



**Tuesday, 8 January 1957,
at 3.20 p.m.**

New York

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Chairman: Mr. Enrique de MARCHENA
(Dominican Republic).

Requests for hearings (*continued*)

1. The CHAIRMAN announced that he received two communications from the Union des populations du Cameroun with regard to the hearing it had been granted by the Committee (566th meeting). He suggested that, in accordance with the usual practice, the communications should be circulated as Committee documents.

It was so decided.

AGENDA ITEM 39

The Togoland unification problem and the future of the Trust Territory of Togoland under British administration: reports of the United Nations Plebiscite Commissioner and of the Trusteeship Council (A/3169 and Corr.1 and Add.1, A/C.4/340 and Add.1, A/C.4/341, A/C.4/L.452, A/C.4/L.453/Rev.1) (*continued*)

At the invitation of the Chairman, Mr. Nanamale Gbegbeni, representative of the Union des chefs et des populations du Nord-Togo, Mr. Victor Atakpamey, representative of the Parti togolais du progrès, Mr. Michel Ayassou, representative of the Traditional chiefs of the South, Mr. Sambiani Mateyendou, representative of the Traditional chiefs of the North, Mr. André Akakpo, representative of the Mouvement populaire togolais, Mr. A. I. Santos, representative of the Mouvement de la jeunesse togolaise (Juvento), and Mr. Sylvanus Olympio, representative of the All-Ewe Conference, took places at the Committee table.

**GENERAL DEBATE ON THE FUTURE OF TOGOLAND UNDER
FRENCH ADMINISTRATION (*continued*)**

2. Mr. SOWARD (Canada) drew attention to the salient points of the five-Power draft resolution of which his delegation was a co-sponsor (A/C.4/L.453, Rev.1). Firstly, it noted that a referendum had been held in which the majority of the voters had expressed their approval of the reforms introduced by the Statute of the Autonomous Republic of Togoland. Secondly, it expressed the view that those reforms represented a decisive step in the development of the Territory—a

fact that was recognized even by the petitioners representing the parties which had opposed the referendum; indeed, the differences of opinion among the various parties appeared to concern not so much the Statute itself as the advisability of terminating the Trusteeship Agreement forthwith. Thirdly, the terms of reference of the commission which the draft resolution proposed did not prejudice the issue but merely provided for an appraisal of the contribution which the Statute was making to the Territory's progress towards self-government. He commended the Administering Authority and the Government of the Autonomous Republic of Togoland for having invited the General Assembly to dispatch such a commission and for their willingness to forego the immediate termination of the Trusteeship Agreement.

3. The Indian draft resolution (A/C.4/L.452) seemed to him inadequate in that it did not provide for a commission to study the situation on the spot and failed to take note of the significant advances made in the Territory during the past year. Even those who might question the extent of the Territory's progress towards self-government would surely agree with the opinion expressed in paragraph 39 of the report on the French Trust Territory submitted by the United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955 (T/1211), to the effect that the inhabitants should begin to participate in the law-making process. The new Statute offered them an opportunity to do so. While it was unfortunately true that the referendum had not been held under the auspices of the United Nations, it should be remembered that, in its memorandum of 30 July 1956 (T/1274/Rev.1), the Administering Authority had invited the United Nations to send observers to the Territory, thus indicating the seriousness with which it regarded its obligations under the Trusteeship Agreement.

4. He hoped that other delegations would support the joint draft resolution, which he felt would meet in a practical manner the wishes of all parties concerned.

5. Mr. DORSINVILLE (Haiti) recalled that at the ninth session of the General Assembly the French representative had stated that the French Government had never accepted the idea of the unification of the two Togolands and that it was not inclined to allow a referendum on the subject to be held in the Territory under its administration, since in any such referendum the population of Togoland under British administration, which was entitled to choose its own course of action, would be overpowered by the sheer weight of numbers.

6. On 14 December 1954 the General Assembly, by resolution 860 (IX), had requested the Trusteeship Council to dispatch a special mission to the two Togolands to make a special study of the problems raised by the United Kingdom Government's proposal con-

cerning the future of Togoland under British administration (A/2660).

7. On 14 March 1955 the Trusteeship Council, by resolution 1084 (XV), had decided to send a mission to both Togolands; the mission to Togoland under British administration had been a special mission, that to Togoland under French administration had been a regular mission, owing to the objections raised by the French delegation.

8. The Visiting Mission's special report on the Togoland unification problem and the future of Togoland under British administration (T/1206 and Add.1) had been examined at the fifth special session of the Trusteeship Council, held between 24 October and 14 December 1955, which had adopted resolution 1368 (S-5), relating exclusively to Togoland under British administration. In that resolution the Trusteeship Council had decided to transmit the special report of the Visiting Mission to the General Assembly. After lengthy discussions the General Assembly had adopted resolution 944 (X), the first part of which concerned Togoland under British administration and the second Togoland under French administration. The sequel with regard to the first-named Territory was well known; with regard to Togoland under French administration, the Trusteeship Council had, at its seventeenth session, adopted resolution 1371 (XVII), which requested the Administering Authority to take into account all the various factors of the problem in order to facilitate the special study requested of the Council by the General Assembly.

9. At the eighteenth session of the Trusteeship Council the French delegation had submitted a memorandum (T/1274, Rev.1), which, after referring to Trusteeship Council resolution 1368 (S-5) and to General Assembly resolution 944 (X), concluded that article 8 of the Act of 23 June 1956, known as the *loi-cadre*, authorized the French Government to promulgate by decree a statute for Togoland and at an appropriate time to hold a referendum in which the inhabitants would have an opportunity of choosing between that statute and the continuance of the Trusteeship System. The Administering Authority had requested the Trusteeship Council to appoint a mission of observers to supervise the holding of the referendum which would take place in October 1956.

10. His delegation had been unable to support that proposal, for it had consistently maintained that the aims of Article 76 of the Charter were not compatible with a situation in which a Trust Territory was deprived of any possibility of achieving independence. According to article 8 of the *loi-cadre*, the people would be able to choose between the Statute and the maintenance of the Trusteeship System. The text of the Statute had not been circulated to the Trusteeship Council at its eighteenth session, but the delegations had had a sufficient idea of its contents to inspire some of them with reservations. The text had since been published and circulated and it was interesting to see how well founded the remarks of those delegations had been with regard to the powers reserved to the French Government.

11. It must be admitted that the Statute was entirely consistent with the arguments put forward by the French delegation at the seventeenth session of the Trusteeship Council. A perusal of parts II, III and V would suffice to reveal the degree of autonomy granted to the so-called Autonomous Republic of Togoland, in exchange for which the United Nations was

asked to agree to the termination of the Trusteeship Agreement.

12. He stressed that the present Statute would have been welcomed with enthusiasm by the delegation of Haiti three years previously, when the Fourth Committee had been urging the Administering Authority to initiate the reforms which had been promised for years past. In support of that statement he quoted a passage from a speech he had made at the fifteenth session of the Trusteeship Council (578th meeting), on 15 February 1955, expressing bitter disappointment at the delay in the introduction of political reforms in the Territory.

13. According to the Administering Authority the Statute gave the Togolandese the full management of their own affairs, but anyone who read part V of the Statute could see that the Administering Authority had reserved to itself all those functions whose exercise constituted real power. Article 26 reserved, *inter alia*, the system of public freedoms and the protection of their exercise. That restriction of public freedoms in the Territory had been so widely criticized that the retention of that function could not but cause doubts. Over and above the many petitions received from the Territory, paragraphs 112 to 117 of the special report of the Visiting Mission (T/1206 and Add.1) described the lack of freedom enjoyed by the political parties in the Territory, and particularly by the opposition parties. Those parties boycotted the elections and they had boycotted the referendum; he would be a bold man who would say that they had had no reason to do so. True, it had been asserted that, following a subsequent agreement between the parties concerned, the French Government had reserved to itself legislation only and that it would be for the Togoland Government to put it into effect. That was a nice distinction. He hoped that the influence of the Government of Togoland would make itself felt in a greater degree of tolerance towards the parties which disagreed with some of its views or with those of the Administering Authority. The representatives of those parties had stated in the Fourth Committee that they accepted in principle the reforms of 24 August 1956 and hoped that they would take effect in a truly liberal atmosphere.

14. He would not embark on an academic discussion regarding the expression "Autonomous Republic" as applied to Togoland. It was significant that the Administering Authority saw the situation clearly, for in the original text submitted to the Territorial Assembly it had maintained the title of "Territory". The new Statute had not created a State, since the attributes of sovereignty had been retained by the Administering Authority: external affairs and defence, the administration of justice under French law, customs, currency, and secondary and higher education, to mention only a few.

15. There were in fact two Administrations, one under the Head of the Government of Togoland and the other under the High Commissioner, who represented the French Government and who was in fact the real Head of the Autonomous Republic but received his orders from the Minister for Overseas France. The full extent of the High Commissioner's powers was shown not only in part VI of the Statute, which specifically dealt with them, but also in articles 11, 12, 13 and 16. Time alone would show how those two Administrations would function and in what direction

they were proceeding. The French representative had pointed out more than once that the present Statute was not a statute of independence; indeed, that was quite obvious. Moreover, he had confirmed the assurance given by the French representative to the Trusteeship Council at its sixth special session (747th meeting) that the Statute would not prevent the Territory from achieving independence.

16. He had been interested by the reply the representative of the Parti togolais du progrès had given to a question put to him. In his opening statement (585th meeting) and several times thereafter that representative had asserted that his party was entirely satisfied with the Statute and for that reason had requested the termination of the Trusteeship Agreement. Finally, however, he also had used the word "independence" and had admitted that the present Statute was merely an intermediate stage. He hoped that the debate which had taken place had shown that the question was far from being settled and that the end of United Nations trusteeship was not yet justified under the terms of Article 76 b of the Charter.

17. As far as citizenship was concerned there was little difference between the present situation and that before the adoption of the Statute. As he had already observed more than once, nationals of the Administering Authority ought not to have political rights in the dependent territories. Secondly, it seemed illogical that indigenous representatives in France should enjoy all the prerogatives of their parliamentary functions, while in their own country they had only limited powers. At the 584th meeting the French representative, Mr. Defferre, had stated categorically that for a Territory like Togoland, which wished to preserve its separate entity, independence could only be an illusion; he wondered whether the self-government granted by the Statute of 24 August 1956 was not also an illusion.

18. The strictly French services enumerated in articles 26, 27 and 29 of the Statute were financed by the French budget except for one-fourth of the operational cost of the Treasury, which would be borne by the budget of Togoland. There was no mention in the Statute of a gradual transfer of those services to the Togoland Administration. No short or long-term programme had been laid down for training Togoland civil servants. Article 37 mentioned plans for the recruitment of staff and the orientation of students with a view to accelerating the entry of Togoland officials into the services of the French Republic listed in article 27.

19. The French Government was well aware of the difficulties connected with the implementation of the Statute, since part VII provided for a department for the general co-ordination of administrative action. Without wishing to be unduly pessimistic, he wondered how the dual system would work in the event of differences of opinion. Despite the provisions of article 35, it must be remembered that the officials in question were French nationals, although they also possessed Togoland nationality, and that they were directly under the orders of the High Commissioner.

20. The Minister for Overseas France had assured the Committee that the evolution referred to in article 38 of the Statute would not preclude the independence of the Territory within or outside the French Union. His delegation had asked for information concerning the proposed reform in the organization of the French Union but it had been told, firstly, that questions con-

cerning the French Union were matters of domestic jurisdiction and, secondly, that Mr. Houphouët-Boigny, who had been requested by the French Prime Minister to study the question, naturally wanted his suggestions to be submitted first to the French Government. The Haitian delegation had not pressed the point. Nevertheless it considered that the question was a legitimate concern of the Fourth Committee and of the Trusteeship Council when a Trust Territory was involved. The United Nations was entitled to ask what place the Administering Authority proposed to give Togoland in its political organization.

21. The Haitian delegation had opposed the supervision by the Trusteeship Council of the referendum in Togoland under French administration, firstly because the text of the Statute had not been submitted at that time; secondly because little was known about the reorganization of the French Union; thirdly because it considered that the General Assembly's competence in the matter should be respected; fourthly because of the terms of the alternative given in the Act of 23 June 1956.

22. In his opinion, although the General Assembly had recommended in its resolution 944 (X) that the consultation of the population should be conducted, as in the case of Togoland under British administration, under the supervision of the United Nations, the procedure it had had in mind had been quite different from that followed in Togoland under British administration. In paragraph 1 the General Assembly had endorsed the conclusion of the Visiting Mission that the implementation of the contemplated political reforms would play a helpful role in enabling the wishes of the inhabitants of the Territory as to their future to be ascertained at an early date by direct and democratic methods. The Trusteeship Council had been unable to carry out the special study requested of it because all the necessary information had not been available. Moreover, the General Assembly had not decided in advance that a referendum should be held in the near future. The proposed political reforms had not been contingent on a referendum which was not in accordance with Article 76 of the Charter. The General Assembly had merely recommended that when a referendum did take place it should be conducted in the same way as that in Togoland under British administration. The Trusteeship Council's wisdom in not taking the initiative in that connexion was still further proved by the fact that on 21 November 1955, at the fifth special session of the Trusteeship Council (648th meeting), the French representative had made formal reservations concerning the powers of United Nations observers, the non-participation of non-Africans in the vote and the arrangements for referenda.

23. A new chapter had opened in the political life of Togoland. An experiment had begun which might bear rich fruit if the Administering Authority resolutely proceeded with the transfer of affairs to the hands of the Togolandians.

24. His delegation had already given its views on the subject of dual nationality, which was held by many to be contrary to the maintenance of the separate entity that, as the French representative himself had said, the Territory was anxious to preserve.

25. He had listened with the greatest interest to the appeal made by Mr. Houphouët-Boigny at the previous meeting. It was a remarkable fact that only the members of the French delegation had continually referred

to absolute independence. It was generally held that that conception of the life of States was obsolete. Nevertheless, nationalism was worthy of respect because it was a natural sentiment and the peoples who were crying out for independence were expressing a desire which was as legitimate in the second half of the twentieth century as it had been when the Administering Authorities had achieved nationhood.

26. Mr. LOIZIDES (Greece) said that, listening to the petitioners and the African officials of the Togoland Government, his delegation had gained the impression that the Territory possessed capable and learned men, well able to undertake the responsibilities of self-government. It also recognized the goodwill towards Togoland of the Minister for Overseas France, whose liberal spirit had been praised even by Mr. Olympio. It had been greatly impressed by the speech of Mr. Houphouët-Boigny, but while it respected the noble ideals of fraternity he had expressed, it could not agree with his subordination of independence and freedom to the attainment of prosperity for the dependent peoples of Africa through co-operation and fraternity. The Greek delegation held that only where there was freedom could there be real prosperity—material, moral and cultural. Moreover, social, financial and educational conditions in Togoland under French administration, as described in the report of the Trusteeship Council (A/3170) provided strong evidence that without freedom not very much in the way of progress could be achieved.

27. All the petitioners agreed that the people of Togoland did not want complete independence from France forthwith, but they disagreed on the extent of self-government the Territory should enjoy immediately, the majority being satisfied with the new Statute while the others wanted more self-government. They all agreed, however, that the Statute was a welcome and important step forward and the minority had expressed its willingness, under certain conditions, to take part in its evolution towards something better.

28. The meaning of the word "autonomy" was clear; a Territory was autonomous when it possessed full internal self-government. Such a Territory was not, however, fully independent, because its foreign relations and its defence were under the protection or control of a foreign State. The General Assembly itself had, in the annex to resolution 742 (VIII), defined independence as including, in addition to full internal self-government, full international responsibility, the power to enter into direct relations with other Governments, the sovereign right to provide for national defence, and eligibility for membership in the United Nations. According to that resolution, internal self-government existed when the people of a Territory were completely free to choose the form of government they desired, when the internal government of the Territory was completely free from control or interference by another State, and when it had complete autonomy in respect of economic, social and cultural affairs.

29. Under that definition, it was clear that Togoland under French administration was at present neither autonomous nor independent. The division of power between the central organs of the French Republic and the Togoland Legislative Assembly completely vitiated the whole concept of self-government, the more so since even matters affecting the daily lives of the people of Togoland had been left in foreign hands.

30. The Statute of Togoland admittedly deserved appreciation as a step towards self-government. At the previous meeting, the French representative, Mr. Ajavon, had mentioned the case of Puerto Rico as a precedent for the termination of an Administering Authority's responsibility toward the United Nations. There was, however, some difference between the Statutes adopted for the two Territories. In resolution 748 (VIII), the General Assembly had recognized that the people of Puerto Rico had effectively exercised their right to self-determination when choosing their constitutional and international status and had been invested with attributes of political sovereignty which clearly identified the status of self-government they had attained as that of an autonomous political entity. That was not true of the Statute drawn up by the French Government, although it might be said that it compared favourably with the Statute which the United Kingdom had recently proposed for Cyprus. His delegation would therefore have been unable to support the termination of the Trusteeship Agreement if the matter had been put to the vote.

31. With regard to the draft resolutions before the Committee (A/C.4/L.452, A/C.4/L.453/Rev.1) his delegation considered that they both embodied valuable and constructive suggestions.

32. In closing, his delegation would like to suggest to the French Government that it should go a step further by granting more power to the Autonomous Republic of Togoland in the coming year; and to the petitioners that they should co-operate in making good use of the new powers of self-government and should devote particular attention to the improvement of educational conditions in Togoland.

33. Mr. NASH (United States of America) said it was always gratifying to see the people of a Trust Territory assume greater responsibility for governing themselves. The new Statute gave the people of Togoland under French administration a large measure of self-government but the essential question before the Committee was to what extent the objective of self-government was in practice realized under the new Statute and how the governmental institutions it established actually operated.

34. The Administering Authority had fully answered the Committee's questions about the meaning of the new Statute and was to be commended for the able manner in which it had discharged its responsibilities both to the people of Togoland and to the United Nations. The petitioners had also given the Committee a great deal of information. Nevertheless, the General Assembly would be acting wisely in not coming to a final conclusion at the present session; the problem was too complex and entailed too many factors which had not yet been fully explored.

35. The Administering Authority had expressed the view that the amount of self-government the Territory now enjoyed was enough to justify the termination of the Trusteeship Agreement. Some of the petitioners had supported that view, while others had maintained that it would be premature to take such a decision at the present session. It had been clear from the discussion, however, that no one wished to keep the people of Togoland from the enjoyment of the largest possible degree of self-government. The United States fully respected the natural desire of the Togolandese to govern themselves and would be unwilling to see Togo-

land remain in a state of dependency longer than they themselves felt was necessary.

36. The striking fact about the two draft resolutions before the Committee was their essential similarity. Both assumed that the Trusteeship Agreement should not be terminated until more information became available to the General Assembly. In that connexion, his delegation wished to congratulate the Administering Authority for conceding, despite its own judgement in the matter, that the trusteeship should continue for the time being. Moreover, both draft resolutions made provision for further study of the matter. The five-Power draft resolution (A/C.4/L.453/Rev.1), however, of which the United States was a sponsor, included the additional provision that a commission of five members should be sent to Togoland to examine the practical operation of the governmental institutions established by the Statute and the conditions under which that Statute was being applied. He was sure the General Assembly would agree that it should be provided with all possible information before it could make a sound decision. Although the Indian draft resolution (A/C.4/L.452) did not include that provision, it in no way excluded such a course and there was therefore no reason why India could not support the joint draft resolution.

37. Another point included in the joint draft resolution but not in the Indian draft resolution was the expression of the General Assembly's recognition and appreciation of the significant advances made by the people of Togoland. His delegation felt that the omission of such an expression of satisfaction would be discourteous to both the French and the Togoland people.

38. There was no basic conflict between the two draft resolutions; both would keep the Trusteeship Agreement in operation; both called for further study of the question; both called on the assistance of the Trusteeship Council; and both required a report to be made to the twelfth session of the General Assembly. The two draft resolutions might therefore be combined, or perhaps the more comprehensive one might be allowed to replace the other, the Indian delegation joining the sponsors of the joint draft resolution. The adoption of the Indian draft resolution would not in practice introduce any change whatever in the situation; moreover, in a sense it took up the position which had been adopted by France at the sixth special session of the Trusteeship Council: namely, that the debate should be continued in that body. At that time India had favoured sending the question to the General Assembly; it now proposed to send it back to the Trusteeship Council. Moreover, France had made a concession in agreeing that a mission might be sent to Togoland; in failing to mention such a mission, the Indian draft resolution seemed to be reverting to the earlier French position.

39. His delegation wished to express its great admiration for the spirit of conciliation shown in the debate, not only by the Administering Authority but by the petitioners who had opposed the termination of trusteeship. It had been particularly impressed by their praise of the advance represented by the new Statute and by the declaration of their willingness to participate in a freely conducted election to the Legislative Assembly. That was a statesmanlike attitude and should pave the way for a new Assembly reflecting beyond any doubt the wishes of the Togoland people

as a whole. His delegation was confident that if that took place during the coming year the task of the General Assembly at its next session would be greatly facilitated.

40. Finally, he wished to thank the representatives of the new Government of Togoland for the valuable contribution they had made to the Committee's deliberations. Congratulations were also due to the pro-government petitioners, who had given his delegation the impression that the basis for efficient and stable government already existed in their country.

41. In cases of the kind under discussion it was highly desirable that the United Nations should set an example by sinking its minor differences and endeavouring to reach agreement on essentials. His delegation hoped that the result of the Committee's deliberations would reflect that attitude.

42. Mr. ABIKUSNO (Indonesia) thought it most important that the progress of the people of Togoland towards self-government should not be hampered in any way. He therefore warned the Committee against hastily adopting a solution which might render the United Nations incapable of discharging its obligations under Chapter XII of the Charter. Moreover, the people of the Territory should have an opportunity to become fully familiar with the political institutions now being introduced by the Administering Authority before any decision was taken on the termination of the Trusteeship Agreement.

43. Mr. MUNK (Denmark) noted that a considerable measure of agreement had been reached within the Committee on the substance of the matter and that the remaining differences concerned primarily the methods by which the commonly desired goal was to be achieved. The ample data provided by the French delegation and the statements of the petitioners had made it clear that a decisive step had been taken towards realization of the purposes set forth in Article 76 of the Charter. At the same time, it was satisfactory to note that France would not press for termination of the Trusteeship Agreement at the current session.

44. The two draft resolutions before the Committee were not in conflict. Both recognized that conditions in the Territory required further study, the sponsors of the joint draft resolution holding that such a study could best be carried out by a commission sent to examine the situation on the spot. In deciding the date for such a commission's departure for the Territory it would be necessary to take into account the stage reached in the implementation of the Statute.

45. Mr. DE LOJENDIO (Spain) stated that he was in entire agreement with the arguments advanced by Canada and the United States in support of the joint draft resolution. Countries which were still dependent were more concerned with achieving a solid social, economic and financial basis for their future independence than with an over-hasty attainment of sovereignty. A particularly interesting feature of the Statute was the provision in article 38 for its modification. His delegation would vote in favour of the joint draft resolution in the conviction that it offered the best possible solution of the problem.

46. Mr. KHOMAN (Thailand) wished to make it plain that it was not the purpose of the sponsors of the joint draft resolution (A/C.4/L.453/Rev.1) to resolve the substantive question of the future of Togoland. The

draft resolution merely called on the General Assembly to appoint a fact-finding commission which would report on its observations, for it was difficult to tell from a mere perusal of the text of the Statute how that instrument was actually functioning. Fortunately the French delegation had already facilitated the Committee's task by withdrawing its request for the termination of the Trusteeship Agreement. The Committee needed more information, and the best way to obtain it would be to accept the invitation of the French Government and the Autonomous Republic of Togoland to send a mission to the Territory.

47. The CHAIRMAN announced that the petitioner representing the All-Ewe Conference had asked to be

allowed to reply to a statement made at the previous meeting. If there was no objection, he would invite Mr. Olympio to speak.

48. Mr. OLYMPIO (All-Ewe Conference) said that at the previous meeting Mr. Apedo-Amah had accused him of being a Ghana agent. He would point out that in the past the Administering Authority had accused him of being a Communist and later of being a British agent. Such unwarranted attacks only strengthened his conviction that he was doing the right thing and made him the more determined to continue to stand by his people.

The meeting rose at 5.15 p.m.