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. There were no decisions of United Nations organs to record during the period under review in connexion with the objective of furthering international peace and security with specific relation to Trust Territories.

2. The promotion of the political, economic, social and educational advancement of the inhabitants of Trust Territories and their progressive development towards self-government or independence continued to be a primary concern of the General Assembly and the Trusteeship Council. The adoption by both organs of relevant recommendations and conclusions subsequent to the examination by the Trusteeship Council of the annual reports of the Administering Authorities and the reports of the periodic Visiting Missions followed the lines described fully in the Repertory in the studies under this Article. These remarks also apply to the aims specified in Article 76 c.

3. It is in connexion with the attainment of self-government or independence in certain Territories, the arrangements for ascertaining the freely expressed wishes of the peoples concerned and the procedures leading to the termination of trusteeship agreements that the most noteworthy actions were taken during the period covered by this study.

4. With regard to the objective set out in Article 76 d, the effects of the European Economic Community on the development of certain Trust Territories were the subject of concern to both the General Assembly and the Trusteeship Council.

I. GENERAL SURVEY

5. The actions taken by the General Assembly in relation to Trust Territories continued, as in the past, to concern matters of general application to all Trust Territories, on the one hand, and matters of specific application to certain Trust Territories, on the other. Thus, at its eleventh, twelfth and thirteenth sessions, the General Assembly adopted resolutions on the attainment of self-government or independence by Trust Territories; 1/ and on offers by Member States of study and training facilities for inhabitants of Trust Territories. 2/ At its twelfth and thirteenth sessions, it adopted resolutions on the effects of the European Economic Community on the development of certain Trust Territories. 3/ At its eleventh session, it adopted a resolution relating to travel documents of petitioners from Trust Territories. 4/ At its twelfth session, the General Assembly adopted a resolution on the rural economic development of the Trust Territories, 5/ while at its thirteenth session, it adopted resolutions on the dissemination of information on the United Nations, on the International Trusteeship System in Trust Territories 6/ and on

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1/ G A resolutions 1064 (XI), 1207 (XII) and 1274 (XIII).
2/ G A resolutions 1063 (XI), 1209 (XII) and 1277 (XIII).
3/ G A resolutions 1210 (XII) and 1275 (XIII).
4/ G A resolution 1062 (XI).
5/ G A resolution 1208 (XII).
6/ G A resolution 1276 (XIII).

international collaboration in respect of Non-Self-Governing and Trust Territories in Africa. 7/

6. With regard to matters of particular concern to individual Trust Territories, the actions of the General Assembly were, for the most part, motivated by the constitutional progress of these Territories towards the attainment of self-government or independence. Thus, the future of Togoland under French administration was the subject of resolutions 8/ adopted by the General Assembly at its eleventh, twelfth and thirteenth sessions; the future of Togoland under British administration and the future of Tanganyika were the subjects of resolutions 9/ adopted at the eleventh session; the future of the Cameroons under British administration and the Cameroons under French administration was the subject of resolutions 10/ adopted at the twelfth and thirteenth sessions. In view of the imminence of independence for Somaliland under Italian administration, conditions in that Territory were also the object of particular concern to the General Assembly. Resolutions 11/ on the question of the frontier between that Territory and Ethiopia were adopted by the General Assembly at its eleventh, twelfth and thirteenth sessions, while economic aid for the Territory's development was the subject of resolutions 12/ at the twelfth and thirteenth sessions. Assistance to Togoland under French administration was also the subject of a resolution 13/ at the thirteenth session of the General Assembly.

7. The decisions of the Trusteeship Council relative to Article 76 continued to be set out in the Council's reports to the General Assembly. As background information, these contained the Council's conclusions and recommendations on various aspects of political, economic, social and educational advancement in each Territory. Continuing the practice initiated in its report to the General Assembly 14/ at its eleventh session, the Council included, in its reports to the General Assembly at its twelfth and thirteenth sessions and, later, at its fourteenth session, 15/ conclusions relating specifically to the progressive attainment by individual Territories of the objective of self-government or independence.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Article 76 a

8. As noted in paragraph 1 above, there were no decisions of the Trusteeship Council relating to the furtherance of international peace and security. Mention was made in the Repertory 16/ to the preamble of a Council resolution 17/ which contained a declaration of the Administering Authority of the Trust Territory of the Pacific Islands that further nuclear weapons tests were necessary for the maintenance

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7/ G A resolution 1327 (XIII).
8/ G A resolutions 1046 (XI), 1182 (XII) and 1253 (XIII).
9/ G A resolutions 1044 (XI) and 1065 (XI).
10/ G A resolutions 1211 (XII), 1282 (XIII), 1349 (XIII) and 1350 (XIII).
11/ G A resolutions 1068 (XI), 1213 (XII) and 1345 (XIII).
12/ G A resolutions 1206 (XII) and 1278 (XIII).
13/ G A resolution 1254 (XIII).
14/ G A (XI), Suppl. No. 4 (A/3170).
15/ G A (XII), Suppl. No. 4 (A/3595); G A (XIII), Suppl. No. 4 (A/3822); G A (XIV), Suppl. No. 4 (A/4100).
16/ Supplement No. 1, vol. II, under Article 76, para. 12.
17/ T C resolution 1493 (XVII).

of international peace and security. During its twenty-second session, the Council heard the statements 18/ of two petitioners who protested against the continued use of that Trust Territory as a proving ground for the detonation of nuclear weapons. A draft resolution submitted by India would have requested the Administering Authorities of Trust Territories not to conduct nuclear and thermo-nuclear tests in or in proximity to any Trust Territory; this was rejected 19/ by 7 votes to 4, with 2 abstentions.

B. Article 76 b

1-4. Political, economic, social and educational advancement

9. The recommendations of the General Assembly, as noted in paragraph 5 above, comprised what may be termed general recommendations in the political, economic and educational fields, applicable to all Trust Territories, and specific recommendations in the political and economic fields, applicable to individual Territories. Procedures in connexion with the latter type of recommendation are of particular interest, and they are accordingly dealt with in detail in subsequent sections of the present study.

10. The Trusteeship Council continued its previous practice of adopting conclusions and recommendations relating to various aspects of political, economic, social and educational conditions in each Trust Territory. These were contained in the reports 20/ which the Council submits annually to the General Assembly. The actions of the Council are of particular interest in respect of Territories which reached, or were rapidly approaching, the objective of self-government or independence, and more detailed treatment of these actions is therefore given in subsequent sections.

11. Here it may be sufficient to note that, with the comparatively rapid evolution of certain Territories towards self-government or independence, a sense of urgency seemed to have been communicated with respect to the remaining Territories. This may be adduced particularly from the Council's conclusions and recommendations relating to political advancement. Stress was laid on extension of local government councils as well as on more rapid increase in indigenous representation in organs of the central Government. The importance of training indigenous persons to fit them for responsible posts in various branches of the administration continued to be emphasized. Pursuant to General Assembly resolution 558 (VI) and later resolutions 21/ on the same subject, the Trusteeship Council continued the special procedure whereby the question of attainment by Trust Territories of the objective of self-government or independence by means of intermediate and final time periods was given separate, particular attention. In addition to its conclusions on this subject following examination of conditions in each Trust Territory, the Council devoted a chapter to the subject in its report to the General Assembly.

12. The importance of the parts played by economic, social and educational factors in the development of the Territories to full maturity was also taken into account, as is shown by the Council's conclusions and recommendations on various aspects of these fields. The assurance of adequate public revenues; the close attention paid to land utilization and tenure, and to the development and improvement of the natural

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18/ T C (XXII), 900th mtg., paras. 12-20.
19/ S C, 13th yr., Special Suppl. No. 1 (S/4076), paras. 9 and 10.
20/ G A (XI), Suppl. No. 4 (A/3170), part II; G A (XII), Suppl. No. 4 (A/3595), part II; G A (XIII), Suppl. No. 4 (A/3822), vol. I, part II and vol. II; G A (XIV), Suppl. No. 4 (A/4100), part II.
21/ T C resolutions 1254 (XVI) and 1369 (XVII).

resources of each Territory, and especially of agriculture; the desirability of participation by indigenous inhabitants in trade and commerce; the extension of co-operatives; the improvement of taxation systems; the development of industries as well as of such other economic resources as livestock, fisheries, forests and mines, were all subjects of Council action. In the social field, the Council continued to pay particular attention to the development of medical and health services, to the conditions of indigenous labour and to such concomitant factors as wage rates, hours of work, trade unions, social services, housing and labour legislation. It need hardly be stated that the significance of education in the advancement of the peoples of Trust Territories was not disregarded by the Council, as is borne out by its conclusions and recommendations on all aspects of this subject.

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

13. Mention has already been made of the particular attention that both the General Assembly and the Trusteeship Council continued to pay to the attainment by Trust Territories of the ultimate objective of the International Trusteeship System. A sense of urgency seemed to have been imparted, perhaps by the fact that, in the comparatively brief period of the System's existence, one of the original eleven Trust Territories had attained that objective, and the Trusteeship Agreement regarding it had been terminated, while five other Territories were rapidly approaching this stage. While the particular circumstances of the remaining five Territories may have inhibited a similar rate of progress, there can be little doubt of the desire of the General Assembly and the Trusteeship Council to encourage the attainment of the objective of the Trusteeship System in these Territories as rapidly as possible.

14. As mentioned above, the practices adopted during the period under review by the General Assembly and the Trusteeship Council to terminate the Trusteeship Agreement in respect of one Territory, and those which were being adopted to achieve the same result with regard to five other Trust Territories, are of particular significance. Accordingly, a more detailed study of these practices is given below.

a. TERMINATION OF THE TRUSTEESHIP AGREEMENT WITH REGARD TO TOGOLAND UNDER BRITISH ADMINISTRATION

15. It was noted in the Repertory 22/ that the Trusteeship Council at its eighteenth session, after considering the results of the plebiscite held in Togoland under British administration on 9 May 1956 and the reports relating thereto, adopted a resolution 23/ recommending 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".

16. At its eleventh session, the General Assembly considered the future of the two Trust Territories of Togoland, under the agenda item entitled, "The Togoland unification problem and the future of the Trust Territory of Togoland under British administration: reports of the United Nations Plebiscite Commissioner 24/ and of the

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22/ Supplement No. 1, vol. II, under Article 76, paras. 103 and 104.
23/ T C resolution 1496 (XVIII).
24/ G A (XI), Annexes, vol. I, a.i. 39, Addendum, A/3173 and Add.1.

Trusteeship Council". 25/ The Fourth Committee, however, decided 26/ first to consider the future of Togoland under British administration and afterwards deal with that of Togoland under French administration. Petitioners whose requests for oral hearings were granted 27/ by the Committee were, nevertheless, permitted to present their views regarding both Territories in a single statement.

17. The representative of the Administering Authority, in his opening statement, informed 28/ the Fourth Committee of the announcement by the United Kingdom Government on 18 September 1956 that, subject to Parliamentary approval, the Gold Coast would attain its independence on 6 March 1957.

18. At an early stage in the debate, the Fourth Committee heard statements from nine petitioners, representing five organizations to which it had granted hearings. Two of these five organizations were from Togoland under British administration, one from both Togoland under British administration and Togoland under French administration and two from Togoland under French administration. Representatives of one organization from Togoland under British administration opposed 29/ approval by the General Assembly of union of the Territory with an independent Gold Coast; they contended that the results of the plebiscite were inconclusive. Southern Togoland had, by a majority vote, expressed its opposition to integration. Even in northern Togoland, where a majority voted for union with the Gold Coast, the people were opposed to a unitary system of government for the Gold Coast. The General Assembly, they held, should not terminate the Trusteeship Agreement without being satisfied as to the type of constitution for the Gold Coast. The United Nations could scarcely observe the spirit and letter of the Charter by deciding so important a political and constitutional issue on the basis of "a mere 16 per cent majority". 30/ As in the case of important issues in the United Nations, a two-thirds majority should be required in favour of union with the Gold Coast. The legal issues involved should be decided before a final decision should be taken, and it was suggested 31/ that the matter could be referred to the International Court of Justice, either for an advisory opinion or as the subject of proceedings initiated by a Member State, under article 19 of the Trusteeship Agreement. Representatives of the other organization from Togoland under British administration stated 32/ that the will of the majority, based on the results of the plebiscite, should be respected by the General Assembly.

19. Representatives of the other three organizations devoted 33/ the greater part of their statements to conditions in Togoland under French administration. They were not in favour of the union of Togoland under British administration with the Gold Coast before a decision had been taken on the future of Togoland under French administration. As regards the future of the latter Territory, the petitioners held that the referendum which had taken place on 28 October 1956 was not a true expression of the will of the people, and the Trusteeship Agreement for the Territory should therefore not be terminated, as proposed by the Administering Authority.

25/ G A (XI), Annexes, vol. I, a.i. 39, A/3169 and Corr.1.
26/ G A (XI), 4th Com., 551st mtg., para. 24.
27/ Ibid., 552nd mtg., para. 16.
28/ Ibid., para. 23.
29/ G A (XI), 4th Com., 554th mtg., paras. 9-15, 23-28 and 36-38.
30/ Ibid., para. 26.
31/ Ibid., para. 56.
32/ G A (XI), 4th Com., 555th mtg., paras. 1-5.
33/ G A (XI), 4th Com., 556th mtg.

20. During the course of the debate, Canada, Ceylon, Ecuador, Ethiopia, Haiti, India, Liberia and Nepal submitted 34/ a joint draft resolution on the future of Togoland under British administration. In this draft resolution, the General Assembly would express its approval of the union of the Territory of Togoland under British administration with an independent Gold Coast and accordingly would invite the Administering Authority to take such steps as were necessary to this end; would resolve, with the agreement of the Administering Authority, that upon the date on which the Gold Coast should become independent and its union with the Territory of Togoland under British administration should take place, the Trusteeship Agreement approved by the General Assembly in its resolution 63 (I) of 13 December 1946 should cease to be in force, the objectives of Trusteeship having been attained; would request the Government of the United Kingdom to notify the Secretary-General of the United Nations as soon as the union of the Territory of Togoland under British administration with an independent Gold Coast had been effected; and would request the Secretary-General to communicate to all Members of the United Nations, and to the Trusteeship Council at its nineteenth session, the notification by the Government of the United Kingdom referred to in paragraph 3 of the draft resolution. Subsequently, Burma, Pakistan and Sudan associated 35/ themselves as co-sponsors with the other delegations which had submitted the joint draft resolution.

21. Belgium submitted 36/ an amendment to operative paragraph 2 of the joint draft resolution, by which the words "Resolves, with the agreement of the Administering Authority," would have been replaced by "Notes, with the Administering Authority". This amendment was withdrawn, but a separate vote was requested on the paragraph.

22. A joint draft resolution 37/ on the report of the United Nations Plebiscite Commissioner was submitted by Haiti, India, Liberia and United States, by which the General Assembly would take note of the report of the United Nations Plebiscite Commissioner and would express its high appreciation of the work carried out by the United Nations Plebiscite Commissioner and by the United Nations staff under his direction. Subsequently, Peru joined 38/ in the sponsorship of this draft resolution.

23. In the course of the general debate and of the discussion of the eleven-Power draft resolution, some delegations expressed 39/ the view that the majority of the inhabitants of Togoland under British administration had clearly stated their wish for the union of the Territory with an independent Gold Coast; since the Gold Coast would become independent on 6 March 1957, the General Assembly was called upon to give effect to the wish of the majority and to approve the union of Togoland under British administration with an independent Gold Coast on that date.

24. A number of delegations expressed 40/ reservations concerning the proposed union of Togoland under British administration with the Gold Coast; they were therefore unable to support the eleven-Power draft resolution. Such a union, they considered, might render impossible the unification of Togoland under British administration and Togoland under French administration, a course which had been advocated by the General

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34/ G A (XI), Annexes, vol. I, a.i. 39, A/3449, para. 11 (A/C.4/L.435). The final resolution (G A 1044 (XI)) is reproduced in para. 28, below.
35/ Ibid., para. 11.
36/ Ibid., para. 12.
37/ Ibid., para. 13.
38/ Ibid. The final resolution (G A 1045 (XI)) is given in para. 29, below.
39/ G A (XI), Annexes, vol. I, a.i. 39, A/3449, para. 15.
40/ Ibid., para. 16.

Assembly in the past. The results of the plebiscite were not clear for, though there had been an over-all majority in favour of union with the Gold Coast, there had been a majority in the southern section of the Territory for separation from the Gold Coast. Moreover, neither the plebiscite nor the subsequent general election had made it plain whether the people of Togoland under British administration wished to be united with the Gold Coast in a unitary State. It was premature to agree to the incorporation of Togoland under British administration in the Gold Coast while there was no agreed constitution for that future State.

25. Certain delegations, while sharing some of these reservations, nevertheless expressed 41/ the general view that the union of Togoland under British administration with an independent Gold Coast represented the only practicable manner in which the inhabitants of the Trust Territory could immediately achieve independence and hence was clearly preferable to the maintenance of Trusteeship. Although the constitution of an independent Gold Coast had not been finally determined, the Fourth Committee had been informed of the main provisions proposed by the Gold Coast Government. It was preferable for the Committee not to discuss the details, which were a matter for determination by representatives of the peoples of the Gold Coast and of Togoland under British administration.

26. The eleven-Power draft resolution on the future of Togoland under British administration was voted on by the Fourth Committee with the following results: Operative paragraph 2 was approved 42/ by a separate roll-call vote of 56 to none, with 13 abstentions. The draft resolution as a whole was approved 43/ by a roll-call vote of 58 to none, with 11 abstentions. The five-Power draft resolution on the report of the United Nations Plebiscite Commissioner was approved 44/ unanimously.

27. The two draft resolutions recommended by the Fourth Committee were adopted 45/ by the General Assembly, the first by a vote of 64 to none, with 9 abstentions, the second unanimously.

28. The texts of the two resolutions are reproduced here. The first 46/ reads as follows:

"The future of Togoland under British administration

"The General Assembly,

"Recalling that, by resolution 944 (X) of 15 December 1955, it recommended, in pursuance of Article 76 b of the Charter of the United Nations, that a plebiscite be organized and conducted in the Trust Territory of Togoland under British administration by the Administering Authority in consultation with and under the supervision of a United Nations Plebiscite Commissioner, in order to ascertain the wishes of its inhabitants in regard to the union of their Territory with an independent Gold Coast or otherwise,

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41/ Ibid., para. 17.
42/ G A (XI), 4th Com., 567th mtg., para. 42.
43/ Ibid., para. 43.
44/ Ibid., para. 44.
45/ G A (XI), Plen., 619th mtg., paras. 196 and 197.
46/ G A resolution 1044 (XI).

"Having received the report of the United Nations Plebiscite Commissioner on the organization, conduct and results of the plebiscite, and having noted in particular the conclusion contained in the report that the plebiscite was held in an atmosphere of freedom, impartiality and fairness,

"Having also received the report of the United Kingdom Plebiscite Administrator,

"Noting that the majority of the inhabitants of the Trust Territory participating in the plebiscite have expressed themselves in favour of the union of the Territory with an independent Gold Coast,

"Noting also the recommendation of the Trusteeship Council in its resolution 1496 (XVIII) of 31 July 1956 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,

"Having been informed by the Administering Authority that it is the intention of the Government of the United Kingdom of Great Britain and Northern Ireland that the Gold Coast shall become independent on 6 March 1957,

"1. Expresses its approval of the union of the Territory of Togoland under British administration with an independent Gold Coast and accordingly invites the Administering Authority to take such steps as are necessary to this end;

"2. Resolves, with the agreement of the Administering Authority, that, on the date on which the Gold Coast becomes independent and the union with it of the Territory of Togoland under British administration takes place, the Trusteeship Agreement approved by the General Assembly in resolution 63 (I) of 13 December 1946 shall cease to be in force, the objectives of trusteeship having been attained;

"3. Requests the Government of the United Kingdom of Great Britain and Northern Ireland to notify the Secretary-General as soon as the union of the Territory of Togoland under British administration with an independent Gold Coast has been effected;

"4. Requests the Secretary-General to communicate to all Member States and to the Trusteeship Council at its nineteenth session the notification by the Government of the United Kingdom of Great Britain and Northern Ireland, referred to in paragraph 3 above."

29. The second resolution 47/ reads as follows:

"Report of the United Nations Plebiscite Commissioner for the Trust Territory of Togoland under British administration

"The General Assembly,

"Having received the report of the United Nations Plebiscite Commissioner on the organization, conduct and results of the plebiscite in the Trust Territory of Togoland under British administration,

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47/ G A resolution 1045 (XI).

"1. Takes note of the report of the United Nations Plebiscite Commissioner;

"2. Expresses its high appreciation of the work carried out by the United Nations Plebiscite Commissioner and by the United Nations staff under his direction."

30. In pursuance of General Assembly resolution 1044 (XI), the United Kingdom Government, by a letter dated 6 March 1957, 48/ informed the Secretary-General that, with effect from midnight on 5/6 March 1957, the Territories previously comprised in the Gold Coast had become the independent State of Ghana and that the union of the former Trust Territory of Togoland under British administration with the independent State of Ghana had taken place, with effect from the same time and date.

31. At its nineteenth session, the Trusteeship Council took note 49/ of General Assembly resolution 1044 (XI) and of the notification of the Government of the United Kingdom. On 8 March 1957, the General Assembly, on the recommendation of the Security Council, admitted Ghana 50/ to membership in the United Nations.

b. FUTURE OF TOGOLAND UNDER FRENCH ADMINISTRATION

32. The Trusteeship Council at its eighteenth session, after considering the memorandum 51/ of 30 July 1956 of the Administering Authority, concerning the future of Togoland under French administration, failed to adopt a draft resolution 52/ submitted by France "to appoint a mission of observers to observe the referendum" in Togoland under French administration and, instead, adopted 53/ resolution 1499 (XVIII), by which the Council decided to transmit the memorandum of 30 July 1956 to the General Assembly at its eleventh session, and to invite the attention of the General Assembly to the records of the discussion of the question in the Council at its seventeenth and eighteenth sessions. It will be recalled that the proposed referendum to be held during October 1956 by universal suffrage and secret ballot was intended to provide the inhabitants an opportunity of choosing between the new Statute of the Autonomous Republic of Togoland and continuance of Trusteeship. 54/

33. On 6 December 1956, the Administering Authority submitted another memorandum 55/ concerning the future of the Trust Territory to the Trusteeship Council at its sixth special session; this recalled its previous memorandum of 30 July 1956 on the subject and the fact that, owing to an equally divided vote, the Council had not adopted a draft resolution to appoint a mission to observe the referendum and report to the Council.

34. The Administering Authority stated that it had been unable to agree to delay the democratic procedure of popular consultation which had been demanded, in Parliament and in the Territorial Assembly, by the population concerned. Consequently, the referendum which had been planned by the Administering Authority, within the limits of its competence, took place on the scheduled date (28 October 1956) despite the absence of international observers, for which France was not responsible. The Administering

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48/ T C (XIX), Annexes, a.i. 9, T/1301.
49/ T C (XIX), 753rd mtg., paras. 1-5.
50/ G A resolution 1118 (XI).
51/ T C (XVIII), Annexes, a.i. 12 (b), pp. 12 and 13, T/1274/Rev.1.
52/ Ibid., p. 13, T/L.731.
53/ T C (XVIII), 745th mtg., para. 16.
54/ See Repertory, Supplement No. 1, vol. II, under Article 76, paras. 106-108.
55/ G A (XI), Annexes, vol. I, a.i. 39, pp. 7-11, A/3169/Add.1, annex I (T/1290).

Authority made up for lack of observers by entrusting the organization and direction of the referendum to a Conseiller d'Etat, appointed as Referendum Administrator (Délégué général au referendum) and a staff of judicial officers, from administrative organs or the courts, independent of the Executive, or officers of the overseas administration, selected to ensure impartiality, from outside the Territory.

35. The Administering Authority stated that the referendum had been carried out by universal adult suffrage and that balloting had taken place in an atmosphere of complete calm. Out of a total of 438,175 electors registered, 335,778 votes were cast, of which 313,458 (or 71.51 per cent of the total registered electorate) were in favour of the Statute of the Autonomous Republic of Togoland and the termination of Trusteeship, and 22,320 (5.07 per cent) were in favour of continuance of Trusteeship. The text of the Statute (Decree 56-847 of 24 August 1956) establishing the Autonomous Republic of Togoland, was appended to the memorandum of the Administering Authority.

36. The Administering Authority concluded that, on the basis of their freely expressed wishes, the people of Togoland were overwhelmingly in favour of accepting political autonomy and ending Trusteeship; by that unequivocal choice they had implicitly rejected any other solution with regard to their immediate future. Drawing logical conclusions from the referendum, the Legislative Assembly of Togoland had, by its wish (voeu) of 2 November 1956, urged the Administering Authority to inform the United Nations of the result of the referendum during the eleventh session of the General Assembly.

37. In the light of the popular vote of 28 October 1956, and the wish of the Legislative Assembly, the Government of France considered that it was impossible to allow the Autonomous Republic of Togoland to remain any longer under Trusteeship. The only solution that was fair to the inhabitants of Togoland was for the Trusteeship Council and the General Assembly to take into consideration the deep-seated aspirations thus made manifest and to request the Administering Authority to take necessary steps to terminate the Trusteeship Agreement of 13 December 1946 and, in particular, to abolish the machinery which gave it provisional control over the decisions of the Autonomous Republic of Togoland under articles 39, 40, 41 and 44 of its Statute.

38. On 8 December 1956, the Administering Authority transmitted to the Trusteeship Council the report 56/ of the Referendum Administrator in Togoland on the popular consultation of 28 October 1956. The report contained information on the organization and the holding of the referendum.

39. In addition to the documents before the Trusteeship Council, statements were made by the Minister of Finance of the Autonomous Republic of Togoland and the Referendum Administrator in Togoland. At its 749th meeting, the Council, by a roll-call vote of 8 to 6, decided to transmit to the General Assembly, in an addendum to its special report, 57/ the memorandum 58/ of the Administering Authority, the report of the Referendum Administrator in Togoland and a list of petitions and communications 59/ relating to the question of the future of the Trust Territory of Togoland under French administration.

56/ G A (XI), Annexes, vol. I, a.i. 39, p. 11, A/3169/Add.1, annex II (T/1292).
57/ Ibid., p. 5, A/3169/Add.1.
58/ Ibid., p. 7, annex I (T/1290).
59/ Ibid., pp. 37 and 38, annex IV (T/1291 and Add.1).

40. The Fourth Committee of the General Assembly considered the question of the future of Togoland under French administration at its 584th meeting, on 2 January 1957. The debate began with a statement by the representative of France, as the Administering Authority concerned, requesting termination of the Trusteeship Agreement for Togoland under French administration, in view of the fact that France had fulfilled the undertakings it had made when it voluntarily placed the Territory under the International Trusteeship System, and the basic objectives defined in the Trusteeship Agreement and in Article 76 b of the Charter had been attained.

41. Statements were also made by the Minister of Finance of the Autonomous Republic of Togoland and the Referendum Administrator in Togoland. The Minister of Finance said that by a referendum held on 28 October 1956, the people had accepted the new Statute converting the Territory into an Autonomous Republic. On 14 September 1956, a sovereign Togoland Government had been set up. The Togolese people, he said, possessed all the attributes of a modern and democratic State, and they considered that the former Trusteeship had come to an end. He then read a memorandum 60/ by the Government of the Autonomous Republic of Togoland, which had been transmitted to the Secretary-General of the United Nations. The memorandum, in asking for the immediate termination of the Trusteeship Agreement, stated that the Togoland Government considered that, by virtue of the powers vested in it, the country which it governed could no longer remain under the International Trusteeship System, for that System was no longer compatible with the existence of the Republic.

42. The Referendum Administrator, after giving details of the organization and conduct of the referendum of 28 October 1956, said that it had been universal in character and that the people had voted in complete freedom and in full awareness of the fact that the future of their country was at stake.

43. The Fourth Committee then heard 61/ statements by seven petitioners representing seven different organizations, six from Togoland under French administration and one from both Togoland under British administration and Togoland under French administration. It will be recalled that three of these petitioners had made statements 62/ earlier, during the debate on the future of Togoland under British administration. Of the seven who spoke, four were in favour of the termination of the Trusteeship Agreement. The other three were opposed to termination and held that the new Statute for Togoland did not fulfil the objectives of the International Trusteeship System; they also questioned the validity of the referendum of 28 October 1956, since it had not been held under international supervision.

44. At the 588th meeting of the Fourth Committee, India submitted a draft resolution 63/ by which the General Assembly would transmit its records to the Trusteeship Council for careful study, and would ask the Trusteeship Council to report the results of the study to the General Assembly at its twelfth session.

45. At the same meeting, the Minister of Finance of the Autonomous Republic of Togoland informed 64/ the Fourth Committee that his Government would be happy to welcome a United Nations information mission to observe at first hand how Togoland's institutions were functioning and how the Statute was being applied. The Minister for

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60/ G A (XI), Annexes, vol. I, a.i. 39, p. 48, A/C.4/341.
61/ G A (XI), 4th Com., 585th and 586th mtgs.
62/ See para. 19 above.
63/ G A (XI), Annexes, vol. I, a.i. 39, A/3449/Add.1, para. 10.
64/ G A (XI), 4th Com., 588th mtg., para. 80.

Overseas France stated 65/ that the Government of France, which was responsible for the foreign relations of Togoland, associated itself with that invitation.

46. At the 590th meeting, Canada, Denmark, Dominican Republic, Peru, Thailand and United States submitted a draft resolution 66/ which was later withdrawn in favour of a revised text 67/ of the draft resolution submitted earlier by India. At the 592nd meeting, the representative of France stated 68/ that his Government would be in a position to consider abandoning its request for the termination of Trusteeship in 1957 if the further course of discussion and the substance of the resolutions adopted were acceptable to France.

47. In the course of the discussion on the revised draft resolution submitted by India, amendments were proposed by Canada, Denmark, Dominican Republic, Liberia, Peru, Thailand and United States; 69/ by Philippines; 70/ by Nepal and Philippines; 71/ and orally, at the 599th meeting, by Guatemala. At the 599th meeting, the Indian draft resolution, as amended, was adopted by a roll-call vote of 52 to 10, with 14 abstentions. India voted 72/ against the amended resolution.

48. In the General Assembly, Yugoslavia proposed 73/ the following two amendments to the draft resolution recommended by the Fourth Committee:

(a) In the fifth paragraph of the preamble, the words, "Having taken note of the report of the Referendum Administrator in Togoland ... setting forth as a fact ..." would be replaced by the words, "Having taken note that the report of the Referendum Administrator in Togoland sets forth as a fact ...".

(b) In operative paragraph 1, the words, "the reforms introduced" would be replaced by the words, "the extent of powers transferred to the Territory".

49. The President of the General Assembly stated 74/ that it had been suggested to him that, in order to achieve a more balanced geographical representation, it would be desirable to increase the membership of the commission referred to in operative paragraph 3 of the draft resolution to six, intead of five, members. The two amendments submitted by Yugoslavia, as well as the suggestion to increase the membership of the commission to six, were adopted 75/ by the General Assembly without objection.

50. The draft resolution of the Fourth Committee, as amended, was adopted 76/ by the General Assembly by a roll-call vote of 53 to 16, with 7 abstentions. The text of the resolution, 77/ as adopted, reads as follows:

65/ Ibid., para. 81.
66/ G A (XI), Annexes, vol. I, a.i. 39, A/3449/Add.1, para. 16 (A/C.4/L.453 and Rev.1).
67/ Ibid., para. 17 (A/C.4/L.452/Rev.1).
68/ G A (XI), 4th Com., 592nd mtg., para. 2.
69/ G A (XI), Annexes, vol. I, a.i. 39, A/3449/Add.1, para. 19.
70/ Ibid., para. 20 (A/C.4/L.452/Rev.1).
71/ Ibid., para. 21 (A/C.4/L.456).
72/ G A (XI), 4th Com., 599th mtg., para. 12.
73/ G A (XI), 643rd mtg., paras. 31 and 32.
74/ Ibid., para. 78.
75/ Ibid., para. 77.
76/ Ibid., para. 79.
77/ G A resolution 1046 (XI).

"The General Assembly,

"Recalling section II of its resolution 944 (X) of 15 December 1955,

"Having received the special report of the Trusteeship Council,

"Noting that the Trusteeship Council has forwarded the memorandum by the Administering Authority, with Decree No. 56-847 of 24 August 1956, requesting termination of the Trusteeship Agreement,

"Having received the document entitled 'Memorandum by the Government of the Autonomous Republic of Togoland', which memorandum was transmitted by the Administering Authority to the United Nations,

"Having taken note that the report of the Referendum Administrator in Togoland sets forth as a fact that the population of Togoland under French administration, consulted by referendum on 28 October 1956, expressed itself, by a substantial majority, in favour of the reforms introduced by Decree No. 56-847 setting forth the Statute of Togoland,

"Noting further the statements made in the Fourth Committee by the delegation of France, which included representatives of the Government of Togoland,

"Taking note also of the views expressed by the petitioners before the Fourth Committee,

"Being of the opinion that the reforms introduced by Decree No. 56-847 and their application require further study by the Trusteeship Council,

"Taking note of the invitation by the Administering Authority to send a commission to Togoland under French administration to study on the spot the conditions under which the provisions of the Statute of 24 August 1956 are being applied,

"Taking note also that the invitation by the Administering Authority was initiated by the Government of Togoland which was set up in consequence of the Statute of 24 August 1956,

"1. Considers with satisfaction that the extent of powers transferred to the Territory of Togoland under French administration by the Administering Authority in consequence of the new political Statute of the Territory represents a very significant step in the achievement of the objectives of Article 76 of the Charter and of the Trusteeship Agreement;

"2. Congratulates the population of Togoland under French administration on the progress it has made in the political, economic, social and cultural fields;

"3. Resolves to dispatch to Togoland under French administration a Commission of six members, to be appointed on the basis of equitable geographical distribution by the President of the General Assembly, in order to examine in the light of the discussions in the Fourth Committee, the entire situation in the Territory resulting from the practical application of the new Statute and the conditions under which the Statute is being applied, and to submit a report thereon, with its observations and suggestions, to the Trusteeship Council for its consideration;

"4. Recommends that, in addition to such further reforms as the authorities concerned may deem appropriate, the Legislative Assembly of the Territory should be constituted, as soon as possible, by election on the basis of universal adult suffrage;

"5. Requests the Trusteeship Council to study the question, taking into account the report of the Commission, and to transmit the results of its study to the General Assembly at its twelfth session."

51. The representative of France, in explaining 78/ his vote in favour of the resolution, stated:

"We are not entirely satisfied with the resolution which has just been adopted. We had asked for a termination of the trusteeship. After some days of discussion in the Fourth Committee we agreed to withdraw that request. We did so, as I told the Committee, because we realized that a number of representatives in the Assembly were not fully convinced that all the reforms mentioned in the Statute were being implemented. Some of the representatives did not take France at its word; they did not believe that all the powers we mentioned had in fact been transferred to the Government of Togoland. That is why we decided to ask the Government of Togoland to invite a mission of observers - it originally consisted of five members but there are now six and to my mind there would have been no objection if there had been more - to come and see for themselves the exact extent of the powers the French Government has transferred to the Government of Togoland."

52. At the 657th plenary meeting of the General Assembly, the President appointed Canada, Denmark, Guatemala, Liberia, Philippines and Yugoslavia as members of the commission established under the terms of resolution 1046 (XI). 79/

53. The United Nations Commission on Togoland under French administration visited the Trust Territory from 30 May to 30 June 1957. It also visited Paris and held conversations with the Minister for Overseas France and other officials of the Government of France. The Commission then transmitted to the Secretary-General the report 80/ which it had adopted unanimously in Geneva on 25 July 1957.

54. As regards the Statute and its application, the Commission stated in its report that while there remained important restrictions because of the retention of certain specified powers and competences by the Administering Authority, the Statute represented a very significant step in the achievement of the objectives of Article 76 of the Charter and of the Trusteeship Agreement. It had been broadly interpreted and liberally applied, and in consequence Togoland possessed a large measure of internal autonomy or self-government. Amendments to the Statute had been adopted as a result of the broad interpretation and liberal application, and some of them had considerably widened this autonomy. In the view of the Commission, there was little doubt that a trend of events had been set in motion which made inevitable a further broadening of the degree of autonomy achieved by Togoland towards its full autonomy. The Commission believed that through the co-operation of all interested parties, full autonomy would be attained through the progressive transfer of more of the powers which were not yet within the competence of the Government of Togoland.

78/ G A (XI), Plen., 643rd mtg., para. 82.
79/ See para. 50, above.
80/ T C (S-VII), Suppl. No. 2 (T/1343).

55. With regard to the status of the Territory, the Commission considered that its future political evolution and its relationship with France should be left open, to be decided in accordance with the wishes of the Togolese people. The Commission suggested that the Government of France might wish to reassert publicly that the Statute in its present form did not represent the final relationship between Togoland and France, and that the Government of France would consider with sympathy any future views on the status of Togoland which might be put forward by the elected representatives of the Territory.

56. The Commission noted that article 37 of the Statute, while it provided that the Statute could not be modified except at the wish of the Legislative Assembly, was to be interpreted as conferring on French authorities the right to accept or reject such wishes (voeux). As a consequence, the people and the Government of Togoland were not empowered to decide by themselves the form of their internal political organization or, on an equal footing, the nature of the association of Togoland with France.

57. According to its report, the Commission felt that the constitutional situation of the Territory would evolve in the direction of the transfer of progressively increasing powers to the Togoland authorities. It considered that it might therefore be desirable for Togoland to assume full responsibility for modifying the Statute with respect to the internal organization of the country, and that the subjects reserved to France might form part of a separate agreement between the two Governments; this could include procedure for its modification or termination, which could be exercised by both parties according to their free wishes.

58. With regard to holding new elections to the Legislative Assembly and other representative organs, the Commission recalled that the present Legislative Assembly was elected in 1955 under restricted suffrage, by an electorate amounting to fewer than a half of the present electorate, and that its term of office would not expire until 1960. The Commission noted the statement of the Government of Togoland that it did not intend to submit to the Legislative Assembly a draft law reducing its term of office. The Commission pointed out that until such time as new elections were held by universal suffrage, the implementation of the principle of universal adult suffrage provided for in article 6 of the Statute would not have taken place. The Commission therefore believed that holding such elections to the Legislative Assembly and other representative organs in Togoland on the basis of universal suffrage would represent the implementation of an important democratic principle embodied in the Statute and might contribute towards the creation of a more favourable political atmosphere, in which the support of the entire population of Togoland would be thrown behind the new political institutions created by the Statute.

59. With regard to the termination of the Trusteeship Agreement for Togoland under French administration, the Commission expressed the opinion that, at an appropriate time, the people of the Territory would need to be consulted by appropriate means concerning their desires for the future status of the Territory. Such consultation should, however, be undertaken in full agreement with the United Nations as one of the two parties to the Trusteeship Agreement.

60. The Trusteeship Council, at its seventh special session, held between 12 and 20 September 1957, examined the question of the future of Togoland under French administration, taking into consideration the report of the Commission. The debate in the Council began with the introduction of the Commission's report by its Chairman. He stated that the observations set forth in chapter V of the report had been unanimously approved by the members of the Commission.

61. The representative of France and the Minister of Finance of Togoland commented on the report of the Commission and gave further explanations of the existing situation in the Territory; they mentioned certain additional powers which the Government of France proposed to transfer to the Togoland authorities on the termination of Trusteeship. After explaining the situation in Togoland, the representative of France stated 81/ that in terminating the Trusteeship Agreement, the United Nations would be giving the Government of Togoland full freedom to manage its own affairs. The Minister of Finance of Togoland, referring to the political parties in the Territory, expressed 82/ the hope that the opposition would abandon its policy of abstention and sterile obstruction and would participate in the elections to be held on the basis of direct universal suffrage. He added that later developments which had taken place might perhaps make it possible to hold the elections before the regularly scheduled date. He believed 83/ that the Commission's report would fully enlighten the United Nations as to the genuine nature of the Statute, and would enable it to take a decision which had seemed premature in the previous year.

62. In the course of the general debate in the Council, the United States submitted a draft resolution 84/ which was based 85/ essentially on the idea of early general elections by universal suffrage, as provided by the loi-cadre of 23 June 1956. During the discussion of the draft resolution, a number of suggestions were incorporated by the United States in a revised text. 86/

63. The United States draft resolution, as revised, was adopted 87/ by the Council by 9 votes to none, with 5 abstentions. The text 88/ reads as follows:

"The Trusteeship Council,

"Having received the report of the United Nations Commission on Togoland under French Administration, prepared pursuant to General Assembly resolution 1046 (XI) of 23 January 1957,

"Having taken note of the presentation of the report to the Council by the Chairman of the Commission,

"Having taken note of the statement of the representative of the Government of France and that of the representative of the Government of Togoland,

"1. Expresses its appreciation to the members of the United Nations Commission on Togoland under French Administration for the unanimous and comprehensive report which they have submitted on the situation in the Territory resulting from the practical application of the new Statute and the conditions under which it is being applied;

"2. Commends the Administering Authority for broadly interpreting and liberally applying the Statute of 24 August 1956, as modified on 22 March 1957;

81/ T C (S-VII), 841st mtg., para. 10.
82/ Ibid., para. 26.
83/ Ibid., para. 29.
84/ T C (S-VII), Annexes, a.i. 2, T/L.808.
85/ T C (S-VII), 843rd mtg., para. 22.
86/ T C resolution 1785 (S-VII).
87/ T C (S-VII), 846th mtg., para. 18.
88/ T C resolution 1785 (S-VII).

"3. Notes with satisfaction the exercise by the Togoland authorities of the powers transferred to them under the Statute, and the intention of the Togoland Government to hold new elections before 1960, on the basis of direct universal suffrage for a new Legislative Assembly;

"4. Considers that the report, as well as the statements made before the Trusteeship Council at its seventh special session by the representative of the Government of France and the representative of the Government of Togoland, provides a useful and constructive basis for consideration and action by the General Assembly with a view to reaching a mutually satisfactory solution in accordance with the Charter of the United Nations and the Trusteeship Agreement;

"5. Decides to transmit to the General Assembly the report of the Commission, together with the proceedings of the Trusteeship Council, in order to set in motion an appropriate procedure for the early attainment of the final objective of the Trusteeship System."

64. In accordance with the terms of General Assembly resolution 1046 (XI), the Trusteeship Council, in a special report, 89/ transmitted the results of its consideration of the report of the Commission to the General Assembly at its twelfth session.

65. Discussion in the Fourth Committee of the question of the future of Togoland under French administration was opened with statements by the Chairman of the United Nations Commission on Togoland, by the President of the Legislative Assembly of Togoland and by the representative of France. The President of the Legislative Assembly of Togoland stated 90/ that, as a conciliatory gesture, and because the Government of Togoland was anxious for the termination of Trusteeship at the earliest possible opportunity so that the country could at last enjoy full self-government, it was prepared to hold elections for the Legislative Assembly before the end of 1958 if the following interrelated conditions were fulfilled: firstly, consideration and acceptance by the Legislative Assembly of the modified Statute granting full and complete self-government to Togoland; secondly, new elections for the Legislative Assembly on the basis of universal adult suffrage; thirdly, application of the modified Statute; and finally, automatic termination of Trusteeship when the new Legislative Assembly should meet for the first time.

66. After hearing the representatives of three political organizations whose requests to appear had been granted, the Fourth Committee held a general debate, in the course of which Canada, Colombia, Denmark, Ireland and Liberia submitted a draft resolution, which was later revised by the sponsors. 91/

67. There was a wide measure of agreement in the Fourth Committee on a number of important points; firstly, that the proposal for new elections to the Legislative Assembly, to be held in 1958 on the basis of universal adult suffrage, should be accepted; secondly, that the elections to be held in 1958 should be observed or supervised by the United Nations; and finally, that further consideration of the question of the future of the Territory should await the results of the elections and the wishes of the new Legislative Assembly to be elected on the basis of adult franchise. While the five-Power draft resolution contained these main points of agreement, a number of delegations did not agree to its wording.

89/ G A (XII), Annexes, a.i. 37, A/3676.
90/ G A (XII), 695th mtg., para. 29.
91/ G A (XII), Annexes, a.i. 37, p. 13, A/3751, para. 8 (A/C.4/L.508/Rev.1).

68. Amendments to the draft resolution were submitted by Ecuador and Venezuela 92/ and by Burma, Ceylon, Ghana, Guatemala, Haiti, India, Indonesia, Philippines, Syria, Uruguay and Yugoslavia. 93/ During the discussion of the draft resolution and its amendments at the 713th meeting, several delegations proposed oral amendments. At this meeting, the amended draft resolution was approved 94/ by the Fourth Committee by a roll-call vote of 50 to none, with 26 abstentions.

69. The draft resolution approved by the Fourth Committee was adopted 95/ by the General Assembly on 29 November 1957 by 50 votes to 1, with 29 abstentions. The text of the resolution 96/ follows:

"The General Assembly,

"Bearing in mind the objectives of the International Trusteeship System as set forth in Article 76 of the Charter of the United Nations,

"Recalling its resolution 1046 (XI) of 23 January 1957 concerning the future of Togoland under French administration,

"Having received from the Trusteeship Council, in accordance with the above-mentioned resolution, a special report transmitting the report of the United Nations Commission on Togoland under French administration and the proceedings of the Council on the subject,

"Taking note of Trusteeship Council resolution 1785 (S-VII) of 19 September 1957, in which the Council considers that the report, as well as the statements made before the Council at its seventh special session by the representative of the Government of France and the representative of the Government of Togoland, provides a useful and constructive basis for consideration and action by the General Assembly with a view to reaching a mutually satisfactory solution in accordance with the Charter of the United Nations and the Trusteeship Agreement, and decides to transmit to the General Assembly the report of the Commission, together with the proceedings of the Council, in order to set in motion an appropriate procedure for the early attainment of the final objective of the Trusteeship System,

"Taking note of the further statements made in the Fourth Committee on behalf of the Administering Authority and the Government of Togoland concerning, in particular, their proposals for the further political development of the Territory, including the transfer of all powers to the Togoland Government except defence, diplomacy and currency, and the renewal in 1958 by universal adult suffrage of the Legislative Assembly,

"Having heard, during the hearings granted by the Fourth Committee, the points of view expressed by the petitioners,

"1. Expresses its appreciation to the United Nations Commission on Togoland under French administration for its valuable report and draws the attention of the Administering Authority and the Togoland Government to the observations and suggestions contained therein;

92/ G A (XII), Annexes, a.i. 37, A/3751, p. 13, para. 9 (A/C.4/L.509).
93/ Ibid., para. 10 (A/C.4/L.510).
94/ G A (XII), 4th Com., 713th mtg., para. 86.
95/ G A (XII), Plen., 724th mtg., para. 275.
96/ G A resolution 1182 (XII).

"2. Notes the statement of the Administering Authority that the Legislative Assembly to be elected by universal adult suffrage in 1958 and the Togoland Government will be asked to formulate, in consultation with the Administering Authority, proposals for the early attainment of the final objective of the Trusteeship System;

"3. Accepts, having regard to the responsibilities of the new Legislative Assembly mentioned in the preceding paragraph, the invitation of the Government of Togoland, transmitted by the Administering Authority, to make the necessary arrangements, in consultation with the Administering Authority, for supervision of the elections by the United Nations;

"4. Decides to elect a Commissioner who shall supervise the elections to the Legislative Assembly and who shall be assisted by observers and staff to be appointed by the Secretary-General in consultation with him;

"5. Requests the Administering Authority and the Government of Togoland to make, in consultation with the United Nations Commissioner, the arrangements for the organization and conduct of the elections to the Legislative Assembly;

"6. Requests the Commissioner to submit to the Trusteeship Council, for its consideration, and for transmission to the General Assembly at its thirteenth session, a report on the organization, conduct and results of the elections;

"7. Invites the Administering Authority to inform the Trusteeship Council concerning the carrying out of the above-mentioned transfer of powers, the results of the elections, the convening of the new Togoland Legislative Assembly, and regarding any wishes which may have been expressed by the Legislative Assembly concerning the new Statute and the termination of the Trusteeship Agreement for the Territory of Togoland under French administration;

"8. Requests the Trusteeship Council to consider these matters and report thereon to the General Assembly at its thirteenth session, so as to enable it, if so requested by the new Togoland Legislative Assembly and the Administering Authority, to reach a decision, in the light of the circumstances then prevailing, concerning the termination of the Trusteeship Agreement in accordance with Article 76 b of the Charter of the United Nations."

70. The General Assembly, at its 730th plenary meeting, on 14 December 1957, elected Mr. Max Dorsinville (Haiti) by secret ballot to the office of United Nations Commissioner, established by its resolution 1182 (XII).

71. The elections to the Legislative Assembly on the basis of universal adult suffrage took place on 27 April 1958. In accordance with the terms of General Assembly resolution 1182 (XII), the elections were supervised by the United Nations Commissioner, assisted by twenty-one observers and a staff of eleven.

72. Party affiliations of the forty-six candidates who were declared elected by the Election Returns Board were as follows:

Comité de l'Unité togolaise (CUT)	29	(Opposition Party)
Union des chefs et des populations du nord (UCPN)	10	(Government Party)
Independents	4	
Parti togolais du progrès (PTP)	3	(Government Party)
	46	

73. In six cases (3 UCPN, 2 PTP and 1 Independent) the results announced by the Election Returns Board were contested. The applications for annulment in the six cases were examined by the Administrative Tribunal.

74. The United Nations Commissioner in his report 97/ on the elections in Togoland stated as follows:

"In spite of the defects and weaknesses referred to in this report, and whatever may be the decisions of the Administrative Tribunal on the six applications for annulment, there is absolutely no doubt in my mind that the general outcome of the elections faithfully reflects the wishes of the people of Togoland as to their choice of representatives in the Chamber of Deputies. This is of the utmost importance, since it means that the new Chamber is truly entitled to speak for the people of Togoland.

".....

"... As I said at the beginning of this chapter, there is not the slightest doubt in my mind that the general outcome of the elections faithfully reflects the wishes of the people of Togoland.

"The election of 27 April can be considered a historic event in Togoland's progress towards the objectives of the Trusteeship System. It was the first time the Togolese people had been called upon to elect a Legislative Assembly on the basis of universal adult suffrage, and they did so calmly and with what can in the circumstances only be called remarkable dignity ...". 98/

75. At its twenty-second session, the representative of France informed the Trusteeship Council, by a letter 99/ dated 30 June 1958, that the Togoland Legislative Assembly and Government had not yet made their wishes known concerning the new Statute and the termination of the Trusteeship Agreement for the Territory, and that the Administering Authority did not intend in any way to urge them to take hasty decisions. He asked the Council to defer consideration of the question to a special session to be held later in 1958.

76. In accordance with this request, the Trusteeship Council held its eighth special session from 13 to 17 October 1958, at which time it considered the question of the future of Togoland under French administration, as well as the 1956 annual report by the Administering Authority on that Territory.

77. Following the presentation of his report 100/ by the United Nations Commissioner for the Supervision of the Elections in Togoland under French Administration, a joint draft resolution was submitted by the United States and sponsored by five other delegations. 101/ The text of this draft resolution follows:

"The Trusteeship Council,

"Recalling General Assembly resolution 1182 (XII) of 29 November 1957,

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97/ G A (XIII), Annexes, a.i. 40/Addendum (A/3957).
98/ G A (XIII), Annexes, a.i. 40/Addendum (A/3957), paras. 564, 548 and 579.
99/ T C (XXII), Annexes, a.i. 14, T/1395.
100/ G A (XIII), Annexes, a.i. 40/Addendum (A/3957).
101/ T C resolution 1921 (S-VIII).

"Having received the report of the United Nations Commissioner for the Supervision of the Elections in Togoland under French Administration on the organization, conduct and results of the elections which took place on 27 April 1958 in the Territory,

"Having received from the Administering Authority information concerning the transfer of all powers to the Togoland Government, except those relating to defence, diplomacy and currency,

"Taking note of the statement made by the representative of France,

"1. Expresses its appreciation of the work of the United Nations Commissioner and his staff;

"2. Accepts the conclusion of the Commissioner's report that the general outcome of the elections faithfully reflects the wishes of the people and the new Chamber of Deputies is truly entitled to speak for the people of Togoland;

"3. Congratulates the Administering Authority and the Togolese authorities on the rapid realization of the measures envisaged in General Assembly resolution 1182 (XII);

"4. Takes note of Togoland's choice of independence upon the expiration of trusteeship;

"5. Takes note further that, according to the communiqué issued at the conclusion of the talks between the Government of France and the Government of Togoland:

"(a) Agreement has been reached on the essential modifications to be made to the present Statute of Togoland in order to achieve the final stage in the development of Togoland's institutions before independence;

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

"6. Recommends accordingly that the General Assembly, as envisaged in its resolution 1182 (XII), should take a decision, in agreement with the Administering Authority and taking into account the wishes of the Togolese authorities, concerning the termination of the Trusteeship Agreement in 1960 upon the attainment of independence by the Territory, in accordance with Article 76 b of the Charter."

78. At the 938th meeting of the Trusteeship Council, the joint draft resolution 102/ was adopted unanimously.

79. As a result of its discussion of the future of Togoland under French administration during its thirteenth session, the General Assembly adopted the following resolution: 103/

102/ T C resolution 1921 (S-VIII).
103/ G A resolution 1253 (XIII).

"The General Assembly,

"Recalling its resolution 1182 (XII) of 29 November 1957,

"Taking note of the report of the United Nations Commissioner for the Supervision of the Elections in the Trust Territory of Togoland under French Administration on the organization, conduct and results of the elections which took place on 27 April 1958 in the Territory,

"Taking note of Trusteeship Council resolution 1921 (S-VIII) of 17 October 1958,

"Taking note of the statements made by the representative of France and the Prime Minister of the Republic of Togoland during the thirteenth session of the General Assembly,

"Noting further the resolution adopted by the Chamber of Deputies of the Republic of Togoland on 23 October 1958,

"1. Notes that the Governments of France and of the Republic of Togoland have decided, by mutual agreement, that Togoland shall attain independence in 1960, in accordance with the wishes of the Chamber of Deputies of Togoland;

"2. Expresses its high appreciation of the work of the United Nations Commissioner and his staff;

"3. Congratulates France and the authorities and people of Togoland on their achievements in Togoland, which enable the basic objectives of the International Trusteeship System to be attained;

"4. Resolves accordingly, in agreement with the Administering Authority, that on the day which will be agreed upon between the Government of France and the Government of Togoland, and on which the Republic of Togoland becomes independent in 1960, the Trusteeship Agreement approved by the General Assembly on 13 December 1946 shall cease to be in force, in accordance with Article 76 b of the Charter of the United Nations."

80. At its twenty-fourth session, the Trusteeship Council heard statements by the representative of the Administering Authority, and by Mr. Paulin Freitas, Minister of State of the Togoland Government, speaking as special representative of the Administering Authority. Both statements were to the effect that agreement had been reached between the Governments of France and of the Republic of Togoland that the Trust Territory should achieve independence on 27 April 1960. The representative of the Administering Authority also stated that the date had been selected unanimously by the Chamber of Deputies of Togoland in a demonstration of unity between the Majority and the Opposition. France, he said, would have pleasure in sponsoring the admission of the new independent State to membership in the United Nations.

81. After hearing these statements, the Trusteeship Council adopted a resolution 104/ in which it took note with satisfaction of the statements made at its 1008th meeting, on 13 July 1959, and, in particular, of the setting of 27 April 1960 as the date for the proclamation of Togoland's independence.

104/ T C resolution 1950 (XXIV).

C. FUTURE OF THE CAMEROONS UNDER BRITISH ADMINISTRATION

82. In accordance with the provisions of article 5 of the Trusteeship Agreement, the Trust Territory of the Cameroons under British administration had been administered as an integral part of Nigeria and as such had shared, to an appreciable extent, the political advances in Nigeria.

83. As a result of constitutional conferences held in London and Lagos in 1953 and 1954, in which representatives of the Trust Territory also participated, the Federal Constitution of Nigeria was introduced on 1 October 1954. As from that date, the Southern Cameroons was separated from the Eastern Region of Nigeria and was constituted as a separate unit, with a Government of its own with quasi-federal status. The Northern Cameroons, however, at the request of its representatives, continued to be administered as part of the Northern Region of Nigeria.

84. The 1954 Nigerian Constitution was reviewed at a further Constitutional Conference held in May and June 1957. 105/ The Conference, in which representatives of both the Northern Cameroons and the Southern Cameroons participated, agreed upon further constitutional advances to be implemented in the future.

85. No definite date was set for the independence of the Federation of Nigeria. At the opening of the Conference, the three regional Premiers and the Leader of Government Business in the Southern Cameroons had asked that the Government of the United Kingdom should undertake to grant independence to the Federation in 1959. In a series of statements at the Conference, the Secretary of State for the Colonies indicated that no such undertaking could be given, although the Government of the United Kingdom stood as firmly as anyone in Nigeria behind the proclaimed objective of full self-government within the British Commonwealth. He stated that the strain of regional self-government was yet to be undertaken and that it would be necessary, for the picture to become clearer, to await the report of the Minorities Commission, to see whether any more States would be created; and also the report of the Fiscal Commission, which would have much contentious business to settle. On the understanding reached during the Conference that the new Nigerian Parliament to be elected in 1959/1960 would debate a resolution asking the Government of the United Kingdom to agree to full self-government within the British Commonwealth by a date in 1960, however, the Secretary of State gave an undertaking that his Government would do its utmost to meet the resolution in a reasonable and practical manner.

86. In expressing disappointment at the statement of the Secretary of State, the three regional Premiers and the Leader of Government Business in the Southern Cameroons jointly declared that the year 1959 had been unanimously proposed by the people of Nigeria. They themselves had given consideration to a date in 1960 only because they appreciated that solution of the various problems that must be disposed of before independence would take a longer time than they had thought. Having gone this far on the path of reason and realism, they had thought that the Secretary of State would accede to their united wishes. In the circumstances, they could do no more than take note of the statement of the Secretary of State, while reserving the right to pursue the issue further with a view to impressing on the Government of the United Kingdom the necessity for granting independence to the Federation of Nigeria not later than 2 April 1960.

105/ Report by the Nigeria Constitutional Conference held in London in May and June, 1957. Cmd 207 (London, Her Majesty's Stationery Office, 1957).

87. In the course of his separate discussions with the representatives of the Southern Cameroons, the Secretary of State made a statement, of which the Conference later took note, about the future position of the Trust Territory when Nigeria should become independent. The text of this statement was as follows:

"Her Majesty's Government fully recognize their obligations to the Cameroons under the Trusteeship Agreement.

"One of these obligations has been and is to administer the territory as an integral part of Nigeria. This has of course been on the assumption that Nigeria was a dependent territory. When Nigeria becomes an independent country, this arrangement will no longer be possible so the Trusteeship Agreement will in any case have to be reviewed at that stage.

"When Nigeria becomes independent one possibility would be that the Cameroons should remain part of it. This would involve the termination of the Trusteeship Agreement and would require consultation with the United Nations. I can state quite categorically that there can be no question of obliging the Cameroons to remain part of an independent Nigeria contrary to her own wishes.

"Before Nigeria becomes independent the people of the North and South sectors of the Cameroons would have to say freely what their wishes were as to their own future. Among the options open to them would be to continue under the Trust Administration of the United Kingdom. I must in fairness add the warning that you would not thereby be given the golden key of the Bank of England! But many of the best friends of the Cameroons do not foresee a destiny more likely to promote her happiness and prosperity than in continued association with Nigeria.

"Her Majesty's Government will of course pay the very greatest regard to their views, whatever form they may take." 106/

88. At the twenty-first session of the Council, the representative of the Administering Authority, having referred to this statement, said 107/ that he did not intend at that time to deal with the future of the Trust Territory; the appropriate time would come later. When that time should come, the Administering Authority would submit proposals regarding the future of the Territory.

89. The Trusteeship Council decided 108/ to defer its evaluation of the reforms concerning the Cameroons resulting from the Constitutional Conference to a more appropriate occasion, that is to say, until after the 1958 Visiting Mission had reported on conditions prevailing in the Trust Territory. The Council at the same time took note 109/ of the statements of the United Kingdom Secretary of State for the Colonies that "there can be no question of obliging the Cameroons to remain part of an independent Nigeria contrary to her own wishes" and that "before Nigeria becomes independent the people of the North and South sectors of the Cameroons would have to say freely what their wishes were as to their own future".

106/ Report by the Nigeria Constitutional Conference held in London in May and June, 1957, para. 63. Cmd 207 (London, Her Majesty's Stationery Office, 1957).
107/ T C (XXII), 857th mtg., para. 15.
108/ T C (XXI), Annexes, a.i. 4, p. 38, T/L.835, annex, para. 4.
109/ Ibid., para. 3.

90. At the twenty-second session of the Trusteeship Council, the representative of the United Kingdom, by a letter 110/ dated 27 June 1958, submitted a memorandum by his Government concerning the future of the Cameroons under British administration. The memorandum referred to constitutional developments in the Federation of Nigeria as well as in the Trust Territory, which was administered as an integral part of the Federation, and stated that when the Government of the United Kingdom relinquished its powers of administration in the Federation of Nigeria, it would no longer be possible to administer the Cameroons as part of Nigeria in accordance with the Trusteeship Agreement. It was therefore necessary to consider what arrangements should then be made for the administration of the Trust Territory; these arrangements must involve either modification or termination of the present Trusteeship Agreement.

91. The memorandum further stated that the United Nations, as the other principal party to the Trusteeship Agreement, would wish to give careful thought to the matter, involving as it did the future of the inhabitants of the Trust Territory, and would wish to ascertain the facts of the situation and, in particular, the views of the inhabitants themselves by appropriate means. Such processes could not be hurried, since adequate time for discussion of the issues involved must be allowed, both to the inhabitants of the Trust Territory and to the United Nations. Even though it was not then possible to state precisely when new arrangements would be needed, they should be put in hand quickly, since the Government of the United Kingdom had undertaken to fix a date during 1960 for the independence of the Federation of Nigeria, if asked to do so by the Nigerian Parliament.

92. The Government of the United Kingdom, therefore, reported the situation to the Trusteeship Council at its twenty-second session in order that the Council might consider, as a first step, instructing its 1958 Visiting Mission to West Africa to include in its report observations which might be helpful when a decision had to be taken by the United Nations and the Administering Authority upon the method of consulting the peoples of the Trust Territory about their future.

93. Further, the memorandum recalled the promise by the Government of the United Kingdom that the inhabitants of both the northern and the southern sections of the Trust Territory would be given an opportunity freely to express their own wishes about their future; it stated that the Government of the United Kingdom attached great importance to the consultation of the peoples of the northern and the southern sections of the Cameroons about their future, and it was not too soon to begin the process leading to it. The outcome of that consultation would in time result in modification or termination of the Trusteeship Agreement.

94. It was accordingly suggested in the memorandum that it would be appropriate and useful for the forthcoming Visiting Mission to West Africa to make an assessment of the situation for the Council, and that a passage along the following lines should be included to that end in the Visiting Mission's terms of reference:

> "The Visiting Mission should include in their report their views on the method of consultation which should be adopted when the time comes for the people of the northern and southern sections of the Cameroons under United Kingdom Administration to express their wishes concerning their future." 111/

110/ T C (XXII), Annexes, a.i. 6, T/1393.
111/ T C (XXII), Annexes, a.i. 6, T/1393, para. 17.

95. The Trusteeship Council considered the United Kingdom memorandum together with a draft resolution 112/ on the terms of reference of the Visiting Mission to West Africa, submitted by Italy. The draft resolution contained the following paragraph to cover the suggestion made by the United Kingdom:

"5. Further requests the Visiting Mission to include in its report on the Cameroons under British administration its views on the method of consultation which should be adopted when the time comes for the people of the Northern and Southern Sections of that Territory to express their wishes concerning their future."

96. While there was general agreement in the Trusteeship Council for inclusion in the terms of reference of the Visiting Mission of a paragraph on the lines suggested in the draft resolution submitted by Italy, there was difference of opinion in regard to its phraseology. Guatemala moved 113/ an amendment orally to delete the words "method of" and modify the sentence so that it would read "... on the consultation which would take place when the time comes ...". A number of representatives objected to the reference to "the Northern and Southern Sections" of the Territory and asked for a separate vote on those words. The amendment by Guatemala received 7 votes in favour and 7 votes against and was therefore not adopted. 114/ The words "of the Northern and Southern Sections", when put to the vote separately, received 115/ 7 votes in favour and 7 against. Consequently, these words were deleted from the paragraph. The draft resolution as a whole, with the paragraph in question as amended, was approved 116/ by the Council by 13 votes to 1, with no abstentions. The text of the paragraph as contained in the resolution 117/ of the Trusteeship Council on the terms of reference of the Visiting Mission follows:

"Further requests the Visiting Mission to include in its report on the Cameroons under British administration its views on the method of consultation which should be adopted when the time comes for the people of that Territory to express their wishes concerning their future."

97. The future of the Cameroons under British administration was considered in connexion with the special report of the Trusteeship Council 118/ at the thirteenth session of the General Assembly. Four petitioners (including one from the British Cameroons) 119/ were granted hearings.

98. Early in the debate in the Fourth Committee on this question, there was an intervention, in which the representatives of the Administering Authority stated 120/ that whatever arrangements were made concerning the future of the Cameroons under British administration, the Trusteeship Agreement for the Territory would have to be either terminated or modified. The Visiting Mission was in the field at that time, the representative continued, and its report would be considered by the Trusteeship

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112/ T/L.866 (mimeographed).
113/ T C (XXII), 932nd mtg., paras. 33 and 42.
114/ Ibid., para. 45.
115/ Ibid.
116/ Ibid.
117/ T C resolution 1907 (XXII).
118/ G A (XIII), Annexes, a.i. 13, p. 17, A/4094.
119/ Mr. Ndeh Ntumazah, representative of One Kamerun. G A (XIII), 4th Com., 775th, 776th, 779th, 780th, 792nd, 807th and 808th mtgs.
120/ G A (XIII), 4th Com., 803rd mtg., para. 11.

Council the following February or March (1959). The Government of the United Kingdom intended to place that report, together with the conclusions of the Council, before the General Assembly at the next regular session. Subject to the view of the Visiting Mission and the Council, it was the intention of the Administering Authority to ask the General Assembly to agree that the consultations, once authorized, should be held at the earliest possible date. The representative of the Administering Authority further suggested a time-table for the organization and holding of a consultation which would fit into the regular programme of meetings of the Trusteeship Council and the General Assembly, as well as a brief special session of the latter in 1960, to decide on action to be taken in the light of the results of the plebiscite. It would be necessary for a decision to be taken well before the date of Nigerian independence to permit many necessary practical and legal arrangements to be made in the Trust Territory.

99. During the course of the general debate on this item, however, many members considered that no action could be taken until conditions in the Trust Territory were better known. The representative of India 121/ thought that, pending the submission of the Visiting Mission's report, the Fourth Committee would be unable to decide on the holding of elections or the unification of the two Territories or any other important matter affecting their future. Only a special session of the General Assembly would make possible the consideration of such a question in detail. A special session could also set up machinery for determining the wishes of the people.

100. As a result, the General Assembly decided 122/ on 5 December 1958 to resume its thirteenth session on 20 February 1959 to consider the question of the future of the two Cameroons exclusively.

101. Between 5 December 1958 and 20 February 1959, the Visiting Mission returned to United Nations Headquarters in New York and submitted 123/ its reports on the two Cameroons. In the report on the Cameroons under British administration, 124/ the Mission expressed its opinion 125/ that the wishes of the northern and southern peoples of the Trust Territory should be determined separately.

102. To enable it to complete its report, the Visiting Mission awaited the outcome of the 24 January 1959 elections. After studying the results, the Mission concluded 126/ that they were not decisive so far as the future of the Southern Cameroons was concerned. The Mission stated, however, that if general agreement should develop in the newly elected House of Assembly concerning the future of the Southern Cameroons, formal popular consultation might prove unnecessary; but if no such agreement emerged, it might only be through consultation at some appropriate future date, probably through a plebiscite, that it would be possible to resolve the basic issues. In that event, the Visiting Mission considered that the conditions for such consultation, including its timing and the question or questions to be put to the people, would have to be determined by the General Assembly and the Administering Authority in consultation and - so far as possible and practicable - in agreement with the political parties in the Southern Cameroons.

121/ G A (XIII), 4th Com., 814th mtg., para. 14.
122/ G A resolution 1281 (XIII).
123/ T C (XXIII), 953rd mtg., paras. 1-7.
124/ T C (XXIII), Suppl. No. 2 (T/1426 and Add.1).
125/ Ibid., para. 170.
126/ Ibid., para. 218.

103. The representative of the United Kingdom, the Administering Authority, informed 127/ the Trusteeship Council at its twenty-third session that, following the elections, Mr. John Foncha, the leader of the Kamerun National Democratic Party (KNDP), had formed the Government of the Southern Cameroons and that this Government had introduced two motions during meetings of the House of Assembly. In one motion, the House of Assembly asked the Administering Authority to take immediate steps to fulfil the will of the people of the Southern Cameroons as indicated in the elections, that is, to implement the policy of the Government of the Southern Cameroons, which advocated the secession of the Southern Cameroons from the Federation of Nigeria before the latter should attain independence, and the maintenance of the Trusteeship Agreement under a modified form for some time, during which the possibilities of reunification with a section of the British or French zones could be explored.

104. In the second motion, the House of Assembly, bearing in mind the fact that a plebiscite was likely to be the means of determining whether or not the Southern Cameroons should secede from the Federation of Nigeria, requested the Administering Authority to postpone the registration of voters in the Southern Cameroons for the forthcoming general elections to the Federal House of Representatives of Nigeria until it should become clear whether or not the Southern Cameroons would continue to send representatives to the House of Assembly.

105. The Opposition moved an amendment to the first motion, whereby the Premier and Leader of the Opposition would be mandated by the House of Assembly of the Southern Cameroons to inform the Trusteeship Council that the House of Assembly was of the opinion that there was no better future for the Southern Cameroons than in its continued association with Nigeria, and further, to request the United Nations to explore other and more effective means of ascertaining the wishes of the people of the Southern Cameroons about their future relationship with the Federation of Nigeria. The two government motions were carried by 14 votes to 12.

106. The representative of the Administering Authority stated that it was clear from the voting in the House of Assembly that no general agreement, as envisaged by the conclusions of the Visiting Mission, had been achieved; both parties accepted the fact that a plebiscite would be required in order to determine the future of the Southern Cameroons, and this was also the view of the Administering Authority. Conditions for a consultation, including its timing and the questions to be put to the people, would have to be determined by the General Assembly and the Administering Authority in consultation with the political parties represented in the House of Assembly.

107. With regard to the Northern Cameroons, the Visiting Mission, concluding its recommendations, reported 128/ that, on the basis of the facts and opinions known to it, there was no difference of opinion on the principal question of its future which would require or justify the holding of a formal consultation on the subject. The Visiting Mission believed it manifestly the opinion of the population of the Northern Cameroons as a whole, so far as it could be expressed at the time and in the foreseeable future, that it should become permanently a part of the Northern Region of the Federation of Nigeria when the latter should attain independence. The Visiting Mission accordingly suggested that, if the General Assembly should accept such a union as a basis for the termination of the Trusteeship Agreement, no further consultation need be held.

127/ T C (XXIII), 959th mtg., para. 2.
128/ T C (XXIII), Suppl. No. 2 (T/1426 and Add.1), para. 181.

108. The representative of the Administering Authority declared 129/ that the attitude in the north, according to the Visiting Mission, was more one of resignation to the imposition of a plebiscite than of positive acceptance of it. The Administering Authority stated that it had carefully considered the report of the Visiting Mission on the question of holding possible further consultation in the north. Having found the arguments presented by the Mission very convincing, it endorsed its conclusions. Had it been shown that a plebiscite was necessary in the Northern Cameroons, the Administering Authority would have been perfectly ready to agree to it. Since the Mission had concluded, however, that it was not, the representative of the Administering Authority did not think that the Trusteeship Council could consider imposing or holding a plebiscite in the Northern Cameroons.

109. The Council considered 130/ that the conclusions of the Visiting Mission would require further examination by the General Assembly and transmitted to the General Assembly the report of the Visiting Mission, the observations of the Administering Authority and the records of the Council's discussions, in order that the General Assembly might take such action as it deemed appropriate, in accordance with Article 76 b of the Charter, after it had duly examined the question in the light of the documents and any further views that might be expressed before it.

110. On 20 February 1959, the General Assembly resumed its thirteenth session to consider the future of the two Trust Territories of the Cameroons. The United Kingdom delegation included, among others, the United Kingdom permanent representative, the Commissioner of the Cameroons and three elected representatives of the Cameroonian people: Mr. John Foncha, the new Premier of the Southern Cameroons; Dr. E.M. Endeley, the former Premier and current Leader of the Opposition in the Southern Cameroons House of Assembly; and Mallam Abdullahi, the Minister for Northern Cameroons Affairs in the Government of the Northern Region of the Federation of Nigeria. Petitioners 131/ appearing before the Fourth Committee of the General Assembly included four from the Trust Territory: one representative of the political party, one Kamerun; two representatives of the National Union of Kamerun Students and one representative of the Kamerun Students Association of America.

111. The representative of the Administering Authority for the Cameroons under United Kingdom administration pointed out 132/ that even though the main emphasis in the General Assembly debate had centred on the Cameroons under French administration, nearly all the speakers had devoted part of their attention to the Trust Territory under British administration.

112. The representative of the Administering Authority, in his opening statement reiterated 133/ his agreement with the Visiting Mission that conditions for a plebiscite in the Southern Cameroons should be determined by the General Assembly and the Administering Authority, so far as possible in agreement with the political parties in the House of Assembly of the Southern Cameroons. It was the duty of the resumed session to consider whether enough was then known about the various possibilities to enable the General Assembly to settle how the future of the Territory should be determined and, in particular, whether there was sufficient agreement between the parties to permit decisions, as to the questions to be put and the timing of the plebiscite, to be taken at the thirteenth session.

129/ T C (XXIII), 959th mtg., paras. 8-11.
130/ T C resolution 1926 (XXIII).
131/ G A (XIII), 4th Com., 850th-859th, 873rd and 874th mtgs.
132/ Ibid., 873rd mtg., para. 22.
133/ Ibid., 846th mtg., paras. 20 and 21.

113. Mr. John Foncha, the new Premier of the Southern Cameroons, stated 134/ that his party, Kamerun National Democratic Party (KNDP), which had won the general elections, advocated separation from the Federation of Nigeria and continuation of Trusteeship for the short period during which the possibility of effecting reunification of the two Territories could be explored. Reunion with the Northern Cameroons would be welcome, if the latter had meanwhile worked out its separation from the Federation of Nigeria. Concerning the terms of the plebiscite, the Premier of the Southern Cameroons stated: 135/ (a) The issue should be that of separation from the Federation of Nigeria or of remaining with it. Reunification could come only after separation, after it had been discussed with the other Government concerned, and it should not be a question in the plebiscite; (b) Symbols should be used in preference to oral questions in order to guard against fraud and to permit the voting to be completed in time and to the satisfaction of the people; (c) A new register of electors for the plebiscite should be established. In the circumstances it would be better to exclude Nigerians and Cameroonians from the French-administered Territory from the plebiscite; (d) Southern Cameroonians abroad should be allowed to vote by proxy; and (e) Adequate time should be allowed for registration, and voting should take place in the ensuing dry season.

114. Dr. E.M. Endeley, the Leader of the Opposition, presented 136/ other views about the organization of a plebiscite. He thought that the question put to the voters should be simple and easy to understand. In his view, they should be asked whether they wanted continued association with Nigeria under the terms of the White Paper 137/ or whether they wished the Territory to unite with an independent French Cameroons. Secession was important only as a prelude to unification and should not be referred to specifically in the question.

115. The petitioners from the Trust Territory also presented 138/ their opinions concerning the terms of the plebiscite.

116. Sentiment during the general debate appeared to crystallize in favour of holding a plebiscite in the northern part of the Trust Territory of the Cameroons under British administration. This was contrary to the recommendations of the Visiting Mission. In his initial statement before the Fourth Committee, one of the petitioners had declared 139/ that the administrative grip of Nigeria on the Northern Cameroons was so strong that, in its report 140/ on the Territory, the 1958 Visiting Mission had mentioned evidence of it and of the intimidation used by the majority party to suppress opinions contrary to its own. The petitioners who had come before the United Nations to argue the contrary could not claim that they represented the people of the Northern Cameroons, for a democratic election under universal adult suffrage and by secret ballot had never been held in the Northern Cameroons. It was, he added, the stated intention of the Government of the Northern Region to continue to withhold suffrage from women. For that reason alone, if for no other, the United Nations should not acquiesce in the separation of that zone from the rest of the Cameroons.

134/ G A (XIII), 4th Com., 846th mtg., paras. 25 and 26.
135/ Ibid., para. 29.
136/ Ibid., paras. 32-40.
137/ Report by the Resumed Nigeria Constitutional Conference, Cmd 569 (London, Her Majesty's Stationery Office, 1958).
138/ G A (XIII), 4th Com., 850th mtg., paras. 33-36 (Mr. Ndeh Ntumazah); paras. 37-41 (Mr. Victor Ngu); 852nd mtg., paras. 7-11 (Mr. Magnus Mukoko-Mokeba); and 853rd mtg., paras. 4-8 (Mr. Fongum Ygorji-Dinka).
139/ Ibid., 853rd mtg., para. 7.
140/ T C (XXIII), Suppl. No. 2 (T/1426 and Add.1).

117. It was stated 141/ by one representative subsequently in the debate that, while his delegation gave due weight to the Visiting Mission's conclusion that the population of the Northern Cameroons manifestly desired unification with the Federation of Nigeria, it considered that the conclusion must be ratified by a consultation of the population, particularly in view of the fact that the area had no representative institutions and because the question involved was not merely independence but integration with another country.

118. Another representative argued 142/ that there had never been any opposition in the Northern Region to a plebiscite, if that was considered the best way of ascertaining the wishes of the people. The Government of the Northern Region of the Federation of Nigeria, however, could hardly have favoured a plebiscite after the Visiting Mission had reported that it did not consider one necessary. The Government of the Northern Region concurred in this opinion but it was, of course, a matter for the General Assembly to decide. In saying that he was prepared to agree to a plebiscite, he did so on the understanding that the conditions under which it would be held would be suited to the circumstances of the Northern Cameroons. It would clearly be to the advantage of all concerned if a plebiscite were held before the Nigerian federal elections. If it were held in November 1959, the result could be endorsed by the General Assembly in December, and the position in the Northern Cameroons would then be quite clear. He also suggested terms for holding a plebiscite in the northern Trust Territory which would be acceptable to his Government.

119. The question of female suffrage in the Northern Cameroons was raised in connexion with the probable plebiscite in that region. The representative of Liberia introduced an amendment 143/ to the draft resolution 144/ submitted by eight Powers on the question. By the amendment, the words "on the basis of universal adult suffrage" would be inserted in the text, while the phrase "and that the plebiscite should be conducted on the basis of the electoral register at present being compiled for the elections to the Federal House of Representatives" would be deleted.

120. The representative of the Administering Authority pointed out 145/ that his Government was all in favour of having women play a full part in the political life of their country, and it had done all it could to advance the political rights of women in the Territory, but did not consider it wise to force a people to alter its customs. If the people of the Northern Cameroons thought that the right to vote should be limited to men, the United Nations should not oblige them, for the purpose of the plebiscite, to adopt a different kind of suffrage, for which they were not yet ready.

121. The Minister for Northern Cameroons Affairs added 146/ that there was no question of refusing women the suffrage when the people were ready to accept it, but to grant it at the present juncture would be completely contrary to social custom, quite apart from any religious considerations. Before women were given the vote in the Northern Cameroons, they must be educated, a problem to which his Government was giving its serious attention.

141/ G A (XIII), 4th Com., 861st mtg., para. 37.
142/ Ibid., 864th mtg., paras. 1-19.
143/ G A (XIII), Annexes, a.i. 13, p. 25, A/4095, para. 31 (A/C.4/L.587/Rev.1).
144/ Ibid., para. 30 (A/C.4/L.582/Rev.1).
145/ G A (XIII), 4th Com., 874th mtg., para. 44.
146/ Ibid., para. 47.

122. The sponsor of the amendment found 147/ these arguments unconvincing. Stating that it had been conceded by the Minister for Northern Cameroons Affairs that the right to vote would eventually be granted to women, she argued that the United Nations should press for that right to be granted immediately. It was obvious that women could not be compelled to vote, and it was admitted that women in the Northern Cameroons were not accustomed to voting, but that did not mean that women would not seize the opportunity if it were offered. The United Nations had certain rights in the Territory, and thus had the right to apply a basic principle of the United Nations.

123. The two parts of the amendment submitted by Liberia were rejected 148/ at the time of the vote; the first part by 34 to 25, with 22 abstentions, and the second by 43 votes to 21, with 17 abstentions.

124. On 13 March, the report of the Fourth Committee 149/ was submitted to the General Assembly in plenary session. In virtually the same text 150/ that had been submitted by seven sponsors in the Fourth Committee, draft resolution II, concerning the Trust Territory under United Kingdom administration, was presented to the General Assembly. The resolution 151/ was subsequently adopted by a vote of 56 votes to none, with 24 abstentions.

125. The text of the operative part of the resolution reads as follows:

"The General Assembly,

".....

"1. Recommends that the Administering Authority, 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, under the supervision of the United Nations, separate plebiscites in the northern and southern parts of the Cameroons under United Kingdom administration, in order to ascertain the wishes of the inhabitants of the Territory concerning their future;

"2. Recommends further that in the northern part of the Territory the plebiscite should take place about the middle of November 1959, that the people of the northern part of the Territory should be asked:

'(a) Do you wish the Northern Cameroons to be part of the Northern Region of Nigeria when the Federation of Nigeria becomes independent? or

'(b) Are you in favour of deciding the future of the Northern Cameroons at a later date?'

and that the plebiscite should be conducted on the basis of the electoral register at present being compiled for the elections to the Federal House of Representatives;

147/ G A (XIII), 4th Com., 878th mtg., para. 8.
148/ Ibid., 879th mtg., para. 41.
149/ G A (XIII), Annexes, a.i. 13, A/4095.
150/ Ibid., para. 30 (A/C.4/L.582/Rev.1).
151/ G A resolution 1350 (XIII).

"3. Recommends further that the plebiscite in the southern part of the Territory should be conducted during the next dry season between the beginning of December 1959 and the end of April 1960;

"4. Decides that the two alternatives to be put to the people of the southern part of the Territory and the qualifications for voting in the plebiscite there should be considered by the General Assembly at its fourteenth session;

"5. Expresses the hope that all concerned in the Territory will endeavour to reach agreement before the opening of the fourteenth session of the General Assembly on the alternatives to be put in the plebiscite in the Southern Cameroons and the qualifications for voting in it;

"6. Decides to appoint a United Nations Plebiscite Commissioner who shall exercise, on behalf of the General Assembly, all the necessary powers and functions of supervision, and who shall be assisted by observers and staff to be appointed by the Secretary-General in consultation with him;

"7. Requests the United Nations Plebiscite Commissioner to submit to the Trusteeship Council a report in two parts on the organization, conduct and results of the plebiscites, the first part of the report, which shall deal with the northern part of the Territory, to be submitted in time for transmission to the General Assembly for consideration before the end of its fourteenth session;

"8. Requests the Trusteeship Council to transmit to it the reports of the United Nations Plebiscite Commissioner, together with any recommendations and observations it considers necessary."

126. The General Assembly then elected 152/ Mr. Djalal Abdoh, permanent representative of Iran, as the United Nations Plebiscite Commissioner for the Cameroons under United Kingdom administration.

d. FUTURE OF THE CAMEROONS UNDER FRENCH ADMINISTRATION

127. As a result of the loi-cadre of 23 June 1956, progressive developments towards self-government took place in the Cameroons under French administration. The loi-cadre instituted universal suffrage and a single electoral college in the Territory. In order to provide the Cameroons with a Territorial Assembly prepared to examine a new draft statute for the Territory, the Administering Authority, by a series of decrees, dissolved (8 November 1956) the old Territorial Assembly whose term of office was to expire in March 1957; set the date for elections to the new Cameroonian Territorial Assembly at 23 December 1956; and increased the membership of the Assembly from fifty to seventy.

128. Subsequent to these changes, a new draft Statute of the Cameroons under French administration 153/ was submitted to the Territorial Assembly for discussion. Under that Statute, the Territory was to become a Trust State with a Legislative Assembly, elected by universal suffrage with a single electoral college and invested with legislative powers, except for certain matters which were within the competence of the central organs of the French Republic.

152/ G A (XIII), Plen., 794th mtg., para. 124.
153/ T C (XIX), Annexes, a.i. 3, p. 40, T/1314.

129. The draft Statute would establish a Cameroonian Government, with a Prime Minister designated by the High Commissioner. The Prime Minister, after being confirmed by the Legislative Assembly, was to appoint the Ministers. A High Commissioner, appointed by a decree of the Council of Ministers of the French Republic, was to be the representative of the French Republic in the Cameroons and the depository of the powers of the Republic. He was to exercise trusteeship over the operation of Cameroonian institutions. The district administrative officers and their deputies were to be appointed by the High Commissioner, with the concurrence of the Prime Minister. The Legislative Assembly might, by resolution, request amendment of the Statute.

130. In a memorandum 154/ submitted during the thirteenth session of the General Assembly, the Administering Authority considered that the time had come when, in full agreement with the Government and Assembly of the Cameroons, the peoples of the Territory should be enabled to reach the final stage of the Trusteeship System and provision should be made for abrogation of the Trusteeship Agreement. In reviewing the extent to which the objectives and provisions of the Trusteeship Agreement had been achieved in the Territory, the memorandum indicated the various steps which had been taken to prepare the people of the Cameroons for the responsibilities that lay ahead. It first outlined the terms of the Trusteeship Agreement approved by the United Nations General Assembly on 13 December 1946, which had required France to take measures to ensure the local inhabitants a share in the administration of the Territory by the development of representative democratic bodies. The memorandum stated that France had honoured its undertakings by instituting large-scale reforms in 1946, providing for the representation of the population of the Territory in the parliamentary assemblies of the metropolitan country, thereby enabling them to take an active part in the preparation of legislation applicable to the Cameroons, and establishing a Territorial Assembly with wide powers. Later, France had brought the Cameroons to the stage of apprenticeship in the management of its own affairs, at the local level, by establishing municipal organs.

131. The memorandum also outlined the steps that led to the 1957 constitutional changes, mentioning article 9 of the Act (loi-cadre) of 23 June 1956, referred to in paragraph 127 above, which provided for the inauguration of institutional reforms centred around a Cameroonian Trust State. For this purpose, a draft decree, designed to give the Territory a wide degree of internal autonomy, had been prepared, while a review of the electoral rolls had led to the registration of 1,740,000 voters, representing more than half the population of the Cameroons. The new Assembly, which was elected on 23 December 1956 by secret direct ballot on the basis of universal suffrage, with a single electoral college, had discussed the draft Statute of the Cameroons and, after extensive amendment, had adopted it by 60 votes out of 68.

132. The memorandum added that, by Decree No. 57-501 of 16 April 1957, the Cameroons had become a Trust State, with a democratic parliamentary system, and Cameroonian citizenship had been established. Cameroonian matters passed under the control of the Cameroonian Government, which in turn was responsible to the Legislative Assembly. "Article 59 of this Statute", the memorandum continued, "reserved to the Legislative Assembly the possibility of requesting itself, by a resolution, the amendment of the Statute of the Cameroons, thus leaving to the elected representatives of the Cameroonian people the responsibility for determining themselves the last stages in the development of their Territory towards the final aims of the Trusteeship System". Subsequently, in a resolution of 12 June 1958, the Legislative Assembly requested the

154/ G A (XIII), Annexes, a.i. 13, p. 2, A/C.4/388.

Government of France to amend the Statute of the Cameroons so as to recognize the right of the Cameroonian State to opt for independence when Trusteeship ceased and to transfer to it complete responsibility for internal affairs. In the same resolution, the Legislative Assembly invited the Cameroonian Government to negotiate the terms of a new Statute which would constitute the final stage before independence.

133. Considering the fact that the application of the Statute of 16 April 1957 had made it possible to give the representatives of the Cameroonian people very wide responsibilities and had enabled the Cameroons to take an important step towards the final aims of the International Trusteeship System, the Administering Authority agreed in principle to the requests contained in the resolution adopted by the Legislative Assembly. The two Governments had adopted the terms of a new draft Statute which was under discussion before the Cameroonian Legislative Assembly at the time the Government of France had submitted its memorandum. This new Statute was to come into force on 1 January 1959, after final revision by agreement between the French and Cameroonian Governments. 155/

134. In conclusion, the Administering Authority proposed that, in order to avoid any delay in the realization of the wishes of the Cameroonian people, the Trusteeship Council should be requested by the General Assembly to take all appropriate steps to enable the General Assembly, during its fourteenth session, "to make a decision concerning the termination of the Trusteeship System simultaneously with the attainment of independence by the Cameroons on 1 January 1960". 156/

135. In this connexion, the General Assembly, during its thirteenth session, adopted 157/ two resolutions. In the first, 158/ the General Assembly decided to resume its thirteenth session on 20 February 1959, to consider exclusively the question of the future of the Trust Territories of the Cameroons under French administration and the Cameroons under United Kingdom administration. In the second resolution, 159/ the General Assembly requested the Trusteeship Council to examine, as early as possible during its twenty-third session, the reports of the United Nations Visiting Mission to the Trust Territories in West Africa, 1958, and to transmit them, with its observations and recommendations, to the General Assembly not later than 20 February 1959, to enable it, in consultation with the Administering Authorities, to take necessary measures in connexion with the full attainment of the objectives of the International Trusteeship System in the two Territories.

136. At the ninth special session of the Trusteeship Council, on 6 November 1958, the representative of France transmitted 160/ a resolution adopted by the Legislative Assembly of the Cameroons, as follows:

"The Legislative Assembly of the Cameroons, aware that it is expressing the unanimous feeling of the peoples of all the regions of the Cameroons,

"Notes with satisfaction:

155/ The final draft of the Cameroons Statute is contained in T C (XXIII), Suppl. No. 3 (T/1441), pp. 38-40 (T/1427, annex II (T/1434)).
156/ G A (XIII), Annexes, a.i. 13, A/C.4/388, para. 11.
157/ G A (XIII), Plen., 782nd mtg., paras. 11-24.
158/ G A resolution 1281 (XIII).
159/ G A resolution 1282 (XIII).
160/ T C (S-IX), 940th mtg., para. 42.

"The negotiations carried on by the Prime Minister which have resulted, in conformity with the resolution of 12 June 1958, in the transfer to the State of the Cameroons of all powers relating to the conduct of internal affairs as from 1 January 1959;

"The agreement of the French Government that the procedures for the termination of international trusteeship should be initiated;

"Solemnly proclaims the will of the Cameroonian people that the State of the Cameroons should attain full national independence on 1 January 1960;

"Reaffirms its attachment to the principle of the reunification of the two Cameroons and urges that all steps be taken to ensure that the peoples concerned may, in complete freedom, express their will concerning such reunification before 1 January 1960;

"Therefore calls on the Cameroonian Government to request that France should bring before the General Assembly of the United Nations, during its present session, the matter of the abrogation of the Trusteeship Agreement concomitant with independence of the Cameroons;

"Opposes any attempt which may be made to delay the attainment of full sovereignty by the Cameroonian people;

"Pays a tribute to the work accomplished by France in the Cameroons and renews the wish which it expressed on 12 June that an independent and sovereign Cameroons should participate in a free and amicable association with France in the interest of the two countries."

137. The representative of France, commenting on the resolution, said 161/ that after it had been adopted by the Cameroonian Assembly, the Government of France had issued a statement to the effect that France intended to present to the United Nations General Assembly, at its thirteenth session, a memorandum in which it would affirm its desire that Trusteeship should be ended through the accession of the Cameroons to complete independence after consultation with the Cameroons population, under United Nations supervision; the conditions might be decided in principle by the General Assembly and the specific forms of application determined by the Trusteeship Council. Due account was to be taken of the report of the Visiting Mission which was to go to the Cameroons the following month.

138. At the same special session, the Trusteeship Council decided 162/ to add the following paragraph to the resolution which stated the terms of reference of the United Nations Visiting Mission to Trust Territories in West Africa, 1958:

"6. Further requests the Visiting Mission to set forth its views on the procedure for organizing the consultation which will enable the people of the Cameroons under French administration to express, at the appropriate time, their wishes concerning their future and concerning the termination of trusteeship upon the attainment of full national independence in 1960."

139. The Visiting Mission, in its report, 163/ concluded that the request of the Cameroonian Government that the Territory should become independent on 1 January 1960 -

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161/ G A (XIII), 4th Com., 774th mtg., paras. 36-38 (A/C.4/381).
162/ T C resolution 1924 (S-IX).
163/ T C (XXIII), Suppl. No. 3 (T/1441).

a request which was approved by a large majority in the Legislative Assembly - was also supported by the great majority of the population. On the basis of this, the Mission considered 164/ that it was not necessary to consult the population on this subject before the termination of Trusteeship.

140. The Visiting Mission further expressed the opinion 165/ that, on the whole, the Legislative Assembly was representative in character; in view of this, the Mission felt that there were insufficient grounds for holding general elections under United Nations supervision before the termination of Trusteeship. It further saw no reason why new elections to the Legislative Assembly should be made a pre-condition of the attainment of independence.

141. The Mission, however, came to the conclusion 166/ that it would be desirable to rectify the situation in the Sanaga-Maritime area as soon as possible, by means of elections, both to fill the two vacant seats and also, if need be, to confirm or alter the representation of the other two.

142. The Visiting Mission suggested 167/ that the Cameroons Government should make suitable provisions, within the framework of its policy of reconciliation, for the repatriation of all Cameroonians who wished to return and, to that end, since the majority of the persons concerned were in the Cameroons under British administration, should seek the collaboration of the authorities in the latter Territory.

143. On the question of unification with the Southern Cameroons under British administration, the Mission came to the conclusion 168/ that it would not be necessary to consult the people on the matter. It noted, however, that it was the position of the Cameroons under French administration - as stated by its elected representatives in particular - that it was waiting for the other Territory to indicate in some formal manner, and preferably before 1 January 1960, its desire for unification.

144. Finally, the Visiting Mission recommended 169/ that the Trusteeship Council should propose to the General Assembly the adoption of a resolution providing for termination of the Trusteeship Agreement relating to the Cameroons on its attainment of independence on 1 January 1960.

145. At the beginning of the twenty-third session of the Trusteeship Council, a member of the Government of the Cameroons, acting as a special representative of the Administering Authority, told 170/ the Council that an amnesty measure had been promulgated the previous year, on the basis of which the current Cameroonian Government had submitted a draft law 171/ in the Legislative Assembly granting broader amnesty. This law, which was subsequently approved by the Legislative Assembly, had as its purpose the granting of legal amnesty for political offences and for common offences having a political origin, and for common law offences which occurred in political events and which were usually punished by some type of penal labour or imprisonment. The special representative explained further that the new law provided for amnesty on an individual basis, but not for crimes which were punished by forced labour for life

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164/ T C (XXIII), Suppl. No. 3 (T/1441), para. 136.
165/ Ibid., para. 141.
166/ Ibid., para. 142.
167/ Ibid., para. 160.
168/ Ibid., para. 166.
169/ Ibid., para. 172.
170/ T C (XXIII), 954th mtg., paras. 6-9.
171/ G A (XIII), Annexes, a.i. 13, p. 19, A/C.4/395.

or capital punishment. The characteristic feature of the amnesty law was that it covered political deeds that had occurred in the Cameroons, or which had a direct relationship with political activities that had occurred, before 1 January 1959, when such acts led to sentence or imprisonment for five years or under.

146. At the 958th meeting, during the twenty-third session of the Trusteeship Council, the representative of Haiti presented a draft resolution 172/ on behalf of his own delegation and those of Italy, New Zealand, Paraguay and United States. In this draft resolution, the Trusteeship Council, in accordance with General Assembly resolution 1282 (XIII) of 5 December 1958, would note the conclusions and recommendations of the Visiting Mission and, after expressing its appreciation to the Mission; would consider that the Territory was ready for independence; would welcome with satisfaction the assurances given by the Prime Minister of the Cameroons that the necessary measures for granting broader measures of political amnesty were being considered and would strongly urge that such amnesty should be granted on the widest possible basis and with the least possible delay. The Council would welcome further assurances given by the representative of the Administering Authority, and by the special representative, that there existed in the Territory, freedom of the Press, of assembly and of poltical association, and other fundamental freedoms. It would note that the Cameroons Government had stated that it welcomed the return of all Cameroonians who had left the country in recent years, and invited them to re-enter normal life without fear of reprisal, and that it was the intention of the Cameroons Government to hold elections to fill the four seats in the Legislative Assembly allocated to the Sanaga-Maritime area as early as possible.

147. The Trusteeship Council, in transmitting to the General Assembly the report of the Visiting Mission, the observations of the Administering Authority and the records of the Council's discussions, recommended 173/ that the General Assembly at its resumed session, after considering the report of the Council and any further views that might be expressed, should decide to terminate the Trusteeship Agreement upon the attainment of full national independence, with effect from 1 January 1960.

148. The debate 174/ on the future of the Cameroons under French administration, in the Fourth Committee of the resumed thirteenth session of the General Assembly, began with statements by the Administering Authority and the representative of the Cameroonian Government. In introducing the question, the representative of France said 175/ that the Cameroons under French administration would be independent on 1 January 1960, and that it was urgent that the Trusteeship Agreement should be terminated without prejudice to the problem of unification. He went on to say that the choice of complete independence by the Cameroonians had been pronounced in unequivocal terms by the Cameroonian Legislative Assembly and Government, and that the choice had been recognized by France, as was solemnly confirmed in the preamble to the new Statute of the Cameroons 176/ which had come into force on 1 January 1959.

149. The representative of France said further that, beginning 1 January 1959, all internal powers had been in the hands of the Cameroonian authorities, and that on 1 January 1960 all external powers would be transferred to the Cameroonian Government, and France would no longer be responsible as Administering Authority.

172/ T C resolution 1925 (XXIII); adopted without change.
173/ T C resolution 1925 (XXIII).
174/ G A (XIII), 4th Com., 845th-880th mtgs.
175/ Ibid., 845th mtg.
176/ T C (XIX), Annexes, a.i. 3, p. 40, T/1314.

150. In reference to the report of the Visiting Mission, the representative of France said that the Mission had concluded that the political, economic and social progress of the Cameroonian people was such that when Trusteeship was brought to an end they would enjoy full and complete independence and would be capable of assuming responsibility for their own future. In this connexion, he added that the Visiting Mission had been able to establish that there was no need to consult the population on the subject before the termination of Trusteeship, and that the Legislative Assembly of the Cameroons was representative in character and reflected public opinion; consequently no sufficient grounds existed for holding new general elections before independence. He also referred to the spirit of reconciliation which existed in the Territory, epitomized by the amnesty law which the Cameroons Legislative Assembly passed on 14 February 1959, 177/ and through which the Government had proclaimed its intention of building for the future of the nation.

151. After recalling the resolution 178/ of the Trusteeship Council in which it had considered the Cameroons under French administration ready for independence and all the conditions required for the termination of Trusteeship fulfilled, the representative of France went on to say that the Government of France solemnly requested the United Nations to decide unanimously that the International Trusteeship System had already fulfilled its purpose in the Territory and that the International Trusteeship Agreement should accordingly be brought to an end on 1 January 1960. The Prime Minister, as the representative of the Cameroonian Government, in presenting the position of his Government, concurred 179/ with the statement made by the representative of France.

152. The Prime Minister also answered 180/ some of the questions raised by a number of petitioners, who had charged that the new amnesty law did not sufficiently reflect the spirit of reconciliation of which the Government spoke and had suggested that there should be general elections before independence. In connexion with reconciliation, the Prime Minister said that, of a total of 2,303 persons sentenced or prosecuted in the previous three years in respect of crimes or offences directly or indirectly related to political affairs, only 400 were still in custody on 1 January 1959, while the number of exiles had fallen below ten. All, including petitioners representing the Union des populations du Cameroun (UPC), who had been heard by the Fourth Committee, had benefited by the amnesty, with the exception of fifty-six who had been sentenced to death or hard labour for life and who could apply for the remission of sentence available to them under the amnesty law. All members of UPC who had been amnestied, however, were free to form any association or party they chose in order to work for the realization of their political ideals, provided they worked within the law and conformed to democratic rules.

153. With regard to general elections, the Prime Minister recalled the arguments advanced by several members of the Committee who had favoured general elections before the attainment of independence. He said that elections at that stage would be anything but a means of reconciliation; they would revive grudges and range Cameroonians against one another. He urged that everything should be done to prevent the weakening of national unity. As he had previously stated, general elections should be held after, and not before, the attainment of independence. If the Legislative Assembly was a representative body, he asked, why should they be held

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177/ G A (XIII), Annexes, a.i. 13, p. 19, A/C.4/395.
178/ T C resolution 1925 (XXIII).
179/ G A (XIII), 4th Com., 846th mtg.
180/ Ibid., 860th mtg.

before? Because elections were strictly Cameroonian affairs, he said, it would be better if they were held after the country had become independent, without pressure from any quarter.

154. The Prime Minister concluded by stating that the Cameroonian people felt themselves fit and ready for independence, and they wished to prepare, in an atmosphere of calm and order, for the day when they would assume control of their own destiny. On 1 January 1960, the transfer of sovereignty would be complete; no powers would be reserved, and the Cameroons would immediately apply for admission to the United Nations. He could not imagine that the United Nations would not be unanimous in confirming the accession of the Cameroons to the dignity of a free, independent and sovereign nation.

155. At the beginning of the general debate, the representative of Haiti introduced a draft resolution, 181/ submitted by his delegation and by Italy, New Zealand, Paraguay and United States. In the preamble of the resolution, the General Assembly would note with satisfaction the adoption of an amnesty law by the Legislative Assembly of the Cameroons under French administration; would note the statements of the representatives of the Cameroons Government that it welcomed the return of all Cameroonians who in recent years had left the country and invited them to re-enter normal life without fear of reprisal; would take into account an assurance by the representatives of the Administering Authority and the Government of the Cameroons that there existed in the Territory freedom of the Press, of assembly and of political association, and other fundamental freedoms; would note that elections would be held in April to fill the four seats in the Legislative Assembly allocated to the Sanaga-Maritime area; would note the resolution adopted by the Legislative Assembly of the Cameroons on 24 October 1958, the conclusions of the Visiting Mission and the declarations of the Administering Authority and the representatives of the Cameroons Government concerning the desire and readiness of the people of the Cameroons for independence; would take into account the declarations of the Administering Authority and the Government of the Cameroons under French administration that the Trust Territory would become completely independent on 1 January 1960, and an assurance by the representative of France that the Government of France would sponsor the application that would thereupon be made by the Government of the Cameroons to be admitted to membership in the United Nations; and would note the views of the petitioners. In the operative part of the draft resolution, the General Assembly would resolve, in agreement with the Administering Authority, "that, on 1 January 1960, when the Cameroons under French administration becomes independent, the Trusteeship Agreement approved by the General Assembly on 13 December 1946 shall cease to be in force in accordance with Article 76 b of the Charter of the United Nations".

156. During the debate which followed the presentation of the above draft resolution, the delegations of Ghana, Guinea, Liberia, Libya, Morocco, Sudan, Tunisia and United Arab Republic submitted 182/ a draft resolution which contained the following recommendations not included in the other draft resolution, namely, that the Administering Authority and the Government of the Cameroons under French administration would abrogate the Decree of 13 July 1955, which had declared illegal certain political parties and organizations in the Territory; and that prior to 1 January 1960 general elections based on universal adult suffrage would be held under the supervision of the United Nations, and for this purpose the General Assembly would elect a Commissioner

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181/ G A (XIII), Annexes, a.i. 13, p. 22, A/C.4/L.580. The resolution as finally adopted by the General Assembly is reproduced in para. 167, below.

182/ G A (XIII), Annexes, a.i. 13, p. 25, A/4095, para. 18.

who would supervise general elections to the Legislative Assembly and who would be assisted by observers and staff to be appointed by the Secretary-General in consultation with him. The draft resolution would further provide that the General Assembly would request the Administering Authority and the Government of the Cameroons, in consultation with the United Nations Commissioner, to make arrangements for the organization and conduct of general elections to the Legislative Assembly, and that the Commissioner would submit to the Trusteeship Council, for consideration and for transmission to the General Assembly at its fourteenth session, a report on the organization, conduct and results of the elections:

157. During the same debate, Burma, Cambodia, Ceylon, Federation of Malaya, Guatemala, India and Japan submitted 183/ a number of amendments to the five-Power draft resolution (A/C.4/L.580). The effect of the amendments would be, first, to add in the preamble a reference to the fact that the Cameroons Government had issued a decree fixing 12 April 1959 as the date for elections to fill four seats allocated to the Sanaga-Maritime area and two other vacant seats in the Mbouda subdivision, and reference to the statement by the Prime Minister that general elections would be held after independence; and, second, to add to the operative part an expression of confidence that these elections would be held at the earliest possible date after the attainment of independence on 1 January 1960.

158. Later in the debate, the sponsors of the eight-Power resolution (A/C.4/L.581) submitted 184/ a number of sub-amendments (A/C.4/L.584) to the amendments in A/C.4/L.583. The first sub-amendment would replace the proposed reference in the preamble to the Prime Minister's statement regarding the holding of general elections after independence by a paragraph noting statements of the representatives of the Cameroons Government regarding the need to hold elections in the near future. The second sub-amendment would add a new operative paragraph recommending the abrogation of the decree which had declared certain political parties and organizations illegal. Three further sub-amendments would transform the new operative paragraph proposed in the amendments into a recommendation that elections should be held before independence under the supervision of a commissioner elected by the General Assembly. A final sub-amendment contained a recommendation that upon the attainment of independence on 1 January 1960, the Cameroons would be admitted to membership in the United Nations.

159. The sponsors of the amendments accepted the last of these sub-amendments, and their amendments were in turn accepted by the sponsors of the five-Power draft resolution (A/C.4/L.580). 185/ The two groups of sponsors - comprising Burma, Cambodia, Ceylon, Federation of Malaya, Guatemala, Haiti, India, Italy, Japan, New Zealand, Paraguay and United States - joined in submitting a revised version of the draft resolution originally submitted by Haiti, Italy, New Zealand, Paraguay and United States.

160. The revised draft resolution and the eight-Power amendments thereto were voted upon 186/ by the Fourth Committee. The amendment to the eighth paragraph of the preamble was rejected by a roll-call vote of 45 to 30, with 6 abstentions.

183/ Ibid., para. 19.
184/ G A (XIII), Annexes, a.i. 13, p. 25, A/4095, para. 20.
185/ Ibid., para. 21.
186/ G A (XIII), 879th mtg. The final resolution adopted by the General Assembly is reproduced in para. 167, below.

161. The amendment whereby a new paragraph would be inserted before operative paragraph 2 (A/C.4/L.584/Rev.1, para. 2) was rejected 187/ by a roll-call vote of 42 to 28, with 11 abstentions. The first amendment to operative paragraph 2 (A/C.4/L.584/Rev.1, para. 3 (a)) was rejected by a roll-call vote of 47 to 27, with 7 abstentions. The last two amendments to operative paragraph 2 (A/C.4/L.584/Rev.1, para. 3 (b) and (c)) were rejected by a roll-call vote of 46 to 28, with 7 abstentions.

162. The first paragraph of the preamble was approved by 70 votes to none, with 10 abstentions. The second preambular paragraph was approved by 64 votes to none, with 15 abstentions. The first part of the third preambular paragraph, to and including the words "Fourth Committee", was approved without objection. The remaining part of the third preambular paragraph was approved by a roll-call vote of 58 to 11, with 12 abstentions.

163. The words, "with satisfaction" in the fourth preambular paragraph were approved by a roll-call vote of 53 to 10, with 17 abstentions. The fourth preambular paragraph as a whole was approved by 56 votes to 9, with 15 abstentions. The fifth preambular paragraph was approved by 59 votes to none, with 21 abstentions. The sixth preambular paragraph was approved by 54 votes to 9, with 17 abstentions. The seventh preambular paragraph was approved by 57 votes to 1, with 20 abstentions. The eighth preambular paragraph was approved by 51 votes to 4, with 24 abstentions.

164. The words "and readiness" in the ninth paragraph of the preamble were approved by 56 votes to 14, with 10 abstentions. The ninth preambular paragraph as a whole was approved by 68 votes to none, with 12 abstentions. The tenth preambular paragraph was approved by 68 votes to none, with 12 abstentions. The eleventh preambular paragraph was approved without objections.

165. Operative paragraph 1 was approved by a roll-call vote of 81 to none. Operative paragraph 2 was approved by a roll-call vote of 48 to none, with 33 abstentions. Operative paragraph 3 was approved by a roll-call vote of 71 to none, with 10 abstentions.

166. The draft resolution as a whole was approved by the Fourth Committee by a roll-call vote of 56 to 9, with 16 abstentions. Following the approval of the twelve-Power draft resolution, the eight-Power draft resolution (A/C.4/L.581) was withdrawn by its sponsors.

167. The draft resolution approved by the Fourth Committee was adopted 188/ by the General Assembly as resolution 1349 (XIII) by 56 votes to none, with 23 abstentions. The text of the resolution reads as follows:

"The General Assembly,

"Recalling its resolution 1282 (XIII) of 5 December 1958 requesting the Trusteeship Council to examine, as early as possible during the twenty-third session, the reports of the United Nations Visiting Mission to Trust Territories in West Africa, 1958, on the Cameroons under French administration and the Cameroons under United Kingdom administration, and to transmit them, with its observations and recommendations, to the General Assembly not later than 20 February 1959, to enable the Assembly, in consultation with the Administering Authorities, to take

187/ G A (XIII), 4th Com., 879th mtg., paras. 31-37.
188/ G A (XIII), Plen., 794th mtg., para. 121.

the necessary measures in connexion with the full attainment of the objectives of the Trusteeship System,

"Having examined the special report of the Trusteeship Council, as well as the report of the Visiting Mission on the Cameroons under French administration and the observations of the Administering Authority on it,

"Taking into account the statements made in the Fourth Committee by the representatives of the Administering Authority and by the Prime Minister of the Cameroons under French administration,

"Noting with satisfaction the adoption by the Legislative Assembly of the Cameroons under French administration of the amnesty law of 14 February 1959 and the assurances given by the Prime Minister of the Cameroons that this law is being put into effect on the widest possible basis and with the least possible delay,

"Noting the statements of the representatives of the Cameroons Government that it welcomes the return of all Cameroonians who in recent years have left the country and invites them to re-enter normal life without fear of reprisal,

"Having been assured by the representatives of the Administering Authority and the Government of the Cameroons that there exists in the Territory freedom of the Press, of assembly and of political association, and other fundamental freedoms,

"Having been informed by the Prime Minister of the Cameroons under French administration that his Government has issued a decree fixing 12 April 1959 as the date for elections to be held to fill the four seats in the Legislative Assembly allocated to the Sanaga-Maritime area, as well as two vacant seats in the Mbouda subdivision,

"Noting with satisfaction the statement of the Prime Minister of the Cameroons under French administration that there will be general elections after independence since such elections will then be necessary and useful in order to settle various constitutional and other questions,

"Noting the resolution adopted by the Legislative Assembly of the Cameroons on 24 October 1958, the conclusions of the Visiting Mission and the declarations of the Administering Authority and the representatives of the Cameroons Government concerning the desire and readiness of the people of the Cameroons for independence,

"Taking into account the declarations of the Administering Authority and the Government of the Cameroons under French administration that the Territory will become completely independent on 1 January 1960, and the assurances given by the representative of France that his Government will sponsor the application that will thereupon be made by the Government of the Cameroons to be admitted to membership of the United Nations,

"Having heard the views of the petitioners,

"1. Resolves, in agreement with the Administering Authority, that, on 1 January 1960, when the Cameroons under French administration becomes independent, the Trusteeship Agreement approved by the General Assembly on 13 December 1946 shall cease to be in force in accordance with Article 76 b of the Charter of the United Nations;

"2. Expresses its confidence that, at the earliest possible date after the attainment of independence on 1 January 1960, elections will be held for the formation of a new assembly which should take decisions regarding the establishment, in their final form, of the institutions of the free and independent Cameroons;

"3. Recommends that, upon the attainment of independence on 1 January 1960, the Cameroons under French administration shall be admitted to membership of the United Nations according to Article 4 of the Charter."

168. Subsequently, the representative of France reported 189/ to the General Assembly at its fourteenth session that, in accordance with the undertaking referred to in the seventh preambular paragraph of General Assembly resolution 1349 (XIII), the elections were duly held on 12 April 1959.

e. FUTURE OF WESTERN SAMOA

169. The period after Western Samoa came under the International Trusteeship System saw a series of constitutional developments which brought the Territory within sight of self-government or independence.

170. On the proposal of the Administering Authority, a convention was held in the Territory from 10 November to 23 December 1954 to consider a constitutional plan for a future State of Western Samoa. The proposals formulated by the Samoans at this convention were submitted to the Administering Authority, which made observations on each of the main proposals. These observations were considered by a joint session of the Legislative Assembly of Western Samoa and the Fono of Faipule, held in 1955. Discussions were also held between the members of the joint session and the New Zealand Minister of Island Territories, who visited Western Samoa in July 1955. After further examination of the recommendations of the Constitutional Convention in the light of the proceedings of the joint session, the Administering Authority, in a letter 190/ dated 26 December 1955 and an attached memorandum, set forth its views on the constitutional changes which it considered could be introduced over the ensuing few years. The Administering Authority outlined three steps by which, in its opinion, full cabinet government could best be reached. The three steps were as follows:

(a) The introduction of a "Member System", in which the High Commissioner, in his discretion, would charge elected members as well as official members of the Executive Council with responsibility for departments or subjects;

(b) The establishment of ministerial government, with the Executive Council functioning as a Council of Ministers and a new enlarged Legislature with its own elected Speaker, led by a Leader of Government Business;

(c) The introduction of cabinet government with a Premier presiding over the Council of Ministers and leading the business of the Legislature.

171. With regard to the third step, a memorandum 191/ attached to the letter of 26 December 1955 stated:

"... Cabinet Government would be introduced with a Premier presiding over the Council of Ministers and leading the legislature. The High Commissioner and the

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189/ G A (XIV), 4th Com., 937th mtg., para. 55.
190/ T C (XVIII), Annexes, a.i. 4, p. 42, T/1243.
191/ T C (XVIII), Annexes, a.i. 4, p. 42, T/1243, Memorandum, paras. 15 and 16.

Fautua would no longer attend meetings of the Council of Ministers, which thus would become a Cabinet. It is hoped that the new Government proposed under the first and second steps will measure up to its responsibilities sufficiently to enable the third step to be taken in 1960.

"... With full Cabinet Government thus established there would remain only one more step to be taken before it could be said that self-government had been finally achieved, namely the change in status of the representative of New Zealand and the assumption by the Head of State of the proper powers and functions of that office. When this should be done would be the subject of discussions between the new Government of Western Samoa and the Government of New Zealand."

172. At the twenty-second session of the Trusteeship Council, the Administering Authority, in a memorandum enclosed with a letter dated 20 June 1958, informed the Council that the first two steps outlined in the letter and memorandum 192/ of 26 December 1955 had been implemented. Taking into account the current rate of development, and following consultation with the Government of Western Samoa, it had come to the conclusion that within the ensuing few years the appropriate organs of the United Nations must be asked to give consideration to the termination of the Trusteeship Agreement for Western Samoa. It suggested that the visit of the United Nations Visiting Mission to the Pacific Trust Territories in 1959 could afford an excellent opportunity for examining thoroughly all matters which would have to be taken into account when the question of termination of the Trusteeship Agreement was to be considered and for gaining first-hand information concerning the wishes of the people of Western Samoa. It further suggested that, if the Trusteeship Council agreed with the proposal, the task might best be carried out by a separate mission with special terms of reference, since such a mission could devote more time and attention to the affairs of Western Samoa than could the normal periodic Visiting Mission which visited all Pacific Trust Territories. The Administering Authority considered that the Mission should stay in the Territory long enough to make an exhaustive study of its problems, its potentialities and its political aspirations. It hoped that while such a mission was undertaking its study of Western Samoa, the Administering Authority would be in a position to put forward its own suggestions concerning the lines which future Samoan development might follow if the Territory was to achieve the objectives of the International Trusteeship System at the earliest possible date.

173. The Trusteeship Council accepted the proposal to send a separate Visiting Mission to Western Samoa in 1959 and decided, 193/ by secret ballot, that the Mission should be composed of persons nominated by France, India, United Arab Republic and United Kingdom.

174. During its eighth special session, in October 1958, the Trusteeship Council completed arrangements for the dispatch of the Visiting Mission to the Trust Territory and unanimously adopted a resolution 194/ setting forth the Visiting Mission's terms of reference. These included, in addition to the normal terms of reference of Visiting Missions, the following paragraph:

"... to examine in consultation with the Administering Authority, the extent to which the objectives of trusteeship have been attained by the Trust Territory and the further steps necessary for their attainment".

192/ T C (XXII), Annexes, a.i. 3, p. 27, T/1387.
193/ T C (XXII), 933rd mtg., para. 2.
194/ T C resolution 1922 (S-VIII).

175. The Mission visited the Trust Territory during March and April and submitted its report 195/ on 21 May 1959. During its stay in the Territory, the Visiting Mission devoted particular attention to future constitutional development and to other matters which, in its opinion, the Trusteeship Council and the General Assembly would wish to take into account in considering the transition of Western Samoa to self-government or independence.

176. Owing to the fact that the Administering Authority provided the Mission with a memorandum 196/ which set out the views of the New Zealand Government on the political future of Western Samoa and contained the proposal that cabinet government should be introduced by 1 January 1960, the Mission was enabled to base its discussions with Samoan leaders on these proposals. The Mission sought to obtain from the Fautua and members of the Legislative Assembly, as well as from the Samoan people, their views on most political issues, particularly the introduction of cabinet government, the holding of a plebiscite in connexion with the termination of the Trusteeship Agreement and the future relationship between a self-governing or independent Western Samoa and New Zealand.

177. In its report, the Visiting Mission stated that while progress towards self-government or independence was taking place largely in accordance with the recommendations of the 1954 Constitutional Convention, there remained a number of constitutional and related matters which still had to be determined, including issues connected with the establishment of cabinet government, citizenship, domestic status, the electoral system, control of the public service and judiciary, and the method of appointment of future Heads of State. Consideration of all these matters had been entrusted to a sixteen member Working Committee on Self-Government.

178. In March 1959, the Administering Authority had proposed that a form of cabinet government should come into operation by the beginning rather than at the end of 1960, in order that Samoan leaders would have a longer period in which to gain experience in carrying out their responsibilities while the Territory was still under Trusteeship.

179. The Working Committee on Self-Government and the Legislative Assembly gave special consideration to this question. As a result, the Legislative Assembly unanimously adopted a resolution in which it not only gave its full support to the proposal, but also requested that the date for its implementation should be advanced to 1 October 1959.

180. The Visiting Mission expressed the opinion that the proposal represented a practical approach to the current needs of the Territory, since it gave the new system of cabinet government a chance to operate during the period before the attainment of full self-government or independence. It noted, however, that there still remained a number of subsidiary questions to be determined.

181. So far as the appointment of future Heads of State was concerned, the Visiting Mission did not wish to make any suggestions which might be interpreted as an attempt to influence the Samoans on an issue which was essentially their own concern. Nevertheless, it believed that the method of filling future vacancies in the position of Head of State was a matter which should be determined and clearly prescribed in the Constitution, before self-government or independence should finally be achieved.

195/ T C (XXIV), Suppl. No. 2 (T/1449).
196/ Ibid., p. 25, annex II.

182. The Visiting Mission also discussed the establishment of citizenship for Western Samoa. It realized that for many of the inhabitants of Western Samoa who possessed foreign nationality it would be a serious matter to decide whether to retain their nationality and give up political rights in Western Samoa or to adopt Western Samoan nationality and hence renounce the rights associated with their foreign nationality. The Mission therefore considered it essential that, well before the end of the period during which these persons were required to opt for or against Samoan citizenship, at least the main terms of the draft Constitution and electoral laws should be made public in a definite form, in order that these people could learn the details of the rights to be enjoyed by the citizens of the new State. In the case of the Constitution, this might be in the form of a draft approved by the Legislative Assembly for submission to the Constitutional Convention.

183. The Visiting Mission observed certain problems in the economic and educational fields which should be settled within a short period of time. In this connexion, it had formed the impression that the educational situation in Samoa was not satisfactory for a Territory which was soon to be self-governing or independent. Partly because of financial stringencies, the expansion envisaged in the 1954 report of the New Zealand Director of Education 197/ had not taken place and, owing to cuts by the Legislative Assembly, the number of children attending schools had decreased substantially.

184. As one of the measures to be taken for improving the situation in education, the Mission suggested that an advisory committee, composed of educators engaged in administration and teaching, from both government and mission schools, and including other prominent persons in the Territory interested in education, should be set up to advise the Government of Western Samoa on all matters connected with education.

185. While recognizing the primary responsibility of Samoans for the development of education in their own country, the Visiting Mission stated that, with about 20 per cent of the limited revenues of Samoa already devoted to educational purposes, Samoans would not be able to overcome all deficiencies in funds by their own unaided efforts in the immediate future. It considered, therefore, that the Administering Authority would have a special responsibility to continue its educational assistance to Samoa, even after self-government or independence had been attained.

186. After an inquiry from the Visiting Mission as to the views of Samoans on the future relationship between the two countries, a meeting of the Fautua and the Legislative Assembly adopted the following resolution 198/ on the recommendation of the Working Committee:

> "1. This meeting ... believes that it is in the best interest of Western Samoa to enter into a Treaty of Friendship with New Zealand. Consideration of the terms of such treaty should be undertaken before the termination of the Trusteeship Agreement but ratification should not take place till after the termination of Trusteeship in order that the two parties to the Treaty shall possess equal status.
>
> "2. This meeting considers that the Treaty should deal with matters of external affairs and defence but would prefer to await a Memorandum being prepared in New Zealand before expressing its views in greater detail.

197/ C.E. Beeby, Report on Education in Western Samoa (Wellington, Government Printer, 1954).

198/ Quoted in T C (XXIV), Suppl. No. 2, para. 155, T/1449.

"3. It is considered that the right of the Government of Western Samoa to conduct trade negotiations on its own behalf should be clearly stated and defined in the Treaty.

"4. Specific provisions for the termination of the Treaty, if this should at any time be desired by one of the parties, should be included.

"5. It is recognized that there are likely to be a number of administrative matters concerning which Western Samoa and New Zealand will continue for some time to be closely associated. Such matters should be dealt with in some manner less formal than a Treaty in order that they can be easily modified or terminated when desirable."

187. As the Visiting Mission understood the situation, the Administering Authority envisaged that attainment of self-government by Samoa would in no way be conditional upon its concluding a treaty of friendship with New Zealand. The treaty would be a short document, recognizing the independence of Western Samoa, declaring goodwill between the two countries and dealing with the conduct by New Zealand of the external relations of Western Samoa, to the extent agreed upon by Western Samoa. The treaty would be between independent countries, and, as is customary in such treaties, either party would be able to terminate it after a specified period of notice.

188. The Visiting Mission, recalling that Article 76 b of the Charter requires 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, sought to ascertain from the Fautua and members of the Legislative Assembly their views as to methods of ascertaining the wishes of the people concerning the future Constitution of the State of Western Samoa, including the future relationship with New Zealand. In doing so, the Mission expressed the view that a plebiscite by universal suffrage might be necessary.

189. In this connexion, the Fautua and members of the Legislative Assembly adopted the following resolution, 199/ on the recommendation of the Working Committee:

"This meeting of the Hon. Fautua and Members of the Legislative Assembly, having now given careful consideration to the procedure for the termination of the Trusteeship Agreement and in particular to the need to satisfy the General Assembly of the United Nations that the request for the termination of the Agreement is in accordance 'with the freely expressed wishes of the people', recommends:

"(1) That a plebiscite should be held in which the people of Western Samoa would be asked whether or not they agreed to the termination of the Trusteeship Agreement and to the enactment of the proposed Constitution, and Treaty of Friendship with New Zealand.

"(2) That all persons over the age of 21 should take part in this plebiscite."

190. The Mission welcomed this decision but made a reservation that it would be for the General Assembly, in consultation with the Administering Authority, to determine the precise terms of the questions to be put in any plebiscite.

199/ Quoted in T C (XXIV), Suppl. No. 2, para. 164, T/1449.

191. At the same time, the Visiting Mission came to the conclusion, based on consultations with the Samoan people, that public opinion in Samoa was not unanimous on the question of terminating Trusteeship in the near future, and this was another reason why it would be desirable to hold a plebiscite. Thus the spokesmen for the district of Falealili, with a population of 3,400, expressed the view that Samoa would not be ready for full self-government for a period of about ten years, since it did not possess the necessary trained personnel to fill certain positions. A number of educated Samoans considered that Trusteeship should not be terminated while the franchise was so restricted.

192. In view of these considerations, the Mission considered that it was for the Samoan people themselves, weighing these various circumstances, to decide whether they were ready for self-government and desired it in the near future.

193. The Mission endorsed a tentative time-table of future steps proposed by the Administering Authority, according to which the question of Western Samoa would be placed on the agenda of the General Assembly at its fifteenth session, in 1960, when it would have at its disposal all the proposed constitutional instruments for the future State of Western Samoa.

194. The time-table 200/ handed to the Mission by the Administering Authority follows:

1959

July/August: Samoan Amendment Act of 1959, to be passed by the New Zealand Parliament, providing for the implementation of New Zealand proposals on cabinet government

August: Citizenship bill, to be passed by the Samoan Legislative Assembly, providing option for residents not born in Western Samoa to be exercised within twelve months

October: Cabinet government (New Zealand proposals) to come into effect.

1960

June/July: Trusteeship Council to be asked to recommend that the item "Question of Western Samoa" should be placed on the agenda of the General Assembly at its fifteenth session

September: Elections to the Legislative Assembly of Western Samoa, based on new Citizenship Law

October: (Earlier if possible) Constitutional Convention

November: General Assembly to be asked to make arrangements for supervising plebiscite in Western Samoa and, in consultation with the Administering Authority, to agree on questions to be put.

1961

May: Plebiscite to be held in Western Samoa

June/July: Trusteeship Council to examine the report of the plebiscite commissioner and to be asked to make recommendations to the General Assembly concerning the termination of the Trusteeship Agreement

August: New Zealand Parliament to pass legislation authorizing the issue of an Order in Council abrogating New Zealand powers over Western Samoa upon termination of the Trusteeship Agreement (e.g., after 31 December 1961)

November: General Assembly to be asked to take appropriate action in respect of Trusteeship Agreement (e.g., termination on an agreed date, such as 31 December 1961).

200/ T C (XXIV), Suppl. No. 2, para. 174, T/1449.

1962

January: Treaty of friendship to be concluded between New Zealand and Western Samoa.

195. The Visiting Mission, while endorsing this time-table, recognized that some of its details might require modification in the future. It stated that the proposed time-table obviously was based on the premise that satisfactory progress would be maintained in the political and constitutional fields throughout each succeeding stage of the above tentative time-table.

196. The report of the Visiting Mission was considered by the Trusteeship Council during its twenty-fourth session. In the course of the discussion, the delegation of Haiti submitted a draft resolution which was adopted unanimously. The resolution 201/ reads as follows:

"The Trusteeship Council,

"Having examined, at its twenty-fourth session, the report of the United Nations Visiting Mission to the Trust Territory of Western Samoa, 1959,

"Having also examined the oral observations made by the representative of New Zealand,

"1. Takes note of the report of the Visiting Mission and of the observations of the Administering Authority thereon;

"2. Expresses its appreciation of the work accomplished by the Visiting Mission on its behalf;

"3. Draws attention to the fact that, at its twenty-fourth session, in formulating its own conclusions and recommendations on conditions in the Trust Territory, the Council took into account the observations and conclusions of the Visiting Mission and the observations of the Administering Authority thereon;

"4. Decides that it will continue to take these observations and conclusions into account in future examinations of matters relating to the Trust Territory;

"5. Invites the Administering Authority concerned to take into account the conclusions of the Visiting Mission as well as the comments made thereon by the members of the Trusteeship Council;

"6. Decides, in accordance with rule 99 of its rules of procedure, that the Visiting Mission's report and the text of the present resolution shall be printed."

**6. *Practice bearing upon the provision for consultations with the inhabitants*

C. Article 76 c

197. On only one occasion during the period under review did the General Assembly adopt a resolution specifically related to the objective set out in Article 76 c. At

201/ T C resolution 1951 (XXIV).

its eleventh session, the General Assembly adopted resolution 1062 (XI), the text of which reads as follows:

"The General Assembly,

"Having received and granted several requests for hearings from petitioners in the Trust Territories of the Cameroons under British administration and the Cameroons under French administration,

"Having also received a memorandum by the Secretary-General on this question,

"Noting that the petitioners are finding it difficult to obtain travel documents,

"Considering that the exercise of the right of oral petition to the United Nations by the inhabitants of Territories under the International Trusteeship System should be facilitated,

"Invites the Administering Members concerned to grant the petitioners referred to in the present resolution travel documents to enable them to appear before the proper organs of the United Nations for hearings, when granted by such organs, and to return thereafter to their places of residence."

198. The Trusteeship Council continued to include in its conclusions and recommendations references to human rights and fundamental freedoms. Thus, at its twentieth session, the Council noted 202/ the restrictive measures which an Administering Authority had found it necessary to apply in respect of one of the political parties in a Territory, but was confident that the Administering Authority concerned would soon find it possible to permit the exercise of the maximum freedom of speech and of assembly compatible with the preservation of public order. In the same Territory, the Council noted with concern 203/ that some vestiges of racial discrimination persisted in fields outside the direct control of the Administering Authority but was encouraged by the latter's assurance that it was anxious to secure the eradication of the remaining vestiges of racial discrimination wherever they occurred in the Territory. The Council was pleased to learn 204/ of the continuing and gradual improvement in the status of women in the Territory and, in particular, of the appointment of women to positions of responsibility in the legislative and administrative organs of the Government.

199. In another Territory, the Trusteeship Council noted that separate schools, hospitals and quarters continued to exist for the different ethnic groups of the population, but that integration had already begun in schools and hospitals. It also noted 205/ that the situation had improved with regard to the curfew and other restrictions on the freedom of movement of Africans, in particular by the easing of passport regulations and the abolition of the curfew in all towns but one.

200. The Council noted 206/ the steps already taken by the Administering Authority of another Territory to improve the status of women and stressed the need to continue this work and to eliminate the bride-price system and polygamy progressively.

202/ G A (XII), Suppl. No. 4 (A/3595), part II, chap. I, para. 51.
203/ G A (XII), Suppl. No. 4 (A/3595), part II, chap. I, para. 155.
204/ Ibid., para. 158.
205/ Ibid., chap. II, para. 172.
206/ Ibid., chap. V, para. 244.

201. At its twentieth and twenty-second sessions, the Council reiterated 207/ its previous recommendations in regard to the removal of restrictions on the movement of indigenous inhabitants in certain towns in New Guinea.

202. At its twenty-first session, the Council noted 208/ that the Administering Authority of one Territory, because of practical considerations, had found it impossible to grant permission for the formation of certain political organizations, but was confident that the Administering Authority would continue to foster and encourage the development of such institutions. In the same Territory, the Council noted 209/ the lifting of the curfew in all towns except one, and the removal of most restrictions on the movement of indigenous persons within the Territory. Regarding another Territory, the Council expressed the hope 210/ that all appropriate measures would be taken in order to enable women to enjoy the same status as men in all fields of life.

203. The Trusteeship Council, at its twenty-third session, recommended 211/ that the enjoyment of freedom by all political parties should continue to be fully safeguarded, and welcomed the assurance given by the Administering Authority that all political parties in Tanganyika would have every freedom to pursue their policies and activities, subject to the maintenance of peace, order and good government.

204. With regard to another Territory, the Council, at its twenty-fourth session, noted with satisfaction 212/ that the policy of the Administration and the attitude of the great majority of non-Africans were resolutely opposed to any form of racial discrimination and that the Administering Authority would systematically eliminate all vestiges of real or apparent racial discrimination in the Territory. It reiterated its hope that the remaining restrictions on the freedom of movement would be eliminated shortly. It also expressed the hope that the Administering Authority would adopt such practical measures as might be necessary to enable all the inhabitants of the Territory to enjoy a full measure of the rights and freedoms set forth in the Universal Declaration of Human Rights. It expressed its confidence that the population would deem that the time had come for women to be granted rights equal to those of men, in order to elevate the status of women in the Territory. With regard to the same Territory, the Council recommended 213/ that the Administering Authority should continue to encourage the development and operation of the trade union movement. In respect of another Territory, the Council noted with satisfaction 214/ that restrictions on the movement of indigenous persons in certain towns had been abolished, and that all legislation in the Territory was being examined with the aim of eliminating any provisions which were not in the interests of the indigenous people.

205. The Trusteeship Council adopted no recommendations specifically related to encouraging the interdependence of the peoples of the world. Its recommendations and the relevant resolution of the General Assembly 215/ concerning the dissemination of information about the United Nations and the International Trusteeship System may, however, be regarded as having this objective.

207/ Ibid., chap. VIII, para. 141.
208/ G A (XIII), Suppl. No. 4 (A/3822), vol. II, chap. II, para. 69.
209/ G A (XIII), Suppl. No. 4 (A/3822), vol. II, chap. II, para. 69.
210/ Ibid., chap. III, para. 197.
211/ G A (XIV), Suppl. No. 4 (A/4100), part II, chap. I, para. 43.
212/ Ibid., chap. II, para. 147.
213/ Ibid., para. 161.
214/ Ibid., chap. VIII, para. 149.
215/ G A resolution 1276 (XIII).

D. Article 76 d

206. Both the General Assembly and the Trusteeship Council were concerned with the possible effects of the European Economic Community on the development of certain Trust Territories.

207. At its twelfth and thirteenth sessions, the General Assembly adopted resolutions 216/ on this subject. The first resolution invited the Administering Authorities concerned to submit information to the Trusteeship Council on the association of the Trust Territories under their administration with the European Economic Community (EEC), and on the possible effects of the treaty establishing EEC on the development of these Territories. It also requested the Trusteeship Council to include in its report to the General Assembly, at its thirteenth session, a separate section dealing with the effects that the association of certain Trust Territories with EEC might have on the development of those Territories, in the light of any surveys of this problem carried out by various bodies, in so far as they were concerned with the development of Trust Territories.

208. The Trusteeship Council considered the matter at its twenty-second session and adopted a conclusion which stated that it had kept under review the association of Trust Territories with the European Economic Community but, in the absence of detailed information of a fundamental character, which was not available, it was not then in a position to express its views on the subject.

209. By a second resolution, 1275 (XIII) of 5 December 1958, the General Assembly again requested Administering Authorities to include in their annual reports information concerning the effects on the economic development of the Trust Territories under their administration, and on their progress towards independence or self-government, of their association with the European Economic Community; and also requested the Trusteeship Council to examine this question and to report to the General Assembly at its fourteenth session.

210. The Trusteeship Council decided to take this resolution into account during its examination of conditions in the Territories concerned and to devote a separate chapter of its report to the General Assembly to the question.

211. The results of its examination of the question, as well as a summary of the views expressed by individual members of the Council are given in chapter VI of the subsequent report of the Trusteeship Council 217/ to the General Assembly at its fourteenth session.

216/ G A resolutions 1210 (XII) and 1275 (XIII).
217/ G A (XIV), Suppl. No. 4 (A/4100).