

Wednesday, 20 November 1957,  
at 4.15 p.m.



**NEW YORK**

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**Chairman:** Mr. Thanat KHOMAN (Thailand).

**AGENDA ITEM 37**

**The future of Togoland under French administration:  
report of the Trusteeship Council (A/3676 and  
Corr.1, A/3677, A/C.4/367, A/C.4/L.508, T/SR.841-  
847) (continued)**

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

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

1. Mr. NOGUEIRA (Portugal) observed that under the Charter self-government and independence, one or the other of which must have been attained before the United Nations responsibility for a Trust Territory could come to an end, were two distinct concepts. Without attempting to formulate a strict legal definition of either one he would be inclined to differentiate between them by saying that self-government was the sovereignty of a nation in its relations with a single other nation, whereas independence was the sovereignty of a nation in its relations with the community of nations. In both cases the sovereignty was equally valid, the difference being more one of degree than of kind. In accordance with that definition the Trust Territory of Togoland under French administration had become a self-governing country. Although certain residual powers still remained in the hands of the Administering Authority the Committee had been assured by the French delegation that they were shortly to be transferred to the Togoland Government and it could therefore be assumed that when the time came to make the final decision concerning termination of the Trusteeship Agreement the sovereignty of the Autonomous Republic would be complete. That would mean that even if the Administering Authority should wish in any way to restrict the Togoland Government in the exercise of the latter's powers it would be unable to do so.

2. The crux of the matter, therefore, was the question of agreeing on the time at which the Trusteeship Agreement should be terminated. At the eleventh session the Administering Authority, in temporarily

withdrawing its request for the termination of the trusteeship and inviting the United Nations to dispatch a commission to the Territory to observe the practical application of the new Statute, had already made two concessions and its conciliatory spirit had been generally acknowledged at the time. At the present session the Administering Authority and the Government of Togoland, in heeding the suggestion made by various members of the Committee that new elections to the Legislative Assembly should be held before 1960, were making yet another concession. The draft resolution under consideration (A/C.4/L.508), taking those concessions as its point of departure, envisaged the setting in motion of a procedure for the termination of the trusteeship regime. In the circumstances it seemed to his delegation that there would be no advantage in any further delay in initiating action towards that end. He would therefore vote in favour of the draft resolution or of any revisions or amendments which were acceptable to the sponsoring Powers and did not alter its substance. On any revisions or amendments which did not fulfil those conditions, however, his delegation would be obliged to cast a negative vote.

3. Mr. KELLY (Australia) said that termination of the trusteeship status of a Territory became not only possible but obligatory when one of the two alternatives specified in Article 76 b of the Charter, namely self-government or independence, had been attained. One or the other might be approved as the condition for terminating trusteeship in accordance with the freely expressed wishes of the people. It was obvious from the language of the Charter that self-government was a status in no way inferior to formal independence. The two, however, were not to be confused. In the light of Article 76, which recognized that the particular circumstances in each Territory would determine whether self-government or independence was the appropriate goal, his delegation rejected as inadmissible the assertion made by some representatives that the people of any Trust Territory could be denied, unilaterally and on the basis of a priori arguments, the opportunity of attaining self-government in association with another State. It was not for the United Nations to prescribe either self-government or independence as the condition on which the termination of the trusteeship should depend. Any such attempt on its part would be inconsistent with the Charter.

4. His delegation had taken note of the Administering Authority's statement that the people and Government of Togoland desired the early termination of the trusteeship régime and it was in the light of that statement that it had studied the five-Power draft resolution (A/C.4/L.508). While the draft resolution appeared to entail to some extent the abrogation or surrender of the rights and duties of the Administering Authority, the argument had been put forward that it was justified in view of the two circumstances that the people of Togoland were ready for the termination of the Trus-

teenship Agreement and that the Autonomous Republic was a political entity already exercising an established capacity for self-government. On the basis of those two circumstances paragraph 3 of the draft resolution sought to replace the relationship between the Administering Authority and the United Nations by a direct relationship between the future Legislative Assembly and the United Nations. On that basis, too, acceptance by the General Assembly of the Togoland Government's invitation to observe the forthcoming elections was held to be justified, though strictly speaking it was the Administering Authority which should assume responsibility for the Territory's relationship with the United Nations and, consequently, for the issuance of any such invitation to the General Assembly.

5. The attitude of the Administering Authority and the Togoland Government in regard to the draft resolution was, of course, consistent with their request for the early termination of the Trusteeship Agreement. It should be borne in mind, however, that it was permissible for the General Assembly to observe elections in a Trust Territory only if the Administering Authority itself considered that such action should be taken in order to ensure that the General Assembly was made fully aware of the freely expressed wishes of the people. Once a people's capacity for self-government or independence had been established the General Assembly would appear to have the obligation to ascertain what their wishes were and to give effect to them. To

reject their wishes would be to violate democratic principles and to negate the provisions of the Charter.

6. The position which his delegation would take would be determined by the foregoing considerations. He would emphasize that any decision taken in the present instance must of necessity be regarded as one peculiar to the particular circumstances of Togoland under French administration and as in no way derogating from the rights of the peoples of other Trust Territories or of the Powers administering them.

7. Mr. CARPIO (Philippines) wished to know whether it was intended under the terms of the draft resolution that the functions of the proposed commissioner to be sent to Togoland would include revision of the register of electors and, if so, what part would be played by the various sectors of the population in the process of revision. He felt that it was important to clarify that point if the Committee was to avoid the danger that any voter might later complain that he had not been in a position to express his views. Similarly, it was important to ascertain whether the new electoral law which was presumably to be enacted would be subject to scrutiny by the commissioner before going into effect.

8. Mr. ESKELUND (Denmark) replied that the clarifications requested by the Philippine representative would be given when the forthcoming revised version of the draft resolution was in the hands of the Committee.

The meeting rose at 5 p.m.