



TRUSTEESHIP COUNCIL

Thirteenth Session

OFFICIAL RECORDS

Thursday, 18 February 1954,
at 2.10 p.m.

NEW YORK

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President: Mr. Leslie Knox MUNRO (New Zealand).

Present:

The representatives of the following States members of the Trusteeship Council: Australia, Belgium, China, El Salvador, France, Haiti, India, New Zealand, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Examination of conditions in the Trust Territory of Togoland under British administration: (a) annual report (T/1084 and Add.1); (b) petitions circulated under rule 85, paragraph 2, of the rules of procedure; (c) report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952 (T/1040, T/1070) (continued)

[Agenda items 3 (e), 4 and 5]

At the invitation of the President, Mr. Ensor, special representative of the Administering Authority for the Trust Territory of Togoland under British administration, took a place at the Council table.

GENERAL DEBATE (continued)

1. Mr. ASHA (Syria) referred once again to the lapse of time between the submission of the annual reports and their examination by the Council. He felt that either the Administering Authorities should be asked to send the Council some account of events during the intervening period, or the Council should again change the time-table for submission and examination of annual reports.

2. Turning to the specific item before the Council, he said that the fundamental question raised by the United Nations Visiting Mission to Trust Territories in West Africa, 1952, had now reached an urgent stage. That question was whether Togoland under British administration could still be administered in accordance with the terms of the Trusteeship Agreement once the powers of legislation and administration had been

largely transferred to the Government of the Gold Coast. In human terms, the question was whether the Togoland people wished to be absorbed into the Gold Coast. If that were indeed the case, the Council might welcome a close association between Togoland and the Gold Coast. The absorption of one-half of Togoland into the Gold Coast was not, however, the only possibility. Independence through unification with the other half of Togoland might be at least an equally attractive alternative, and the General Assembly, in resolution 750 C (VIII), had already stated that the interests and future of Togoland under French administration should be taken into account.

3. During the questioning period the Syrian delegation had compared the situation in Togoland under British administration with that in the Cameroons under British administration. Both Trust Territories were administered as an integral part of the neighbouring British colony or protectorate. There were, however, striking differences. In the Cameroons, steps had been taken to preserve the separate identity of the Trust Territory, such as the appointment of a Commissioner for the Cameroons, the establishment of what was virtually a separate budget, the decision to set up the Cameroons as a distinct federal territory with its own executive and legislative organs, and the possibility that the Northern Cameroons might become part of that distinct entity if the people so desired. Those arrangements had not been forced upon the people of the Cameroons by the weight of public opinion in Nigeria; they had resulted from the freely expressed will of the people. In Togoland, on the other hand, there was no Commissioner for the Territory, no special budget and no indication that the people would be allowed to decide whether they should have a regional organization with separate executive and legislative organs, although it was clear from the petitions received and from the reports of the 1949 and 1952 Visiting Missions (T/465 and T/1040) that they wanted those things.

4. The fundamental reason for those differences was presumably the fact that in Nigeria a federal constitution had come into being and the aspirations of the Cameroonians towards greater autonomy did not therefore conflict with the aspirations of the Nigerian people, whereas in the Gold Coast a unitary State was being set up and the Gold Coast political parties would like Togoland under British administration to become part of that unitary State. Hence their aspirations would be likely to conflict with any aspirations of Togoland political parties towards separate legislative and executive identity.

5. It should be borne in mind that the situation in the two Trust Territories was not exactly comparable, since there was not the same ethnic division between southern Togoland and the south-eastern Gold Coast as there was between the southern Cameroons and southern Nigeria.

6. There was another factor which must be taken into account: the demand for unification of the two Togo-

lands. The Visiting Mission had given the impression that the purely Togolese political movements were opposing integration with the Gold Coast because they feared that if they lost their separate identity as a Trust Territory they would prejudice their hopes for the unification of Togoland.

7. The crux of the situation appeared to be that the Council did not know what were the real aspirations of the majority of the people of Togoland, chiefly perhaps because the peoples of both Togolands had not been given the opportunity freely to express their wishes without pressure from outside.

8. The special representative had said that the forthcoming general election would give a clear picture of the trend of public opinion in southern Togoland and that when the Administering Authority came to make further proposals regarding the future of the Trust Territory, it would take account of the people's views as expressed in the election. The question was whether the election could properly be regarded as a kind of referendum to decide the future of Togoland under British administration. It would be fought from the Gold Coast side by an experienced political party with resources drawn not from little Togoland alone but from the large and wealthy Gold Coast; the government party, in fact, which could claim the credit for all the progress made in Togoland. The Togoland local parties were presumably comparatively ill-organized and ill-equipped. The electorate was for the most part made up of peasant farmers, illiterate and inexperienced in modern political campaigning, possessing no representative bodies or groups where the issues could be discussed intelligently and authoritatively. He hoped the members of the Council would bear in mind the question whether those people, most of them voting in a national election for the first time in their lives, should be called upon to take a final decision concerning the political fate of their Territory.

9. With regard to northern Togoland, the White Paper of the Gold Coast Government stated that it was the "unanimous demand of the people of the Northern Section for their area to become part of the Northern Territories of the Gold Coast"¹. He wondered whether that statement could be accepted without reservation. The most recent Visiting Mission had pointed out in its report on the Territory (T/1040) that it was the chiefs who were expressing that demand and had implied that there was no public opinion in the north in the real sense of the term. It appeared from the White Paper that the Gold Coast Prime Minister had assured the northern chiefs that his Government supported them in their demand for integration. He wondered whether the northern chiefs had obtained that as a *quid pro quo* for their support of the establishment of a unitary State in the Gold Coast. He did not question the Prime Minister's wisdom in seeking to achieve unity for his country, but the door should not be closed for all time to the eventual freedom of the people themselves to make their choice.

10. In the view of the Syrian delegation, the Council should first ascertain what progress had been made towards providing the people of both Togolands with a free forum for the expression of their aspirations and what were the present status of the Joint Council for

Togoland Affairs and the prospects of establishing it on a satisfactory and democratic basis. The Council should then request the Administering Authorities of both Togolands to submit before the next session a full progress report on the establishment and operation of the Joint Council, the results of the Gold Coast elections and any other political developments. The information furnished could be studied either by a special sub-committee of the Council or by the Standing Committee on Administrative Unions and a report submitted to the next session of the Council.

11. With regard to economic affairs, the Syrian delegation suggested that the Administering Authority should consider the introduction of new crops in order to establish a more balanced economy. He shared the views of the Chinese representative with respect to the low price paid to farmers for cocoa and thought the problem should be reviewed so as to eliminate all complaints. He hoped the Administering Authority would encourage the inhabitants of the Territory to import directly from overseas. In agriculture, there was need for a more rapid introduction of machinery and modern farming.

12. The Council appreciated the Administering Authority's efforts to deal with the problem of roads, but it must be recognized, as the special representative had said, that the Territory's roads were far from adequate; he hoped the Administration would do its utmost to improve them.

13. He had been sorry to read in the Visiting Mission's report that the standard of living in the Territory, especially in the north, was not far above subsistence level. That was disappointing after over forty years of some kind of trusteeship.

14. There was need for more hospitals and better-equipped dispensaries, and free medical treatment should be given. He had been glad, however, to hear from the special representative that no patients were refused admittance for lack of money if the doctor certified that they were unable to pay.

15. He hoped that in its next annual report the Administering Authority would give more detailed information concerning the organization of labour and that there would be some improvement in that respect.

16. He had been glad to note that the Government was setting up housing loan boards and hoped the next report would give a more encouraging picture.

17. Although satisfied that corporal punishment had not been resorted to recently, he endorsed the Chinese representative's hope that the resolutions of the General Assembly and the recommendations of the Trusteeship Council in that connexion would be fully implemented and that type of punishment completely abolished.

18. With regard to education, he felt that no child should be deprived of education because his parents were unable to pay a nominal fee and he hoped that before long there would be compulsory elementary education throughout the Territory. Furthermore, there was a great need for more trained teachers.

19. In conclusion, he assured the special representative that his questions and remarks had not been inspired by a critical spirit but by a sincere desire to help the peoples of the Trust Territory.

¹ See *Gold Coast: The Government's Proposals for Constitutional Reform*, Accra, Government Printing Department, 1953, p. 9.

20. Mr. DORSINVILLE (Haiti) said that he had studied the annual report² and the report of the Visiting Mission in the hope of finding grounds for satisfaction. He had, however, been disappointed to find that no Togolander had yet become a member of the Executive Council and that out of 84 members of the Legislative Assembly only five were Togoland. Furthermore, both the Visiting Mission and the Administering Authority itself agreed that political consciousness was undeveloped. The powers of the local councils set up in 1951 did not exceed those of the former Native Authorities and their functions would be extended only very gradually. It was impossible to over-emphasize the importance of developing training in local administration. He could not but deplore the fact that the headquarters of all government departments and administrative services was outside the Trust Territory.

21. Nor was there any great cause for rejoicing in the economic field; empirical farming methods, the disastrous method of shifting cultivation and the destruction of the forests were regrettable facts, and the special representative's replies to questions concerning the embryonic agricultural stations had not shown the picture in a more favourable light.

22. Following the failure of the groundnut scheme the Administration showed a certain nervousness of introducing new crops, but there was danger also in allowing the Territory's economy to depend entirely on cocoa. True, that crop realized immense profits for the Cocoa Marketing Board and, through the export tax, for the Administration, and part of those profits was undoubtedly devoted to the improvement of conditions in the Territory. Nevertheless the Visiting Mission had received many complaints that the price paid to the producer was too low and that the Board's profits were exaggerated. He therefore maintained the view he had previously expressed that at the end of each financial year the Cocoa Marketing Board should make a supplementary payment to the producers to lessen the gap between the price paid to them and the sale price on the world market. He did not agree with the special representative that such a measure would nullify the Administration's anti-inflationary policy. The increase in the export tax on cocoa showed that the Administration wished to limit the Board's profits.

23. He drew attention to the low wages paid to workers on the cocoa plantations, the inadequacy of housing and the fact that no contracts were given. There was no official in the Territory responsible to the Labour Department for seeing that the law and the regulations were observed.

24. There was a striking contrast between the enormous profits earned by the Cocoa Marketing Board and the miserable wages of agricultural workers. The situation in the north of the Territory was far from ideal; a population of 44,000 Konkombas lived in neglect, with only one small school and no dispensary. The roads the Germans had built were overgrown. Those facts had been observed by the Visiting Mission.

25. The situation with regard to education was more encouraging; much could be hoped from the accelerated development plan for education, adopted only in 1951,

² See *Report by Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations on the Administration of Togoland under United Kingdom Trusteeship for the Year 1952*, London: Her Majesty's Stationery Office, 1953, Colonial No. 296.

provided the necessary funds were forthcoming. He urged the absolute necessity of education at every stage being given free of charge. Unless that were done, school attendance would remain low. In that connexion he had been glad to note that as a result of the introduction of free primary education in the Territory in 1952, the number of pupils had doubled, the number of schools had increased from 338 to 433 and the number of teachers from 1,025 to 1,311. The school buildings were not all in good condition, the teachers were not all fully trained, but what was important was that progress was being made.

26. Generally speaking, much remained to be done in the Territory, largely owing to the lack of plans for the development of the Territory's resources as a separate entity. The policy followed was the direct consequence of the division of the Territory after the First World War between governments whose principal interest was to maintain their spheres of influence in Africa, and it offered no solution of the crucial problem, i.e., whether the resources of Togoland under British administration and Togoland under French administration together were sufficient to enable them to form an independent State. Whatever the outcome of events, the Council would undoubtedly demand that the peoples themselves should be able to decide their own future.

27. Mr. QUIROS (El Salvador) thought that the United Kingdom Government's intentions with regard to the future status of the Territory were not clearly defined. The tendency appeared to be to integrate the Territory into the Gold Coast, whereas the Charter specifically laid down that the goal to be attained was that of independence with self-government. His delegation had hitherto believed that the object of the Convention People's Party was to bring about a federation between the Colony and the Territory as autonomous States. It was clear, however, that the Gold Coast Government was not interested in a federal constitution; the Territory could at best become a unit of a self-governing Gold Coast. Moreover, the support given by the Administering Authority to the majority party in the Government gave rise to doubt whether the forthcoming elections would truly reflect the wishes of the people of the Territory concerning their future political status. It was important that the people should be given a real opportunity of expressing their desires, and it was for them to choose by what means they should attain the status laid down in the Charter, whether by integration with the Gold Coast or by union with the Trust Territory of Togoland under French administration. At all events, independence was the goal, not annexation by the neighbouring colony.

28. With regard to the constitutional reforms mentioned by the special representative, it had been suggested that Togoland under British administration would in future be more fully represented in the Legislative Assembly. In fact, there was little real difference between a representation of ten out of a total of 104 elected members and a representation of six out of a total of 75 elected members. If integration was not the object, then a larger representation was required both absolutely and in order to prepare a sufficient number of Togoland.ers for the future task of governing their own country.

29. As to local government, he noted with satisfaction that all local councils had already been set up and were functioning smoothly. He had been struck by the good-

will on the part of members and by their evident desire to do their best for their localities.

30. In the matter of economic conditions, he agreed with the representatives of Syria and China and with the Visiting Mission that cocoa prices must be revised so as to assure producers a more equitable return for their product. Another problem was that of the road network; good communications were the basis of economic development and in that respect there was clearly much to be done in the Territory.

31. In the matter of social advancement, the Visiting Mission had already suggested several ways in which the Trusteeship Council might make recommendations, particularly with regard to the provision of hospitals in the Territory. He hoped that the Drafting Committee would take account of its observations.

32. With regard to education, he had nothing to add to the remarks made by other representatives.

33. Mr. HURE (France) observed that the relations between the Governments of the two Administering Authorities were so close and constant that it had been unnecessary for him to put questions to the special representative. In the course of the debate, however, he had noted with interest the information which had been given, in the political field, with regard to new provisions which would enable the Togolese people in the future to take a larger and more direct part in the management of their own affairs. His interest had been even greater in the improvements which had been made in the structure of local administration, for his delegation earnestly believed that political education should be given at the local level. Without such training a people could never attain to real democracy, and it was essential that public opinion should be stable, well-informed and alert. It had therefore been gratifying to learn from the special representative of the great interest taken by the individual Togolander in the functioning of his Territory's institutions.

34. It was not surprising, however, that cocoa-planters were not yet fully aware of the need for the controlled marketing of their product. His delegation had noted with satisfaction the important part played by the Cocoa Marketing Board in checking inflation. It hoped that in its next report the Administering Authority would give fuller information on the economic activities of that Board and also on measures taken to increase the people's awareness of its value. He would repeat his Government's view that the extreme economic specialization of the Territory constituted a grave risk and that it was eminently desirable that sources of revenue other than cocoa should be found. It hoped that the completion of the Volta River project would contribute substantially to the prosperity of Togoland, not least by diversifying its economic life. The Council would no doubt be informed of future developments in that matter and also of the effects on the wealth of the Territory of building a port at Tema.

35. There was little to be said on the subject of social advancement, since progress in that direction was naturally slow and unspectacular and the possibilities for improvement unlimited. His delegation noted with satisfaction the improvements in medical care which had taken place since 1952 and hoped that further progress would be made.

36. The same could be said in the matter of education. The Administering Authority was to be congratulated on the introduction of modern methods using the film,

the radio and mass education media. His delegation was particularly interested in the proposal to establish technical training schools in the southern part of the Territory, for efficient workers in factories and workshops would assure the country of economic prosperity.

37. Mr. MENON (India) said that although the question of the unification of the two Togolands appeared as a separate item on the agenda, it could not be altogether excluded from a consideration of the future political status of Togoland under British administration. A further difficulty in discussing the present item was that the responsible government was represented in the Council only in part, for Togoland was exceptional among Trust Territories in having an administration which was largely indigenous.

38. It would be appropriate, however, to comment on some recent achievements in the Territory. He wished to endorse the remarks made by other members of the Council and by the Visiting Mission concerning the great advance in education. He approved of the plan for six week training courses for teachers so that primary education might become universal, even if the cost were a temporary loss in quality. He was happy to note UNESCO's approval, in its observations (T/1091), of the educational policy being pursued in the Territory.

39. Economic life, too, showed great improvement; the Territory's income had increased by 500 per cent during the trusteeship period: in fact it now had a surplus of income over expenditure. The Indian delegation nevertheless shared the concern of others for the prosperity of the cocoa farmer. The Cocoa Marketing Board was doing much to protect him from exploitation, but more might be done by government intervention in the later stages of the marketing and manufacture of the product to enable the Territory to enjoy the benefit of the profits made.

40. More Africans were employed in the administration of the Trust Territory of Togoland than in other Territories, but the proportion was still small. It was important that all essential services should become Africanized before the Territory attained political independence; in that connexion he noted with satisfaction that a Commissioner for Africanization Services had been appointed.

41. The most important political advance had been in the matter of local government. He congratulated the Administering Authority on its enlightened use of tribal organization and tribal institutions for the purpose of developing democratic methods and forms of government. Thus it came about that delegates of local communities were at once traditional chieftains and elected representatives.

42. Much had been done to improve the medical services of the Territory and the proportion of African to European personnel had markedly increased. The World Health Organization's regional office in Brazzaville had given great assistance and he hoped it would give even more in the future.

43. The fundamental problem with regard to the Trust Territory, however, was that of its future political status. In any discussion of the relative merits of unification and integration, it was to be remembered that present boundaries were largely artificial. They were European, not African. There were Dagombas and Ewes, for instance, both in the Trust Territory and in the Gold Coast. That did not mean, however, that the question was whether the Trust Territory should, as it

were, be handed over to the Gold Coast; it was rather what was to happen to the Territory once the Gold Coast had attained independence. Naturally, the main consideration should be the interests and desires of the peoples themselves; there was much evidence, however, of a diversity of views among Togoland — the Visiting Mission had indeed paid a tribute to the political freedom prevailing in the Territory: some wanted union with the Gold Coast, others wanted union with Togoland under French administration. Consideration, however, of the progress made in local government, education, sanitation and other spheres during the trusteeship period as compared with the period of the British Mandate rather pointed to the conclusion that association with the Gold Coast had been largely responsible for that advance and, hence, that continued association might prove more profitable than union with Togoland under French administration, which was not making such rapid progress in its political institutions. Administratively, politically and economically, moreover, the Territory and the Colony already had much in common; it would be a pity for the Territory not to continue to derive benefit from such joint enterprises as the Volta River project and the Tema harbour project. Although the decision should not be taken out of the hands of the Togolese people, they should be helped to find where their best interests lay.

44. Clearly the Trust Territory could not maintain a separate, isolated existence, nor on the other hand could it compromise in its association with the Gold Coast. The Indian delegation fully understood the Gold Coast's desire for complete independence and believed it to be justified in maintaining that if the Trust Territory wished to benefit from association, it should be prepared for total integration into the Gold Coast when the latter attained independence. Nevertheless, for constitutional and other reasons it was essential that any transfer should take place within the terms of the Trusteeship Agreement and with the consent of the people.

45. Bearing all those considerations in mind, his delegation, which had formerly supported the idea of the unification of the two Togolands, was now prepared to leave the question open until the interests and desires of the people of the Trust Territory were fully declared.

The meeting was suspended at 4.5 p.m. and was resumed at 4.30 p.m.

46. Mr. RYCKMANS (Belgium) said that the examination of the annual report of Togoland under British administration showed that considerable progress had been made in all fields. Of major importance was the fact that the Territory was rapidly advancing towards full self-government. Much of the Administering Authority's power and the day-to-day administration of the Territory had already been transferred to a government emanating from the people of the Trust Territory and the Gold Coast. The Governor would soon retain only the limited powers normally vested in the head of State in a country governed by a constitutional régime.

47. Although the Governor still had the right to veto any measures contrary to the Charter or to the Trusteeship Agreement, the present situation — which would eventually arise in the other Trust Territories as well — placed the Administering Authority and the Trusteeship Council in a difficult position. Inasmuch as Togoland was a Trust Territory, the Administering Authority was still fully responsible to the Trusteeship Council. In many cases, however, it had, by constitutional re-

forms of which the Council could not but approve, relinquished any real control over the trend of events. On the one hand, the Administering Authority could not be excused of its responsibility to report to the Council on the grounds that a given matter was no longer its concern; on the other hand, as the Indian representative had just said, it was difficult for the Trusteeship Council to make recommendations to local authorities chosen by a self-governing people. It was open to question what action the Council could take with regard to corporal punishment, for example, since the special representative had explained that the Legislative Assembly had refused to abolish it altogether. The same problem arose in connexion with primary education, which was in the hands of the local authorities. It was clear that in the northern section of the Territory the local authorities were not paying due attention to primary education and it was arguable whether the Administering Authority should be allowed to disclaim responsibility and confine itself to expressing pious hopes for the future.

48. The attention of the Council and the Administering Authority should be drawn to the danger of imbalance between social expenditure and economic investment. Owing to the abnormally high price of cocoa and coffee, government revenues in the Gold Coast and the Trust Territory were far greater than could ordinarily be expected. With praiseworthy enthusiasms, the Gold Coast Government had embarked on a vast programme of social expenditure which it would obviously be unable to maintain in normal years. As the New Zealand representative had said, if social expenditure was to be indefinitely maintained, an adequate proportion of the national income must be invested in economically productive concerns. The opening of new schools was undoubtedly more important than the opening of new mines or agricultural enterprises, but in the last resort social progress must be financed by economic development.

49. Several members of the Council had criticized the government for withholding too high a proportion of the price of cocoa in the form of export duties or contributions to the Cocoa Marketing Board's stabilization fund. The Council should be extremely careful in making any recommendations in that connexion. The export tax on cocoa was admittedly very heavy but two factors should be borne in mind: first, the world cocoa shortage, and therefore the high price of cocoa, had been brought about by a number of abnormal factors and was purely temporary; secondly, the cost of production had not noticeably increased and the growers had not been involved in any added effort or expense. If the cocoa producers had been allowed to double their profits, that would have had a very serious effect on the country's whole economy. The producers of other food crops would inevitably have felt that they too were entitled to greater profits and there would have been a marked and uncontrollable rise in the cost of living and a very real danger of inflation. It was not unusual for governments to levy exceptionally heavy taxes on exceptional profits and he felt that the Gold Coast Government had acted wisely. It would therefore be unwise for the Council to recommend the Administering Authority to give the cocoa producers a larger part of the sale price. Such a recommendation would be enthusiastically welcomed by the cocoa producers, who would use it, regardless of the general interests of the country, to bring pressure to bear on the government,

which would find it impossible to take advantage of the abnormally high price to build up essential reserve funds.

50. In conclusion, he urged the Syrian representative not to press his proposal concerning the date for examining annual reports. The matter had been discussed at length and previous experience had shown that it was impossible to obtain carefully prepared reports on the African Trust Territories in time for consideration at the Council's summer session. The special representative could inform the Council orally of any developments that had taken place since the preparation of the annual report.

Mr. Ensor, special representative of the Administering Authority for the Trust Territory of Togoland under British administration, withdrew.

Examination of conditions in the Trust Territory of Togoland under French administration: (a) annual report (T/1080 and Add.1); (b) petitions circulated under rule 85, paragraph 2, of the rules of procedure; (c) report of the United Nations Visiting Mission to Trust Territories in West Africa, 1952 (T/1041, T/1068) (continued)

[Agenda items 3 (f), 4 and 5]

At the invitation of the President, Mr. Apedo Amah, special representative of the Administering Authority for the Trust Territory of Togoland under French administration, took a place at the Council table.

QUESTIONS CONCERNING THE TRUST TERRITORY AND REPLIES OF THE SPECIAL REPRESENTATIVE

Political advancement

51. Mr. RYCKMANS (Belgium) asked what was the size of the rebate on tax levies paid to village chiefs and of the *ex officio* allowances paid to cantonal and paramount chiefs in recognition of their respective administrative functions, and whether those chiefs also received any tribute or dues from their subjects in virtue of their customary functions.

52. Mr. AMAH (Special representative for Togoland under French administration) replied that village chiefs received between 2 and 5 per cent of the amount collected in taxes, according to the size and population of their respective areas. The cantonal and paramount chiefs had much greater responsibilities and received an allowance which varied with the size and the economic and political importance of the region. Customary dues were agreed to by the tribe rather than demanded by the chief as a right, and took such forms as agricultural work, roofing of the chief's huts, and offerings of the first produce of the season. The Administration did not intervene except in case of abuse.

53. In reply to a further question by Mr. RYCKMANS (Belgium), Mr. AMAH (Special representative for Togoland under French administration) said that he had never heard of a chief's taking steps to exact customary tributes to which he had no title in law and that in such a case the chief concerned would be liable to prosecution. Customary tributes were almost always offered voluntarily and any person unwilling to pay them could withhold them.

54. In reply to a question from Mr. KHAN (India), Mr. AMAH (Special representative for Togoland under French administration) stated that the tension between the two political groups referred to in para-

graph 48 of the Visiting Mission's report (T/1041) had abated, leaving only the normal rivalry of opposing political parties.

55. Mr. KHAN (India) asked how many inhabitants of the Territory would be eligible to vote on the basis of universal and unrestricted adult suffrage, and whether the fact that the number of registered voters was smaller was due to the restrictive effect of electoral qualifications or to imperfect registration.

56. Mr. AMAH (Special representative for Togoland under French administration) explained that, both before and after the enactment of the Act of April 1952 which had increased the electorate, some persons had failed to register owing either to ignorance or to indifference, which the Administration had largely overcome by intensive propaganda, with the assistance of the *circonscription* chiefs. By the time the revision of electoral rolls was completed the number of registered electors was expected to reach 151,000. The qualifying age was twenty-one years; it was estimated that about one-third of the population was adult and the number eligible for the franchise would accordingly be between 300,000 and 400,000.

57. In reply to further questions by Mr. KHAN (India), Mr. AMAH (Special representative for Togoland under French administration) stated that the bill to convert the Privy Council of the Commissioner of the Republic into a partly elected government council, which had been tabled before the French National Assembly on 19 December 1952, had not yet become law. It was now before the Assembly of the French Union, where there was much support for it. The measure had been held up for some time by pressure of parliamentary business; had the matter been one that could be settled by decree, the reform would have been introduced long before, but parliamentary procedure always took a long time.

58. The "contradiction" between paragraphs 57 and 60 of the Visiting Mission's report was more apparent than real. The cantonal and village chiefs were elected on a customary basis totally unrelated to the Administration and their status was accordingly purely customary except that they served as a link between the people and the Administration, and, in that capacity, they filled certain administrative functions such as the collection of taxes.

59. The population was receiving its political education through customary, administrative and electoral bodies and through the schools, which were steadily reaching even the remotest areas. Everyone now knew the composition and functions of the Territorial Assembly, the customary councils, the *conseils de circonscription* and the mixed communes; the two last-named invited the village chiefs to their meetings in order to spread knowledge of their work. All classes of the people were addressed on current events by the *commandants de cercle* and chief subdivisional officers during their frequent tours of all the villages. The public information system was being reorganized; films were available and it was hoped to have sufficient equipment soon to show films everywhere. Mass education would be accompanied by an anti-illiteracy campaign.

60. He was unable to state when the bill to confer legislative powers on the Territorial Assembly would become law but he understood that it would probably be given priority. The powers of the *conseils de circonscription* and the mixed communes would be extended

either by the same Act or by other legislation enacted at the same time.

61. Mr KHAN (India) asked why elections to the *conseils de circonscription* should be indirect, when elections to the Territorial Assembly and the mixed communes were direct.

62. Mr. AMAH (Special representative for Togoland under French administration) explained that the *conseils de circonscription* were elected in two stages, in order to enable all the inhabitants to vote: they elected a college which, in its turn, in a second ballot, elected the members of the *conseil*. Thus even the illiterate knew the persons for whom they voted.

63. Mr. KHAN (India) asked whether Africans held any important posts in the Territory besides those of administrative officer of Akposso-Plateau and Police Commissioner of Palimé; whether the civil service now contained a higher proportion of Africans; and why, according to the Visiting Mission, in some cases educated Togolanderns preferred occupations other than those in the civil service.

64. Mr. AMAH (Special representative for Togoland under French administration) stated that an African had been appointed assistant *commandant de cercle* at Tsévié, while others were police commissioners at Anécho, Atakpamé and Tsévié. The recruitment standard had been raised, with the result that suitable candidates for important posts were now available in the administrative grades. With the addition of students returning from France and those leaving the secondary schools, the civil service would shortly be staffed with efficient persons capable of rising rapidly to higher posts. In some instances, but not all, the liberal professions attracted young Africans because they were better paid than civil service posts.

65. Mr. KHAN (India) asked whether that meant that the best brains did not go into the civil service.

66. Mr. AMAH (Special representative for Togoland under French administration) replied that, on the contrary, public posts were on the whole much sought after. Some returned students, among them lawyers and doctors, had opted for private practice but it was probable that in future the majority of candidates would wish for posts in the Administration.

67. Mr. KHAN (India) asked how the statement, in paragraph 114 of the Visiting Mission's report, that only French citizens could be appointed professional judges could be reconciled with the statement on page 19 of the Administering Authority's annual report³ that Togolanderns were eligible for all public positions of the French Republic.

68. Mr. AMAH (Special representative for Togoland under French administration) read out the relevant observation of the Administering Authority (T/1068) refuting that statement in the Visiting Mission's report. As an example of the eligibility of Togolanderns for judicial appointments, he pointed out that a Togolander had been appointed deputy *procureur de la République*.

69. In reply to a further question by Mr. KHAN (India), Mr. AMAH (Special representative for Togoland under French administration) explained that the purpose of the secret funds referred to on pages 294-295 of the Administering Authority's report was the

same, probably, as in any other country: to meet urgent unforeseen expenses which were not covered by the ordinary budget. The increase in the secret funds was attributable to the increase in such expenses.

70. In reply to questions by Mr. SEARS (United States of America), Mr. AMAH (Special representative for Togoland under French administration) confirmed that all members elected to the Territorial Assembly in 1952 were participating in the Assembly's sessions. Despite the political maturity of the population, intervention in political meetings could not be ruled out when tempers ran high and caused outbreaks of violence.

71. Mr. LOOMES (Australia) asked whether the diversity of the various local systems of customary law was a source of problems, for instance in the case of conflict between a man's local system and that of a locality to which he went to work, and whether the systems could be codified or rationalized.

72. Mr. AMAH (Special representative for Togoland under French administration) said that customary law was not written and that the local administration had abstained from codifying customs which were changing following contact with the modern world. The courts took into account both the local customs and those of the person before them and, in civil cases, the judge was assisted by two persons chosen from the list of assessors and belonging to the same customary law system as the plaintiff.

73. Mr. PIGNON (France) added that the bill already mentioned would empower the Territorial Assembly to codify customary law and to clarify indigenous civil law.

74. Mr. LOOMES (Australia) asked what was the composition of the new Labour Court (*Tribunal de travail*); whether it would have jurisdiction over all workers in Togoland and not merely French nationals; what position it would occupy in the judicial system; and whether there was provision for appeal from its decisions.

75. Mr. AMAH (Special representative for Togoland under French administration) said that the Labour Court took its place in the system of civil courts. Having been formed so recently, it had not yet been in session. The members would be a presiding judge, who had already been appointed, two assessors for the employers and two for the workers, the latter selected by the trade unions from different occupations.

76. Mr. TARAZI (Syria) pointed out that most of the French *départements* elected fewer senators than deputies. It would be interesting to know why the Trust Territory had two senators but only one deputy.

77. Mr. AMAH (Special representative for Togoland under French administration) explained that when the seats had been distributed in 1946 the dual electoral-college system had still existed in Togoland. The Trust Territory had been assigned one deputy to be elected by both colleges, one senator for the African college and one senator for the French college and the two senatorial seats had been retained even after the two colleges had been merged.

78. In reply to a further question by Mr. TARAZI (Syria), Mr. AMAH (Special representative for Togoland under French administration) said that Togoland was represented in the National Assembly by an African deputy, in the Council of the Republic by one

³ See *Rapport annuel du Gouvernement français à l'Assemblée générale des Nations Unies sur l'administration du Togo placé sous la tutelle de la France, année 1952*, Paris, Imprimerie Chaix, 1953.

African senator and one French senator—who had stood as a team despite the abolition of the dual college—and in the Assembly of the French Union by one elected African representative. Hence, of the Territory's four parliamentary representatives, only one was European.

79. In reply to a question by Mr. TARAZI (Syria) concerning the functions of the Territorial Assembly, as shown on page 42 of the annual report, Mr. AMAH (Special representative for Togoland under French administration) explained that the term "control of legal form" (*contrôle de légalité*) referred to the power of the *Conseil d'Etat* to examine the budget voted by Territorial Assembly to ascertain that it had been adopted in conformity with the law. In the absence of any action by the *Conseil d'Etat*, the budget automatically went into effect after a period of three months.

80. Mr. TARAZI (Syria) asked whether he would be right in assuming from that reply that there was no supervisory control (*contrôle de tutelle*) over the Territorial Assembly. In France the local representatives of the central government had supervisory control over the deliberations of the *conseils généraux* in the *départements*.

81. Mr. AMAH (Special representative for Togoland under French administration) replied that the Commissioner of the Republic was empowered to scrutinize decisions of the Territorial Assembly, and to put them into effect. He could refuse to give effect to a decision on the grounds, for example, that it was illegal, but in arriving at that decision he would seek the advice of the Privy Council. In the case of any disagreement between the Commissioner of the Republic and the Assembly, the matter was submitted to the Minister for Overseas France, who took the final decision. In practice such disagreements were very rare.

82. Mr. TARAZI (Syria) would like to know whether the Administering Authority felt that the Court of Cassation's power to refer a case back to an assize court in another Territory (page 61 of the annual

report) was compatible with the International Trusteeship System.

83. Mr. AMAH (Special representative for Togoland under French administration) pointed out that, as the annual report stated, the Court of Cassation could also refer the case back to the same assize court with a different membership. If the point arose in the Trust Territory, that alternative would be adopted.

84. Mr. TARAZI (Syria) did not understand from pages 62 and 63 of the annual report what was the difference between the respective functions of the courts of first degree and the customary courts; nor was he clear whether there was any appeal against decisions of the customary courts.

85. Mr. AMAH (Special representative for Togoland under French administration) replied that the customary courts had only very recently been brought into the general hierarchy of civil courts. They were primarily conciliation courts. Their decisions were in the nature of court orders, as opposed to mere recommendations and, as such, they could be appealed against to the courts of second degree.

86. Mr. TARAZI (Syria) noted from the Visiting Mission's report that various petitions had been received on the question of lawyers. According to the annual report, there were only four lawyers in the Trust Territory, which seemed quite inadequate to meet the needs of the indigenous population, particularly in view of the complicated system of courts. It would be interesting to know if the Administering Authority had taken any steps to remedy the situation.

87. Mr. AMAH (Special representative for Togoland under French administration) drew attention to paragraph (c) of the Administering Authority's observations (T/1068) on paragraphs 112-116 of the Visiting Mission's report, which made it clear that the number of lawyers in the Territory could be increased if and when the need for additional lawyers arose.

The meeting rose at 5.55 p.m.