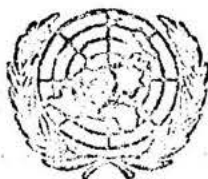


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Seventeenth Session

VERBATIM RECORD OF THE SIX HUNDRED AND SIXTY-FIFTH MEETING

Held at Headquarters, New York,
on Tuesday, 21 February 1956, at 2.30 p.m.

President:

Mr. SEARS

(United States of America)

1. Attainment by the Trust Territories of the objective of self-government or independence [9] (continued)
2. Examination of conditions in Togoland under French administration [3e, 4, 5] (continued)
3. Examination of petitions [4] (continued)

Note: The Official Record of this meeting, i.e., the summary record, will appear in mimeographed form under the symbol T/SR.665. Delegations may submit corrections to the summary record for incorporation in the final version which will appear in a printed volume.

ATTAINMENT BY THE TRUST TERRITORIES OF THE OBJECTIVE OF SELF-GOVERNMENT OR
INDEPENDENCE (GENERAL ASSEMBLY RESOLUTION 946 (X)) [Agenda item 9] (continued)

The PRESIDENT: Two weeks ago, during the discussion of the item "Attainment by the Trust Territories of the objective of self-government or independence", the representative of India proposed that the debate on the item be postponed for a fortnight. That time having elapsed, I wonder whether the representative of India has any proposals to make.

Mr. JAIPAL (India): It is true that a fortnight ago I did propose that the Council should adjourn the debate on this item because we had not then received any instructions from our Government. The Indian delegation now finds that it does not have any proposals to offer on this question.

Mr. GERIG (United States of America): As I understand it, the parliamentary position is that the question was postponed for two weeks and, that period having elapsed, action by the Council would be appropriate at this time. In that case, I should like to move formally that the Trusteeship Council should note General Assembly resolution 946 (X), and act accordingly.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): Although this question was not included in today's agenda, our discussion this morning, which touched partly on this question, has shown that this question is quite a serious one, too serious for the Council just to take note of a resolution on this point. Therefore, although I would not object to the Council discussing the question and adopting a resolution, I would have to make an appropriate statement in connexion with the adoption of the agenda. If it is decided to include this item on the agenda and if the Council is to adopt a resolution, then I shall have to make a statement on the subject.

Mr. ARENALES-CATALAN (Guatemala)(interpretation from Spanish): I would like to refer to a problem with which my delegation is faced. I am sure that the draft resolution, which seems to be quite simply drafted, would probably raise no objection on the part of my delegation. However, the members of the Trusteeship Council know the pressure of work which faces my delegation. Frankly, we are not as yet prepared to express our opinion on this subject. The subject in itself is quite simple. I had the impression that, because of the reasons put forward by the representative of India, the matter was to be put off for some fifteen days and that once this period expired, it would come before the Council again and my delegation would have another opportunity to consider it. But as the matter stands at the moment, we would not be in a position to vote on it.

The PRESIDENT: May I say to the representative of Guatemala that it is not a question of hurrying things. If the representative of Guatemala wishes to study the matter or make a statement, of course that is his right. If it would meet the requirements of the Council, I would be glad to defer further consideration of the matter until after the Togoland item has been disposed of.

Mr. JAIPAL (India): Your own suggestion, Mr. President, seems to be an excellent one, that is, to defer this question until after the debate on French Togoland.

Mr. ASHA (Syria): I also agree with your suggestion, Mr. President, but I wish to offer a slight amendment. I think it would be wise to have the item on the agenda for Thursday and then, if there are no speakers or questions on Togoland, we could begin the consideration of the item. But we should certainly not consider it today.

Mr. JAIPAL (India): We would not wish the debate or the discussion of conditions in French Togoland to be interrupted. If the representative of Syria has no great objection, it might be advisable to follow the original suggestion of the President to defer the consideration of this item until after the debate on French Togoland.

The PRESIDENT: If there is no objection on the part of any member of the Council, this item will be considered following the debate on Togoland under French administration.

It was so decided.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from Spanish): Before proceeding to political questions on Togoland under French administration, I would like to thank the Council for the consideration it has shown to my delegation in not having this matter discussed at the present meeting.

EXAMINATION OF CONDITIONS IN TOGOLAND UNDER FRENCH ADMINISTRATION (T/L.630):

- (a) ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR 1954 (T/1222, 1202/Add.1 and 1223)/[Agenda item 3 e]
- (b) PETITIONS CIRCULATED UNDER RULE 85, PARAGRAPH 2, OF THE RULES OF PROCEDURE OF THE TRUSTEESHIP COUNCIL (T/PET.7/L.10 to 13)/[Agenda item 4]
- (c) REPORT OF THE UNITED NATIONS VISITING MISSION TO THE TRUST TERRITORIES OF TOGOLAND UNDER BRITISH ADMINISTRATION AND TOGOLAND UNDER FRENCH ADMINISTRATION, 1955 (T/1211 and 1228)/[Agenda item 5] (continued)

At the invitation of the President, Mr. Tourot, special representative for Togoland under French administration, took a place at the Trusteeship Council table.

Political advancement (continued)

Mr. ARENALES-CATALAN (Guatemala)(interpretation from Spanish): I should like to refer to one or two doubts that my delegation has on the political development of French Togoland. I am going to put one or two questions similar to those that we put at a previous stage in the debate on Ruanda-Urundi.

It is probable that many of the doubts which we have had have already been cleared up in previous meetings or that the answers are to be found in the voluminous documentation that we have before us. We have done everything we can to study these documents very conscientiously. Therefore, if there is any repetition in the questions that we ask, I hope that the Council will be indulgent.

On the other hand, many of the doubts that my delegation had on political questions have been partially dissipated by the replies to questions put by members of the Council.

In the first place, there were some doubts that arose in my mind from the exchange of questions and answers at the present session of the Council. The representative of France, for example, in replying to a question put by the

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representative of the United States concerning the plebiscite which is being envisaged in the future for French Togoland, pointed out that the population of French Togoland was not yet aware that this plebiscite was being prepared. I think he gave us a reason for this situation: that the Administering Authority, before approving the idea of the plebiscite, felt that the population should not be informed before the United Nations had given its approval. We have a doubt in this regard: would it not be desirable to begin a campaign of publicity and propaganda in French Togoland in connexion with this future plebiscite? The conditions of the plebiscite are not perfectly defined as yet, but the intention to hold it is already established. Would it not be desirable, in the view of the Administering Authority, to take into account the wishes of the population? And would it not be desirable for these wishes to be expressed by a public opinion which is well informed?

If measures have not been taken so far to give publicity to this projected plebiscite, is there any basic objection, any real weighty reason and not simply procedure, to avoid commencing a publicity campaign in French Togoland in connexion with this plebiscite?

Mr. BARGUES (France)(interpretation from French): I will repeat the reply that I gave to the representative of the United States when he asked whether the population in general, both in the North and in the South, already knows that it will shortly be invited to take an important decision. The representative of the United States put an extremely precise question to me, and I replied in very precise terms as follows:

"I should point out in the first place that in a country such as Togoland there is really no general and informed public opinion."

(T/PV.662, page 3)

I did not say that there was no public opinion in Togoland. I said that the public opinion that there was was not general or informed. I added:

"The under-developed mass of the population, especially in the rural areas, is actually unaware of the major political facts. But this mass is called upon to choose its representatives. Furthermore, there is an élite in Togoland, and that élite is increasing in size every day. It is certain that that élite is informed about and discusses the major political facts affecting the Territory's life.

"I should add in this connexion that, although, as I have said, there is no general public opinion in the Territory, progress is being made very rapidly, and such a public opinion is beginning to emerge. (Ibid.)

I said then that there was a public opinion but that the public in general is not as well informed as in western countries due to the insufficiency of the means of communication; and that this public opinion had no precise information on the great political events in the Territory which might form the subject of discussion. After all, in the western countries, even the rural population discusses the main political events of the day after reading the newspapers or listening to the radio. I added:

"The population has not been officially informed that it will have to pronounce itself on the Territory's future, but this information is being received by ever-growing groups of inhabitants. It is a fact that the majority of the inhabitants of Togoland is aware that a turning point is about to be reached and that the population will be consulted on its future political life. The French Government, of course, could not make an official declaration in this respect to the population of Togoland before the United Nations had authorized it.

"... I might add that the population will not be at all surprised if the Government of France, in agreement with the United Nations, asks it to pronounce itself on the fate of its Territory. It will not be surprised because, as I have pointed out, the mass of the population, through its élite is, after all, informed of the major facts of political life. Also, for several years now, the population has been called upon to participate in votes in which representatives were elected to different bodies..." (Ibid., pages 3 and 4)

(Mr. Bargues, France)

My reply is that there is a public opinion. This public opinion is not generally well informed but through the élite it is becoming informed of important political events, and it knows that great events are immediately ahead.

There can be no doubt that the population will be consulted on the direction of the political life of the country. The French Government has therefore not made any official statement.

Not every member of the population can be considered as being informed of this impending consultation. Nevertheless, in general the population, particularly in the South and to a lesser extent in the North, is clearly aware that important events in the life of the Territory are imminent and that the population will be invited shortly to pronounce itself upon the fate of the Territory.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from Spanish): I thank the representative of France for his reply. I remembered the question put by the representative of the United States and the answer of the representative of France. The question of the United States representative was precise and the reply of the representative of France was also precise, but I may not have explained myself as I had intended to.

I note that in the text just read by the representative of France as a reply to the question of the United States representative the following:

"The population has not been officially informed that it will have to pronounce itself on the Territory's future," (T/PV.662, page 3)

It is precisely on this point that I wish a clarification. Are there any reasons of a political or legal nature, or any kind of other reason outside of courtesy to the United Nations, why the Administering Authority has not conducted a publicity or propaganda programme officially to inform the population of Togoland that this plebiscite will take place and to indicate to the population the meaning of this plebiscite in the measure necessary for the population to understand the meaning of this plebiscite deriving from the resolution of the General Assembly? That was my question. I did not wish to discuss whether or not there was a public opinion in Togoland; I was not seeking to find out the nature of that opinion; I only wished to know if there was an official publicity programme on a very important political and democratic event for the future of Togoland and, if it did not exist, why it did not exist.

Mr. BARGUES (France) (interpretation from French): So far there has been no official notification of the population regarding the consultation which is soon to be carried out. There is no juridical reason for this state of affairs. In fact, up to the present the problem has not seemed sufficiently ripe in the opinion of the French Government for such an announcement. Furthermore, the details of the procedure of the plebiscite have not yet been worked out. The French Government thought that the population might well be informed a little later.

In view, however, of the present stage reached in the question, I think especially that the observation of the representative of Guatemala becomes of great value; I shall communicate these remarks to my Government. I agree with the representative of Guatemala in considering that as of now such a campaign to inform public opinion might be prepared in the eventuality of a general consultation dealing with the political future of the Territory. I think that a campaign in this sense might well be organized now and, I repeat, that I shall pass that observation on to the Administering Authority.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from Spanish): I thank the representative of France for his reply. I should like to pass on now to another point.

I should like to have a clarification of a point which arose in connexion with a reply given by the representative of France or the special representative. I do not remember to what delegation the reply was made. However, the representative of France, in response to a question, said that there was no definition of citizenship in French Togoland so far. It was pointed out that this was a rather delicate point and that, secondly, it was not urgent to define citizenship in view of the possible future change in the status of the Territory.

I should like further clarification on this point. I should like to know why the representative of France or the special representative considers that a study of the definition of citizenship in French Togoland is delicate. If this definition is not urgent, why does the Administering Authority consider that before defining citizenship of the inhabitants of French Togoland, it is necessary to await the future status of the Territory?

Mr. BARGUES (France) (interpretation from French): I have already replied to the question that was put to me on this point; first, that the studies undertaken have not yet reached a final conclusion; secondly, that as regards Togoland the problem presented was less urgent in character.

The truth is that this is not a problem of citizenship for the inhabitants of Togoland, but a problem of the juridical status of the inhabitants of this Trust Territory. The problem is a complicated one. Although I am not a jurist, as I said this morning -- and perhaps because I am not a jurist -- I find the matter complicated. However, I think that jurists who studied this problem have the same opinion as I do.

The problem is not a new one. It has existed since 1922 when it was desired to determine the juridical status of the inhabitants of the mandated Territories. I have already said on an earlier occasion that the French like precision in legal matters. I must say that their concepts in this matter have always lacked precision. Between the two wars we were content to speak of persons "administered under Mandate". We used this term for persons in French mandated territories, but we did not consider this a very clear juridical concept. The inhabitants of the Territories under Mandate were considered on the legal plane in the same way as French citizens subject to their special status reserved for them in the French community. When they traveled abroad they had French passports and were considered by foreign officials as French citizens.

The problem arises in a rather different way since the establishment of the Trusteeship System. However, as far as I know, the studies that have been carried out either in France or in other Territories and in international organizations have not yet reached a clear determination of citizenship in the juridical sense for the inhabitants of a Territory which, having a nationality corresponding to that Territory, are administered by a country foreign to the Territory, administered by a foreign country. That is a new juridical concept which came into existence with the Trusteeship System. The Charter of the United Nations, drawn up about ten years ago, established this Trusteeship System. But at the same time we determined the political status of the Territory without worrying about the juridical status of the inhabitants of these Territories. That is the problem.

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I confess that I do not have sufficient legal qualifications to give the Trusteeship Council an opinion on this question, but I think that the problem exists and that it should be the concern of the United Nations in general and of the Trusteeship Council in particular. This observation applies to all Trust Territories and it concerns the United Nations as much as the Administering authorities.

I should add that in every day life, the status of the inhabitants of Trust Territories has never given rise to any difficulties. Inside the political community which administers the people of these Trust Territories, they are treated as though they were citizens of the Administering Authority. As regards their outside relations, they receive their passports from the Administering Authority and they have the same rights and privileges as the nationals of the particular Power.

As regards Togoland in particular, the representative of Guatemala has correctly recalled my observation. I added that the problem was of limited interest since we were preparing an early modification of the status of Togoland and that the solution which might be adopted today might not be applicable a few months from now. This applies also to British Togoland, whose status in all probability will soon be changed. In five years' time, the problem will no longer be of interest for Somaliland under Italian administration.

There is a general problem and a legal problem involved, the study of which might be entrusted to a juridical organ. As regards Togoland in particular, there is no great interest in the question because the people of Togoland, from the time of the establishment of the mandate, have lived under this regime without any great difficulties. Their status will be defined in precise terms when the final status of the Territory is determined.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from Spanish):

I wish to thank the representative of France for his reply, which has clarified many aspects of the question. I should like to point out that I put my question in connexion with a resolution of the Trusteeship Council which took note of a declaration of the representative of France to the effect that studies were being conducted in connexion with the juridical status of the Territory. The Council expressed the hope that the Administering Authority would consider the possibility

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of establishing a Togolese citizenship and requested the Administering Authority to inform the Council of the results of those studies.

The representative of France has replied that nothing definite has been arrived at because it was a delicate question and because it was not urgent.

In view of the further explanation given by the representative of France, I understand a part of the reply. I should like to assure the representative of France that I am putting this question with the utmost sincerity. Perhaps I can clarify my understanding of the term citizenship.

The representative of France has stated that he is not a jurist, but I realize that he possesses a vast knowledge in this particular field. In this connexion I am not referring to nationality. I am not referring to the fact that an inhabitant belongs to one or another political grouping. I am referring to the status of an inhabitant in connexion with certain basic political rights and functions, for example the question of voting and of occupying a public post. These are two essential points, and in my country that is what we understand citizenship to mean, among other things.

The main concern of my delegation and the point about which we are not clear is the following: Is there some basic and important reason for which this aspect of citizenship has not been defined in any statute? Is it necessary for this aspect of citizenship to remain undefined? I should like to know why it has not been possible, and why it is not anticipated in the immediate future, to define the question of citizenship. I understand that this question has been considered to be delicate, but I should like to know why it has been delicate and why it has not been considered urgent.

The fact that Togoland under French administration might change its status in the future should not mean -- and this is the whole point of my question -- that there could not now be a citizenship status established for the inhabitants.

Mr. BARGUES (France) (interpretation from French): The representative of Guatemala, whom we all know to be a distinguished jurist, although he disclaims that fact, makes a distinction between citizenship and nationality, and perhaps that is correct. But I must say that this distinction has not appeared in the course of the debates in the Trusteeship Council. The representative of Syria, who has a very profound background, first raised this question, and, I hasten

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to add, rightly. But what he meant by citizenship -- and we adopted this term following his suggestion -- was not the exercise of certain political rights within a political community, but the status corresponding to the belonging to a particular political community. In reality, whatever status is ascribed to the inhabitants of a Trust Territory -- and obviously this is a special status for all the inhabitants of Trust Territories -- the political rights of these inhabitants, in spite of the fact that there is only one status involved, may vary according to the Territory; this does not apply to their citizenship but to their degree of evolution.

What we mean by citizenship is perhaps what the representative of Guatemala correctly calls nationality. At the suggestion of the representative of Syria at the time, Mr. Tarazi, we stated that a Trust Territory was administered by an administering Power as an integral part of the its own territory. That was a question of the means of administration and it did not imply that the Territory itself was juridically incorporated in the Territory of the administering Power.

(Mr. Bargues, France)

What are the inhabitants of such a Territory? They are not nationals of the Administering Power. What are they, then? What is their status? There is no difficulty from the domestic point of view: they are subject to domestic law, which applies in accordance with the Trusteeship Agreement. What is important is to know their legal status in the international field -- and the truth is that they have no nationality. The inhabitants of French Togoland are not French; the inhabitants of the Cameroons under British administration are not British subjects; the inhabitants of Ruanda-Urundi are not Belgian citizens. What are they, then?

That is the question put by the representative of Syria. That is the question which the French jurists raised, and they were quoted by the representative of Syria on that occasion. These jurists adopted the term "administered under mandate" for the inhabitants of territories governed under mandate. That was simply a term for use in passports, and so on. It did not solve the question.

The same problem exists today under the Trusteeship System. As regards the rights of the citizen in a Trust Territory, those are safeguarded by other means. We are not concerned with that. What we are concerned with now is the international legal status of these persons.

The representative of Guatemala mentioned the example of the right of vote, the franchise. But the law on universal suffrage will be voted by the French authorities, and the inhabitants of Togoland will have exactly the same rights regarding the vote as the citizens of the French metropolis. Are we going to claim that they are therefore French citizens? Not at all. They will remain what they are today. We do not know exactly what that is. We know that they are citizens of a Territory under Trusteeship, but the juridical nature of this citizenship of a Trust Territory remains to be determined.

Following upon the wish expressed by the Trusteeship Council, the French authorities examined this problem. But a long study and much consultation is needed, including consultation with the other Administering Authorities, because the solution must be found by the Trusteeship Council in agreement with the various Administering Powers.

Mr. ARENALES-CATALAN (Guatemala)(interpretation from Spanish): Once again I should like to thank the representative of France. I realize, in the light of his explanation, that not only were we speaking of different things but the arguments that he brought up in his reply, which I referred to as a basis of my question, seem to be much more logical. I realize this is a question very largely of juridical terms. Guatemaltecan, for example, is a nationality. Not all Guatemaltecos are citizens of Guatemala: there is a difference between the two ideas. This really was at the root of the misunderstanding I had with the representative of France, and now I feel much clearer in my mind about it.

I should now like to ask a question in connexion with the sixteen famous categories in the right to vote. The representative of France said that the electoral law is being studied, and I see that the Council on one occasion expressed the hope that this law would be approved very soon. But I should like to know what exactly is the position of this law. I do not know whether the representative of France replied to this question on any previous occasion. But what is the position regarding this electoral law?

Mr. BARGUES (France)(interpretation from French): I should have liked to read the text of the Act, but unfortunately I do not have it with me. The law was passed by the National Assembly on 18 November 1955. The premature closing of the sitting did not make it possible for the text to be examined by the Council of the Republic. Because of the renewal of the National Assembly, a new draft, conceived in the main terms, has been placed before the National Assembly. It will be voted very soon by the National Assembly, according to my information from France, and will go before the Council of the Republic. If the Council does not introduce any amendment, the draft will become law immediately after promulgation by the President of the Republic. If the Council amends the text, then it will go for second reading to the National Assembly. It is understood that only the National Assembly votes the law, and that the Council of the Republic has no power to modify the text voted by the National Assembly if the National Assembly does not agree to the amendments proposed to the first draft.

The text will probably be passed in the form originally voted in November -- and in two or three months, I think. I cannot prophesy in precise terms here, because I do not know exactly the programme of the French Parliament. But it is probable, in view of the present composition of the National Assembly, that the text will be voted very shortly. The text provides for the vote to be given to all adult citizens -- persons over twenty-one years of age -- who have not lost their political rights owing to a judicial decision.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from Spanish): In connexion with this reply of the representative of France, I should like to ask for a few clarifications concerning the procedure by which laws are put through for this Territory of Togoland. This will involve the whole question of the functioning of the French Union. I hope I am not going outside the scope of questions here, but the fact that this law was voted on 18 November 1955, and the fact of the change of Government, of legislative power, in France -- does it mean that another law must be voted? A new text must be voted, if I understand rightly. I should like simply to know if all the laws which had been approved by the previous Assembly concerning any matter -- what I want to get clear is the kind of perspective in time of these laws. I wondered whether all these laws which are approved by the previous Assembly, which have not been actually ratified, must come before the new Assembly. Or does this happen only when there is dissolution of the Assembly? I hope I am not displaying too much ignorance on this particular point, but I should like the representative of France to clear this up if he can. I am not quite clear in my mind on it. It seems to me to be bound up with the whole question of this issue that we are now concerned with.

Mr. BARGUES (France)(interpretation from French): I shall be very happy to furnish the explanation requested by the representative of Guatemala on the way in which the French Constitution functions.

The text voted on 18 November 1955 cannot really be called a law. It is a bill, because it has not gone through the complete procedure established in the Constitution. Under that procedure, there must be a vote in the National Assembly, a discussion in the Council of the Republic, and, if the Council of the Republic makes any changes in the bill, another vote in the National Assembly. If the bill of 18 November had gone through this procedure, it would be a real law which would not have become obsolete with the end of the legislature. The President of the Republic would have been obliged to promulgate the law, even if that had not been done before the end of the legislature. It is simply because the text voted by the National Assembly was not a law but only a bill, since it had not gone through all the stages of the above-mentioned procedure, that it became obsolete when the term of the legislature ended. Bills may become obsolete in this way no matter how the term of the legislature ends -- whether through dissolution, as was the case at the end of last year, or through the normal procedure foreseen in the Constitution.

Mr. ARENALES CATALAN (Guatemala)(interpretation from Spanish): In the penultimate reply, the representative of France said that, under the new bill -- which would probably be adopted -- all Togolese over twenty-one years of age would have the right to vote. I should like in this connexion to ask a question which is not strictly in the political field, but the answer to it will help me to formulate my other questions in that field. The question I shall now ask is actually on educational advancement. I should like to know what is the percentage of illiteracy in Togoland. If that percentage has not been worked out, I should like to know why.

Mr. TOUROT (Special representative)(interpretation from French): About 60 per cent of the population is illiterate.

Mr. ARENALES CATALAN (Guatemala)(interpretation from Spanish): Under the new law, will illiterates have the right to vote? Furthermore, is the voting by secret or public ballot -- and, here, I refer to everyone, not just illiterates?

Mr. TOUROT (Special representative)(interpretation from French): Even now, illiterates have the right to vote. They can do so because the ballot papers contain not only the names of the candidates, but also distinctive symbols for each candidate. The new legislation provides for universal suffrage. Obviously, illiterates will not be excluded, for, if they were, the suffrage would not be universal.

The voting is secret, and the secrecy is guaranteed.

Mr. ARENALES CATALAN (Guatemala)(interpretation from Spanish): I think that there has been a misunderstanding concerned with one of the questions which I put a few moments ago to the representative of France; this misunderstanding has undoubtedly been caused because we speak different languages. I have the impression that, for the same reason, there was some misunderstanding this morning as regards some questions put by other representatives. I wish to revert to a question which has been discussed on two occasions, if I am not mistaken, in order to clarify in my own mind whether there is a misunderstanding on substance or not.

I should like to ask the representative of France to tell us exactly what he means by French Togoland's own juridical structure. I ask this in connexion with replies given to the representatives of Syria and the Soviet Union. The representative of France said that the people of Togoland should decide first on their future international ties -- with the United Nations or with the French Union -- and then on their internal structure. In other words, the representative of France said that, in the view of the Administering Authority, exactly the opposite of the course suggested by the Visiting Mission should be followed.

I should like to have some clarification as regards the words "internal structure" or "juridical structure". The representative of France said that

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the population should decide first on the international ties and then on the internal structure of the Territory. It seems to me that he has used the term "internal structure" as a synonym for "self-government". I should therefore like to know, as I have said, what the representative of France understands by the term "internal structure", in the context of the questions and answers today.

Mr. BARGUES (France) (interpretation from French): I did, in fact, uphold the thesis that the first thing to do was to ascertain the aspirations of the population as regards the international ties of the future Togoland. I said that, once that had been done, the population could decide on the Territory's internal political and administrative structure.

At present, Togoland is under trusteeship. That is an international status which determines the relations between Togoland, on the one hand, and the United Nations and the Administering Authority, on the other. The internal structure of Togoland -- that is, the political and administrative systems proper to the Territory, which determine the relations among the inhabitants and the legislation whose application does not go beyond the frontiers of the Territory -- is inevitably a result of the Territory's international political status.

It is an international agreement -- the Trusteeship Agreement, which is applied under an international instrument, namely, the United Nations Charter -- which lays down that Togoland is administered as an integral part of French territory. This, I believe, is a legal demonstration -- although I am not a lawyer -- of the bond which exists between the internal structure of a territory and its international status. Togoland has internal structures which are those of a territory administered by France because the Trusteeship Agreement laid down that the Territory of Togoland was to be administered as an integral part of France's territory. If we changed this international status of Togoland, it would probably be necessary to change the internal structures as well.

We are thinking of various systems for Togoland. The Trusteeship System may be retained. In that case, we can pursue the development of the Territory in the direction which has been followed up to the present time, or give it a new orientation taking account of the existence of the Trusteeship System. If the Territory of Togoland becomes independent there is no doubt that it will have to have a chief of State, a parliament, legislative and deliberative bodies -- the functions of all of which are carried out at the present time, at least in part, by bodies in the mother country, France.

But who is going to decide on the question whether Togoland shall remain a Trust Territory, become independent or become associated with the French Union or the British Commonwealth? Who will decide that question? I come back to Article 76 -- not without some apprehension at the possibility of unleashing a new discussion. What, according to that Article, will decide the question to which I have just referred? The wishes expressed by the population of the Trust Territory. How shall we know the population's wishes? By consulting the population. And when should the population be consulted? It becomes perfectly obvious that the consultation must take place before the present system is changed. Contrary to what has been stated by some of my colleagues, I say that it is not necessary to change the status of the Territory and then consult the population. We must consult the population on the changes it would like to have made in the status of the Territory on the international level. That is what I said.

The Visiting Mission expressed a view which is rather different from that which I have now expressed. However, it is not fundamentally different. Although we have gone off on another tack during our discussion, what the Visiting Mission had in view was the re-establishment of a connexion of cause and effect between the

installation of new political institutions -- which, moreover, it enumerates in its report -- and the consultation of the population. As I have just said, the French delegation and the Administering Authorities were not able to follow the Visiting Mission in all its conclusions. The question was taken to the tenth session of the General Assembly and, as I reminded the Council this morning, the Assembly did not support the view of the Visiting Mission. An amendment was submitted -- I believe by the delegation of Liberia -- which was designed to subordinate the organization of popular consultation to the installation of some new political institutions. The French delegation, supported by India, objected to that method, which was rejected by the majority of the General Assembly. The text which was adopted by the General Assembly says something quite different. It confines itself to approving the Visiting Mission's conclusion according to which the application of the political reforms contemplated would make a useful contribution to making known in the near future the wishes of the population with regard to its future.

We would have to see what this means in practice. The measure referred to here is universal suffrage, and there is no doubt that the establishment of universal suffrage would make a useful contribution to making the wishes of the population known since the whole of that population would be expressing itself. It was for this reason that the French delegation voted in favour of this provision, which corresponded to its own ideas.

The essence of the French delegation's observations is that we should not link the consultation which is to take place in the Territory with some political institutions. As soon as it was known that there were to be some political institutions, and before the Territory had reached self-government or independence, it would be necessary to consult the population as to its wishes. And when the new status of the Territory is thus determined, it will be for the population to determine, according to the rules of the constitution -- existing or still to be adopted -- what the new political and administrative structures should be as the result, of course, of the new international status of the Territory.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from Spanish): The explanations which the representative of France has been kind enough to give help me to form a clearer idea of the situation. I, of course, can speak only in the name of the delegation of Guatemala and cannot represent other delegations, but I should like to assure the representative of France that I am confident that the Administering Authorities are not forgetting that the inhabitants should be consulted. I am not saying that I support the Visiting Mission's recommendations, but I do feel that they are not in conflict with the famous Article 76 of the Charter which has just been mentioned again by the representative of France. It seems to me that, in addition to a misunderstanding connected with the language, there may also be a basic misunderstanding here. I feel that we are not, perhaps, in complete disagreement in our approach to this problem. The representative of France has said that the internal structure of a territory is bound up with its international status. Actually, I believe that he used the word "linked". That may be right, but to say that the internal structure of a territory should be exclusively the result of its international status -- and this concept was expressed -- is, in my view, something quite different. Obviously the change of the international status of a State may cause changes in its internal structure, but that is not precisely the problem that we are discussing. We are discussing the question of consulting the population of a territory. Therefore, what I wonder is this. Does the fact that a change in the international status of a territory could give rise to changes in its internal structure mean that the population cannot be consulted on what its internal structure should be, even if the international status is not going to be changed in the immediate future? I should like to know the reply of the representative of France to that.

Mr. BARGUES (France) (interpretation from French): I can reply immediately to the representative of Guatemala. It is obvious that we can quite easily consult the population of Togoland on the internal structure of the Territory without even envisaging the possibility of changing its international status. We can always take the opportunity -- and sometimes it is even our duty to do so -- to enquire the wishes of the population. But there is much confusion in regard to this question, and the representative of Guatemala has, quite rightly, pointed to some of the problems.

As a matter of fact, I was not the first to refer to Article 76; our discussion included several interpretations of Article 76. In the first place, there was a question put by the representative of Syria which was brought up by the Visiting Mission. The Visiting Mission said that the population should be consulted as to its wishes, not in regard to the internal structure, but as to the international status of the Territory, as is now being done in the case of Togoland under British administration. The inhabitants of the Territory should be asked how they conceive the future orientation of their Territory on the political level and, the Visiting Mission added, the Administering Authority intends, and indeed has already begun, to establish some new political institutions. In accordance with the system of trusteeship and democracy, it is, of course, for the population of the Trust Territory to decide in the last analysis on its political future when the Administering Authority announces that the Territory is ready for self-government and independence.

Because of the progress in Togoland under French administration in the cultural, medical and other fields, as well as the political progress, which continues at a rapid pace, the Visiting Mission was happy to learn that the Administering Authority itself envisaged certain important constitutional measures. The Mission hoped that these measures would include a number of items which it enumerates in its report. Thanks to these measures, the population of the Territory will shortly be in a position to make known its wishes as to its future when the end of the Trusteeship System and the achievement of self-government take place.

I have stated the agreement of the French Government with the conclusions of the report of the Visiting Mission, but in regard to this particular paragraph I did make a reservation, saying that the Administering Authority

(Mr. Bargues, France)

considered that the Territory had reached a sufficient degree of maturity for its population to be called upon to give its views as to its political future. It is not necessary to carry out first the setting up of some of these political measures so that the ability of the population to take a stand should be recognized. This is a point -- perhaps a secondary point -- which caught the attention of the General Assembly. We agree on the principle. The population of Togoland must be consulted as to the political future of the Territory. When is that to be done? The Visiting Mission tells us: "When you have set up some political institutions which you intend to carry out." We agree. "You need direct and universal suffrage or autonomy in the Councils, strengthening of the Territorial Assembly, etc." And we say that that is indeed our intention; that our programme is merely approved. But we think that it is not necessary to wait for the taking of these measures, and that even now, or very shortly, the population will be able to decide on this matter; it is merely a matter of timing. Should we set up some political institutions and then proceed to consult the population, or should we first consult the population and then set up the political institutions? And I have said, and I repeat, that these political institutions do fit in with the international Trusteeship System. Will they fit the system in Togoland after the population has been consulted? I think that it would be more logical and more prudent to wait to see what the new international status of the Territory is before setting up the political institutions.

The Soviet Union representative presented matters in a different light. In the light of the conclusions of the Visiting Mission's report and the remarks of the representative of Guatemala, do we make the reforms before or after consultation? The representative of the Soviet Union says that the purposes of the Trusteeship System are to lead the Territory to self-government or independence; that we shall not be able to consult the population until the Territory has become self-governing or independent. Of course, here I differ with him completely because, on the one hand, it does not appear from Article 76 that that is the true purpose of the Trusteeship System and, in the second place, I do not see why we should have to consult the population once it has become self-governing and independent. Consultation of the population regarding the political system is conceivable only under the temporary and provisional system, namely, the Trusteeship System.

Mr. TOUROT (Special representative) (interpretation from French): I should like to add a word regarding the desirability of previous consultation and to say that I think that the Visiting Mission on the spot noted the difficulty of this procedure and agreed to the idea of a plebiscite before a change in the status of the Territory in order that the population might pronounce itself beforehand. It put itself in the place of the population. Immediate independence would obviously give satisfaction to some of the inhabitants, but other elements would certainly not be agreeable to it and would fear a too rapid decision. The Visiting Mission appreciated this difficulty. Part of the population were in favour of immediate autonomy, but other parts were not in favour of too precipitate action in the matter.

If the Trusteeship Council adopts a position in favour of evolution towards independence even before a plebiscite is held, I think that that would not be a step in the interests of the population, who should be consulted first.

Mr. ARENALES-CATAIAN (Guatemala) (interpretation from Spanish): I am very grateful to the representative of France and the special representative for their clarifications, especially the last point made by the representative of France. I think that he has brought the problem out of the purely theoretical area into a more practical light, and he has dissipated many of the doubts which I had. I should like to say, however, that, in one of his last sentences, the representative of France referred to the attitude of Guatemala on a certain point. I wish to make it clear that we are reserving our attitude. I am not supporting this thesis, or another, but I am simply trying to acquire some general information before adopting any particular attitude.

I should now like to go on to another problem. The two aspects of this problem to which I wish to refer have, I am sure, been partially if not completely dealt with in various documents, if not this year, at least in previous years. However, there are one or two points I should like cleared up, and I would ask the representative of France and the special representative to forgive me if I return to subjects which have been thoroughly discussed in previous years.

My first question concerns the situation of Togoland within the French Union. By reading the special report of the Trusteeship Council, in which there is a chapter on the position of Togoland in the French Union, I have tried to understand that situation. My question is of a theoretical nature, and this may make it rather difficult to answer, but I should like to know what, in the view of the Administering Authority, are the main advantages derived by Togoland from its membership in the French Union.

Mr. BARGUES (France) (interpretation from French): Togoland under French administration, in accordance with the Trusteeship Agreement, is administered under French legislation as an integral part of French territory. This is not administrative integration or administrative union between Togoland and the French Union. The great value for Togoland is the fact that it is administered by France. Whatever the political status of Togoland may be, what is important is that France brings to Togoland all its administrative experience, its technicians and its moral and democratic concepts which enable the Territory to pursue its course towards the aim of the Trusteeship System. Finally, France is making a considerable financial effort in Togoland, and in our introductory remarks both the special representative and I have mentioned the French contribution. I shall mention this again in my closing remarks at the end of this debate, and I shall furnish this information to the Guatemalan representative also. The French contribution involves a very considerable financial effort to ensure the development of the Territory. There is no doubt if one compared the situation and the evolution of Togoland administered by France during the past forty years and what would have been the situation if it had been left to itself when the Germans left, one would find a positive gain because of everything France has done in sending its administrators, doctors, technicians, missionaries and financial experts and in providing funds.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from Spanish):

In thanking the representative of France, I should like to point out that he answered my question when he told me the important thing for Togoland was not so much its political status as the fact that it is administered by France, and that is a very clear and precise reply to my question concerning the main advantages that the Territory derives from being administered within the French Union. The short reply I received, full of content, is that the advantage consists of being administered by France. I am sure that the representative of France could provide a lot of information in support of this, and I am sure that my delegation would have no doubts. Now I come to another question. If the main advantage Togoland derives from being administered as part of the French Union is precisely that it is administered by France, I should like to know whether, in the opinion of the Administering Authority, these same advantages would exist if Togoland was administered by France directly outside the French Union.

Mr. BARGUES (France) (interpretation from French): A priori, one might think that if France had agreed to make the same effort and sacrifices on behalf of a Territory which was not part of the French Union, the advantages derived by Togoland from French administration would have been the same. The truth is that with the granting of the mandate by the League of Nations, it was decided that Territories placed under B Mandate, which was the case with Togoland, should be administered as integral parts of the Territory of the Administering Authority. This provision was repeated in the Trusteeship Agreements. This is a question of administrative convenience. One might have conceived that a Trust Territory would not be administered as an integral part of the Territory of the Administering Authority, and this was the case with other types of mandates. This is a question of convenience, and perhaps it makes the Administering Authority more interested in its efforts on behalf of the particular Trust Territory. It is not an absolutely indispensable condition, but it was a condition adopted in 1922 for the B Mandate Territories, and this arrangement was used again in the Trusteeship Agreements. As I have stated before, as a matter of administrative convenience it is simpler for the Territories administered by France to become part of the French Union and to be governed by the provisions of the French Constitution, as it is for British administered Territories to be included in the British Commonwealth.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

EXAMINATION OF PETITIONS , (continued)

The PRESIDENT: Before proceeding with the question of the examination of conditions in Togoland under French administration, the Council will take up the problem concerning certain petitions, including the proposal which was presented to us yesterday by the representative of India.

Mr. JAIPAL (India): There is not much more left for me to add to the statements that I made yesterday. I would merely like to recall at this stage the terms of the proposals which are incorporated on page 2 of today's Journal. The proposal is to the effect that the Council should appoint a sub-committee of two to study, with the assistance of the Secretariat, the communications relating to the Cameroons under French administration and to report on their contents to the next session of the Council, with a preliminary report, if possible, before the debate on that Territory at the present session.

Those are, in brief, the terms of the proposal. I think that the representative of Guatemala suggested yesterday that he might require a little more time to study this proposal and, if possible, to exchange views with my delegation and with other delegations. We have exchanged those views with the representative of Guatemala and I do not know whether he would like to introduce any new element in the proposal. I rather think that the proposal as it stands does meet the points of view of the representative of Guatemala.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from Spanish): The representative of India is right as regards the proposal which he has just read. My delegation had asked that the decision should be deferred not on this proposal but on a similar one. This proposal of the representative of India meets entirely with my approval.

Mr. CUTTS (Australia): My delegation is very happy to support this proposal. As the Council is aware, we had made a slightly different proposal which did not find favour with the Council, but we are very glad to support the Indian proposal, as we believe that it is a constructive approach to this very serious problem. I have one or two comments to make on the proposal, but I want it quite clearly understood before I offer these comments that I am not suggesting any amendment, and that, as it stands, my delegation will support the proposal.

I am taking the text as it is found in today's Journal. The proposal is that the Council should appoint a sub-committee of two. That raises no problem at all. Then I notice that the task of this sub-committee is to study, with the assistance of the Secretariat, the communications in question. I am somewhat concerned at the possible implications of the word "study". The word "study" might be taken to mean a careful and painstaking individual review. Of course, it cannot mean that and members of the Council will no doubt be perfectly aware that it does not involve that. I would have been happier, for instance, if the word "examine" had been used. That would have been clearer. However, I am not suggesting any such amendment.

Then it says that the sub-committee would report on their contents to the next session of the Council. We believe that this is clear, but we would like to be on the safe side, to have on the record our understanding that in reporting on the contents of these communications, the sub-committee will be under no obligation whatever to interpret the contents of these communications. Naturally, the sub-committee will have to make the best report it can in the light of the actual factual circumstances.

Subject to these comments, my delegation will support the proposal.

Mr. GERIG (United States of America): Before we vote on the proposal, I wish to make clear the position of the United States delegation. We believe that the instigators of most of these petitions or communications are not honourably working for the true freedom of the Cameroons people. On the contrary, we believe that they represent a subversive movement which is

(Mr. Gerig, United States)

aimed at destroying the freedom, order and good government of the Cameroonian people. We believe it to be in the true interest of the Cameroons to oppose the extension of any internationalist imperialist system which proposes to run the affairs of the African people from an outside source. We do not want to see a new form of colonialism taking the place of the old. But there may nevertheless be certain legitimate grievances among these petitions or communications which do merit the attention of the Council. Also, we do not wish to see the whole petitions system destroyed by such abuses as are represented in this avalanche of inspired communications. We will therefore vote for the Indian proposal.

Mr. JAIPAL (India): I feel that I owe an explanation to my friend from Australia. In our opinion, the meaning of the term "study" as used in this draft formula is necessarily restricted by the powers of the Committee. If the Committee has the power to make recommendations, naturally the study of the petitions will be much more exhaustive. At the moment, the Committee is required only to report on the contents, and the study of the petitions will be governed by that function of the Committee.

Mr. GRUBYAKOV (Union of Soviet Socialist Republics) (interpretation from Russian): I would not have asked for permission to speak if I had not heard the comments of the representatives of Australia and the United States.

As regards the statement of the representative of Australia, it is rather strange to hear that we should limit the Committee's activities merely to "considering". What does the word "considering" mean? Does it mean merely picking the petitions up and putting them on one side, instead of studying the matter?

In deciding this question, we should proceed from the fact that the Committee should approach these questions very seriously. It should study them, and there should be no desire to limit the work of the Committee. It must study petitions in order to report to the Council, so that the Council would not have to reconsider them. In order to avoid reconsideration, the Committee on the petitions should submit reports after study. The form of the study could be decided upon by the Committee.

In the second place, I cannot agree with such a premature and a priori statement that all of these petitions are designed to upset stability and that all of the thousands of authors of these petitions are guided by outside forces. I would consider such a statement on the part of the United States representative unwarranted and groundless. Even if the Secretariat received these petitions without knowing their contents -- and I think that the Secretariat does know something about the contents -- I do not think the United States representative is in a position to say that these petitions upset stability when inhabitants of a country come to the United Nations and ask it to take measures in connexion with some matters in that country. To say that these petitions upset stability without studying them is premature, to say the least; and to say that these petitioners are guided by outside forces without study of the petitions is unwarranted.

(Mr. Grubyakov (USSR))

For these reasons, we consider that the Committee which is to be set up, if it is to be set up, should study the petitions without prejudice and objectively and report to the Trusteeship Council. It seems to me that such a procedure in the work of the Committee would assist the Council in considering the report to be prepared by the Committee.

Mr. GERIG (United States of America): I wish to make the record perfectly clear as to what I said. I did not assert that all of these communications or petitions were subject to the interpretation which I placed on them. I said most of them. My reason for saying that is that from various sources which I consider to be entirely reliable I have information that these petitions do come from an organization or from persons associated with an organization that is subject to the remarks that I made in my statement.

Mr. BARGUES (France)(interpretation from French): I wanted to discuss a phrase of the Soviet representative which, it seems to me, does not accurately express the true state of affairs. He reproaches the representative of the United States for having based his affirmation upon mere impressions or appreciations which were not the result of a thorough study of the petitions, but he himself says that these petitions express the aspirations of a whole people. I would point out to the Council that these petitions number 35,000 according to the information given by the Secretariat. The Cameroonian people consists of 4,000,000 persons.

Mr. JAIPAL (India): I would not have asked for permission to speak but for the fact that the debate is assuming an unexpected character. It seems to us that the discussion is becoming somewhat irrelevant and premature on the whole. We certainly do not want our proposal to become the subject of a major debate on matters which are not strictly relevant at the moment. Unless this debate is kept within the relevant proportions of our proposal, we may be obliged to withdraw it.

The PRESIDENT: As there are no further comments on the Indian proposal, we shall proceed to vote upon it.

The proposal was adopted unanimously.

Mr. PLAJA (Italy)(interpretation from French): I wish to explain my vote. I took account of the explanations given by the representative of India, that is, that the study that will be made by the Committee which we are appointing will be confined to the contents of the petitions. When we know about this, we shall be able to decide upon the action to be taken upon the petitions themselves.

Mr. BARGUES (France)(interpretation from French): The French delegation supported the Indian proposal because the solution proposed greatly facilitates the Secretariat's work on the one hand, and, on the other, is such as to guarantee the rights of the petitioners.

The PRESIDENT: I should like to nominate Australia and India to the Committee to be appointed under the proposal which we have just adopted.

It was so decided.

EXAMINATION OF CONDITIONS IN TOGOLAND UNDER FRENCH ADMINISTRATION (T/L.630):

- (a) ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR 1954 (T/1202, 1202/Add.1 and 1223)/[Agenda item 3 e]
- (b) PETITIONS CIRCULATED UNDER RULE 85, PARAGRAPH 2, OF THE RULES OF PROCEDURE OF THE TRUSTEESHIP COUNCIL (T/PET.7/L.10 to 13)/[Agenda item 4]
- (c) REPORT OF THE UNITED NATIONS VISITING MISSION TO THE TRUST TERRITORIES OF TOGOLAND UNDER BRITISH ADMINISTRATION AND TOGOLAND UNDER FRENCH ADMINISTRATION, 1955 (T/1211 and 1228)/[Agenda item 5] (continued)

At the invitation of the President, Mr. Tourof, special representative for Togoland under French administration, took a place at the Trusteeship Council table.

Political advancement (continued)

Mr. GERIG (United States of America): With the permission of the representative of Guatemala, I shall put a supplementary question to the last one which he asked.

The discussion that took place just before the recess was with respect to the possibility of a choice or a decision on the part of the inhabitants of French Togoland to associate themselves with the French Union. Since the French Union is a rather new concept and institution, at least to my delegation, we are interested in asking the representative of France this question: if French Togoland were to decide on association with the French Union now, is the nature of the French Union such that the association will necessarily be permanent, or will there be a possibility later for them perhaps to decide to have some status other than association with the French Union.

Mr. BARGUES (France) (interpretation from French): The question put by the representative of the United States is an extremely interesting one. In reality, I have some hesitation in replying to it in precise terms because the whole answer is contingent upon the place that will be occupied by Togoland in the French Union. The French Union consists of territories and States of different characters. There is the integrated territory in the French Union which cannot be detached from the French Union except by a vote of the French Parliament. There are the Associated Territories, the status of which is rather ill-defined so far since the term applies precisely to Trust Territories. Finally, there are the associated States whose relations with the French Union are determined by the Act of Association between these territories and the French Union. This Act of Association usually provides for the right of withdrawal, but everything depends upon the nature of the link between Togoland and the French Union. Subject to that, let me say that clearly Togoland, which will enter voluntarily into the French Union, should have the right to from it if it wishes.

Mr. ARENALES -CATALAN (Guatemala) (interpretation from Spanish): I should like to thank the representative of the United States for the question that he asked, a question which completes the picture that I am trying to form concerning the position of Togoland within the French Union.

I should nevertheless like to ask one or two more questions in connexion with this matter of the French Union. In one of his answers, the representative of France, I think replying to the United States representative, pointed out that Togoland is an Associated Territory within the French Union and that therefore it had a special status. The question was put in connexion with the status of this Territory. I do not know whether it was the representative of Syria that asked the question, but I think that the reply was that Togoland was an Associated Territory and that it had a very special political status. In document T/L.630, the Working Paper prepared by the Secretariat, we find on page 5 a text on the "Status of the Territory and its inhabitants". Paragraph 8 under this heading states:

(Mr. Arenales-Catalan, Guatemala)

"The Constitution provides that the French Union shall be composed, on the one hand, of the French Republic, which comprises Metropolitan France and the Overseas Departments and Territories and, on the other hand, of the Associated Territories and States. But, while the Constitution goes on to define the position of the Overseas Departments and Territories and of the Associated States within the French Union, it contains no similar provisions concerning the Associated Territories."

Further on in this document, in paragraph 9, we see the following:

"The present relationship between Togoland and the French Union is therefore considered to be based on the provisions of the Trusteeship Agreement for the Territory, and not on those of the French Constitution."

I should simply like to hear an affirmation from the French representative that this interpretation is correct or if there exists a more elaborate or more complete definition of an associated territory.

Mr. BARGUES (France) (interpretation from French): Paragraphs 7, 8, 9 and 10 of document T/L.630, prepared by the Secretariat, are drafted in a remarkably clear and precise way. On behalf of the French delegation I should like to congratulate the authors. They give an extremely clear picture of the notion of Associated Territories.

Under the French Constitution the French Union is composed on the one hand of the French Republic, which comprises Metropolitan France and the Overseas Departments and Territories and, on the other hand, the Associated Territories and States. It is true that the Constitution has laid down the status of the Territories which are an integral part of the Republic, and it is true that article 61 of the same Constitution provides that the status of the Associated Territories results from the instrument which defines their relations with France.

As you can see, the Constitution is silent on the point of Associated States. As one of my predecessors has pointed out, I believe, when the Constitution was drafted the authors wanted the Trust Territories as Associated Territories to be based on the International Trusteeship System. No special provisions are required for the time being in the Constitution applying to the Associated Territories, as the status of the Associated Territories are perfectly satisfactorily defined

in the Trusteeship Agreements. It is, of course, obvious that the problem will arise in a new light in the near future if we suppose that the Trust Territories, at the end of the Trusteeship System, wish to enter the French Union -- not the Republic but the French Union -- as Associated Territories or States. If they are Associated States, there is no question that an agreement would be reached between France and the Associated Territory under article 61 of the French Constitution. If they enter as an Associated Territory, it would perhaps be necessary to define at that time the legal status corresponding to this notion of Associated Territories.

As regards Associated States, I would say what the representative of the United States said in a more general way when he spoke about the French Union; when replying to a question from the representative of Guatemala, I dealt with the question of citizenship or rather the nationality of the inhabitants of the Trust Territories. New historical facts require new legal concepts, and some time is required to fashion these concepts. There is no doubt that the notion of an associated territory is something quite new. It is linked, first of all, with the Mandate and then with the Trusteeship System. A certain time will be necessary for reflection and study in order to determine, both on the international and the internal level, what an associated territory represents for the Administering Authority. Not too much attention has been given to such studies because the legal statute of the Territory was determined precisely by the Trusteeship Agreements. In the last analysis, the silence of the Constitution on this point is not a source of difficulty because some provisions of the Constitution can apply to Trust Territories, even though they are not automatically applied. A Trust Territory, is not under the French Constitution as territories which form an integral part of the Republic. However, in the measure which, in accordance with the Trusteeship Agreement, trust territories are administered as integral parts of French territory, the provisions of the Constitution of the Republic and of the French Union which apply to French territory also apply to Associated Territories.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from Spanish):

If I correctly understood the representative of France, he has confirmed the information contained in paragraphs 7 to 10 of document T/L.630. There may be one or two points on which there is not complete agreement, but there seems to be general agreement concerning the validity of these paragraphs. He has confirmed the statement that the Associated Territories are not mentioned in the Constitution itself.

I should like to know whether I have fully understood the last part of the statement of the representative of France to the effect that, in accordance with the Trusteeship Agreement, Togoland under French administration is administered as an integral part of French Territory and that, for this reason, France considers the juridical status of the Territory to be that of a French Territory and not that of an Associated Territory. We have been told that Togoland under French administration is an Associated Territory and that it is not defined in the French Constitution. It has also been stated that it is administered as an integral part of France. Have I correctly understood the point made by the representative of France?

Mr. BARGUES (France) (interpretation from French): If one understands by status the position of the Territory in international law, one cannot say that the Trust Territory has a status identical with that of a Territory governed under the French Constitution. The fact of the matter is that the Trust Territory has an international status which is defined by the Charter of the United Nations. But the Trusteeship Agreement stipulated that the Territory is administered in accordance with French legislation as an integral part of French territory.

The consequence of this provision is that, as was correctly pointed out by the authors of document T/L.630, the constitutional provisions which govern the political and administrative organization of French overseas territories are applicable to Togoland, though in fact the Trust Territory is not in the same position in international law as the rest of the French Union. The Trust Territory is administered as a French overseas territory only for reasons of administrative convenience. We therefore apply to this territory the constitutional and legislative provisions related to administrative and political matters. But this does not in any way change the international character of the status of the Trust Territory.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from French):

I wish to thank the representative of France for this further clarification, which enables my delegation better to understand the position of Togoland under French administration in relation to the French Union. There had been some misunderstanding which might have been due mainly to terminology. I now understand that in referring to the status of a territory we are referring to its international status, whereas my delegation had in mind not only the internal situation but the internal situation within the French Union.

My delegation would like to obtain a better understanding of the basis of the legislation that determines, for example, the number of representatives which Togoland under French administration should have in the French Assembly. I take it that the basis of this is the assimilation which has been made from the point of view of the Associated Territories with the Territories that make up the French Republic. If I am wrong, I trust that the representative of France will correct me.

Mr. BARGUES (France) (interpretation from French): That is quite correct, in accordance with article 4, paragraph A, of the Trusteeship Agreement.

Mr. ARENALES-CATALAN (Guatemala) (interpretation from French): My delegation has some further detailed questions concerning the question of the French Union. However, in order not to tire the members of the Council, I shall not put them now. They might better be asked by contacting the French delegation directly.

During the recess, I put a preliminary question to the special representative, and his reply gave me the impression that there was no document in which my delegation could find a specific reply to the point at hand, namely the whole question of the internal administration of the Territory at the municipal level. I should like to know in detail the general administrative structure existing at the municipal level within the French Union, for the non-metropolitan territories and for the Associated Territories.

Secondly, I note that there is a reference to the conseil de circonscription, which is made up of cercles and subdivisions. I should like to know the relationship between all the various regional areas and organs. In other words, I should like to have some idea of the administrative organization itself and the

relationship between these various systems of organization. Could the special representative also state the degree of autonomy possessed by the municipalities, the conseil de circonscription and the cercles? What is their degree of autonomy from the point of view of the budget, their administrative functions, the question of appointment, the nomination of their members, the system of elections, and so forth. I should like to have a complete picture of the administration at this particular level.

Mr. TOUROT (Special representative)(interpretation from French): To complete the information requested by the representative of Guatemala, let me speak first in regard to the details of the communes mixtes. There are three categories. There is the first category, in which the municipal council is appointed entirely by the Administering Authority. Then there are the councils of the second category, in which they are elected half by the population and half by the Administering Authority. Finally, there are the communes mixtes of the third degree -- the municipal commissions which are entirely elected by the population on a system of universal suffrage.

The only difference between the communes mixtes and the communes de plein exercice is that at their head, as mayor, there is an administrator appointed by the chief of the Territory. And all this gradation of communes mixtes was established only in order to make provision for apprenticeship in administration of municipal affairs in overseas territories. And thus, passing from the second to the third degree, progress is made as rapidly as the evolution of the population permits. In this way, within the communes, the populations of these Territories can take over the whole of the communal administration in the interests of the population.

I should say that the communes mixtes have very wide powers of decision. It can even be said that they have the power provided in our law of 1884, the only difference being that in this Territory the system is progressive, and the elected mayor comes into office only when it is considered that the communal system is working well and that the indigenous population has mastered the art of municipal government.

The municipal council has full power of voting its budget, taxation and communal receipts. It also has the power to take any decision regarding communal works, the administration of communal property, loans, markets, town planning, and judicial actions to be undertaken by the commune. All this is provided for in the law of 1884, which was originally applied to France but has now been transplanted to French overseas territories. Elections are by universal suffrage, as I have said -- and this should be emphasized. For instance, in speaking of Lomé, which is the principal commune mixte, it is

(Mr. Tourot, Special representative)

going to be transformed in the next four or five or six months into a commune de plein exercice. There the training has been going on since about 1950.

Everything has gone very well. The municipal council is administering a considerable budget. Substantial communal works are in progress and loans have been made to finance public works of this kind. This commune system that I have been outlining is perhaps the best school for training in public affairs.

The communes mixtes system should be mentioned in connexion with the point made earlier in the course of this debate. The conseils de circonscription, which were mentioned earlier, work at the level of the circonscription administrative. Togoland, which has its central authorities at Lomé, has ten circonscriptions administratives, each governed by a commandant de cercle and administrateur. Ever since 1952, these circonscriptions have their own councils, whose job it is to advise the chef. You can quite well have a municipal council or a commune, and also a conseil de circonscription, which does not concern itself with the commune but covers the whole of the administrative questions concerning the surrounding region, which constitutes the circonscription administrative.

The conseils de circonscription have been sufficiently discussed, I think. They are included among the new institutions brought into action in recent times. They have been expanded and they have been given powers to vote and administer their own circonscription budgets.

This is a very important subject, but I shall not dwell upon it further at this point. If the representative of Guatemala desires clarification on any further details, I am at his disposal.

Mr. ARENALES-CATALAN (Guatemala)(interpretation from Spanish): I should like to thank the special representative; the information he has just given me is precisely the information I wanted in order to complete my picture of the local administration.

When he referred to the conseils de circonscription, I understood that they were outside the commune. They do not interfere, as I understand it, with the autonomy -- or the semi-autonomy, at any rate -- of the commune. I take it that I am right in thinking that it is a kind of territorial administration, that

(Mr. Arenales-Catalan, Guatemala)

within each conseil de circonscription there are a certain number of communes. If I am wrong there, I should be grateful for further explanations.

I have one final question on the subject of the French Union. Unfortunately, I do not remember in which document I came across the question that concerns me at the moment. It has to do with the nomination of representatives in French Togoland to the French Union -- the nomination or the election to the Assembly of French Togoland. No doubt, the French Republic, made up of Metropolitan France and the Overseas Departments, and so on, has a main Assembly which is the Assembly of the French Republic, but, in addition, there is an Assembly of the French Union as distinct from the Assembly of the French Republic. I do not know whether I am right there. I wonder whether my delegation could obtain this information from some documents which are easily accessible.

(Mr. Arenales-Catalan,
Guatemala)

I suppose I am correct in assuming that Togoland nominates representatives to the Assembly of the French Union, but I do not see how the Territory could nominate representatives to the National Assembly.

Those are the doubts which my delegation has on this matter, and I should very much appreciate some clarification. I should like to know what is the practical explanation for the situation to which I have referred and which I find rather strange -- undoubtedly because I am not as yet very familiar with this phenomenon called the French Union.

Mr. BARGUES (France) (interpretation from French): It is a fact that Togoland names representatives to the three metropolitan organs: the National Assembly, the Council of the Republic and the Assembly of the French Union.

As regards the Assembly of the French Union, there is no difficulty. Article 66 of the French Constitution provides that that Assembly should be composed not only of representatives of metropolitan France, but also of representatives of the Departments, Overseas Territories and Associated Territories -- in other words, of all territories which are part of the French Union.

The question is different as regards the National Assembly and the Council of the Republic. Here, reference must be made to the Trusteeship Agreement, which provides that the Trust Territory should be administered under French legislation and as an integral part of French territory. The Administering Authority would have been justified in not providing for any representation of the Trust Territory in the National Assembly and the Council of the Republic, since such representation is not explicitly laid down in the Constitution. It seemed desirable, however, to provide for such representation because, under the terms of the Trusteeship Agreement, to which I have just referred, the French Parliament is called upon to adopt legislation affecting the Trust Territory, as well as all territories belonging to the French Republic. It would, therefore, have been an abnormal position if the inhabitants of a Trust Territory governed by legislation which, under article 4 of the Trusteeship Agreement, is voted by the French Parliament were not represented in the French Parliament and could not participate in the preparation and adoption of such legislation. France felt that it would be only just for the population of the Trust Territory to be represented in the French Parliament.

Mr. DORSINVILLE (Haiti) (interpretation from French): I think that my first question is directed at the representative of France rather than at the special representative. It relates to the matter of consulting the population of Togoland.

In its report, the Visiting Mission expressed the view that this consultation might take place a few years from now. The representative of France has said that the Administering Authority believes that the consultation can take place more quickly, in a matter of months. But this afternoon the representative of France repeated something which he had already told the Council; namely, that public opinion in the Territory is not yet well informed and that the Administering Authority has not told the population about the proposed consultation.

I should like to ask the representative of France whether it will be possible within a few months sufficiently to inform the population of the Territory about the purpose of the proposed consultation to be undertaken by the Administering Authority. Will it be possible to inform the population of the meaning of the consultation, of the choice that will be open to it? I should like to have the views of the representative of France on that point. I do not know the people of Togoland, but I have been participating for a few years in the discussions in the Fourth Committee and here in the Trusteeship Council, and I do not believe that the representative of France has ever given the impression that the population of Togoland is so well prepared to take a decision on the Territory's future.

Mr. BARGUES (France) (interpretation from French): I must have expressed myself very badly in my original statement on this point because the question asked by the representative of Haiti has been put to me several times.

I never said that the population of the Territory was not well informed. In my reply to the United States representative on this matter, I said that the population was not informed as to the intention of the French Government or the United Nations to consult the population by means of a plebiscite. There is a fundamental difference between those two ideas. I said -- and I repeated this in my reply a few minutes ago to a question by the representative of Guatemala -- that there was a public opinion in the Territory, but that it was not so general and well informed on political events as was the public opinion in Western countries. I said that the public opinion in the Territory was developing very

rapidly, that there was a fully informed elite which was gradually informing the rest of the population, and that public opinion had not been officially informed by the French Government of the impending consultation of the population regarding the Territory's political future. I also said that public opinion in the Territory would not be surprised when the time came to inform it of the proposed consultation, that it would know precisely what was the importance of the decisions which the people must take.

In replying a few days ago to a question put by the representative of Syria -- and I think that the representative of Haiti was not here at that time because, as Chairman of the Visiting Mission, he was drafting the Mission's report -- I indicated that there were few distinctions made by public opinion in the Territory on political matters and that that was reflected in the fact that there was a very small number of political parties or groups -- a position contrary to that of France and many of the territories administered by France. But I said that that was because public opinion was crystallized on one simple idea; namely, whether to follow the desire expressed by the Territorial Assembly a few months ago that the trusteeship system should be ended in Togoland and that the latter should become associated with the French Union, or whether, on the other hand, to follow the desire expressed by certain political parties or groups that Togoland should become independent in association with British Togoland.

My reply clearly shows that public opinion is informed of the substance of the problem and that that is practically the only problem with which public opinion is concerning itself at the present time.

For the reasons which I have indicated, the French Government has not thought it proper officially to inform the population of the need to hold a plebiscite.

(Mr. Bargues, France)

I make a reservation on this position since the very judicious point has been made to me by the representative of Guatemala, and I think it will be desirable to begin a propaganda campaign on this matter now, as I said earlier. It is, however, a simple idea which has been crystallized in political party programmes and electoral campaigns, and clearly the population will be in a position to pronounce itself on the future of the Territory with full knowledge of the situation.

The representative of Haiti says that he is surprised that the French Government is prepared to proceed to a popular consultation, but if he would refer to an earlier statement by France he would see that public opinion has evolved very rapidly, despite the fact that only a short time ago it did not seem ready to pronounce a sound judgement upon a problem of such importance as this. This observation is, perhaps, true, but we have noted -- and one can do this simply by reading the facts -- that public opinion in Africa as elsewhere, but particularly in Africa, is developing at vertiginous speed, and has been doing so for some time now. Since the constitution of the French Union in 1946 evolution has been very rapid indeed in this respect. The French Union is still young, yet already we are envisaging a change in the status of the Territory. And this applies not only to the French Union but to other political structures, particularly in Africa. Only a short time ago public opinion in Togoland under French administration might well have been considered unready to pronounce itself on a problem concerning the general political status of the Territory and its relations with other neighbouring political entities. But however that may be, I can assure the Council today that that situation has changed because of this evolution that has taken place and the degree of maturity that has been reached by the Africans with a rapidity which is surprising even to those who have known them for a long time like myself and others who have administered African territories.

I think it was Mr. Leroy, the special representative for Ruanda-Urundi, who told us a day or two since that only a few years ago he could not imagine anyone thinking of giving certain political rights which he mentioned to the population of Ruanda-Urundi -- and he knows the population of Ruanda-Urundi.

(Mr. BARGUES, France)

I would make the same observation with regard to the French Territories. I began my career with the French administration in Africa thirty years ago. But only twenty years ago I never could have dreamed of an evolution on the part of the African population so rapid as to enable it to reach the level at which we find it today. There is no doubt that this evolution has taken place in conditions which have been such as to make development much more rapid than the development of Western European populations at the same stage of their evolution. It has been favoured by the influence of Western civilization, and there have also been important world developments since the beginning of the First World War. For the last thirty years the world has been evolving very rapidly. How could Africa fail to evolve also?

Mr. DORSINVILLE (Haiti) (interpretation from French): I am very pleased to hear the representative of France pay tribute to these African populations which are evolving so remarkably well. I should like to say that this surprise is a very pleasant one because, quite frankly, until very recently there seemed to be doubt about the possibility. I think, however, that the representative of France has not replied to the question which I had put to him. I asked what was the choice which would be given these populations in the course of this consultation of the people. I believe that he mentioned two possibilities for the different political parties in the Territory, but as far as I can see the possibilities are limited. I should like to know exactly what would be the range of choice which would be open to the population of the Territory.

Mr. BARGUES (France) (interpretation from French): I feel that the question put by the representative of Haiti is somewhat premature. I told the Council a short time ago that the French Government was not prepared to submit to it France's intentions on the organization of the popular consultation, the principle of which is provided for in the General Assembly's resolution. Of course, I cannot commit myself since I have not received instructions on this point from my Government, which has not yet carried out a complete study of the matter. However, the problem will be regarded as fundamental.

(Mr. Barges, France)

Just now, in referring to a concrete fact, I mentioned the two political trends which had developed during recent years and, more especially, during recent months in Togoland under French administration. Of course, it is obligatory for us to take account of these trends which are expressed by political parties having the support of a large part of the population, but I agree with the representative of Haiti that we do not have to confine ourselves to these trends alone. The problem is a complicated one. We have seen it in the case of Togoland under British administration, where we had to choose between putting two questions or putting only one. I believe, however, that during discussions not only at this session but at previous sessions certain representatives, including myself, had thought of the solutions which might possibly be offered to Togoland. There are the two solutions which come up immediately and which have found concrete expression in the programmes of the political parties. The first is association with the French Union, in a form to be determined: we say "associated territory", but of course this may cover quite different systems, depending on the value attached to that term. Then, second, there is independence, with Togoland under French administration becoming a sovereign, independent State by itself.

Then there is the possibility of association with Togoland under British administration should the inhabitants of that Territory be in favour of a merger of the two Togolands. Again, there is the possibility of the association of Togoland under French administration with the combination Gold Coast-Togoland under British administration should the inhabitants of the latter desire integration with the Gold Coast. I have mentioned some possibilities, but they are not exhaustive.

Thus there are these four possible solutions. How should we put the question or questions to the population? That would have to be the subject of further study. I recognize that it is a delicate problem, for Africans, after all, understand questions only when they are put to them in a somewhat simplified form. They could understand the problems as put by political parties because their opinions could crystallized around an idea which had been made concrete in rather stark terms. But it would be difficult in a popular consultation to ask four successive questions, and at the appropriate time we should have to try to simplify the problem and to determine in what way we might ask the population to take a stand.

(Mr. Bargues, France)

I think that it would be premature to do so and, as I say, I do not have the elements to do so and to submit proposals to the Council. I would hasten to reassure the representative of Haiti that it is not a question of limiting the choice of the population to the two assumptions or two hypotheses which have the support of the political parties in the Territory. There are other possibilities. I have enumerated four; there may be more, but I admit that, in the first place, we would have to bring out the plausible alternatives; secondly, simplify their presentation as much as possible and, thirdly, organize the plebiscite on a basis which would be in accordance with those various elements. I would say that it appears advisable not to go into the details of the problem immediately. The matter will be considerably simplified when the inhabitants of Togoland under British administration have taken a decision. The popular consultation in French Togoland will inevitably be affected by the decision taken in British Togoland. If, for example, the population of the latter votes for integration with the Gold Coast, the matter of uniting both Togolands and conferring independence on them would have to be given up because a part of Togoland would have already supported the Gold Coast. Of the four alternatives which I have enumerated only one, therefore, would disappear.

Mr. DORSINVILLE (Haiti) (interpretation from French): I observe that each of the five members of the Council of the Government has his own particular field of activity. The representative of France referred to decisions in certain fields which would have to be taken by technicians. If a member of the Council is not in agreement with one of the experts, what happens?

Mr. TOUROT (Special representative) (interpretation from French): So far, this question has never arisen, but, obviously, it could happen. One thing is certain, and that is that on the general administrative level, the Council of the Government constitutes a single whole. Concerning these questions of general administration, certainly it is the cabinet, if I may use the expression, as a whole which is responsible. If, on any particular point, there is disagreement between the head of a certain service and the Councillor of the Government responsible for that sector of activity, then the Governor can enter the matter and, more or less, play the role of arbitrator. However, if the point on which

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there is disagreement is of general interest, then the cabinet as a whole presided over by the head of the Territory, will take the decision in full knowledge of the whole problem.

Mr. DORSINVILLE (Haiti) (interpretation from French): The special representative has replied only to part of my question. He said that if the problem concerned was of a general nature, the Commissioner of the Republic could intervene as an arbitrator and the Council itself would take a decision. But if it is a matter not of general interest, if it is a question of detail or of service, what decision would be taken in such a case? I should like to know what actual authority belongs to the member of the Council in charge of a particular subject.

Mr. TOUROT (Special representative) (interpretation from French): If it is a question of a purely technical nature, obviously it is easy enough to solve a dispute. If it involves a matter of principle, then it is the application of the general policy followed by the Council, which the Government is charged to observe and to defend, which the particular member of the Council is called upon to put into practice.

There are two particular aspects of this problem: there is the purely technical level, where no particular problem is involved and it is easy to find a solution and where it is not difficult to see who is right and who is wrong. But, on the general level, it is the Chief of the Territory or the cabinet as a whole which assumes the responsibility for the final decision.

Mr. DORSINVILLE (Haiti) (interpretation from French): I apologise for pursuing the matter further. The special representative has just said that if it is a purely technical matter, it can be seen who is right and who is wrong. But, when it is found who is right and who is wrong, how is the decision taken? Does the Councillor who is responsible for the particular subject abandon his post because it is for the technician to decide? Or is the Councillor obliged to impose a decision? He is part of the Council; he is considered to be a political figure; he takes a decision as a political figure. What sort of

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decision does he take? What becomes of a Councillor if the Commissioner of the Republic decides that the technician is right on a question of technique or detail? What is the position of the Councillor in such a case?

Mr. TOUROT (Special representative) (interpretation from French): It is rather difficult to give a clear reply on this point because everything would depend on the particular case. One can make a principle on the basis of a particular case, and when there is a dispute between a Councillor of the Government and the head of a service, let us assume that it is the Councillor who is wrong. In such a case it is for the head of the Government to try to settle the affair amicably. If that is impossible, the Council of the Government will take a stand one way or another. It is very difficult, I say, to determine the responsibility exactly.

Mr. DORSINVILLE (Haiti) (interpretation from French): The special representative has said that the voice of the Commissioner of the Republic is decisive if there is a division of votes in the Council. Suppose that there are six votes against and four in favour, who in principle should decide?

Mr. TOUROT (Special representative) (interpretation from French): That can happen; in such a case it is the majority which prevails. It is only in the case of a split vote that the President of the Council of the Government casts the deciding vote. Otherwise, it is the usual democratic rule of the majority. If the Governor, for some reason, believes that some violation is involved, he can refer to his superior, the Minister.

Mr. DORSINVILLE (Haiti) (interpretation from French): I had noted that the Commissioner could refer to the Minister of Overseas Affairs. But the case which I had in mind was not one involving abuse of power, but a matter where the Commissioner of the Republic did not obtain majority support for his opinion. What happens then? Is the decision taken by the majority valid? Does the Commissioner of the Republic bow to the decision of the majority?

Mr. TOUROT (Special representative) (interpretation from French): Certainly.

The meeting rose at 5.50 p.m.