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EXAMINATION OF ANNUAL REPORTS: TOGOLAND  
UNDER FRENCH ADMINISTRATION, 1947Report of the Drafting Committee on Annual Reports

Chairman: Mr. Lin Mousheng (China)

The Drafting Committee on Annual Reports recommends to the Council the adoption of the following passage for inclusion in the Report of the Council to the General Assembly covering its fourth and fifth sessions:

## INTRODUCTION

The Report of the Government of France on the administration of Togoland under French administration for the year 1947 was received by the Secretary-General on 14 December 1948 and, having been transmitted\* to members of the Council on the same date, was placed on the agenda for the fourth session of the Council.

During the fifth meeting of that session, Mr. Jean Cedile, Commissioner of the Republic in Togoland, who had been appointed as special representative of the Administering Authority, made an opening statement on conditions in the Territory. Mr. Cedile subsequently submitted written answers\*\* to written questions\*\*\* addressed to him by members of the Council on the Report and on the administration of the Territory. During the twentieth and twenty-first meetings, the representative and the special representative of the Administering Authority answered supplementary oral questions of members of the Council.

During the twenty-sixth, twenty-seventh and twenty-eighth meetings, the Council held a general discussion with a view to formulating conclusions and recommendations relating to the report and to conditions in the Territory, and requested the Drafting Committee on Annual Reports to

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\* Document T/221

\*\* Document T/252

\*\*\* Document T/248

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draft a report, in accordance with rules 100 and 101 of its Rules of Procedure, for inclusion in the annual report of the Council to the General Assembly.

The draft prepared by the Drafting Committee was considered by the Council at its ..... meeting on .....

## PART I

Review of conditions based on the Report of the Administering Authority and on statements made in the Council by the Special Representative and the Representative of France

### 1. General

#### Area, history, topography

Togoland under French Administration lies on the West Coast of Africa between 6° and 11° north latitude. With an area of 55,000 square kilometres, it comprises the greater part of the former Togoland protectorate, which was administered by Germany between 1884 and its occupation by French and United Kingdom military forces in 1914. Togoland was divided into two separate mandated territories, one under French and the other under United Kingdom Administration, and this division is maintained under the International Trusteeship System.

The Southern portion of the Territory is a low-lying, humid coastal zone. A mountainous region runs across the centre of the Territory from south-south-west to north-north-east. The north is a flat and fertile savannah area. The south experiences two rainy and two dry seasons, but the north has only one rainy season.

#### Population

The indigenous population is estimated at about 943,364, while Europeans number some 1,082. The indigenous population consists of a great diversity of linguistic and tribal groups.

#### Capital and port

The capital and principal port of the Territory is Lomé.

### 2. Political Advancement

#### Status of the Territory

In international law, the basis of the administration of Togoland is the Trusteeship Agreement approved by the United Nations on 13 December 1946 and made part of French law by decree of 29 January 1948.

Since 1946, Togoland has occupied a place within the French Union, which consists of France, her overseas Departments and possessions, and

/certain

certain associated units. It is designated an "Associated Territory". There is no law expressly providing for the incorporation of Togoland into the Union, but French legislation is applied to it under Article 4 of the Trusteeship Agreement.

The purposes for which the Administering Authority has brought the Territory into the French Union are (a) to give it the benefit of a regime at least as liberal as that applied in neighbouring non-self-governing territories; (b) to give its inhabitants a share in the making of the laws and regulations that govern them; and (c) to advance their political education and help disseminate the democratic principles set forth in the Charter of the United Nations.

The Territory is accordingly granted the right of representation in the organs of the French Union as a whole, in which legislative powers and right of political discussion are vested; it enjoys a system of suffrage intended eventually to be universal; it has an elected Representative Assembly empowered with financial authority and rights of decision or consultation on local administrative matters; and it has been accorded the rights and freedoms guaranteed by the French Constitution.

The status of the Territory differs from that of other territories in the French Union insofar as the Charter and the Trusteeship Agreement stipulate special administrative rules such as economic equality for all nationals of Members of the United Nations, etc. The Administering Authority regards the relationship of the Territory with the Union as being entirely without prejudice to its future status and that of its inhabitants, who will remain free to determine their status when their political maturity is sufficiently developed.

#### Representation of the Territory

Togoland elects one deputy to the French National Assembly, two representatives to the Council of the Republic, and one to the Assembly of the French Union. One of these four representatives is a European trader, another is a West Indian (a public works engineer), and the remainder are Africans (a doctor and a journalist).

#### Status of the Inhabitants

Although the law establishing "citizenship of the French Union" has not been promulgated in the Territory, its inhabitants enjoy all the advantages granted to citizens of the Union.

They are, for instance, eligible for public offices without distinction as to origin, race or religion, and they enjoy the individual or collective exercise of the rights and liberties proclaimed in the

Constitution of the French Union. By virtue of the status of the Territory as a Trust Territory, they are exempted from conscription for military service.

#### Administrative Structure

The Chief of the local administration is the Haut Commissaire de la République, who represents the French Government and is directly responsible to the Minister of Overseas Territories. He is assisted by an Administrative Council.

For administrative purposes the Territory is divided into six cercles, each in charge of a Commandant de Cercle who is responsible to the Haut Commissaire. Each cercle is further divided into areas under the control of chefs de subdivision who are responsible to the Commandant de Cercle.

#### Representative Assembly

The elected Representative Assembly has an African majority. In association with the administration itself, it takes part in the exercise of the administrative and financial autonomy enjoyed by the Territory.

The Assembly has no power of initiating legislation or of discussing political matters. Laws are enacted by the organs of the French Union and applied to the Territory by special decrees. Consultation of the Assembly on local regulations in certain specified fields is required however, and the territorial budget, which is submitted by the Haut Commissaire, requires the approval of the Assembly.

As an illustration of its functions, the Assembly has, since its establishment, discussed and adopted the 1947, 1948 and 1949 budgets; and it has discussed or given its opinion on all administrative measures affecting the Territory.

Qualifications for election to the Assembly include the ability to read, write and speak French fluently. The present indigenous members, of whom there are 24 as against 6 French citizens, represent the advanced section of the population. There are two political parties in the Territory. Their membership represents only a small minority of the population - mostly persons of some social standing.

#### Method and Extent of Suffrage

Although the Administering Authority contemplates the eventual introduction of universal suffrage, the right to vote is at present limited, in the case of the indigenous inhabitants, other than the small number possessing French civil status, to notables, members for at least two years of trade unions and co-operatives, members of provident society councils, persons able to read French, chiefs, permanent employees and a number of other groups.

/There are two

There are two electoral colleges. The first consists mainly of French citizens who enjoy universal suffrage. The establishment of a separate college for French citizens is designed to ensure for them a proportionately higher representation in recognition of their leading economic role in the Territory. The number of persons eligible to vote in the first college is estimated at 400. Out of a total adult population of 944,446, only 39,615 had registered in 1947, as a result of the novelty of suffrage. The first college is entitled to elect 6 members and the second the remaining 24 African members of the Assembly. Two of the six members of the first section of the Representative Assembly are Africans of French citizenship.

#### Municipal Government

The administration of Lomé is carried out by a mayor who presides over and is assisted by an administrative council.

#### Regional and Local Councils

On a local level, an advisory part is played in the administration by a number of indigenous Councils of Notables. These councils have no organic connection with the Representative Assembly and are essentially consultative to the local administrative heads.

In the past they have been composed, in addition to high administrative officers, of chiefs and other notables elected by chiefs. An experiment is being made, however, in changing their composition to include representatives of economic groups, trade unions, co-operatives, and of all employers and wage earners.

#### Native Authorities

The Administration recognizes the following categories of chiefs: chefs de canton, chefs de village, and chefs de quartier. Chefs de village are appointed by the Commandant de Cercle, in consultation with the village councils concerned. (In the south, chefs de village are selected by village councils and confirmed by the inhabitants of the villages). Chefs de canton are appointed by the High Commissioner after a report has been submitted to him by the Commandant stating that all customary practices have been observed.

The indigenous chiefs play an important role in the administration of justice and in the collection of taxes from the indigenous communities. All chiefs receive salaries from the Administration.

#### Judicial System

For civil cases, there are two different judicial procedures:

- (i) Where all the interests involved are African, customary law is applied as far as possible. The tribunals concerned with

/these cases

these cases are indigenous conciliation tribunals, presided over by the local chiefs; Tribunals of the First and Second Degree, presided over by senior administrative officers, assisted by indigenous assessors; the Colonial Court of Appeal, composed of magistrates; and the Chambre d'Annulation at Dakar, which is the final court of appeal.

- (ii) In other cases, French law is applied by a Civil Court of First Instance at Lomé.

Most indigenous cases do not go beyond the stage of the chiefs' tribunals; only cases in which conciliation has failed are brought before the higher courts.

In penal cases, the French penal code now applies to all inhabitants of the Territory. Criminal tribunals are the Justices de Paix at Anecho, Atakpamé and Sokode, the Tribunal Correctionnel at Lomé, the Cour d'Assises and for the appeals, the Cour d'Appel at Dakar.

### 3. Economic Advancement

#### Agriculture and Stock Breeding

Almost all the inhabitants of the Territory depend on agriculture for their livelihood. The Territory produces a variety of crops for export and local consumption. Apart from foodstuffs the most important agricultural products are palm oil and kernels, cocoa, and coffee. The land is nowhere very fertile, and in the densely populated Lama-Kara subdivision, it is almost exhausted. The rainfall distribution, lack of transport facilities, and the primitive technique of the indigenous people limit the quantity and quality of agricultural production. There is shortage of food in the densely populated parts of the Territory which the Administration has sought to alleviate by moving the inhabitants to more sparsely occupied sections.

#### Land Tenure

There is no vacant or ownerless land in Togoland, where every piece of land is part of a collective estate, owned by the family, village or tribe. In most areas land is considered as belonging to divinities, chiefs or the tribal groups, and the individual occupier enjoys only the jus fruendi. Security of tenure is guaranteed while the land is kept under cultivation.

In the southern areas, the idea of family property and of individual property is coming into existence. Alienation of land is controlled by the Administration; the area which has thus far been alienated is small. All farms are owned by indigenous peasants, except for a plantation at Agon - a former German concession which, after passing

through various hands, now belongs to a company called "La Compagnie générale du Togo". It is the only company of its kind, the policy of the Territory being to return all lands to the native communities. Since 1940 the company has given us about 7,000 hectares, or three-quarters of the total area, and Togoland peasants have settled there. Negotiations are taking place for the construction of a large palm oil factory on a portion of the estate, 2,575 hectares in size, now planted with palm trees (2,575 hectares).

#### Forests

Some parts of the Territory have been declared forest reserves and the exploitation of other parts has been placed under the control of the Administration. The inhabitants of the Territory are opposed to any request for forest classification. They see in such proceedings a restriction of their liberties and are unable to understand the general aim pursued by such a policy. The African majority in the Assembly is always opposed to classification. The Territory has a programme for the preservation of forests and the reafforestation of certain areas.

#### Industry

The local industries which are being developed include oil works and soap works, rope works and esparto factories, fisheries and fish-drying yards.

#### Commerce and Trade

The internal trade of the Territory is confined to the marketing of foodstuffs and retail trade in imported goods. Trade is carried on in markets controlled by the Administration. Outside of these markets, hawkers are required to carry trading licences. In 1947 some 3,550 persons held such licences. There are 23 Lebanese and 2 Greek concerns engaged in retail trade in the Territory. Most indigenous women engage in petty trading.

External trade is in the hands of French and British corporations. The post-war shortage of imported goods has made it necessary to establish a system of rationing and price control in the Territory. In order to encourage local agricultural production, the Administration has organized a barter system whereby the indigenous peasants exchange palm produce, cocoa, and coffee, for imported manufactured goods.

The Territory does not form part of any customs union and has no tariff arrangement with neighbouring dependencies. There is no preferential treatment accorded to the Territory's imports and exports in France or French possessions.

/The total

The total foreign trade of the Territory in 1947 amounted to 1,570.5 million metropolitan francs which was made up of imports valued at 959.8 million francs and exports at 610.7 million francs. The principal imports in order of importance were cotton-piece goods, distilled beverages, vehicles, perfumes, jute, sugar, household goods, confectionary, drugs, wines, iron and steel, petroleum, gasoline, coal, fresh fruits, paper, matches, canned fish and flour. The chief exports were coffee, cocoa, palm kernel, ground-nuts, livestock, copra, cotton, and palm oil.

In 1947 France and French possessions provided 64.2 per cent of the Territory's imports, the United States 12.5 per cent, the British Empire 12.1 per cent, and the Netherlands 6.3 per cent. The exports of the Territory went mainly to France and French possessions (73 per cent approx.), the Gold Coast (11 per cent approx.) and the United States (5.5 per cent approx.). Partly as a result of the war, a large proportion of the Territory's trade has been confined to France. It is hoped that improvement in shipping facilities will make it possible to remove currency and commodities controls, and to re-establish an absolutely free economy in the Territory.

#### Provident Societies and Co-operatives

The Indigenous Provident Societies which were established by the decree of 3 November 1934, provide the indigenous peasants with credit for the purchase of seed and equipment. Loans are made to individual members or to a society as a whole. The indigenous Provident Societies promote agricultural development by financing the purchase of machines (coffee decorticators), the establishment of nurseries for the improvement of seeds, the supply of plants, the purchase of bulls and boards for breeding purposes, which the farmers could not purchase on their own account. They provide farmers with agricultural consultants who give them guidance and advice. They operate the agricultural credit system, by issuing monetary loans to certain farmers who have the capacity but not the funds necessary to start and develop large-scale exploitation. There is one society in each subdivision.

#### Public Finance

The total revenue of the Territory is estimated at 304,176,308.20 francs. The principal sources of revenue are customs and excise duties, direct taxes and the local profit tax. Direct taxes include a poll tax, (impôt personnel), the rate of which varies with the subdivisions, and an income tax with a uniform rate for all persons with income above 10,000 francs. The commercial corporations pay taxes on transactions (imports and exports) effected in the Territory, such as turnover taxes, and taxes on industrial and commercial profits.

/The total



The total expenditure up to November 1947 is estimated at 175,239,163.30 francs. About 34 per cent of the expenditure is allocated to government enterprises (exploitations industrielles), 28 per cent to social and economic services, 26 per cent to general Administration, 10 per cent to miscellaneous expenditure and 1.2 per cent for public debt services. The Territory received a grant of 13,063,000 francs from the Administering Authority for health projects in 1947.

The public debt of the Territory amounts to 73,000,000 francs.

#### Development Plan

A ten-year economic and social development plan has been established for the Territory. The plan is to be financed out of grants from the Administering Authority, and advances from the Caisse Centrale de la France d'Outre-Mer. Interest on the advances is at 1 per cent and repayment is to be completed within thirty years after the loan is made. A commission of 1 per cent is to be paid to the Central Fund. The items of expenditure are: Agriculture 22,200,000; Railways 130,000,000; Ports 17,700,000; Roads 44,000,000; Telecommunications 14,600,000; Sanitary and Water Works 37,400,000; Health 26,300,000; Education 41,000,000; Town-Planning 28,000,000 francs.

Great emphasis is placed on the restoration of communications (ports, railways and roads). The proposed expenditure on agricultural development includes the establishment of several experimental stations, of model farms, and of a station for the development of ground-nut production. In the social field, sanitary works and improvements in the system of education, particularly the opening of new schools, receive special attention.

#### 4. Social Advancement

##### Status of Women

The general principles of French law, applying throughout the Territory, recognize the judicial equality of women with men. In practice, however, the status of women continues to be determined by custom, and differs from one community to another. In some communities the authority of men is supreme, and women cannot undertake any venture without the consent of the husband or male head of the household. The Administration is not aware of any indigenous customary restrictions against women entering any trade or profession. Some of the few women who have been educated are employed as clerks, typists, midwives and nurses.

##### Human Rights

The French Constitution of 1946 guarantees the basic human rights to all sections of the population. Press privileges, recognized in France,  
/are extended

are extended to the Territory, where eight newspapers are published. Freedom of association is guaranteed, and two political parties are active. The criminal and penal codes and local legislation protect all persons against arbitrary arrest and guarantee individual liberty. The Administration has suppressed slavery and practices akin to it.

### Labour

In 1947 some 3,810 persons were in paid employment in the Territory; these were divided as follows: Agriculture 167; Public Works 613; Commerce 906; Industries 148; Banks 35; Railways and Ports 1,788; Personal Services (Hotels) 24; Transport 55; Building Construction 74.

There is no shortage of labourers. A certain amount of technical training is given at the Sokode trade school and most of the indigenous artisans have a few apprentices. A new trade school is being built at Lomé. No workers have been recruited for work in the Territory and none are known to have sought employment outside. The employment of boys under twelve and girls under fourteen years of age is forbidden. Between the ages of twelve and fourteen children may only be employed for light work, subject to authorization from the chief of the district who supervises and checks the nature and duration of the work and who may, if necessary, revoke his authorization.

Commandants de Cercle and Chefs de Subdivision are authorized to inspect work places and to enforce labour regulations. Since 1944 a labour inspectorate has been established to handle all issues connected with labour.

Local legislation permits the formation of trade unions and employees association, and provides for workmen's compensation and arbitration councils. There are two trade union organizations: One for all government officials (approximately fifteen trade unions) and the other for employees and workers in private enterprise. Most of the trade unions are affiliated to the C.C.T. The others are affiliated to the C.F.T.C. (Christian trade unions).

Local legislation also recognizes the principle of non-discrimination in employment and wages. The average working week is 48 hours; but civil servants observe a 45-hour week and at Lomé most enterprises do not operate on Saturday afternoons.

The average monthly wages of skilled workers range from 1,200 to 6,841 francs and of semi-skilled workers from 950 to 2,325 francs. The daily rates for unskilled workers average from 25 to 80 francs a day. The wages of employees and workers other than officials are revised periodically to correspond with the increase in the cost of living. There were no trade disputes in the Territory in 1947. Some eight industrial accidents occurred, two of which were fatal.

### Medical Services

The most common epidemic diseases are yaws and malaria and the most serious social disease is syphilis. The Administration is, within the limits of financial and other resources, conducting a continuous campaign against these diseases.

The budget credits for public health have increased as follows:

1947, 12,381,250 francs; 1948, 16,135,000 francs; 1949, 40,527,000 francs.

At the same time FIDES credits for the financial years 1947-48 and 1948-49 have risen from 33,200,000 francs to 87,400,000 francs.

In 1947 the personnel of the Medical and Public Health Department consisted of 1 Director of Medical Services, 8 medical officers, 17 assistant medical officers, 1 surgeon, 19 midwives, 22 sanitary assistants, and 215 nurses. The Territory had 1 hospital, 9 medical centres with facilities for maternity cases, 36 rural dispensaries, 7 sleeping sickness camps, 2 isolation settlements, 1 mental hospital, 2 maternity clinics, 3 mission dispensaries. A total of 7,834 in-patients were treated, and 556,817 out-patient consultations were made by medical institutions.

### Prisons and Crimes

In 1947 the prison population was 1,242. Female prisoners are confined to separate sections of prisons. Juvenile delinquents are sent to an institution at Sokode where they receive technical training at the local trade school. The law does not permit courts to inflict corporal punishment; but disciplinary punishment in prison includes reduction of rations, solitary confinement, chaining and work during rest periods. In some cases prisoners are hired out to private concerns. A prison commission presided over by the president of the tribunal of first instance at Lomé is charged with the supervision of prisons. The Procureur Général or his representative is also authorized to carry out periodic inspection of prisons.

## 5. Educational Advancement

### General

The educational system of the Territory includes rural schools, lower primary schools, higher primary schools, and secondary schools. In 1948, 15 schools were in course of construction in Lomé and the interior. Plans have been drawn up for establishing a lycée and a technical school; and in 1949 the construction of a conventional university college will be started.

A insufficient number of girls attend schools because the local population has had to become accustomed to the idea of giving girls the same education as boys. This has now, however, apparently become generally accepted, except in the Moslem districts. The establishment of special elementary schools for girls is provided for and is being carried out in

/all areas;

all areas; schools teaching domestic economy have been proposed and it is proposed to allow girls to attend secondary schools.

The Education Department supervises the work of both Government and private institutions, and directs sports, physical education and youth movements.

Conditions for the establishment and management of private schools, which are run by French missionary societies, are laid down by law.

#### Schools and Pupils

There are seven (four official and three private) upper primary schools with an enrollment of 18,593 pupils, 2,164 of whom are girls. There are also two secondary schools, 1 trade school and a teacher-training course.

#### Budget Allocation

Government expenditure on education in 1947 amounted to 27,651,000 francs (or 9.09 per cent of the budget), apart from a grant of 4,941,425 francs to mission schools. In 1947 FIDES granted a 13,900,000 franc loan towards buildings for schools. This amount was additional to the normal budget. In 1948 FIDES paid 67,100,000 CFA francs for education services, and this sum was spent on new buildings. The budgetary estimates for the Education Department only cover current expenses, including the payment of staff. All building expenses are borne by FIDES.

#### Higher Education

Under a plan of scholarships for higher education, six students are studying at the Dakar and Saint-Louis Lycée and 92 awards have been made for students to pursue their studies in France.

#### Mass Education

A great effort has been made, not only in Togoland, but throughout the French territories, in scientific research, partly centered at the Institute of Dakar, and linguistic authorities have been in residence in Lomé studying and preparing a book dedicated to the Ewe people and language. Records and cinematograph are used; songs and dances of the Togolanders have also been recorded. Attempts are being made to make use of the services of Togoland in the study of culture and folklore. Togoland students in France are studying at the Institute of Oriental Studies and preparing to develop a curriculum for the scientific teaching of local language. A Togoland student in France of music is preparing to work in the field of folk music.

## PART II

### Observations Made by Individual Members of the Council

#### 1. General

##### General Conditions

The representative of the United Kingdom expressed confidence that, under the wise guidance of the devoted band of French officials, the progress already achieved in the Territory would continue.

The representative of Iraq stated that credit was due to the Administering Authority for its remarkable efforts in the Trust Territory, and for the diligence with which it undertook its tasks.

#### 2. Political Advancement

##### General

The representative of Belgium considered that the Council would be unanimous in paying tribute to the generous spirit which governed the bold political reforms which had been carried out by France and which had given the inhabitants a very large share in the administration of their affairs.

The representative of Costa Rica praised the activities revealed in the report in the field of political development.

The representative of China expressed the opinion that the Territory had made great strides in political advancement in recent years. In general, the Territory was making rapid progress towards self-government and the liberal policy of the Administering Authority in promoting political advancement was to be commended highly.

The representative of the Union of Soviet Socialist Republics stated that the Administering Authority was carrying out a policy directed towards strengthening the colonial regime, and holding the Trust Territory back from its development towards self-government or independence. The Council should recommend to the Administering Authority that it carry out measures which would lead to the most expeditious and most complete implementation of the basic objectives of the Trusteeship System.

##### Relationship with French Union

###### (i) Question of Sovereignty

The representative of the Philippines suggested that the Council would have to determine whether, in actual practice, sovereignty over the Trust Territory, as distinguished from mere administrative authority, rested in the French Union, in view of the fact that any change in the Constitution to allow the Territory to enjoy the power of legislation seemed to require  
/the approval

the approval of the French people as a whole.

The representative of China stated that, since the Constitution and law of the French Union did not appear to make any distinction between the status of overseas territories and that of the Trust Territories, it was not clear where French sovereignty began and where it ended.

(ii) Status of the Territory: Freedom of Political Development

The representative of the United States of America welcomed the assurances given by the Administering Authority that the inhabitants had the right eventually to determine for themselves whether they should remain in the French Union or assume a status of independence outside the union.

The representative of China stated that, although the beneficial and liberalizing effects of the French Union upon the peoples of the Overseas Departments and Territories could not be questioned, some questions did arise in connection with the Trust Territories. In posing a list of such questions, he stated that the Council should receive some kind of legal clarification or formal commitment from the Administering Authority as to the future status of the Trust Territories and their freedom of separate evolution.

The representative of China stated that it was incumbent upon the Trusteeship Council to see that the special status of the Trust Territories was preserved, that each Trust Territory should have its own distinctive existence and its own free evolution, and that the advancement of each Territory should be as little conditioned by and dependent upon the advancement of other non-self-governing territories as possible.

The representative of the Philippines proposed that, in spite of the enlightened policy reflected in the right of representation granted to the indigenous inhabitants, the Council should express some concern as to the effects of the inclusion of the Trust Territories in the French Union.

The Council might take note of the fact that although the Territories had been brought into the French Union on a basis of equality with territories under French sovereignty, and might derive certain immediate advantages from this fact, some doubt might well arise as to whether this association would permit their unrestricted evolution in the spirit of the Charter.

The Council might note in particular that the constitution of the French Union did not appear to provide for the development of full autonomy on the part of the Trust Territories, since the power of legislation was reserved to the organs of the French Union as a whole.

The Council

The Council might note that any transfer or delegation of this power of legislation to the Trust Territories would seem to require a fundamental change in the constitution, and that such a change in turn would seem to necessitate the approval of the French people as a whole.

The Council might thus observe that the determination of the form of government or the political association subsequently to be enjoyed by the inhabitants of the Trust Territories appeared to rest with the people of the French Union as a whole, rather than with the freely expressed wishes of the indigenous inhabitants of the Trust Territories themselves, as envisaged in the Charter.

The representative considered that the Trusteeship Council should express the opinion that since the two Trust Territories were large enough in size, population, and economic resources, to be capable of attaining a considerable degree of self-sufficiency, their political development should also be planned on a basis of self-sufficiency and should not be made dependant on the destiny of other Territories under actual French sovereignty.

In this respect, the Council might take the view that it might be more consistent with the principles of the international trusteeship system for the Administering Authority to adopt separate and special constitutional measures for these two Trust Territories, designed to create for them, at the earliest possible time, complete political autonomy, legislative and administrative.

The representative of the Union of Soviet Socialist Republics, while stating that he would give his full views when the special questions of administrative union came before the Council, declared that the inclusion of the Trust Territory in the French Union was in contradiction to the provisions of the Charter for the development of the Trust Territories towards self-government or independence.

(iii) Status of the Inhabitants

The representative of China drew the attention of the Council, for purposes of study, to the fact that although there was a legal distinction between "citizens of the French Union" and "persons under French Trusteeship administration", this distinction seemed to be diminished by the fact that "persons under French Trusteeship administration" might be members of the high organs of the French Union.

The Ewe Movement

The representative of the United States of America observed a confusing conflict between, on the one hand, the statements in the report (pages 12-13)

/deprecating

deprecating the standing of the Ewe movement and describing its claims as excessive, and, on the other hand, the statements made before the Council on behalf of the delegation of France in December 1947. Further information on this question would be appreciated, and the Visiting Mission would want to make a special study of the problem.

### Representative Assembly

#### (i) General: Powers

The representative of the United States of America commended the Administering Authority for the establishment of an entirely elective Representative Assembly, which was a distinct advance on those other Trust Territories with which the Council had been concerned.

The representative of China observed that although the Assembly had been given power to decide a considerable number of matters, including the initiation of expenditures, all these powers related to matters of purely local concern. The Assembly had no power to initiate legislation, which was the prerogative of the French National Assembly.

The representative of the Union of Soviet Socialist Republics stated that the members of the Assembly had no real powers and simply constituted a consultative organ for the High Commissioner. They could give advice when so requested, but their opinions had no obligatory force, and all rules and regulations were issued by the High Commissioner on his own initiative. Consultation of the Assembly was provided for only on questions of secondary importance. The French officials actually enjoyed unlimited rights.

#### (ii) Suffrage

The representative of the United States of America urged the Administering Authority to increase its efforts to induce a larger number of the qualified voters to register and exercise their right to vote.

The representative of the Philippines proposed that the Council invite the Administering Authority to study the possibility of formulating and adopting a definite programme designed to extend the right to vote on a universal basis. The Council might suggest, as a means of accelerating political education in this respect, that universal suffrage should be applied in the first instance to the election in the more advanced areas of the indigenous, local or regional councils and the municipal commission at Lomé.

The representative of China, while welcoming the establishment of suffrage as a first step towards self-government, observed that the electorate was still limited in scope. He expressed the hope that in due course the principle of universal suffrage might be universally applied.

/(iii) Two-College System



(iii) Two-College System

The representative of the Philippines stated that the Council might note that a distinction was made in the suffrage system, and therefore, in the persons elected, through the maintenance of two electoral colleges, divided broadly between French citizens on the one hand and indigenuous inhabitants on the other. The Council might express the opinion that the removal of any such distinction between groups of individuals was essential to the development of a fully democratic system of suffrage, and recommend that the Administering Authority take progressive steps in that direction.

The representative of China also expressed the hope that, in due course, the two colleges might be unified.

The representative of the Union of Soviet Socialist Republics commented on the disparity between the proportionate representation in the Assembly of Europeans and Africans, and the fact that only about 1 per cent of the indigenuous population participated in the election to what was in any case a powerless body. The Administering Authority had thus taken special measures to ensure a position of mastery for French citizens and, by the practice of racial discrimination, deprived the great mass of the population of all political rights.

(iv) Language Requirement for Office

The representative of Iraq expressed the belief that the enforcement of a language entirely foreign to peoples under trusteeship, and its establishment as a condition of the holding of office, and even of eligibility to vote, would jeopardize the eventual decision of the inhabitants as to their political status.

The representative of France pointed out that as far as eligibility to vote was concerned, knowledge of French was by no means a universal condition. The twelve most important categories of voters were not based on a knowledge of the language, which simply formed a thirteenth category.

Native Administration

(i) Regional Councils

The representative of China expressed the hope that the Councils of Notables would eventually become real bodies of local government, for it was only on a basis of such local institutions that a true democracy could gradually be built in the Territory as a whole.

(ii) Tribal System

The representative of the Union of Soviet Socialist Republics observed that the Administering Authority had officially maintained the anti-democratic tribal system, and made use of the privileged upper group of tribal notables in the carrying out of its policy, particularly in the collection of taxes.

/This tribal

This tribal system could not be reconciled with progressive development towards self-government or independence. The Council should recommend to the Administering Authority to take measures to ensure the transition from the tribal system to a system of self-government based upon democratic foundations, including the participation of the broad mass of the indigenous population.

### Administrative Services

#### (i) African Participation

The representative of the Union of Soviet Socialist Republics observed that all the more or less important administrative or legal posts were held by Europeans, as shown by the table of administrative structure on page 51 of the report. The Council should recommend to the Administering Authority to carry out legislative and other measures which would bring about the participation of the indigenous population in the administrative and legal services.

### Administration of Justice

#### (i) Powers of French Officials

The representative of the Union of Soviet Socialist Republics observed that the entire legal power and judicial authority were in the hands of French officials, who were appointed by the High Commissioner and who might be removed by him at his discretion.

#### (ii) Introduction of French Penal Code

The representative of the United States of America noted the abolition of native justice in penal matters by the decree of 30 April 1946 and the subsequent application of the penal code of France. He invited the Administering Authority to furnish more detailed information as to the difficulties and problems that might develop in this bold experiment of applying penal laws framed to meet different social and economic conditions.

#### (iii) Judicial Powers of Chiefs

The representative of the Union of Soviet Socialist Republics observed that for convenience in administration the French officials appealed for help to the tribal notables and traditional chiefs, who had the right to settle disputes between members of their tribes. A great number of these disputes were settled by the chiefs at their own discretion.

The representative of Belgium observed that outside the regular courts the chiefs were permitted to exercise a conciliatory function, and there was no doubt that many cases were settled by this means without any kind of intervention or control by the Administration. The Administering Authority might be invited to examine the advisability of regularizing these unofficial indigenous judgments and exercising supervision by such means as

/requiring

requiring written decisions, in order to protect the population against the possibility of arbitrary judgment.

(iv) Abolition of Indigenat

The representative of the United States of America commended the Administering Authority for the abolition on 20 February 1946 of the indigenat, the system by which administrative officers, rather than judges, sentenced indigenous inhabitants to fines or imprisonment for certain offences.

(v) Corporal Punishment

The representative of the United States of America noted with interest that corporal punishment in the Territory was illegal.

### 3. Economic Advancement

#### General

The representative of Belgium expressed the hope that the new political institutions would prove by experience sufficiently fruitful to enable the economic development of the Territory, without which the finances would not bear the burden of the administration and of the cultural efforts which the Administering Authority had undertaken, particularly in the field of education.

The representative of the Union of Soviet Socialist Republics stated that the policy of the Administering Authority was leading to further economic enslavement of the Territory by foreign companies, holding the economic development of the indigenous inhabitants at its present extremely low level, and fully exploiting the natural wealth of the Territory for the profit of English and French industrial and trading companies.

#### Forests

The representative of the Union of Soviet Socialist Republics observed that the objectives and opposition on the part of the indigenous inhabitants and the majority of representatives in the Assembly to the matter of classification of forest lands were clear evidence that the forced removal of groups of the population on the pretext of reserving forests was against the interests of the inhabitants and was a cause of dissatisfaction on their part. This matter should be the subject of special study by the Visiting Mission.

#### Industry

The representative of China suggested that the Council might express the view that the Administering Authority should do everything in its power, by making grants and loans or other forms of assistance available, to encourage and enable the indigenous inhabitants to take a full part in industrial development, and to place them upon at least as favourable a basis as enterprises supported by external private capital.

#### Commerce and Trade: Corporation Taxes

The representative of the Union of Soviet Socialist Republics observed that the entire foreign trade of the Territory was in the hands of European-owned companies. There was an urgent need for measures to be taken to limit the unrestricted exploitation of the Territory's resources by foreign companies: the immediate introduction of taxes on their incomes and the use of these taxes for the improvement of the health and educational services of the Territory and the extremely difficult material situation of the indigenous inhabitants.

#### Wages and Living Standards

The representative of China noted that in African Trust Territories generally, wage rates were related to the minimum subsistence level of the  
/inhabitants.

inhabitants. A somewhat disturbing aspect was that it was said that the workers nevertheless did not desire high wages, since their needs were simple. He doubted the validity of this argument, and pointed out that the contrary might also be argued, to the effect that the needs of the inhabitants were simple because they had no means of acquiring those goods and services which satisfied the higher needs - better clothes, better housing, and improved health and sanitary conditions. If economic and social conditions were to be improved, this improvement must be, in the first place, in terms of better clothing, housing, health and so on. Such improvement required positive action and initiative on the part of the Administering Authority, not only to create greater desires and needs but also to satisfy them.

The representative of the Union of Soviet Socialist Republics observed that indigenous labour received a very low wage and was in a very unequal position by comparison with the Europeans. This did not apply only to purely physical labour; the figures given on page 57 of the report showed, for instance, that indigenous teachers received only one-half of the annual salaries of European teachers.

#### Taxation

The representative of the Union of Soviet Socialist Republics observed that matters of taxation, including the imposition of taxes, could not be decided by the Representative Assembly but were conditional upon the approval of the French Council. He also proposed that the Council should recommend to the Administering Authority to take measures to transform the existing personal (poll) tax into a progressive income tax system, or at least into a pure income tax system which would take into account property conditions and ability to pay.

The representative of the United States of America noted that since 1 January 1945 pre-station (payment in kind) had been suppressed.

#### 4. Social Advancement

##### General

The representative of Belgium suggested that the Council would be unanimous in paying tribute to the boldness and the generosity with which France had extended to the African territories the social legislation and the labour code of the metropolitan country.

The representative of the Union of Soviet Socialist Republics noted that the report contained very little information regarding the conditions of work and life of the indigenous population.

### Human Rights and Fundamental Freedoms

The representative of the Union of Soviet Socialist Republics observed that although the report stated that the indigenous inhabitants enjoyed the same rights and freedoms as the inhabitants of France itself, this statement was not in any substantiated by the facts of the situation.

### Racial Discrimination

The representative of the Philippines noted with special interest the assurance of the Administering Authority that all vestiges of racial discrimination had been wiped out. He hoped that future reports would give a better account of the effective implementation of this policy.

The representative of the Union of Soviet Socialist Republics stated that the racial problem was completely overlooked in the section of the report dealing with social advancement, although it was one of the most outstanding problems in the Territory.

### Labour

The representative of the Union of Soviet Socialist Republics noted that the report did not contain information on the factual situation in the field of labour, but limited itself to some formal statistics and a listing of applicable legislation and international conventions.

### Public Health

The representative of Iraq observed that there was room for improvement in health conditions, where the situation was extremely acute, but he was confident that the Administering Authority was alive to its responsibilities.

The representative of the Union of Soviet Socialist Republics stated that the information supplied to the Council showed that the condition of public health in the Territory was very poor. There were only seventeen doctors for the indigenous population (page 181 of the Report) and this number was absolutely insufficient for even the minimum of medical care. The very high rate of illness shown by the statistics on page 185 of the Report could be explained only by the very difficult conditions of life, based on insufficient medical care. As a result, there was a very high mortality rate; the Report stated on page 185 that the mortality rate in hospitals, representing only a small percentage of the total, gave no true picture of the over-all mortality figures. There was no record of the majority of cases of death in the villages, and the total number of illnesses was probably also greater than the number actually registered. For instance, it was stated (page 188) that only those persons who, for instance, suffered from syphilis in the second degree and in very serious form applied for medical assistance. The Administering Authority had done very little in the field of health. There were only one hospital, six medical stations, seventy-six very primitive village medical stations -

/facilities

facilities obviously inadequate for a population of almost one million. The budget allocations for health were insufficient, and even less than those for the police and gendarmerie. There were ten times more prisons than hospitals. He considered it essential that the Council should recommend to the Administering Authority to take urgent measures for a decisive improvement in the health situation, by substantially increasing the budget allocations, and increasing the number of hospitals, clinics and doctors, with special attention to the training of doctors from among the indigenous inhabitants.

The representative of the United States of America noted the campaign to reduce infant mortality in the Territory. He commended the Administering Authority for this undertaking and invited it to give a report on its operation and effectiveness.

The representative of the United States of America stated that he was impressed by the constructive plan for medical collaboration devised by the French and British medical authorities. He commended the two Administering Authorities for the plan and invited them to submit a full report on its operation.

The President suggested that the Administering Authority should take account, in its next annual report, of the observations of the representative of the World Health Organization.

## 5. Educational Advancement

### General

The representative of the Philippines observed that the educational policy of the Administering Authority appeared to be characterized by three special features: the direct assumption of responsibility for education; the establishment of free education in Government schools; and the use of a common language. He proposed that the Council should commend the Administering Authority on these principles of policy, which he believed should be adopted in all Trust Territories.

The representative of the Union of Soviet Socialist Republics stated that the information supplied showed that the Administering Authority was not taking effective measures for the development of education and was holding back the development of the Territory towards self-government or independence. The Administering Authority should take urgent measures to bring about the improvement of primary, secondary and higher education.

### Budget Allocations

The representative of the Union of Soviet Socialist Republics expressed the view that the budgetary allocations for education were absolutely insufficient and should be increased.

/Public

### Public and Private Schools

The representative of the Union of Soviet Socialist Republics proposed that the Council should recommend to the Administering Authority to have basic education carried out in government and not in private schools.

The representative of Costa Rica stated that too many teachers in private schools did not have adequate training and technical background. The Administering Authority should do all it could to increase the number and scope of the public schools, since the teachers there were better trained and had higher standards than in the private schools.

### Number of Schools and Teachers

The representative of the Union of Soviet Socialist Republics pointed out that primary schools were attended by only 24,600 children, an insignificant total in a population of about one million. He proposed that the Council should recommend to the Administering Authority to increase the number of schools and teachers, and to take all school-age children into school. He expressed the view that special attention should be paid to the training of teachers for the indigenous population.

### Secondary and Higher Education

The representative of Iraq stated that there seemed to be room for improvement of higher education, and that the Administering Authority was aware of its responsibility in this matter.

The representative of the United States of America noted with considerable anxiety the absence of facilities for secondary education in the Territory. He urged the Administering Authority to carry out its plan for the development of secondary education with the utmost vigour.

The representative of the Philippines proposed that in view of the fact that there were, as yet, only a very few Africans in responsible administrative positions, and that there was already a shortage of such trained persons as doctors, the Council should recommend the Administering Authority to take energetic educational measures to produce Africans with the proper qualifications. The Council should, further, express the hope that the next ten or fifteen years would show a much greater advance in the economic, political and social progress of the Territory and a much greater increase in the responsible participation of the Africans in this field, all of which would require the most vigorous implementation of secondary and higher education.

### Education of Moslems

The representative of Iraq expressed the opinion that the Administering Authority must make an earnest effort to disseminate education among the groups of the population belonging to the Moslem faith, by establishing  
/schools



schools and educational centres to suit their own particular culture and background. (T/PV.143, pages 19/20).

Curricula: Agricultural Instruction

The representative of Costa Rica stated that in the curricula for indigenous pupils greater emphasis should be placed on agricultural instruction, since the economy of the territory was agricultural and the population should be taught to cultivate the soil by increasingly efficient scientific methods. (T/PV.142, page 62).

Use of Local Languages

The representative of the United States of America noted that the authorities of the Togoland territories under British and French administration were studying the problem of whether the vernacular or the metropolitan language should be used in the first years of instruction, and that the Department of Education of the Cameroons under French administration was planning an experiment in vernacular education. He invited the Administering Authorities to put their best co-operative efforts into a further study of this question.

The representative of the Philippines welcomed the use and teaching of the French language in public schools maintained by the Government. None of the numerous dialects had ever reached a national level, but the development of French as a national language would bring about the sense of unity and nationalism which was desirable in the progress of a people towards self-government or independence.

The representative of Iraq expressed the view that there must exist a vernacular of some sort that could be encouraged, instead of enforcing a foreign language which carrying foreign traditions, background and culture, and being conditional to the holding of office, would jeopardize the eventual self-determination of the inhabitants. Since the populations of even the most advanced nations could hardly be expected to know a second language, it seemed somewhat arbitrary that people under trusteeship were by law required to know a foreign language before they could exercise their rights as citizens. The knowledge of a secondary language must be second to the development of a local vernacular, which was essential to the respect required by Article 73 of the Charter for the indigenous culture.

The representative of the Union of Soviet Socialist Republics stated that in the use of the French language at all stages in all recognized private and government schools the national characteristics of the population were not taken into account. The lack of a single lingua franca in the Territory had been advanced as one of the reasons for the lack of teaching in native languages, but during the several years in which France had been the Administering

had been the Administering Authority the various local languages could have been carefully studied and a common alphabet and one or more of the most popular local languages could have been developed. In Togoland there was, in fact, a rather widespread local language which could easily be adapted for teaching in the schools. He proposed that the Council should recommend to the Administering Authority to have education conducted in local languages.

The representative of France emphasized the existence of a great number of dialects which were not even of the same linguistic origin, and none of which was sufficiently developed to serve as a basis for education. Even if local dialects were used at the elementary stages, pupils would be at a disadvantage in going on to higher education - especially in such fields as medicine and technical training - for which the local dialects were simply not equipped. The Administering Authority was equally concerned that the local culture should not be destroyed by the teaching of a foreign language, and considerable studies were being carried out for the purpose of preserving the African culture.

#### Literacy Rate

The representative of the Union of Soviet Socialist Republics drew attention, in emphasizing the urgent need for educational improvement, to the fact that according to official data the high proportion of more than 84 per cent of the population was illiterate.

#### Library Services

The representative of the Union of Soviet Socialist Republics proposed that the Council should recommend to the Administering Authority to increase substantially the number of libraries and the number of books in local languages.

### 6. Miscellaneous

#### Form of the Annual Report

The representative of the United States of America welcomed the intention of the Administering Authority to append to the next Annual Report an index giving the exact chapter and page reference of the reply to each question in the Provisional Questionnaire.

The representative of the Union of Soviet Socialist Republics stated that the information contained in the report was insufficient and inexact, and did not give a true picture of the situation in respect of the fulfilment of the basic objectives set forth in Article 76 of the Charter. Instead of concrete data on any given question, the report was limited to general statements, and although the questioning of the special representative and the representative of France made it possible

/to clarify

to clarify some points, in many cases the special representative had said that he did not have the necessary information. More or less exhaustive information was lacking on more than seventy questions of the Provisional Questionnaire.

### PART III

#### Conclusions and Recommendations of the Council

##### 1. Political Advancement

###### General

The Council commends the Administering Authority for the recent political reforms which are designed to contribute to the political education and advancement of the inhabitants of the Territory, namely, the introduction of suffrage and establishment of the Representative Assembly.

The Council has not taken a stand on the question of the participation of the Territory in the French Union as this question is under study by a Special Committee of the Council.

###### Relationship with French Union

The Council welcomes the important assurance given by the Administering Authority that the inhabitants will have the right at the appropriate time to determine for themselves whether they should remain in the French Union or assume a status of independence outside the Union. The Council notes the statement of the representative of France that "at the appropriate time there will be full freedom, and the population will vote the laws applying to the Territory."

###### Representative Assembly

The Council, noting that the powers of the Representative Assembly are limited to financial and administrative matters, and in particular that the Assembly has no power to initiate legislation, which is the prerogative of the French National Assembly, urges the Administering Authority, irrespective of the present or future relationship of the Territory to the French Union, progressively to extend the powers of the Representative Assembly, particularly in the field of legislation.

###### Suffrage

The Council, commending the Administering Authority for the introduction into the Territory of a system of suffrage, and noting that the right to vote is at present limited to certain advanced groups of the population, welcomes the policy of the Administering Authority to take progressive measures in order to bring about universal suffrage, which the Council considers might in the first instance be applied to the election of the proposed new forms of regional councils and municipal commissions.

###### Council of Notables

The Council, considering that a truly democratic system of government can only be built on the basis of responsible local self-government, notes with interest and approval the intention of the Administering Authority

/to broaden

to broaden the composition of the Councils of Notables so as to include not only chiefs and notables but also representatives of trade unions, co-operatives and other groups.

#### Administrative Services

The Council commends the Administering Authority for creating a common civil service for Africans and Europeans and recommends that it intensify its efforts to bring about greater participation of the indigenous population in responsible posts in the administrative and judicial services.

#### Administration of Justice

The Council commends the Administering Authority for the abolition on 20 February 1946 of the Indigenat, the system by which administrative officers rather than judges sentenced indigenous inhabitants to fines or imprisonment for certain offences.

### 2. Economic Advancement

#### Industry

The Council recommends that the Administering Authority do everything in its power, by making grants and loans or other forms of assistance available, to encourage and enable indigenous inhabitants to take a full part in industrial development.

#### Wages and Living Standards

The Council, noting with concern that in Togoland, as in African Trust Territories generally, indigenous wage rates are low and sometimes do not exceed the minimum subsistence level of the inhabitants, and being of the opinion that this situation, which may have arisen from the economic conditions in the past, is harmful to the economic and social development of the indigenous population, recommends that the Administering Authority carry out a special study of the problem of wages and standards of living of the indigenous population, and urges the Administering Authority to take positive action to raise the wage level and to improve the standard of living in terms of clothing, housing, medical and social services.

#### Development Plan

The Council expresses its appreciation for the endeavours of the Administering Authority to improve economic and social conditions and trust that this plan will be successful.

### 3. Social Advancement

#### Racial Discrimination

The Council notes with special interest the assurance of the Administering Authority that all vestiges of racial discrimination have been eliminated and hopes that future reports will give an account of the effective implementation of this policy.

/Labour

### Labour

The Council notes with satisfaction that the French Parliament is now working on labour legislation designed to fill the gap left by the absence of a suitable labour code. The Council hopes that the Administering Authority will complete such legislation and secure its enactment at an early date.

### Public Health

The Council notes the constructive plan for medical collaboration devised by the French and British medical authorities and commends the two Administering Authorities for this forward step.

#### 4. Educational Advancement

### General

The Council welcomes the Administering Authority's direct assumption of responsibility for education and its establishment of free education in government schools, but considers that the development of public education should be further intensified and notes with interest the ten-year development plan for education.

### Indigenous Teachers

The Council recommends that the Administering Authority pay special attention to the training of indigenous teachers.

### Secondary, Technical and Higher Education

The Council, noting the almost complete absence of facilities for secondary and technical education in the Territory itself, urges the Administering Authority to carry out its plan for the development of such facilities with the utmost vigour.

The Council notes with satisfaction the laudable efforts of the Administering Authority to promote higher education by a system of scholarships abroad, and expresses the hope that the Administering Authority may find it possible to intensify its efforts in this direction.

### Use of local languages

The Council recommends that the Administering Authority should give further study to the possibility and desirability of employing one or more of the vernacular languages for the purpose of mass education, so that, inter alia, the best features of indigenous culture may be fostered.

The Council urges the Administering Authority to study the possibility of relaxing the requirement of the knowledge of the French language for the holding of public offices.