regulations by the foreign exchange control authorities, they shall be submitted to the Government of the Republic of Togoland for approval.

ARTICLE 5. Officers of the customs services of the Republic of Togoland and officers of financial departments to whom fiscal documents may be communicated, may, on their own initiative or at the request of the High Commissioner of the French Republic, report violations of the foreign-exchange laws and regulations.

ARTICLE 6. The Prime Minister of the Republic of Togoland or his representative, as well as the Minister of Finance of the French Republic or his representative, shall be competent to institute proceedings in cases of violation of the foreign-exchange laws and regulations. They shall communicate to each other all relevant information.

ARTICLE 7. Subject to the provisions of articles 10 and 13 hereunder, the laws and regulations governing customs, including the customs tariff, shall be within the exclusive competence of the Togoland Government.

The administration of the customs shall be subject to the authority of the Togoland Government alone.

ARTICLE 8. The French Government shall be responsible for ensuring that the interests of Togoland are duly represented and protected during the negotiation of international agreements concerning customs problems and trade.

The Togoland Government may appoint a representative as a member of any French delegations engaged in commercial negotiations of interest to Togoland. The French Government shall keep the Togoland Government informed of the initiation of such negotiations.

ARTICLE 9. The French Government shall ensure that Togoland derives the greatest benefit possible from any advantages it may gain through the conclusion of

agreements, particularly from those which may accrue to it under the Treaty establishing the European Economic Community, in such matters as the marketing of its production or investments.

ARTICLE 10. The Togoland Government shall take all the necessary measures to ensure the application in Togoland of the international agreements referred to in article 8 hereabove, especially the Convention relating to the Association with the European Economic Community of the Overseas Countries and Territories.

ARTICLE 11. The importation into Togoland of goods originating in countries outside the franc area shall be effected under a general import programme prepared on the proposal of the Togoland Government with due regard for the reciprocal interests of the different members of the franc area.

The choice of recipients of licences issued within the limits of the quotas stipulated in import programmes and trade agreements shall be within the competence of the Togoland Government; the endorsement of the Foreign Exchange Office shall merely confirm the availability of credit and due compliance with foreign-exchange regulations and payment agreements.

ARTICLE 12. With a view to ensuring the protection of interests common to the other countries and territories of the franc area and to the Republic of Togoland, the Togoland Government undertakes, if it should establish a customs tariff, to come to an agreement with the French Government regarding the establishment of the tariff and any modification thereof.

ARTICLE 13. Trade between the French customs territory or the French overseas countries and territories on the one part and Togoland on the other part shall continue to be governed by the rules at present in force.

In exceptional cases, however, departures from the system of trade referred to in the preceding paragraph may be authorized by express agreement of the two Governments.

ARTICLE 14. Togoland shall have the benefit of marketing arrangements and financial assistance with respect to tropical products on the same conditions as the other producing countries and territories of the franc area.

ARTICLE 15. A commission composed of representatives of the Togoland Government and representatives of the French Government in equal numbers, under the chairmanship, alternately, of the Prime Minister of the Autonomous Republic of Togoland and the High Commissioner of the French Republic or of their representatives, shall be responsible for observing the application of the provisions of articles 7 *et seq.* of this Convention. It shall meet at the request of either Contracting Party and not less than once a year.

ARTICLE 16. This Convention shall enter into force on the date of the publication in the *Journal officiel* of the Republic of Togoland of Decree No. 58-187 of 22 February 1958, amending the Decree of 24 August 1956 setting forth the Statute of Togoland.

DONE at Lomé on 25 February 1958.

(Signed) Gérard JAQUET (Signed) N. GRUNITZKY

CONVENTION BETWEEN FRANCE AND TOGOLAND CONCERNING CIVIL AVIATION

Mr. Gérard JAQUET, Minister for Overseas France, of the one part, and

Mr. Nicolas GRUNITZKY, Prime Minister of the Republic of Togoland, of the other part,

Have agreed as follows:

ARTICLE 1. The functions of the French civil aviation services placed under the authority of the representative of the French Republic in Togoland shall be as follows:

(a) To ensure the safety of air navigation and the control of air traffic over the entire territory of Togoland;

(b) To make provision for the equipment and operation of Lomé airport and of aids to air navigation and for the services and installations required for the control of air traffic;

(c) To make provision, in agreement with the Togoland Government, for the construction, equipment and operation of all installations that may appear necessary for air navigation or the control of air traffic between Togoland and other countries, or in order to meet obligations assumed towards the International Civil Aviation Organization; and to determine for the Togoland Government the installations and services for air traffic control that may appear necessary for internal transport within Togoland;

(d) To make provision, in agreement with the Togoland Government, for the organization and operation of search and rescue services and to undertake inquiries into accidents to civil aircraft.

ARTICLE 2. The operational expenses of the French civil aviation services shall be borne by the French Government.

The French Government shall also bear the costs of the equipment and operation of Lomé airport and expenditures in connexion with existing aids to air navigation, in accordance with the terms of the Convention of 25 March and 17 April 1952.

Expenditures in connexion with the construction, equipment and operation of any installations and aids to navigation that appear necessary shall be borne either by the Togoland Government or by the French Government, according as they are incurred to meet the needs of internal air transport within Togoland or those of air transport between Togoland and other countries.

ARTICLE 3. For the purposes specified in article 1, the French civil aviation services shall, in particular:

(a) Prepare texts governing air safety procedures in Togoland and texts applying or adapting to Togoland the provisions of international conventions, especially the Chicago Convention of 7 December 1944 and its annexes, and ensure compliance with the laws and regulations designed to promote air safety;

(b) Carry out the preliminary technical studies necessary for the opening to public air traffic of secondary airports; draw up the technical instructions and orders to be complied with by the services responsible for the operation of those airports and of the aids to air navigation attached thereto, and check their application;

(c) Make provision for the control of flight equipment in Togoland and the supervision of the technical operations of air transport companies, in accordance with the regulations in force;

(d) Supervise the application of the regulations concerning air crews;

(e) Furnish all the operational statistics requested by the competent administrations.

The Togoland Government may also assign to the French civil aviation services responsibility for operating all or part of the air services within the competence of the Togoland Government; in that case, the French civil aviation services shall exercise the relevant functions under the authority of the Togoland Government, which shall defray the expenses connected therewith.

Similarly, with the agreement of the Togoland Government, tasks which are normally the responsibility of the French aviation services, particularly in the execution of infrastructure work, may be assigned to the Togoland services. In that case, such tasks shall be performed under the authority of the French services and the expenditures connected therewith shall be borne by the French Government.

ARTICLE 4. The Togoland Government undertakes to take the legislative, regulatory and administrative measures necessary for the operation of the French civil aviation services and the co-ordination of French and Togoland air regulations.

Among other things, it shall take the necessary measures in the matter of property rights, to ensure the development and operation of the principal airfield at Lomé, the safety of air navigation and the control of air traffic over Togoland territory, in such a manner as to permit, in particular, the maintenance or establishment of facilities, the introduction of expropriation procedures and the completion of works designed to meet the aforesaid needs.

It shall take the necessary measures regarding reserved zones around major installations, where technical considerations make it essential to impose special rules governing the movement of persons and vehicles and the protection of the installations; such zones shall be specified, after agreement with the Togoland Government, by the French civil aviation services, which shall remain responsible for the application of the aforesaid measures within those zones.

ARTICLE 5. The two Governments shall consult together with a view to co-ordinating the methods of assessment and collection of the charges levied by operators of airfields in consideration of services rendered by them to users, as well as the scale of such charges.

Each operator shall fix and collect his own charges.

ARTICLE 6. The French civil aviation services shall furnish the Togoland Government with a quarterly account of their activities and with an annual general report and financial report.

ARTICLE 7. The director of the French civil aviation services in Togoland shall be appointed by the French Government with the agreement of the Togoland Government.

ARTICLE 8. The French Government undertakes to consult the Togoland Government before concluding any international air agreement or approving any commercial air service which may be of interest to Togoland.

ARTICLE 9. The provisions of the Convention of 25 March and 17 April 1952 concerning Lomé airport are hereby confirmed.

ARTICLE 10. This Convention may be amended at any time by common agreement. Either Party may request that the application of any amendment be deferred for a period not exceeding three years.

ARTICLE 11. This Convention shall enter into force on the date of the publication in the *Journal officiel* of the Republic of Togoland of Decree No. 58-187 of 22 February 1958, amending the Decree of 24 August 1956 setting forth the Statute of Togoland.

DONE at Lomé on 25 February 1958.

(Signed) Gérard JAQUET (Signed) N. GRUNITZKY

CONVENTION BETWEEN FRANCE AND TOGOLAND
CONCERNING METEOROLOGY

Mr. Gérard JAQUET, Minister for Overseas France, of the one part, and

Mr. Nicolas GRUNITZKY, Prime Minister of the Republic of Togoland, of the other part,

Have agreed as follows:

ARTICLE 1. The French Meteorological Service in Togoland shall be under the authority of the representative of the French Republic and shall be responsible for:

The application of international meteorological conventions and agreements;

The preparation and collection of meteorological reports; their dissemination for practical, technical and scientific purposes; meteorological transmissions intended for international use and for the use of the Service;

Preparation and dissemination of forecasts, and analysis;

Meteorological assistance to air and sea navigation.

ARTICLE 2. The costs of operating and equipping the Service shall be borne by the French budget.

ARTICLE 3. At the request of the Togoland Government the French Meteorological Service may operate climatological and pluviometric stations and publish the observations collected by them; the costs of

any such operation would be borne by the Government of Togoland.

ARTICLE 4. For the purposes of the Technical Regulations of the World Meteorological Organization and for the purposes indicated in article 1 above, the French Meteorological Service shall be responsible for:

The organization and operation of a network of observing stations, and of meteorological reporting centres;

The preparation and application of regulations relating to the activities specified in article 1 above.

ARTICLE 5. The Togoland Government shall take the legislative regulatory and administrative measures necessary for the operation of the French Meteorological Service, in particular in the matter of property rights and the protection of radio-telegraphic transmissions.

ARTICLE 6. The head of the French Meteorological Service in Togoland shall be appointed by the French Government with the agreement of the Togoland Government. One of his functions shall be to maintain contact with the World Meteorological Organization.

ARTICLE 7. The French Meteorological Service shall furnish the Togoland Government with a quarterly report on its activities, and with a general report at the end of each year.

ARTICLE 8. This Convention may be amended at any time by common agreement after one year's notice. It shall enter into force on the date of the publication in the *Journal officiel* of the Republic of Togoland of Decree No. 58-187 of 22 February 1958, amending the Decree of 24 August 1956 setting forth the Statute of Togoland.

DONE at Lomé on 25 February 1958.

(Signed) Gérard JAQUET (Signed) N. GRUNITZKY

DOCUMENT T/1410/REV.1

Letter dated 6 October 1958 from the representative of France on the Trusteeship Council addressed to the Secretary-General

[Original text: French]

[6 October 1958]

I have the honour to send you herewith the *communiqué* which was published by common consent at the conclusion of the talks in Paris between the French Government and a Togoland delegation led by the Prime Minister, Mr. Sylvanus Olympio.

I should be obliged if you would bring this document officially to the attention of the Trusteeship Council.

(Signed) J. KOSCIUSKO-MORIZET

COMMUNIQUE CONCERNING THE TALKS BETWEEN
FRANCE AND TOGOLAND OF SEPTEMBER 1958

Pursuant to the assurances given by the Minister for Overseas France to the United Nations General Assembly on 18 November 1957 that the French Government would exercise only those powers concerning diplomacy, defence and currency in Togoland,³ and to

General Assembly resolution 1182 (XII), adopted on 29 November 1957, concerning the transfer of powers and the future of Togoland, the Government of the French Republic has informed the Prime Minister of the Republic of Togoland that it has noted that Togoland has opted for independence at the termination of the trusteeship.

In consequence of the foregoing, agreement has been reached on the essential modifications to be made to the present Statute of Togoland in order to achieve the final stage in the development of Togoland's institutions before independence.

It has further been agreed that the procedure for the "termination of the trusteeship", initiated in 1956 in the United Nations General Assembly in accordance with Article 76 of the United Nations Charter, would be continued during the present session in New York with a view to terminating the Trusteeship Agreement in 1960.

³ See *Official Records of the General Assembly, Twelfth Session, Fourth Committee*, 707th meeting, para. 29.

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