

ARTICLE 76

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TEXT OF ARTICLE 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

INTRODUCTORY NOTE

1. The material in the present study, like that contained in the corresponding study in the Repertory, has been arranged in the order in which the basic objectives of the Trusteeship System are stated in the various paragraphs of Article 76.

2. There are no new decisions of United Nations organs requiring treatment in connexion with the objective of furthering international peace and security set forth in paragraph a.

3. The remaining sections or sub-sections of the Repertory study in which the actions taken by the General Assembly and the Trusteeship Council towards the attainment of the objectives of the System were dealt with were preceded in each case by a description of the pertinent article or articles of the Trusteeship Agreements. Since no Trusteeship Agreement has been modified during the period under review, there has been no occasion to provide such a description in the present study.

4. As far as the promotion of the political, economic, social and educational advancement of the inhabitants of Trust Territories is concerned, the Repertory study contains a detailed analysis of the various types of recommendations adopted by the General Assembly and Trusteeship Council, particularly as a result of the annual examination by the latter organ of conditions in the various Trust Territories. Subsequent decisions have tended to conform to the same types as previously, and so it has been thought proper to dispense with some of the headings and to provide only a few examples of the decisions taken under each of the four main functional fields. The same remarks also apply in the case of the aims specified in paragraph c of the Article.

5. As regards, however, development towards self-government or independence, the constitutional advances which have been achieved in certain Trust Territories as well as the continued interest shown by United Nations organs in the attainment of this purpose in all the Trust Territories has meant that there is considerable material requiring treatment under that heading. For the purposes of this study, the question is first treated in its more general aspects affecting the Trust Territories as a whole and then in relation to a few Trust Territories in which recent developments have made it necessary to consider what arrangements should be made for the termination of the Trusteeship Agreements.

6. The related problem of consultations with inhabitants of Trust Territories on the future status of particular territories has become a problem of special importance over the period covered by this study and it has been necessary to refer here to arrangements which have been made or which have been proposed for carrying out such consultations under United Nations supervision.

7. Finally, it may be stated that there have been no further decisions by United Nations organs specifically related to the objective listed in paragraph d.

I. GENERAL SURVEY

8. The actions of the General Assembly and the Trusteeship Council in formulating observations and conclusions on developments in the Trust Territories tend to be taken in the light of their relevance to the objectives specified in Article 76 of the Charter. Therefore, the great majority of actions of these organs relating to substantive questions, as distinguished from questions of procedure, may be regarded as relevant to the scope of that Article, even though only in a few cases is the Article expressly cited as the Charter basis of such decisions.

9. With some exceptions, the actions taken by the General Assembly on conditions in the Trust Territories have continued to concern matters of general application to all Trust Territories, although the progressive development of some of the Territories towards self-government or independence has necessarily resulted in an emphasis on conditions in those Territories. Thus, in the resolutions which were adopted at the ninth and tenth sessions of the General Assembly, there are on the one hand resolutions on the attainment by the Trust Territories of the objective of self-government or independence, resolutions which are applicable to almost all of the Trust Territories; on the other hand, the General Assembly has adopted resolutions relating to arrangements for determining the future of the Trust Territories of Togoland under British administration and Togoland under French administration. Furthermore, the approaching date for the termination of Trusteeship in Somaliland under Italian administration has caused Members of the General Assembly to discuss conditions in that Territory with some urgency, and the General Assembly has adopted further resolutions concerning the financing of development plans for the Territory and the delimitation of the frontier between the Territory and Ethiopia.

10. The main decisions relative to Article 76 are to be found in the annual reports of the Trusteeship Council submitted to the General Assembly under Article 15 of the Charter. These have continued to contain, in a context of background information, the conclusions and recommendations of the Trusteeship Council on the various aspects of political, economic, social and educational development in each Territory concerned. Moreover, in its report submitted to the General Assembly at its eleventh session, the Trusteeship Council has included conclusions relating specifically to the progressive development of individual Territories towards self-government or independence.

11. The General Survey in the Repertory study of this Article went on to give an account of the principal topics which had been the subject of recommendations by the General Assembly and the Trusteeship Council under each of the main functional fields. It is not considered necessary to repeat these accounts here. The Trusteeship Council has continued to deal comprehensively with these topics in the two reports submitted to the General Assembly during the period covered by this study.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Article 76 a

12. It was noted in the Repertory study under this heading that while the Trusteeship Agreements maintained the obligation of the Administering Authority to pursue the objective of furthering international peace and security, the Trusteeship Council did not include in the Questionnaire questions dealing with the international aspect of

this matter, as distinguished from the maintenance of law and order within the Trust Territories. Consequently, the annual reports of the Administering Authorities contain no information, and there have been no decisions by the Trusteeship Council, on this topic. For the sake of completeness, it may however be noted that in a resolution on petitions relating to nuclear tests to be conducted in the Trust Territory of the Pacific Islands, the Trusteeship Council noted 1/ in the preamble the declaration of the Administering Authority that further nuclear weapons tests were necessary for the maintenance of international peace and security.

B. Article 76 b

1. *Political advancement*

13. As has been explained above, the recommendations of the General Assembly in the political field have been closely related to the attainment by the Trust Territories of self-government or independence. They have accordingly been dealt with under the topic of development toward self-government or independence below. The Trusteeship Council has continued to adopt each year in respect of each Territory under the System a series of conclusions and recommendations in the political field. Typical examples of such conclusions and recommendations are given below. They follow the order in which similar recommendations are listed in the Repertory study, but without the sub-headings which appear there.

14. There have been frequent recommendations concerning the development of representative institutions in the Trust Territories. Thus in respect of a Trust Territory where the Legislative Council was being reorganized on the basis of separate but equal representation of the three main population groups, the Council expressed 2/ the hope that the experience gained in the next constitutional stage would point the way towards an early and progressive increase in African non-official representation on the Council. In respect of another Territory in which there exists an advisory council only, the Trusteeship Council expressed 3/ the hope that steps would be taken as soon as practicable to increase the African membership of that council and to develop its functions. In respect of another Territory, the Administering Authority of which had stated that the purpose of the Trusteeship System was close to achievement, the Trusteeship Council expressed the hope 4/ that the Administering Authority would shortly introduce further measures with a view to granting to the elected assembly all legislative powers corresponding to the degree of evolution of the Territory. In respect of another Territory, in which the indigenous inhabitants are represented on the Legislative Council by two appointed members, the Trusteeship Council recommended 5/ that the Administering Authority continue to give consideration to increasing indigenous representation. Noting that the Administration recognized no obstacle to increasing such representation save a shortage of competent personnel, the

1/ T C resolution 1493 (XVII).

2/ G A (X), Suppl. No. 4 (A/2933), p. 35.

3/ Ibid., p. 79.

4/ G A (XI), Suppl. No. 4 (A/3170), pp. 229 and 230.

5/ Ibid., p. 296.

Council requested the Administering Authority to consider whether a departure should not be made from the practice of excluding persons employed by the Administration from membership.

15. At the same time, the Trusteeship Council has continued to give attention to the introduction or extension of methods of suffrage for the election of local and Territory-wide organs of government. Thus, in respect of the first Territory mentioned in the preceding paragraph, the Council noted with satisfaction a further increase in the number of local government institutions in which the elective principle had been adopted and urged 6/ the Administering Authority progressively to carry out its intention of introducing a system of elections based on a roll common to all three population groups, with appropriate voting qualifications. In respect of the second Territory, the Council noted 7/ with satisfaction the successful introduction of the electoral principle into the local councils and expressed the hope that the Administering Authority would find it possible progressively to widen the basis of their representation. In a Territory where the first general elections had been held on the basis of universal adult male suffrage but were in part indirect, the Council noted 8/ that the Legislative Assembly was to consider a new electoral law permitting the holding in 1958 of direct elections by male suffrage and expressed the hope that the views expressed by members of the Trusteeship Council on the granting of suffrage to the adult women in the Territory would be taken into account. In a Territory in which voting rights were enjoyed by persons possessing a number of qualifications and in which citizens of the Administering Authority and other qualified persons voted in separate colleges, the Council expressed 9/ the hope that a bill then pending to establish universal adult suffrage on the basis of a single electoral college would soon be enacted into law. In respect of a Territory in which suffrage amongst the indigenous inhabitants is, by the expressed wishes of their representative organs, limited to traditional heads of families, the Council recognized, with the Administering Authority, that the introduction of universal adult suffrage was a matter where the final decisions should be left to the indigenous people, but expressed 10/ the hope that the people would come to accept universal adult suffrage for the whole Territory.

16. The Council has continued to attach importance to the appointment of the inhabitants of the Trust Territories to responsible posts in the various branches of government as a means for promoting their political advancement. Recommendations to this effect have been made for all Trust Territories. The Council welcomed 11/ the establishment in respect of one Territory of a Public Service Commission, whose responsibilities would include the promotion and recruitment of local personnel, noted the establishment of certain training courses for recruits, and expressed the hope that these measures would lead to a further expansion of training facilities and that the Administering Authority would increase the number of Africans in higher posts as soon as possible. In respect of another Territory, the Council welcomed 12/ the action

6/ G A (X), Suppl. No. 4 (A/2933), p. 39.

7/ Ibid., p. 80.

8/ G A (XI), Suppl. No. 4 (A/3170), p. 93.

9/ Ibid., p. 164. At its eighteenth session, the Council was informed that this bill had been enacted into law.

10/ Ibid., p. 268.

11/ G A (XI), Suppl. No. 4 (A/3170), p. 39.

12/ Ibid., p. 123.

taken by the Administering Authority to increase the salaries of civil servants and to improve the conditions of their service; bearing in mind the importance of the "Africanization" of the civil service, the Council noted with interest the policy of the Territorial Government which would require scholarship holders to agree to serve in the interest of the government for a period of five years. In respect of another Territory in which indigenous inhabitants had not yet qualified to hold classified positions in the public service, the Council noted 13/ with satisfaction the establishment of an Auxiliary Division of the Public Service for the special purpose of training indigenous persons for higher administrative positions; it expressed the hope that it would be possible in due course to absorb all employees of the administration into a general administrative service.

17. In addition to these topics which have been matters of continued interest to the Trusteeship Council, the Council has found occasion to give attention during the period under review to the maintenance of law and order in certain Trust Territories. Thus in respect of one Territory, the Trusteeship Council, noting 14/ with concern that tribal disputes continued to occur, recommended that the Administering Authority, political parties, tribal chiefs, religious and other leaders should intensify their efforts to prevent such clashes. The Council has also on several occasions expressed 15/ concern at the problem facing the same Territory as a result of the lack of progress in the negotiation for the delimitation of the frontier between it and a neighbouring State. This matter has also received the attention of the General Assembly which by its resolutions 854 (IX) and 947 (X) has recommended that the Administering Authority and the Government of the State concerned should expedite their current direct negotiations to settle the question.

18. In a Territory in which serious rioting had occurred in April and May 1955 resulting in a number of deaths and other casualties, the Council noted 16/ with regret that these disorders had occurred and that the activities of certain political organizations were such as to have caused the Administering Authority to dissolve them; the Council considered, however, that the dissolution of these parties could not be regarded as the final solution and expressed the hope that the Administering Authority's policy of tranquilization, together with the continued and intensified pursuit of programmes of reform and general development, would restore political activities to a normal condition and bring to an end the tensions which had recently characterized the political life of the Territory.

2. Economic advancement

19. The recommendations made by organs of the United Nations, particularly the Trusteeship Council, relating to economic advancement may be classified under a wide range of topics varying naturally to some extent with the variations in the economic situations in the Territories concerned. Only those topics which the Trusteeship Council has continued to regard as of significance for a number of Territories have been illustrated here.

13/ *Ibid.*, p. 300.

14/ G A (X), Suppl. No. 4 (A/2933), p. 109.

15/ T C resolution 1257 (XVI) and G A (XI), Suppl. No. 4 (A/3170), pp. 87 and 88.

16/ G A (XI), Suppl. No. 4 (A/3170), p. 153. See also T C resolution 1431 (XVII) on petitions dealing with these incidents.

20. The General Assembly has indicated that the development of adequate public revenue 17/ is one of the factors relevant to the attainment of self-government or independence. The Trusteeship Council in pursuance of General Assembly resolutions on the question of attainment of self-government or independence has included in its report to the General Assembly at the eleventh session information on the measures taken to develop adequate public revenues in individual Territories 18/.

21. One particular Trust Territory in which the maintenance of adequate public revenues and the financing of economic development plans has received the continued attention of both the General Assembly and the Trusteeship Council is Somaliland under Italian administration. Following previous action by both organs, the General Assembly at its ninth session adopted a resolution 19/, by which it requested the Secretary-General to consider, in agreement with the Italian Government, the advisability of asking the International Bank for Reconstruction and Development to send a mission of experts to study the situation and the possibilities of economic development in the Trust Territory of Somaliland; the General Assembly also requested the Trusteeship Council to continue its study of the question and on the basis of the conclusions of the 1954 Visiting Mission to Trust Territories in East Africa and the report of the Bank, if the plan for the Bank's mission were carried out, to endeavour to decide on practical measures for financing the economic development plans for Somaliland and to report to the General Assembly at its tenth session.

22. At its sixteenth session, the Council was informed that the Government of Italy had declared itself in favour of the dispatch by the Bank of a mission to Somaliland, but that the president of the Bank had indicated his reluctance to accede to such a request in view of the heavy schedule of operational activities to which the Bank was committed. The Trusteeship Council adopted a resolution 20/ by which, after noting these statements, it recommended to the Administering Authority that it make a formal request to the Bank and expressed the hope that the Bank would reconsider its position and agree to send a mission to the Territory as early as possible. At its eighteenth session, the Council was informed that a mission of the Bank had spent the period from 9 March to 16 April 1956 in the Territory 21/. At the same session, the Council noted the statement of the Administering Authority that it seemed unlikely that the independent State of Somaliland would succeed in balancing its budget after December 1960, and that the assistance that would be required for some time after that date was estimated at between four and five million United States dollars a year. The Council expressed 22/ its concern at the adverse economic situation in the Territory and proposed to consider the situation further when the report of the Bank and the comments of the Administering Authority thereon were available.

23. In addition to the question of adequate public revenues, the Council has shown continued interest in the more general plans of the Administering Authority for the economic development of the Trust Territories. Thus in respect of the same Territory, the Council noted 23/ the continued progress achieved under the Administering Authority's plans for economic development; it further noted with satisfaction the technical assistance extended to the Territory during the period under review from

17/ See, in this connexion, G A resolution 752 (VIII).

18/ For an index to this information, see G A (XI), Suppl. No. 4 (A/3170), p. 354.

19/ G A resolution 855 (IX).

20/ T C resolution 1255 (XVI).

21/ G A (XI), Suppl. No. 4 (A/3170), p. 99.

22/ Ibid., p. 100.

23/ Ibid.

various sources. With respect to a second Territory, the Council, while noting with satisfaction that in general economic progress in the Territory had been maintained, expressed 24/ the hope that the Administering Authority would continue to seek outside financial and expert assistance in developing the economic resources of the Territory.

24. In a Territory possessing a relatively dense population whose livelihood is based on subsistence agriculture, the Council noted 25/ with satisfaction the steady implementation of a ten-year plan of development, but urged the Administering Authority to seek means of diversifying the economy and of extending participation of the indigenous inhabitants in its various branches. In respect of a Territory in which the present development plan will expire shortly, the Council noted 26/ with satisfaction the continued progress in the economic field, but expressed the hope that the Administering Authority would continue its policy of expanding financial assistance for the development of the Territory; the Council welcomed the statement that a new development plan was under study; it also expressed the hope that the Administering Authority would take further measures to diversify the direction of trade and to increase the indigenous inhabitants' participation in trade and industry. In respect of another Territory, the Council noted 27/ that it was difficult to achieve diversification of the economy and that there seemed to be a lack of productive incentives under the traditional social systems but that a recent economic survey had indicated that the Territory had sufficient natural resources to support a substantial increase in population without reduction in the general standard of living. The Council recommended that the Administering Authority should devote an even greater proportion of its efforts to economic development and to the framing, in co-operation with the indigenous inhabitants, of a comprehensive, long-range economic development programme. In respect of a Territory for which the Administering Authority had so far not adopted long-range development plans, the Council noted 28/ that a survey was being undertaken to assess the agricultural and pastoral potentialities of the land and expressed the hope that the results would enable the Administering Authority to formulate such plans.

25. Because of the fact that the economies of most Trust Territories are predominantly agricultural, great emphasis has been laid by the Trusteeship Council on the policies and practices of the Administering Authority relating to land utilization and tenure and to the development and improvement of agriculture. These questions are the subjects of a study which the Council is undertaking under General Assembly resolution 438 (V) on the rural economic development of the Trust Territories. However, the Committee which has been carrying out this study on the Council's behalf has not been able to submit any final reports to the Council 29/. In the meantime, the Council has adopted numerous recommendations in this field during its regular examination of conditions in the individual Trust Territories. In respect of one Territory, the Council noted 30/ with appreciation the efforts of the Administering Authority to increase African production and the increased part played by Africans in producing and marketing cash crops, the efforts made to obtain self-sufficiency in foodstuffs, the considerable progress achieved in respect of the provision of water supplies and irrigation schemes and the advance made in the local development schemes for settlement of Africans in new areas. The Council expressed the hope, however, that the

24/ G A (X), Suppl. No. 4 (A/2933), p. 50.

25/ G A (XI), Suppl. No. 4 (A/3170), p. 75.

26/ *Ibid.*, p. 245.

27/ *Ibid.*, p. 278.

28/ G A (XI), Suppl. No. 4 (A/3170), p. 307.

29/ *Ibid.*, p. 30.

30/ G A (X), Suppl. No. 4 (A/2933), p. 51.

Administering Authority would make further efforts to make loans available to African farmers and to overcome the difficulties presented in this connexion by the absence of a form of land title under Native law and custom, which could be used as a security for a loan. With respect to the same Territory, the Council, after noting the statement of policy of the Administering Authority that it would only permit alienation of land to newcomers only in special circumstances, requested 31/ the Administering Authority, in formulating any new policy, to give the utmost attention to the actual and future needs of the indigenous inhabitants as a whole, and meanwhile to grant rights of occupancy to non-indigenous inhabitants for agriculture and other private purposes only after full consultation with the Africans concerned and after obtaining their consent; it expressed interest in receiving the report of a Commission which had recently studied the problems of land and population in the Territory. With respect to another Territory, the Council, noting with satisfaction the introduction of cash crops in the northern part and the efforts undertaken to diversify crops in the southern part and to improve their yield, urged 32/ the Administering Authority to continue its efforts to introduce better agricultural methods; it noted with satisfaction the measures taken by the Administering Authority to protect the soil, and expressed the hope that by intensified education, the population would come to a better understanding of the serious problem of soil erosion. In another Territory where the density of the population is high, and the pressure of the population on the land is increased by excessive cattle holdings, the Council noted 33/ the satisfactory progress which had already been achieved in certain resettlement schemes and expressed the hope that these schemes would be vigorously pursued. In the following year the Council welcomed 34/ the continued efforts of the Administering Authority to bring about the abolition of the system of cattle holding, which provides the main obstacle to the reduction of the number of cattle, and expressed the hope that further progress would be made in that direction in the Territory as a whole. In respect of a further Territory, the Council commended 35/ the Administering Authority for the establishment of a comprehensive agricultural development programme; it expressed the hope that the training of indigenous persons in improved methods and the growing of cash crops would be further extended. At the same time the Council, while noting with satisfaction that the policy of the Administration was to recognize and respect indigenous ownership of land and to ensure that enough land was reserved to meet the present and prospective needs of the indigenous people, endorsed 36/ the view of its Visiting Mission that extreme caution should continue to be exercised in the alienation and leasing of land. In respect of a small Territory, where the eventual resettlement of the population elsewhere has been proposed the Council, while appreciating the continued efforts of the Administering Authority to find an area suitable for that purpose, urged 37/ the Administering Authority to intensify its search and to formulate at the earliest practicable date, and in consultation with the indigenous inhabitants, general plans for the possible resettlement; it expressed the hope that the Administering Authority would establish a consultative body for that purpose. At the same time the Council expressed 38/ the hope that the Administering Authority would pay special attention to encouraging the inhabitants of the Territory to resume agricultural activity in their existing surroundings, and would continue its efforts to provide them with agricultural training.

31/ Ibid., p. 57.

32/ G A (XI), Suppl. No. 4 (A/3170), pp. 174 and 175.

33/ G A (X), Suppl. No. 4 (A/2933), p. 87.

34/ G A (XI), Suppl. No. 4 (A/3170), p. 77.

35/ Ibid., p. 308.

36/ G A (IX), Suppl. No. 4 (A/3170), p. 309.

37/ Ibid., pp. 324 and 325.

38/ Ibid., p. 337.

26. Other economic questions which have been the subject of frequent conclusions and recommendations by the Council include increased participation by indigenous inhabitants in trade and commerce, the development of co-operatives, the improvement of systems of taxation, the encouragement of industries, and the development of such other economic resources as livestock, fisheries and mining.

3. Social advancement

27. Apart from questions relating to human rights and fundamental freedoms dealt with in paragraphs 124-129 below, the actions of the Trusteeship Council in this field have continued to be directed towards particular questions rather than towards an appraisal of general social conditions.

28. The Council has continued to adopt recommendations relating to penal reform, in particular recommending that corporal punishment be abolished in those Territories where it continued to exist. Thus in respect of one Territory where corporal punishment has been retained as a penal sanction in prisons, the Council reiterated ^{39/} its desire to see it abolished in the shortest possible time. In another Territory, the Council, noting that the number of instances of corporal punishment had decreased, nevertheless reiterated ^{40/} its previous recommendation for the complete abolition of that penalty.

29. The development of medical and health services has continued to receive the close attention of the Council, recommendations on that subject having been adopted annually in respect of each Territory. While noting with satisfaction improvements effected in such services, the Council has as a rule exhorted the Administering Authority concerned to devote further funds and efforts to overcoming the existing deficiencies ^{41/}. The Council has, of course, adapted such conclusions to the particular circumstances of each Territory. In respect of several Territories it commended the observations of the World Health Organization to the attention of the Administering Authority ^{42/}. In respect of one Territory it expressed ^{43/} its satisfaction for the aid of the World Health Organization and the United Nations Children's Fund in the Territory, and expressed the hope that the Administering Authority would further expand the training of medical and health personnel. In another Territory, it drew ^{44/} the attention of the Administering Authority to the situation in certain regions which were less favourably placed in regard to medical and health services and, after commending it for its effective co-operation with the religious missions and with the United Nations Children's Fund, expressed the hope that more Africans would be trained in medicine, pharmacy, nursing and midwifery. In respect of another Territory it suggested ^{45/} that the Administering Authority should devote special attention to reducing the infant mortality rate. In another Territory, noting the need for replacing many indigenous hospitals, it recommended ^{46/} that ways and means should be studied so as to accelerate the implementation of the hospital building programme approved by the Administering Authority.

^{39/} G A (XI), Suppl. No. 4 (A/3170), p. 82.

^{40/} *Ibid.*, p. 141.

^{41/} See for example, G A (X), Suppl. No. 4 (A/2933), pp. 153, 186 and 187, and G A (XI), Suppl. No. 4 (A/3170), pp. 57, 109, 110 and 255.

^{42/} See, for example, G A (X), Suppl. No. 4 (A/2933), pp. 68 and 164.

^{43/} G A (XI), Suppl. No. 4 (A/3170), pp. 109 and 110.

^{44/} *Ibid.*, p. 191.

^{45/} *Ibid.*, p. 255.

^{46/} *Ibid.*, p. 315.

30. The Council has continued to pay particular attention, where appropriate, to the conditions of indigenous workers and to their standard of living as well as to the related problem of housing. In respect of a Territory which has a comparatively large labour force, the Council welcomed 47/ the steps taken by the Administering Authority to promote the development of trade unions and expressed the hope that these steps would be followed up; it also noted with satisfaction the progress achieved in constructing urban housing and expressed the hope that the Administering Authority would encourage Africans to take advantage of a loan fund established for that purpose. In respect of a neighbouring Territory, the Council noted 48/ with satisfaction the statements of the Administering Authority concerning the general application of family allowances and the requirement of housing for workers, and also with regard to the effective administration of labour inspection; it expressed the hope that the Administering Authority would encourage the formation of trade unions and abolish penal sanctions for breach of contract. In the following year, it was able to welcome 49/ the abolition of penal servitude. The Council noted 50/ that new labour legislation was pending in a third Territory; it also noted the views of its Visiting Mission that cash wages needed to be increased to meet the rising standard of living to which the people aspired, and recommended that the Administering Authority take these views fully into account in drafting the new legislation, which it hoped would generally improve the conditions of the workers.

4. Educational advancement

31. Educational advancement in the Trust Territories has continued to receive the close attention of the Trusteeship Council. In addition to numerous recommendations on such special topics as secondary education, higher education, teacher training, the education of girls, adult and mass education, language of instruction, which it has adopted with respect to many Territories, the Council has annually adopted a recommendation on the more general aspects of educational advancement in each Trust Territory.

32. In its more general recommendations in this field, the Council has usually, after noting the progress achieved in the period under review, drawn the attention of the Administering Authority concerned to those aspects of educational advancement which are lagging and urged further efforts to make up the deficiencies. Thus in respect of one Territory, it noted 51/ the continued progress achieved in the development of African education, but hoped that it would be possible to increase enrolments in middle, secondary and vocational schools in the near future and to plan for the expansion of such schools; it further recommended that the Administering Authority continue to encourage the education of girls and hoped that upward trend in the number of teachers qualifying would be accelerated. The Council, noting the progress in education achieved in another Territory, but noting further that the school attendance in urban areas was still poor and that the output of teachers remained low, recommended 52/ that the efforts to increase school attendance, the number of indigenous teachers and, in particular, vocational training, should be intensified. Noting that there had been some improvement in education in a third Territory and expressing the belief that

47/ G A (X), Suppl. No. 4 (A/2933), p. 67.
48/ Ibid., p. 93.
49/ G A (XI), Suppl. No. 4 (A/3170), p. 81.
50/ Ibid., p. 314.
51/ G A (X), Suppl. No. 4 (A/2933), p. 73.
52/ Ibid., p. 139.

educational development was a basic condition of political advancement, the Council considered 53/ that the rate of such development was relatively slow in comparison with the rapid rate of constitutional advancement and in view of the substantial needs of the Territory: it therefore expressed the hope that the Administering Authority and the responsible authorities would spare no efforts to increase school facilities and funds for educational purposes and to impress upon public opinion the need for a more rapid rate of development. The Council noted 54/ with satisfaction that the educational policy of the Administering Authority was suited to the needs of a fourth Territory, but recommended that the qualified expatriate staff be increased and that more funds be available for school building and supplies; the Council further recommended that the Administering Authority consider the possibility of increasing educational subsidies and assistance to local authorities and expressed the hope that new buildings under construction would contribute to the development and strengthening of secondary education in the Territory.

33. The Council has also, as a normal procedure, commended 55/ to the Administering Authorities the observations formulated by the United Nations Educational, Scientific and Cultural Organization on the annual reports.

34. In addition to the recommendations which it had adopted for the establishment of institutions of higher education in some Territories or for an increase in the number of scholarships provided by the Administering Authority for higher education abroad 56/, the Trusteeship Council has kept under review the scholarship programme initiated by the General Assembly in its resolution 557 (VI). In a report 57/, of which it took note 58/ at its eighteenth session, the Secretary-General informed the Council that during the previous year sixty-five scholarships and fellowships had been offered by nine Member States to students from Trust Territories and that eleven scholarships had been awarded. The Council also took note 59/ of a report 60/ of the Secretary-General on the progress which had been achieved, under Trusteeship Council resolution 36 (III) and General Assembly resolution 754 (VIII), in disseminating information about the United Nations and the International Trusteeship System among the peoples of the Trust Territories.

5. Practice bearing upon the objective of development towards self-government or independence

35. The General Assembly and the Trusteeship Council have paid continued and increasing attention to the attainment by the Trust Territories of this ultimate objective of the International Trusteeship System. The interest of these organs has been shown first in the regular appraisal of the steps taken to promote the development of all Trust Territories towards self-government or independence and secondly in the special consideration of arrangements to be made concerning the future of particular Trust Territories in which the attainment of that objective has been indicated as being close at hand.

53/ G A (XI), Suppl. No. 4 (A/3170), p. 146.

54/ S C, 11th yr., Special Suppl. No. 1 (S/3636), para. 283.

55/ See for example, G A (XI), Suppl. No. 4 (A/3170), pp. 61, 84 and 146.

56/ *Ibid.*, pp. 63, 84, 85 and 198.

57/ T C (XVIII), annexes, a.i. 14, T/1271.

58/ T C (XVIII), 732nd mtg., paras. 54-60.

59/ *Ibid.*, para. 53.

60/ T C (XVIII), annexes, a.i. 13, T/1266.

36. In a most general sense, the Trusteeship Council has continued to appraise the progress as a whole achieved in the Trust Territories. Thus in respect of one Territory, it noted 61/ with satisfaction the steady progress made in all fields of development during the year under review. It recorded 62/ with satisfaction the appreciable progress achieved in another Territory and noted with interest the results obtained by the Administering Authority in improving the welfare of the indigenous inhabitants. In a third Territory where disorders had occurred recently, the Council, taking into account the setback which these events might have brought about in the political progress of the people, expressed 63/ the opinion that newly oriented efforts should be made to accelerate the attainment of the political objectives of the Trusteeship System; it commended the Administering Authority, however, for the satisfactory progress achieved in the economic, social and educational fields. Recalling the formidable problems posed by the geographical nature of a fourth Territory and the present stage of advancement of its peoples, the Council noted 64/ with satisfaction the measure of success which had attended the efforts of the Administering Authority to develop the Territory and its people; it expressed the hope that the Administering Authority would be able to provide the additional assistance necessary to meet the increasing demands of the Territory.

a. ATTAINMENT BY THE TRUST TERRITORIES OF SELF-GOVERNMENT
OR INDEPENDENCE: THE TIME FACTOR

37. In addition to such general appraisals of progress achieved in the various Territories, the Trusteeship Council has, in accordance with recommendations addressed to it by the General Assembly, initiated during the period under review the practice of including in its reports to the General Assembly information and conclusions specifically related to the attainment of self-government or independence by the various Trust Territories.

38. It will be recalled that at its sixth session, the General Assembly adopted a resolution 65/ by which it invited the Administering Authority of each Trust Territory other than Somaliland under Italian administration to include in its annual report information on the measures taken or contemplated, which were intended to lead the Trust Territory, in the shortest possible time, to the objective of self-government or independence and on the time estimated to be necessary for the completion of various measures and also for the attainment of the objective of self-government or independence. It will be recalled also that at its eighth session the General Assembly adopted a further resolution 66/ on this subject by which, noting that the Administering Authorities had not provided in their annual reports the information requested in resolution 558 (VI), it reaffirmed that resolution and at the same time requested the Trusteeship Council:

"to include in its next and succeeding reports to the General Assembly a separate section dealing with the implementation of resolution 558 (VI) and the present resolution, specifying in particular the measures taken in respect of:

"(a) Consultations with the inhabitants of each Trust Territory in regard to the measures taken or contemplated toward self-government;

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- 61/ G A (XI), Suppl. No. 4 (A/3170), p. 33.
62/ G A (X), Suppl. No. 4 (A/2933), p. 76.
63/ G A (XI), Suppl. No. 4 (A/3170), p. 151.
64/ Ibid., p. 294.
65/ G A resolution 558 (VI).
66/ G A resolution 752 (VIII).

"(b) The development in each Trust Territory of representative, executive and legislative organs and the extension of their powers;

"(c) The development in each Trust Territory of universal adult suffrage and direct elections;

"(d) The training and appointment of indigenous persons in each Trust Territory for positions of responsibility in the administration;"

39. It will be further recalled that in its report to the General Assembly at the ninth session the Trusteeship Council included a separate section 67/ containing the basic information requested of it in General Assembly resolution 752 (VIII), but reported that it had not had time to adopt conclusions and recommendations related thereto. By a further resolution 68/, adopted at its ninth session, the General Assembly expressed the hope that the Council would include such conclusions and recommendations in its next and succeeding reports. The General Assembly also recommended to the Administering Authorities that, as a means to facilitate an approximate determination of the date on which the populations of the Trust Territories would be prepared for self-government or independence, they should intensify their efforts to the utmost to bring about the establishment of new representative organs of government and administration in the Trust Territories, with increasing participation therein by indigenous elements of those Territories, or to develop on the same basis organs of that type already in existence; that they should ensure that the nature and powers of these organs reflected the special status conferred on the Trust Territories by Chapter XII of the Charter and by the Trusteeship Agreements; and that they should hasten the attainment of the objectives set forth in Article 76 of the Charter.

40. The Trusteeship Council considered 69/ General Assembly resolutions 752 (VIII) and 858 (IX) on the attainment by the Trust Territories of the objective of self-government or independence at its fifteenth and sixteenth sessions.

41. At the first of the sessions, the Council adopted a resolution 70/ by which it requested the Secretary-General to prepare for its sixteenth session a draft addendum, in conformity with paragraph 3 of General Assembly resolution 752 (VIII), bringing the factual information already submitted by the Trusteeship Council to the General Assembly up to date.

42. At its sixteenth session, the Council adopted a resolution 71/ by which it decided to instruct the drafting committee on the annual report on each Trust Territory, except Somaliland and the Trust Territory of the Pacific Islands, beginning with its seventeenth session, to prepare in the course of its regular functions, and in the light of General Assembly resolutions 752 (VIII) and 858 (IX), appropriate draft conclusions and recommendations concerning the question of the attainment by the Territory of self-government or independence. The Council further decided 72/ not to include the draft addendum prepared by the Secretary-General in the next report of the Council to the General Assembly.

67/ G A (IX), Suppl. No. 4 (A/2680), part III.

68/ G A resolution 858 (IX).

69/ T C (XV), 605th and 606th mtgs.; T C (XVI), 632nd, 634th, 642nd and 644th mtgs.

70/ T C resolution 1085 (XV).

71/ T C resolution 1254 (XVI).

72/ T C (XVI), 644th mtg., para. 36.

43. During its tenth session, the General Assembly again reverted to the question of the attainment by the Trust Territories of the objective of self-government or independence. By a roll-call vote of 43 to 11, with 9 abstentions, it adopted a resolution 73/ by which it noted with regret the omission from the report of the Trusteeship Council covering the period from 17 July 1954 to 22 July 1955 of the separate section envisaged by General Assembly resolutions 558 (VI), 752 (VIII) and 858 (IX), and requested the Council to ensure that the procedure devised by it for dealing in future with this question would enable it to comply fully with the terms of the relevant General Assembly resolutions.

44. The Trusteeship Council considered General Assembly resolution 946 (X) in the course of its seventeenth session 74/ when two draft resolutions, as amended, were voted upon. By the first 75/ of these the Council would invite the Administering Authorities to report to the Trusteeship Council in pursuance of General Assembly resolutions 558 (VI), 752 (VIII), 858 (IX) and 946 (X) in time for further consideration of this matter at the next session of the General Assembly in the light of the said reports by the Administering Authorities.

45. In support of the draft resolution, it was stated 76/ that it was essential that a date for independence — and the earliest possible date — should be set for each Trust Territory and that steps should be taken to ensure that it was observed; the setting of such a date would facilitate the work of the Council and give renewed hope to the peoples of the Trust Territories, who were becoming increasingly insistent in their demands for self-government and independence.

46. Certain delegations did not accept the principal contention on which this draft resolution had been based: namely, that, without regard to the stage of development of any Trust Territory, it was possible or politic objectively to estimate the period in which self-government or independence might be attained. It was alleged further that the draft resolution sought to impose on the Administering Authority an obligation for which there was, at best, doubtful warrant in the individual Trusteeship Agreements. These delegations also considered that it would be most regrettable and contrary to the spirit and letter of the Charter and the Trusteeship Agreements if the whole closely-knit pattern of conditions in the Trust Territories were to be reduced to the over-simplified statement that would inevitably appear in a special report. Educational, social, health and economic developments were as important in promoting a people's advancement towards self-government as the establishment of legislative councils and the introduction of universal suffrage and it would not further self-government to reduce the problems involved in its attainment to sterile formulae to be studied out of their social and economic context.

47. The draft resolution failed 77/ to be adopted as a result of two successive tie votes of 7 in favour and 7 against.

48. In the second draft resolution 78/ the Trusteeship Council would decide in pursuance of its resolution 1254 (XVI) to draw the attention of all its drafting committees on the annual reports of Trust Territories to General Assembly resolution 946 (X) and instruct them to prepare, in the light of the relevant

73/ G A resolution 946 (X).
74/ T C (XVII), 654th, 665th, 671st, 673rd, 674th and 687th mtgs.
75/ T C (XVII), annexes, a.i. 9, p. 1, T/L.641 and p. 2, T/L.644.
76/ T C (XVII), 671st mtg., para. 18 and 687th mtg., para. 15.
77/ T C (XVII), 687th mtg., para. 10.
78/ T/L.640/Rev.1.

resolutions of the General Assembly, appropriate draft conclusions and recommendations concerning the question of the attainment by the Trust Territories of self-government or independence; and, in order to facilitate the implementation of resolution 1254 (XVI):

(a) Would request the Secretary-General to include in the customary working papers (outlines of conditions in each Trust Territory drawn up in such a manner as would facilitate consideration of) developments under the heads set out in sub-paragraphs (a) - (e) inclusive of paragraph 3 of General Assembly resolution 752 (VIII) by the Council and its drafting committees; and, in conformity with the relevant resolutions of the General Assembly,

(b) Would instruct its drafting committees to incorporate, in a readily identifiable form, in the individual chapters of part II of the Council's annual report to the General Assembly which review progress made by each Territory towards attainment of the objectives of the Trusteeship System, such conclusions and recommendations as might be appropriate, as well as factual information related directly to developments under the heads mentioned in sub-paragraph (a) above.

49. The Council would also request the Secretary-General to prepare, in the light of these arrangements, a separate section of the Council's report to the General Assembly containing the information indicated in General Assembly resolutions 752 (VIII) and 946 (X), and the conclusions and recommendations of the Council thereon. 79/

50. The second draft resolution was adopted 80/ by 10 votes to 2, with 2 abstentions.

51. In pursuance of Trusteeship Council resolutions 1254 (XVI) and 1369 (VII), drafting committees on the various Territories have drafted, for adoption by the Council, sections of the report on the Territory concerned containing both factual information on progress towards self-government or independence in the Territory and conclusions and recommendations relating thereto, adopted by the Council. These sections were subsequently adopted by the Council with such amendments as it deemed necessary.

52. In respect of one Territory neither the drafting committee nor the Council were able to agree on any conclusions or recommendations. In respect of a number of other Territories, the Council commended 81/ to the Administering Authority concerned for its consideration the opinion that a more precise statement of the steps and manner in which self-government or independence was to be achieved, would give the Trust Territory a stronger sense of purpose and direction in achieving its final goal and that the drawing up of successive targets for political, economic, social and educational plans and programmes would tend to induce an atmosphere of understanding and confidence in which the Territory would be able to move ahead more rapidly and harmoniously; the Council accordingly recommended to the Administering Authority that it indicate such successive intermediate targets and dates in the political, economic, social and educational fields as would create conditions for the attainment of

79/ In accordance with further decisions taken during the eighteenth session, this separate section is essentially in the form of an index to the territorial chapters.

80/ T C resolution 1369 (XVII).

81/ G A (XI), Suppl. No. 4 (A/3170), pp. 67, 68, 86, 204 and 322.

self-government or independence; it therefore invited the Administering Authority, when it submitted its next annual report, to inform the Council of the results of its consideration of these recommendations. (In the case of two such Territories, the Council recalled 82/ that the Mission which had visited them in 1954 had, with one member dissenting, estimated that self-government or independence could be achieved within twenty and twenty-five years respectively, but that the Administering Authorities concerned had maintained that there was no adequate evidence for fixing those or any other time-limits).

53. In respect of a Territory on which the Council reports to the Security Council, the Council took note 83/ of the statements by the Administering Authority of the general manner in which the latter contemplated the attainment by the Trust Territory of the objective of self-government or independence, and of the circumstances in which the Administering Authority found itself unable to provide an estimate of the period of time required to achieve that objective. The Council noted with satisfaction a number of intermediate targets and dates which the Administering Authority had indicated in the political field and, recommended that the Administering Authority continue to keep the Council informed of its successive intermediate targets and dates in the political, economic, social and educational fields, and of the measures taken to create the conditions necessary for the attainment of self-government or independence. In respect of a Trust Territory which is administered as an integral part of a neighbouring Non-Self-Governing Federation, the Council noted 84/ that recently introduced constitutional arrangements represented a significant political advance and that these arrangements would be reviewed at a forthcoming constitutional conference. The Council expressed the hope that the results of the conference would throw light on the attainment by the Territory of the final objective of Trusteeship and such steps as might be required to achieve it; it invited the Administering Authority to inform the Council when it submitted its next annual report, of the results of the constitutional conference as affecting the Trust Territory, including possible proposals concerning the future of the Territory, and of its consideration of the Council's recommendations. In another Territory, where a Constitutional Convention had recently been held and where the representative organs of the people had accepted the proposals of the Administering Authority for further constitutional development setting out the steps whereby it was hoped that the Territory would achieve full cabinet government in 1960, the Council noted 85/ that state of affairs with satisfaction and expressed the hope that the Administering Authority would continue to keep the Council informed of its further targets and dates in the political, economic, social and educational fields.

54. In respect of two territories in which, in the view of the Administering Authorities concerned, the objectives of the Trusteeship System were close to achievement and the future of which constituted separate items of the Council's agenda, the Council did not adopt conclusions and recommendations on the general question. The consideration by United Nations organs of the future of these Territories is dealt with as a separate topic below. Finally, it may be recalled that Somaliland under Italian administration, which under the terms of the Trusteeship Agreement is to become independent by 1960, is outside the scope of this system of reporting.

82/ Ibid., pp. 67 and 86.

83/ S C 11th yr. Special Suppl. No. 1 (S/3636), para. 313.

84/ G A (XI), Suppl. No. 4 (A/3170), p. 150.

85/ G A (XI), Suppl. No. 4 (A/3170), p. 292.

b. ADMINISTRATIVE UNIONS AFFECTING TRUST TERRITORIES

55. As explained in the Repertory under this topic, the action taken by the General Assembly and the Trusteeship Council in respect of administrative unions and other arrangements under which the administration of a number of Trust Territories is associated in varying degrees with that of neighbouring Territories not under the International Trusteeship System has also been related to the question of the attainment of self-government or independence. It will be recalled that the General Assembly specifically affirmed that measures of customs, fiscal or administrative union must not in any way hamper the free evolution of each Trust Territory towards self-government or independence. 86/

56. The Standing Committee on Administrative Unions established by the Trusteeship Council to examine regularly such arrangements has continued to function regularly during the period under review and has presented conclusions and recommendations which have been adopted by the Trusteeship Council and included in its reports to the General Assembly. Examples of such conclusions and recommendations follow.

57. In the case of a Territory which shares certain services in common with neighbouring Non-Self-Governing Territories of the Administering Authority, the Council, after adopting certain detailed conclusions regarding this arrangement went on to note the statement 87/ of the Administering Authority reaffirming that no form of political federation between the Territories in question would be considered without the free consultation of the inhabitants of the Trust Territory.

58. With reference to a Territory administered as an integral part of a neighbouring Non-Self-Governing Federation, the Council, noting with satisfaction that a recent constitution provided for the southern part of the Trust Territory a separate quasi-federal status with its own legislative and executive organs, expressed the hope that the Administering Authority would continue to give sympathetic consideration to the wishes of all the representatives of the local House of Assembly concerning the extension of its powers; the Council while noting that the northern part of the Trust Territory continued to be administered as an integral part of the Northern Region of the Federation expressed satisfaction at certain new constitutional arrangements which had been introduced there and which it proposed to keep under review. The Council expressed the opinion that, although the new arrangements in the Territory, which had been made after consultation with representatives of the people, might prejudice the progressive development of the Trust Territory towards a separate independent status as a whole, they represented a new and important step, especially for the southern part, towards the attainment of the objectives as set forth in Article 76 of the Charter. 88/

59. In respect of a third Trust Territory, which shares a common Legislative Council with an adjacent Non-Self-Governing Territory, the Trusteeship Council referring to the considerable doubt which had been expressed in the Council lest the operation of that Legislative Council should go beyond the administrative need of the Territory, recommended 89/ that the arrangements made under the administrative union should not be allowed to interfere with the development of the Trust Territory as a separate entity; it recommended further that the Administering Authority should continue to examine the organization of the legislative structure of the Trust Territory in the light of General Assembly resolution 326 (IV).

86/ G A resolution 326 (IV).

87/ G A (X), Suppl. No. 4 (A/2933), p. 45.

88/ Ibid., p. 145.

89/ Ibid., p. 204.

c. FUTURE OF TOGOLAND UNDER BRITISH ADMINISTRATION
AND TOGOLAND UNDER FRENCH ADMINISTRATION

60. In the case of the two Territories dealt with under this heading, the progressive development of the inhabitants towards self-government or independence has reached the point where the Administering Authority concerned in each case has expressed the view that the basic objectives of the System have been attained. It has accordingly suggested either explicitly or implicitly the termination of Trusteeship in respect of the Territory administered by it and has further suggested the constitutional arrangements which should be made for the Territories after the termination of Trusteeship.

61. In a memorandum 90/ addressed to the General Assembly at its ninth session, the Administering Authority of Togoland under British administration informed the General Assembly that it would no longer be constitutionally possible to administer that Territory as an integral part of the adjoining Territory of the Gold Coast, when, as would happen within a measurable period, the Gold Coast assumed responsibility for its own affairs. The Administering Authority suggested that the two possibilities to meet the resultant situation were (1) the amendment or replacement of the existing Trusteeship Agreement or (2) its termination.

62. It then proceeded to review the extent to which the basic objectives of the Trusteeship Agreement, and the provisions of the Trusteeship Agreement had been achieved in the Territory. In doing so it expressed the view 91/ that Article 76 b was the "critical test of whether or not the inhabitants of a Trust Territory have outgrown their trusteeship status" and that "once the inhabitants of a Trust Territory have attained 'self-government or independence, as may be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by each Trusteeship Agreement' then the basic reason for their continuance under trusteeship disappears." Togoland under British administration had since 1920 been administered as an integral part of the Gold Coast and therefore the political, economic, social and educational advancement of the inhabitants and their progress towards self-government or independence had matched that of the Gold Coast itself.

63. The Administering Authority went on to pose the question of whether it could be regarded as an attainment of the objective set forth in Article 76 b of the Charter, if the Territory were to become an integral part of a fully self-governing Gold Coast. It stated that Togoland under British administration was too small and too poor to stand alone and must join one or other of its larger neighbours. From a standpoint of reason and of practical politics, if a majority of the inhabitants of the Territory were convinced that their interests were best served by integration with the Gold Coast, that fact must be given the greatest weight in determining their future. Self-government and independence were alternative but equally legitimate goals under Article 76 b. If the peoples of the Gold Coast were fully self-governing and the people of the Trust Territory were comprised on a basis of equal citizenship in the peoples of the Gold Coast, as they would be if the Territory were integrated with the Gold Coast, then in the opinion of the Administering Authority the people of the Trust Territory would also be self-governing.

90/ G A (IX), annexes, a.i. 35 and 52, A/2660. See also in the Repertory, vol. IV, under Article 76, para. 111.

91/ G A (IX), annexes, a.i. 35 and 52, A/2660, para. 23.

64. The Administering Authority also referred to the Togoland unification problem and to the wishes which had been expressed by certain petitioners that Togoland under British administration and Togoland under French administration should become a single independent state. It expressed doubt that unification would best solve the problems of the people of the Trust Territory and was concerned in any case only with the future of Togoland under British administration, for which alternative administrative arrangements must be made in the near future.

65. Noting that any change in the Trusteeship Agreements must be arrived at by agreement between the General Assembly and the Administering Authority, the latter suggested that the United Nations should arrange to ascertain by whatever means it considered desirable and appropriate the freely expressed wishes of the inhabitants of the Territory. It further suggested that the General Assembly should authorize the Trusteeship Council, at its fifteenth and sixteenth sessions to formulate recommendations to be considered by the General Assembly at its tenth session, on the methods and procedures by which the wishes of the inhabitants might be ascertained.

66. The memorandum of the United Kingdom Government was considered at the ninth session of the General Assembly together with a special report 92/ of the Trusteeship Council on the Togoland unification problem. It will be recalled that by its resolution 750 (VIII) the General Assembly had, in particular, recommended the re-establishment of the Joint Council for Togoland Affairs composed of representatives of the populations of Togoland under British administration and Togoland under French administration, with the power to consider and make recommendations on the question of unification, as well as on all political, economic, social and educational matters affecting the two Trust Territories, and to serve as a means of ascertaining the opinions of the inhabitants of the Territories concerning any proposed changes in the terms of the Trusteeship Agreement for either of the Territories. The General Assembly had also invited the Trusteeship Council to submit to the General Assembly at its ninth session a special report concerning the steps taken to implement the resolution. In its report the Trusteeship Council noted a statement by the Administering Authority of Togoland under British administration that the result of consultations with the people had shown that the re-establishment of the Joint Council would raise considerable practical difficulties and a statement by the Administering Authority of Togoland under French administration that the results of consultations in that Territory had shown that the great majority of the population, and those elected by the population, had taken a very firm stand against the restoration of the Joint Council.

67. The debate on these items in the Fourth Committee began with statements by the Administering Authority concerned and by the representatives of thirteen groups and political parties in the Territories, to which the Committee had granted hearings. At the opening of the general debate, the delegation of India submitted a draft resolution 93/ the operative part of which provided that the General Assembly should (1) decide that steps should be taken, in the light of the particular circumstances of the Trust Territory of Togoland under British administration to ascertain the wishes of the inhabitants as to their future; (2) request the Trusteeship Council to take into account the views expressed in the Fourth Committee at the ninth session of the General Assembly, to consider what arrangements should be made in pursuance of the above decision and to report thereon to the General Assembly at its tenth session;

92/ G A (IX), annexes, a.i. 35 and 52, A/2669.

93/ G A (IX), annexes, a.i. 35 and 52, p. 11; A/C.4/L.370.

(3) further request the Council to ask its next visiting mission to Trust Territories in West Africa to make a special study of this problem and to submit its report thereon in time for the Council to report to the General Assembly at its tenth session.

68. During the ensuing discussion, 94/ objections were advanced to this proposal by a number of representatives who maintained that it ignored or reversed the previous resolutions of the General Assembly on the Togoland unification problem and seemed to look at the situation only from the point of view of the integration of Togoland under British administration into the Gold Coast. Some delegations questioned whether that solution was compatible with Article 76 b of the Charter.

69. On the other hand, the sponsor of the draft resolution and other delegations considered that it did not prejudge the issue but that it recognized the necessity of ascertaining the wishes of the inhabitants of Togoland under British administration as to their future. If their wishes were for Togoland unification that possibility was not excluded.

70. During the discussion of the draft resolution, the delegation of India revised 95/ it to meet some of the objections which had been advanced. In particular, to show that the issue was not prejudged, operative paragraph (1) was modified to read "Decides in view of the eventual revision or termination of the Trusteeship Agreement that steps should be taken, in the light of the particular circumstances of the Territory, to ascertain the wishes of the inhabitants as to their future, without prejudice to the eventual solution they may choose whether it be independence, unification of an independent Togoland under British administration with an independent Togoland under French administration, unification with an independent Gold Coast, or some other self-governing or independent status".

71. In order to make it clear that the Togoland unification problem was not excluded from the special study envisaged under operative paragraph (3) of the draft resolution submitted by the representatives of India "this problem" would be replaced by "these problems" (see paragraph 67 above).

72. The principal amendments submitted to this draft resolution were the following:

(1) An amendment 96/ to operative paragraph 1 submitted by the delegation of Poland making the paragraph applicable to both Togoland under British administration and Togoland under French administration, instead of to Togoland under British administration alone.

(2) An amendment 97/ submitted by the delegation of the Philippines by which, as revised, the General Assembly would decide:

"to make a thorough special study in all their varied aspects - legal, moral and international, and in particular their conformity with the principles and basic objectives of the International Trusteeship System - of the questions concerning the present and future status of the Trust Territory of Togoland under British administration, with respect particularly to its possible unification with

94/ G A (IX), 4th Com., 460th-468th mtgs.

95/ G A (IX), annexes, a.i. 35 and 52, p. 11, A/C.4/L.370 and A/C.4/L.370/Rev.2; p. 13, A/2873, para. 19.

96/ G A (IX), annexes, a.i. 35 and 52, p. 13, A/2873, para. 23.

97/ Ibid., para. 24.

Togoland under French administration, its integration with an independent Gold Coast, or otherwise, including procedures to be followed in ascertaining the real wishes freely expressed of the peoples concerned".

(That amendment was submitted originally as an alternative to paragraph 1, but subsequently as an additional paragraph to follow it.) Amendments were also submitted on the question of whether the Mission which would carry out the study in the Territories should be a regular visiting mission or a special mission. 98/

73. The revised draft resolution and various amendments were voted on by the Fourth Committee with the following results:

(1) The Polish amendment to operative paragraph 1 was rejected by 23 votes to 18, with 8 abstentions.

(2) The Philippines amendment to add a new paragraph 2 was rejected by 22 votes to 7, with 23 abstentions.

(3) The draft resolution, as amended in other respects, was adopted 99/ by 42 votes to 1, with 11 abstentions.

74. The draft resolution proposed by the Fourth Committee was adopted 100/ by the General Assembly by 44 votes to none, with 12 abstentions. Its text 101/ reads as follows:

"The General Assembly,

"Bearing in mind its resolution 750 (VIII) of 8 December 1953,

"Noting the special report of the Trusteeship Council in document A/2669 of 23 July 1954,

"Noting the new situation described in the statement of the United Kingdom Government to the effect that the Gold Coast will assume full responsibility for its own affairs within a measurable period, and that it will thereafter be no longer possible for the Administering Authority to administer the Trust Territory in accordance with articles 4 and 5 of the present Trusteeship Agreement,

"Noting also the view of the Administering Authority that the progress of the inhabitants of the Trust Territory has been such that, at the same time as the Gold Coast assumes full responsibility for its own affairs, the people of Togoland under British administration will have reached a stage of development when the objectives of the International Trusteeship System will have been substantially achieved and that the Trusteeship Agreement should therefore be terminated,

"Considering that, in accordance with Article 76 b of the Charter, the future status of the Territory should be determined in the light of its particular circumstances and of the freely expressed wishes of its peoples,

98/ See also in this Supplement under Article 87.

99/ G A (IX), 4th Com., 467th mtg., para. 68.

100/ G A (IX), Plen., 512th mtg., para. 113.

101/ G A resolution 860 (IX).

"1. Decides, in view of the eventual revision or termination of the Trusteeship Agreement, that steps should be taken, in the light of the particular circumstances of the Trust Territory, to ascertain the wishes of the inhabitants as to their future, without prejudice to the eventual solution they may choose whether it be independence, unification of an independent Togoland under British administration with an independent Togoland under French administration, unification with an independent Gold Coast, or some other self-governing or independent status;

"2. Requests the Trusteeship Council to take into account the views expressed in the Fourth Committee at the ninth and previous sessions of the General Assembly, to consider what arrangements should be made in pursuance of the above decision and to report thereon to the General Assembly at its tenth session;

"3. Further requests the Trusteeship Council to dispatch a special mission to the Trust Territories of Togoland under British administration and Togoland under French administration to make a special study of these problems and to submit its report thereon in time for the Council to report to the General Assembly at its tenth session;

"4. Urges in the meanwhile that in the greater interests of the United Nations those directly concerned will lend their utmost co-operation in the full and early implementation of its recommendations contained in General Assembly resolution 750 B (VIII) of 8 December 1953."

75. At its fifteenth session, the Trusteeship Council charged 102/ its 1955 Visiting Mission to the Trust Territories of Togoland under British administration and Togoland under French administration to carry out the tasks prescribed in paragraphs 2 and 3 of the General Assembly resolution 860 (IX). That Mission visited the Territories in August and September 1955, and on 18 October adopted a special report 103/ on the future of Togoland under British administration and the Togoland unification problem.

76. As regards the future of Togoland under British administration, the Mission concluded that since Article 76 b of the Charter lays down that the progressive development of the peoples of Trust Territories towards self-government or independence should be in accordance with the freely expressed wishes of the peoples concerned, and in view of the division of opinion in Togoland under British administration regarding the political future of that Territory — principally as between the integration of the Territory with the Gold Coast when the latter became independent and the establishment of a separate identity for the Territory pending a choice between (1) federation with the Gold Coast, or (2) unification with an independent Togoland under French administration and eventual federation with the Gold Coast — a formal consultation with the people would be necessary to decide this question. The following questions should be put at a plebiscite of the inhabitants of Togoland under British administration:

"(1) Do you want the integration of Togoland under British administration with an independent Gold Coast?

102/ T C resolution 1084 (XV).

103/ T C (S-5), Suppl. No. 2, (T/1218).

"(2) Do you want the separation of Togoland under British administration from the Gold Coast and its continuance under trusteeship, pending the ultimate determination of its political future?"

77. One member of the Mission considered that in order to ensure that the Territory kept its status as a Trust Territory during the period of the popular consultation, and to avoid any interference from political organizations with headquarters in the Gold Coast, the Territory should be provided with institutions of its own before any consultation was held. The other three members considered that such a course would be useless and would delay the plebiscite.

78. The Mission recommended that the results of the plebiscite should, however, be determined separately (i) in the Northern Section, taken as a single unit, (ii) in the Kpandu and Ho Districts of the Southern Section, taken together as a single unit, (iii) in the Buem-Krachi Districts, in two separate units divided by the southern boundary of the Akan Local Council area. The future of each of these four units should be determined by the majority vote in each case. If, however, the voting in the separate units in the Buem-Krachi District should result in leaving either or both of those units with a decision different from that reached in the regions both to the north and to the south of it, it would become virtually impossible for economic, administrative and other reasons, to ensure the effective functioning of such a politically isolated area, which would therefore have no alternative but to follow the same course as the regions on both sides of it.

79. If the population of both the northern and southern parts decided in favour of the first alternative at the plebiscite, no further public consultation would be necessary. If either part alone decided in favour of integration with an independent Gold Coast, that decision should similarly be implemented. If, however, the people, either of the entire Territory or of the northern or southern parts, preferred separation from the Gold Coast pending further determination of this future, it would be necessary for the Administering Authority to be asked to continue its trusteeship for a further limited period for this purpose.

80. The Mission also made detailed recommendations as to the arrangements for the holding of the plebiscite by the Administering Authority, under United Nations supervision. The Mission recognized that responsibility for the organization and conduct of the plebiscite would of necessity rest primarily upon the Administering Authority in view of its responsibilities in the Trust Territory under the Trusteeship Agreement, but regarded it as essential that there should be full United Nations observation and supervision at all stages of the arrangements for the conduct of the plebiscite. For this purpose it recommended that a United Nations plebiscite Commissioner should be appointed by the General Assembly, and that he should be assisted by a sufficiently large group of United Nations observers to ensure that at least one observer was stationed in each plebiscite electoral district, and by such other staff as might be deemed necessary. The Mission recommended that the observers and other staff should be appointed by the Secretary-General, in consultation with the Plebiscite Commissioner. The Mission proposed that persons who had resided in the Territory for at least twelve months in the previous two years should be qualified to register and vote in the Plebiscite.

81. As regards Togoland under French administration, the Mission stated that if the people of the whole or one of the parts of Togoland under British administration decided in favour of separating from the Gold Coast, then the political future either of the whole Territory or of the part concerned was bound up with that of the Territory under French administration. In this latter Territory the Mission found distinct differences of opinion as between, on the one hand, the desire for a permanent association of the Territory with the French Union, and, on the other hand,

the desire for the immediate termination of this association so as to enable it to unite with Togoland under British administration, and the subsequent determination of the political future of the unified country. The Mission considered that when the Administering Authority signified that the Territory was fit for self-government or independence, it would be for the people to decide finally as regards their political future. To this end the Mission hoped that certain important constitutional measures contemplated by the Administering Authority would include such provisions as would place the Territory in a very few years in the position to express its wishes.

82. The Mission stated that the most effective and direct method would be, as in the case of Togoland under British administration, a plebiscite which should decide whether the people of the Territory wished self-government within the French Union, and on what conditions, or whether they desired the termination of their connexion with the French Union and independence. While considering that the future progress of the Territory would be best assured by its association with a larger unit, the Mission stated that it would be for the people to express their wishes finally in this matter.

83. The Mission considered that a further step should be taken after the political future of Togoland under French administration had thus been finally decided. If in any part of Togoland under British administration a majority vote favoured separation from the Gold Coast, with the result that it continued under trusteeship after the Gold Coast attained its independence, that part should then be called upon, in a final plebiscite conducted in a similar manner to that proposed for the earlier plebiscite, to decide whether it would join the Gold Coast or Togoland under French administration as it might then be.

84. The special report of the Visiting Mission was considered by the Trusteeship Council during its fifth special session. The Council adopted a resolution 104/ referring specifically only to Togoland under British administration in which it stated that the views expressed in the report provided in general a useful basis for determining the arrangements to be made in pursuance of General Assembly resolution 860 (IX) and decided to transmit the report to the General Assembly for the latter's consideration and action.

85. The special report of the Visiting Mission was, therefore, before the General Assembly at its tenth session. The general discussion in the Fourth Committee opened with a statement by the United Kingdom representative in which he expressed the unequivocal acceptance by his Government of the Mission's recommendation that the views of the inhabitants of Togoland under British administration should be ascertained by a plebiscite. Despite serious doubts concerning the recommendation of the Mission that the results of the plebiscite should be assessed separately in four distinct areas, he declared that if the majority of the members of the Committee considered that the General Assembly should accept the recommendation, his delegation would, because of the particular circumstances of Togoland under British administration, be prepared to accept it also. He also expressed serious doubt about the second of the two questions proposed by the Visiting Mission, since continuance of Trusteeship, for all or part of the Territory, was, in the opinion of his delegation, fraught with difficulties and not in the best interests of the people. The question which should be put before the people was whether they wished to join an independent Gold Coast or not. 105/

104/ T C resolution 1368 (S-5).

105/ G A (X), 4th Com., 528th mtg., paras. 3-14.

86. After hearing the representatives of ten political organizations whose requests to appear before it had been granted, the Committee held a general debate 106/ in the course of which the representative of France, after commenting on the Mission's proposal relating to Togoland under British administration, stated 107/ that the question before the Committee was one which in essence concerned only that Territory. He recognized, however, that it was difficult to dissociate the problem of its future from that of Togoland under French administration, which had been dealt with by the Visiting Mission. After referring to the Mission's views in that respect, he concluded that the reforms which the French Government intended to put into effect, including the establishment of a Territorial Assembly with wider powers and of a Cabinet, and the development of municipal and district government, together with the institution of universal adult suffrage, would result in placing the people of the Territory in a position in which they would be capable of deciding their own future.

87. In the course of the discussion, the delegation of India submitted a draft resolution 108/ divided into two sections. As regards the future of Togoland under British administration, the General Assembly would:

(1) Accept the recommendation of the Visiting Mission contained in its special report that the wishes of the inhabitants of Togoland under British administration as to their future should be ascertained by plebiscite;

(2) Recommend that the Administrating Authority of Togoland under British administration, in pursuance of Article 76 b of the Charter of the United Nations, take steps to organize and conduct without delay, under the supervision of the United Nations, a plebiscite in respect of the Trust Territory in order to ascertain the wishes of the majority of its inhabitants in regard to the union of their territory with an independent Gold Coast;

(3) Decide to appoint a United Nations Plebiscite Commissioner who should exercise on behalf of the General Assembly the powers and functions of supervision defined by the Visiting Mission in its special report, and who should be assisted by observers and staff to be appointed by the Secretary-General in consultation with him;

(4) Recommend further that the plebiscite be organized and conducted on the basis of the arrangements proposed in chapter IV of the special report of the Visiting Mission, subject to such modifications of detail as are desired by the Administering Authority in consultation with the United Nations Plebiscite Commissioner;

(5) Request the United Nations Plebiscite Commissioner to submit a report on the organization, conduct and result of the plebiscite to the General Assembly at its eleventh session in order that the latter might determine in consultation with the Administering Authority the further action to be taken on the attainment of independence by the Gold Coast and in the light of all the circumstances and in accordance with the Charter of the United Nations and the Trusteeship Agreement;

(6) Decide that the Trusteeship Council in virtue of the provisions of the Trusteeship Agreement and the Charter would continue to exercise its functions either at its regular or special sessions as might be necessary and would take into consideration any matter that might arise, or be referred to it, in respect of the Trust Territory.

106/ Ibid., 536th-547th mtgs.

107/ Ibid., 537th mtg., paras. 15-23.

108/ G A (X), annexes, a.i. 35, p. 2, A/C.4/L.428.

(This draft resolution was subsequently modified so that the report of the Plebiscite Commissioner should be rendered in the first instance to the Trusteeship Council.)

88. In respect of Togoland under French administration, the General Assembly would:

(1) Endorse the conclusion of the Visiting Mission in respect of Togoland under French administration that, following the further development of the political institutions of the Trust Territory, a plebiscite be held in that Territory within a very few years to ascertain the wishes of the inhabitants as to their future;

(2) Request the Administering Authority to submit at an early date its programmes of political reform for the Trust Territory as well as its recommendations for the holding of a plebiscite.

89. Certain delegations objected to the draft resolution submitted by the representative of India on the ground that by envisaging plebiscites in the Territories at different dates it prejudiced the possibility of Togoland unification. Separate institutions should moreover be established in Togoland under British administration before a plebiscite was held. Objections were also made to the fact that the proposal did not follow the recommendations of the Visiting Mission regarding the alternatives to be placed before the people of Togoland under British administration and the division of that Territory into four areas for the purpose of assessing the result of the plebiscite. These and other objections were reflected in a number of amendments submitted by the delegation of Liberia, of which the most important were the following: 109/

(1) In operative paragraph 2, after the word "inhabitants" insert "(a)";

(2) In the same paragraph, after the words "Gold Coast", insert the following: "or (b) separation of Togoland under British administration from the Gold Coast and its continuance under trusteeship pending the ultimate determination of its political future,";

(3) In operative paragraph 4, replace "chapter IV" by the following: "paragraph 108 of chapter III and chapter IV". (This would have the effect of having the results assessed separately in the four areas mentioned by the Visiting Mission.) It was also proposed that the plebiscite be supervised by a commission, instead of a Commissioner.

90. Objections were also presented by various delegations, including Liberia, to the recommendations relating to the future of Togoland under French administration. The representative of France, in particular, maintained that the recommendations conveyed the impression that the Visiting Mission had taken the initiative in proposing a plebiscite for Togoland under French administration, whereas the Mission had merely reported statements made to it by the Administering Authority. He submitted a number of amendments 110/ which were withdrawn, when the delegation of India revised its draft resolution to meet them.

91. The revised draft resolution 111/ and the related amendments were voted on with the following results:

109/ G A (X), annexes, a.i. 35, p. 8, A/3088, para. 13.

110/ Ibid., p. 7, A/C.4/L.431.

111/ G A (X), annexes, a.i. 35, p. 8, A/3088, para. 12, (A/C.4/L.128/Rev.3).

(1) The amendments to paragraph 2 submitted by the delegation of Liberia were adopted by 20 votes to 17, with 16 abstentions.

(2) The amendment to paragraph 4 submitted by the delegation of Liberia was rejected by 15 votes to 13, with 24 abstentions.

(3) The section relating to the future of Togoland under British administration, as amended, was adopted by 38 votes to 5, with 10 abstentions.

(4) The section relating to the future of Togoland under French administration, as amended in various ways, was adopted 112/ by 40 votes to 5, with 8 abstentions.

92. Subsequently the Committee decided to recommend 113/ to the General Assembly that Mr. Eduardo Espinosa y Prieto (Mexico) should be appointed as United Nations Plebiscite Commissioner for Togoland under British administration.

93. The draft resolution recommended by the Fourth Committee was adopted 114/ by the General Assembly by 42 votes to 7, with 10 abstentions. The text 115/ follows:

"The General Assembly,

"I. The future of Togoland under British administration:

"Recalling its resolution 860 (IX) of 14 December 1954, by which the Trusteeship Council was requested to consider the arrangements to be made to ascertain the wishes of the inhabitants of the Trust Territory of Togoland under British administration as to their future, without prejudice to the eventual solution which they might choose, whether it be independence, unification of an independent Togoland under British administration with an independent Togoland under French administration, unification with an independent Gold Coast, or some other self-governing or independent status,

"Having received the report of the Trusteeship Council transmitting the special report of the United Nations Visiting Mission to the Trust Territories of Togoland under British administration and Togoland under French administration, 1955, the observations of the representative of the United Kingdom of Great Britain and Northern Ireland, and the official records of the relevant meetings of the Council,

"Noting the opinion of the Trusteeship Council that the views expressed in the special report of the Visiting Mission provide in general a useful basis for determining the arrangements to be made in pursuance of General Assembly resolution 860 (IX),

"Taking note also of the views expressed orally by the various local political groups before the Fourth Committee during its hearings,

"Noting further the statement of the Government of the United Kingdom that the Gold Coast will attain independence in the near future and that, in consequence, it will be impossible thereafter for Togoland under British administration to be administered as at present,

112/ G A (X), 4th Com., 547th mtg.

113/ Ibid., 549th mtg.

114/ G A (X), Plen., 556th and 557th mtgs.

115/ G A resolution 944 (X).

"1. Accepts the recommendation of the United Nations Visiting Mission to the Trust Territories of Togoland under British administration and Togoland under French administration, 1955, contained in its special report that the wishes of the inhabitants of Togoland under British administration as to their future should be ascertained by plebiscite;

"2. Recommends that the Administering Authority of Togoland under British administration, in pursuance of Article 76 b of the Charter of the United Nations, take steps, in consultation with a United Nations Plebiscite Commissioner, to organize and conduct without delay, under the supervision of the United Nations, a plebiscite in respect of the Trust Territory in order to ascertain the wishes of the majority of its inhabitants in regard to

(a) The union of their Territory with an independent Gold Coast; or

(b) Separation of Togoland under British administration from the Gold Coast and its continuance under trusteeship pending the ultimate determination of its political future;

"3. Decides to appoint a United Nations Plebiscite Commissioner who shall exercise on behalf of the General Assembly the powers and functions of supervision defined by the Visiting Mission in its special report, and who shall be assisted by observers and staff to be appointed by the Secretary-General in consultation with him;

"4. Recommends further that the plebiscite be organized and conducted on the basis of the arrangements proposed in Chapter IV of the special report of the Visiting Mission, subject to such modifications of detail as are agreed upon between the Administering Authority and the United Nations Plebiscite Commissioner, and such additional measures as may be proposed by the Commissioner in order to secure a free and neutral atmosphere for the plebiscite;

"5. Requests the United Nations Plebiscite Commissioner to submit a report on the organization, conduct and results of the plebiscite to the Trusteeship Council for its consideration, and for transmission to the General Assembly at its eleventh session in order that the latter may, in consultation with the Administering Authority, assess the results and determine the further action to be taken on the attainment of independence by the Gold Coast in the light of all the circumstances and in accordance with the Charter of the United Nations and the Trusteeship Agreement;

"6. Requests the Trusteeship Council, in virtue of the provisions of the Trusteeship Agreement and of the Charter, to continue to exercise its functions at either its regular or special sessions as may be necessary, and to take into consideration any matter that may arise, or be referred to it, in respect of the Trust Territory;

"II. The future of Togoland under French administration:

"Noting with regard to Togoland under French administration, the statements made by the Administering Authority, as recorded by the United Nations Visiting Mission to the Trust Territories of Togoland under British administration and Togoland under French administration, 1955, in its special report, to the effect that the Authority itself, taking into account the views of the Territorial Assembly, contemplates holding in due course consultations with the inhabitants of the Territory to ascertain their wishes in respect of the future of the Territory,

"Noting also the statements by the representative of France in both the Fourth Committee and the Trusteeship Council to the effect that his Government supports in principle the proposals made by the Visiting Mission,

"Noting also the view expressed by the Visiting Mission that, following the political reforms at present contemplated by the Administering Authority, steps will be taken to ascertain the wishes of the inhabitants of the Territory as to their future,

"1. Endorses the conclusion of the United Nations Visiting Mission to the Trust Territories of Togoland under British administration and Togoland under French administration, 1955, in respect of Togoland under French administration, that the implementation of the contemplated political reforms will play a helpful role in enabling the wishes of the inhabitants of the Territory as to their future to be ascertained at an early date by direct and democratic methods;

"2. Recommends that this consultation of the population be conducted, as in the case of Togoland under British administration, under the supervision of the United Nations;

"3. Requests the Trusteeship Council, at its forthcoming regular session, to undertake a special study of this matter, in consultation with the Administering Authority, and to report thereon, if possible, to the General Assembly at its eleventh session."

94. Pursuant to General Assembly resolution 944 (X), a plebiscite in Togoland under British administration was conducted by the Administering Authority and was supervised by the United Nations Plebiscite Commissioner and a staff of observers. Registration began in January 1956 and polling took place on 9 May.

95. In his report 116/ to the Trusteeship Council, the Plebiscite Commissioner, Mr. Eduardo Espinosa y Prieto, reported that a total of 194,230 people were registered. Of these, 160,587 cast their votes. For the first alternative 93,095 votes were recorded and 67,492 were cast for the second alternative. Detailed results were given by Districts, Local Council Areas and Wards.

96. The Plebiscite Commissioner considered that the plebiscite had been held in an atmosphere of absolute freedom, impartiality, and fairness. It had been organized and conducted in an excellent manner by the Plebiscite Administrator appointed for that purpose by the Administering Authority. Moreover the intervention of the United Nations in the Plebiscite had satisfied the people. 117/

97. The Trusteeship Council also received the report 118/ of the Plebiscite Administrator, Sir John Dring, through the United Kingdom delegation. In addition to details concerning the conduct of the plebiscite and the results of the voting, the report contained the statement that while specific criticism might be brought against certain aspects of the organization it was confidently hoped that the wishes of the inhabitants of Togoland under British administration had been freely expressed and fairly and properly recorded.

116/ T/1258 and Add.1. This document was also circulated to Members of the General Assembly as A/3173 and Add.1.

117/ A/3173, chap. X.

118/ T C (XVIII), annexes, a.i. 12, p. 1, T/1269 and Add.1.

98. In addition to these reports, the Trusteeship Council also had before it at its eighteenth session a memorandum 119/ by the Administering Authority. After reciting the previous history of the question, it stated the results of the plebiscite as follows:

	<u>Union</u>	<u>Separation</u>
Mamprusi District	17,780	3,429
Dagomba District	28,083	6,549
Gonja District	3,166	2,729
Buem/Krachi District	28,178	18,775
Kpandu District	8,581	17,029
Ho District	<u>7,217</u>	<u>18,981</u>
	93,095 (58%)	67,492 (42%)

99. The Administering Authority went on to state that the present Gold Coast constitution marked the last stage before the assumption of full responsibility by the Gold Coast for its own affairs. On 11 May 1956, Her Majesty's Government in the United Kingdom announced that they would be ready to accept a motion calling for independence within the Commonwealth passed by a reasonable majority in the Gold Coast legislature newly elected after a general election. Such a general election was taking place on 12 and 17 July 1956. If the legislature so elected passed such a motion in such a manner, immediate steps would be taken by Her Majesty's Government for the enactment of the necessary legislation and the preparation of appropriate constitutional instruments establishing the independence of the Gold Coast. When that stage was reached the present Trusteeship Agreement would become inoperable.

100. In the view of the Administering Authority the result of the plebiscite in British Togoland showed a clear majority in the Trust Territory as a whole in favour of the union of that Territory with an independent Gold Coast. In only two of the six districts was there a majority vote in favour of separation. A map was attached showing these areas, which comprised approximately one-seventh of the whole Trust Territory. The Administering Authority was satisfied, by its assessment of the interests of the inhabitants of the Territory and by reason of its experience in administering it during the past thirty-five years, that any partition of this small Trust Territory and the establishment of a fragment of it as a distinct political entity would be harmful to the long-term interests of the inhabitants of the Territory. Such partition would, moreover, create a most formidable administrative problem, and would inevitably cause serious difficulties for the newly independent state of the Gold Coast.

101. The United Kingdom Government therefore believed that the only right and practicable course of action was for the Trusteeship Council and the General Assembly to take note of the result of the plebiscite as a clear indication of the desire of the majority of the inhabitants of the Trust Territory to be united with the Gold Coast, and to request the Administering Authority to make all the necessary preparations for the termination of the Trusteeship Agreement and the union of the Territory with the Gold Coast as soon as the latter attained independence.

102. At the opening of the discussion on the item, the representative of the Administering Authority informed 120/ the Council that one of the conditions for the preparation by his Government of constitutional instruments conferring upon the Gold Coast full responsibility for the conduct of its own affairs — namely, the holding of a

119/ T C (XVIII), annexes, a.i. 12, p. 9, T/1270.

120/ T C (XVIII), 733rd mtg., para. 3.

general election within the Gold Coast and the Territory - had already been satisfied, and the party presided over by Dr. Kwame Nkrumah had been returned to office by a majority of thirty-eight seats in a House of 104. This was a clear majority over all other parties combined, and independents. The second condition, that the Legislative Assembly so elected should pass a motion calling for independence within the British Commonwealth, might be expected to be satisfied when the new Assembly met in August 1956.

103. In the ensuing discussion, 121/ all delegations expressed satisfaction at the manner in which the plebiscite had been conducted, and with the exception of one delegation which abstained, voted in favour of a draft resolution submitted by the delegation of India. 122/ The delegation which abstained considered it beyond the terms of reference of the Trusteeship Council to assess the results of the plebiscite.

104. This resolution 123/ reads as follows:

"The Trusteeship Council,

".....

"1. Expresses its appreciation of the conduct of the plebiscite by the Administering Authority, and of its supervision by the United Nations Plebiscite Commissioner and his staff;

"2. Notes that the will of the majority of the inhabitants, as expressed at the plebiscite in accordance with the provisions of General Assembly resolution 944 (X), is in favour of union of the Territory with an independent Gold Coast, and not separation of the Territory from the Gold Coast and its continuance under trusteeship pending the ultimate determination of its future;

"3. Recommends therefore to the General Assembly that appropriate steps be taken, in consultation with the Administering Authority, for the termination of the Trusteeship Agreement for the Territory to become effective upon the attainment of independence by the Gold Coast."

105. The question of the future of Togoland under French administration was considered by the Council at its seventeenth session only in a preliminary manner, since the delegation of France could not at that stage submit specific proposals. Such proposals would, however, be submitted in the future. In the course of the debate certain delegates placed particular emphasis on the need, in their view, for the Administering Authority to follow the precedent of Togoland under British administration by demonstrating the extent to which the objectives of Trusteeship had been achieved. The Council accordingly adopted a resolution, 124/ which expressed the hope that the Administering Authority would, in presenting its views to the Trusteeship Council, take into account the extent to which the objectives of the United Nations Charter and the provisions of the Trusteeship Agreement have been achieved, the popular consultations envisaged for the future, the further measures necessary to attain the objectives of the Trusteeship System, and such other relevant information as would facilitate the special study requested of the Council by the General Assembly.

121/ T C (XVIII), 733rd-736th mtgs.

122/ T/L.712.

123/ T C resolution 1496 (XVIII).

124/ T C resolution 1371 (XVII).

106. On 30 July 1956, the Administering Authority transmitted to the Trusteeship Council a memorandum 125/ concerning the future of Togoland under French administration. The memorandum mentioned previous developments, including the General Assembly resolutions and a motion adopted by the Togoland Territorial Assembly on 4 July 1955, and stated that Act No. 56-619 of 23 June 1956 dealing with Togoland under French administration contained provisions which gave effect to the recommendation 126/ of the United Nations General Assembly and the desire expressed by the Togoland Territorial Assembly. Under article 8, the French Government was authorized:

(i) To promulgate by decree, after consultation with the Territorial Assembly, a statute for Togoland in conformity with the objectives laid down by the Trusteeship Agreement; and

(ii) At an appropriate time, to hold a referendum, by universal suffrage and secret ballot, in which the inhabitants would have an opportunity of choosing between that statute and the continuance of the Trusteeship System.

The Act of 23 June 1956 introduced universal suffrage in Togoland.

107. The Administering Authority stated that a draft of the statute which the French Government had thus been authorized to draft for Togoland was to be submitted to the Territorial Assembly of the Territory for its opinion in the very near future. It guaranteed the territorial, administrative and financial autonomy of Togoland and gave the people of Togoland access to full management of their own affairs. For the management of common affairs, and in accordance with the wishes of the Territorial Assembly, the inhabitants of Togoland would continue to be represented in the French Parliament and in the Assembly of the French Union.

108. The statute would lead to the placing of the territorial public services in the hands of a Council of Ministers which would be responsible to a Legislative Assembly elected by universal suffrage and fully competent to legislate.

109. The Administering Authority stated that this statute was in conformity with the objectives laid down by the Trusteeship Agreement and Article 76 (b) of the Charter in that it gave the Territory an autonomous régime as desired by the Territorial Assembly on 4 July 1955.

110. In these circumstances, the French Government proposed to carry out the prescribed popular consultation under United Nations supervision. The Administering Authority would therefore be grateful to the Trusteeship Council if it would make immediate arrangements to appoint a mission of observers to follow the operations of the referendum which was to take place in Togoland during October 1956.

111. The delegation of France subsequently submitted a draft resolution, 127/ by which the Council would:

(1) Decide to appoint a mission of observers to observe the referendum and report to the Trusteeship Council at a special session so that the Council might undertake the study requested of it and submit its conclusions to the General Assembly at its eleventh session;

125/ T C (XVIII), annexes, a.i. 12, p. 12, T/1274/Rev.1.

126/ G A resolution 944 (X).

127/ T C (XVIII), annexes, a.i. 12, p. 13, T/L.731.

(2) Request the Secretary-General to provide the necessary staff and to make such financial arrangements as might be needed to carry out the provisions of this resolution.

112. During the ensuing debate, 128/ divergent views were put forward. Various delegations, while expressing satisfaction at the political reforms which would be effected by the proposed statute, noted that neither the text of the proposed statute nor of the Act of 23 June 1956 had been communicated to the Council. On the basis of the information available, it did not appear that the proposed reforms constituted self-government within the meaning of Article 76. They conceded the right of the Administering Authority to introduce political reforms without consulting the United Nations, but considered that arrangements for the final termination of Trusteeship and for ascertaining the wishes of the inhabitants regarding their future should be established, as in the case of Togoland under British administration, by the General Assembly in consultation with the Administering Authority and not by the Administering Authority acting unilaterally. In the present instance, the choice offered in the proposed referendum was contrary to Article 76 b since the second alternative was not independence, as had moreover been recommended by the 1955 Visiting Mission, but continuation of trusteeship. It had been suggested that the Trusteeship Council should send out observers to follow the referendum, without prejudice to the attitude it and the General Assembly might take on the statute and on the interpretation to be given to the referendum. In doing so, the Trusteeship Council would go beyond the role assigned to it in Article 85 of the Charter and beyond the specific mandate given to it in General Assembly resolution 944 (X). In their opinion the proposals of the Administering Authority were premature and hasty.

113. One representative, while he would have preferred that the people of the Territory should be offered the alternative of independence outside the French Union or self-government within it, nevertheless paid tribute to the liberal spirit that had led to the adoption of the recent act and of the statute. He believed that the Council should arrange for observers to follow the referendum, but without prejudice to the position of the General Assembly or the Trusteeship Council as regards the referendum or the statute. He submitted amendments 129/ to the French draft resolution to that effect.

114. The representative of France revised his proposal 130/ to meet those amendments, which were withdrawn. The revised draft resolution read as follows:

"The Trusteeship Council

".....

"1. Decides, while reserving the final position of the United Nations as to the terms of the referendum and its stand with regard to future United Nations action in conformity with the obligations under Article 76 (b) of the Charter, to appoint a mission of observers to observe the referendum and report to the Trusteeship Council at a special session so that the Council may undertake the study requested of it and submit its conclusions to the General Assembly at its eleventh session;

"2. Requests the Secretary-General to provide the necessary staff and to make such financial arrangements as may be needed to carry out the provisions of this resolution."

128/ T C (XVIII), 737th-740th and 742nd-745th mtgs.

129/ T C (XVIII), annexes, a.i. 12, p. 14, T/L.732.

130/ Ibid., p. 13, T/L.731/Rev.1.

115. Delegations supporting the draft resolution as revised considered that to send observers to follow the referendum would permit the Council and the General Assembly to have a completely impartial report on the manner in which they were conducted and hence would place the United Nations in a much surer position to determine its attitude towards the future of the Territory. While the precise terms of the draft statute were not known, it was evident that it represented a major step towards self-government and independence and did not preclude further steps. In any case, the draft resolution made it clear that the United Nations reserved its final position regarding the terms of the referendum and its future action under Article 76 b of the Charter.

116. The revised draft resolution submitted by France was not adopted 131/ by the Council, 7 votes having been cast in favour and 7 against in two successive tie votes.

117. The representative of France then announced that France refused to share the responsibility which the Council had just assumed of delaying the accession of Togoland to self-government. The referendum would therefore take place at the appointed time and under the conditions envisaged but in the absence of United Nations observers. The French Government explicitly reserved its right to determine its future course of action in the light of the results of the consultation. 131a/

118. Subsequently the Council adopted by 7 votes to 5, with 2 abstentions, a resolution 132/ by which the Council decided to transmit to the General Assembly at its eleventh session the memorandum of the Administering Authority on the future of Togoland under French administration and to invite attention to the records of the discussion of that question in the Council at its seventeenth and eighteenth sessions.

6. Practice bearing upon the provision for consultation with the inhabitants

119. The holding of consultations with the inhabitants of the Trust Territories so that their wishes may be freely expressed in regard to their progressive development towards self-government or independence has continued to receive the attention of both the General Assembly and the Trusteeship Council.

120. Among general actions of the General Assembly it may be noted that one of the reasons given, in the preamble to its resolution 853 (IX), for the participation of the indigenous inhabitants of the Trust Territories in the work of the Trusteeship Council was to ensure that their freely expressed wishes concerning their advancement should be available to the Trusteeship Council. As a particular indication of its care to ascertain the wishes of the inhabitants of Trust Territories as to their future status after the termination of Trusteeship, reference should be made to its resolutions 860 (IX) and 944 (X) concerning the future of Togoland under British administration and the future of Togoland under French administration as well as to related decisions of the Trusteeship Council. 133/

121. It is, however, the clearly expressed view of these organs that consultation with the inhabitants is a requirement, not only when the termination of Trusteeship is under discussion, but also at all stages of the progressive development towards self-government or independence. Thus under the terms of General Assembly resolution 752 (VIII), the Trusteeship Council reports to the General Assembly on consultations with the inhabitants of each Territory in regard to the measures taken or contemplated towards self-government. More generally, all recommendations of the Trusteeship

131/ T C (XVIII), 744th mtg., para. 58.

131a/ *Ibid.*, para. 72.

132/ T C resolution 1499 (XVIII).

133/ See paras. 60-118 above.

Council, aimed at the creation of more representative institutions and at the widening of the franchise, may be regarded as providing some of the means for such consultation.

122. The Trusteeship Council has also continued to make recommendations that Administering Authorities should consult the population concerned on the operation of administrative unions. Thus, in respect of one such Territory, it recommended 134/ that the Administering Authority should continue to consult the population on all questions concerning the operation of an administrative union and its effects on the Trust Territory and further, that such consultation should continue until the time when the composition of the Legislative Council was such as to make that form of consultation no longer necessary. In respect of a Trust Territory administered as an integral part of a neighbouring Non-Self-Governing Federation, the Council expressed 135/ the hope that the Administering Authority would continue to keep the people of the Trust Territory informed of the significance and implications of the constitutional arrangements so that they would be in a position to express their views on them directly and freely.

123. In the case of the inhabitants of a small Trust Territory whose resettlement elsewhere has been proposed, the Council urged 136/ the Administering Authority to formulate such plans in consultation with the people concerned; it expressed the hope that the Administering Authority would establish a special body for that purpose.

C. Article 76 c

124. The General Assembly has not during the period under review adopted any further recommendations specifically related to the objective of the promotion of human rights and fundamental freedoms set forth in Article 76 c. On the other hand, the Trusteeship Council, as part of its regular review of conditions in the Trust Territories, has continued to adopt conclusions and recommendations related to that objective.

125. It is to be noted that aside from recommendations for the development of purely political rights such as citizenship and the franchise, there have been further recommendations on freedom of expression, of the press and of assembly. Thus on a number of petitions containing complaints that such rights were abridged in a particular Trust Territory, the Council, expressing trust that the Administering Authority was bearing always in mind the need for the respect of human rights in the Territory, and desiring that political development should continue unhampered, invited 137/ the Administering Authority to continue to facilitate political development, expressed concern that it continued to receive such complaints and invited its 1955 Visiting Mission to inquire into them. Having examined the report of that Mission at the seventeenth session, the Council drew the attention of the Administering Authority to its observations concerning political liberties in the Territory and, noting that freedom of assembly was guaranteed in the Territory subject only to the requirements of public order, expressed 138/ the hope that the measures taken to maintain public order would be such as to afford the fullest possible freedom of assembly to all political parties. In respect of petitions complaining of the dissolution of a meeting in another Territory, the Council noted 139/ the statement of

134/ G A (XI), Suppl. No. 4 (A/3170), p. 40.

135/ G A (X), Suppl. No. 4 (A/2933), pp. 145 and 146.

136/ G A (XI), Suppl. No. 4 (A/3170), p. 325.

137/ T C resolution 1213 (XV).

138/ G A (XI), Suppl. No. 4 (A/3170), p. 238.

139/ T C resolution 1478 (XVII).

the Administering Authority that the meeting had been held on the public highway, which was illegal, reiterated a previous resolution by which it emphasized the need to ensure the freedom of political parties to hold meetings, which should be dissolved only in exceptional circumstances, and noted the statement of the Administering Authority that it ensured the widest possible freedom of assembly in the Territory. On a large number of petitions dealing with later and more serious incidents in which a number of persons were killed, the Council expressed 140/ the hope that the cases of persons still in detention would be settled in the near future, regretted that the activities of certain political organizations were such as to have caused the Administering Authority to take action to dissolve them, and expressed the hope that actions by the Administering Authority would restore political action to normal and bring an end to tensions. Having previously commented on the lengthy detention of persons awaiting trial in a certain Territory, the Council subsequently noted 141/ with pleasure the prompt action taken by the Administering Authority to curb any excessive detention in such cases and expressed the hope that close control would be exercised in this matter in the future. In another Territory, the Council took note 142/ of a recent ordinance requiring political and other organizations to register, of amendments to the penal code on incitement of discontent and ill-will for unlawful purposes, and of restrictions on the participation of civil servants in political organizations; while appreciating the explanations given by the Administering Authority, the Council expressed the hope that the Administering Authority would continue to take extreme care in applying these regulations in order that there might be no suspicion that the free development of political consciousness and organization was being impeded.

126. In a few Territories, restrictions on freedom of movement have been the subject of recommendations. Thus in one Territory, the Council reiterated 143/ previous recommendations that the Administering Authority should abolish the curfew and the restrictions on the freedom of movement for the whole population without delay. In another Territory, the Council drew the attention 144/ of the Administering Authority to the views of the 1956 Visiting Mission in favour of the immediate revocation of the restrictions on movement imposed on indigenous inhabitants in urban areas by night; it recommended that the Administering Authority should re-examine the need for maintaining these restrictions and suggested that they should be abolished immediately in a few towns on a trial basis. In yet another Territory it commended 145/ the Administering Authority on the repeal of similar restrictions.

127. The need to abolish discrimination based on race and sex has continued to be reflected in recommendations of the Trusteeship Council. In respect of one Territory, the Council recommended 146/ generally that the Administering Authority should take all the steps necessary to abolish all forms of racial discrimination by educating public opinion and, if necessary, by adopting penal legislation. In respect of the same Territory, the Council expressed 147/ the hope that certain public services would be staffed on the basis of complete racial equality and, noting the existence of separate schools for the different races, urged 148/ the Administering Authority progressively

140/ T C resolution 1481 (XVII).
141/ G A (X), Suppl. No. 4 (A/2933), p. 82.
142/ G A (XI), Suppl. No. 4 (A/3170), p. 39.
143/ G A (X), Suppl. No. 4 (A/2933), p. 95.
144/ G A (XI), Suppl. No. 4 (A/3170), p. 313.
145/ *Ibid.*, p. 341.
146/ G A (X), Suppl. No. 4 (A/2933), p. 65.
147/ *Ibid.*, p. 45.
148/ *Ibid.*, p. 71.

to establish inter-racial schools. In respect of another Territory where there are various population groups, the Council expressed 149/ the hope that the Administering Authority would exert every effort to remove any discrimination that might now exist among them or might arise in the future. In respect of the same Territory the Council expressed 150/ the opinion that working hours should be the same for all employees, European and non-European, performing the same type of work.

128. The frequent recommendations of the Trusteeship Council relating to the status of women have been directed rather to the improvement of their backward status in most Territories than to specific discriminations based on sex. Thus, in the case of one Territory, the Council urged 151/ the Administering Authority and the political leaders to encourage women to play a more active role in the political, social and educational life of the Territory. While commending the Administering Authority of another Territory for its actions to raise the status of women, in particular, to resolve the problem of the bride price, the Council requested 152/ the Administering Authority to continue its efforts in this connexion, it further expressed the hope that the Administering Authority would consider the revision of legislation concerning family allowances which gave rise to abuses on the part of polygamous officials. The Council has also adopted several further recommendations 153/ relating to the education of girls, as a means of improving the status of women.

129. There have been found no recommendations of the Trusteeship Council specifically related to the encouragement of the interdependence of the peoples of the world. The Trusteeship Council may perhaps be regarded as acting towards this objective in its recommendations 154/ to various Administering Authorities to promote the dissemination of information about the United Nations generally, as well as on Trusteeship matters.

D. Article 76 d

130. No decisions have been taken requiring treatment under this heading.

149/ G A (XI), Suppl. No. 4 (A/3170), p. 340.

150/ Ibid., p. 342.

151/ G A (X), Suppl. No. 4 (A/2933), p. 135.

152/ G A (XI), Suppl. No. 4 (A/3170), p. 185.

153/ See, for example, G A (X), Suppl. No. 4 (A/2933), pp. 73 and 105.

154/ Ibid., p. 95.