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

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, A/
 3173 and Add.1, A/3323; A/C.4/332 and Add.1,
 A/C.4/334) (*continued*)**

*At the invitation of the Chairman, Mr. S. W. Kumah
 and Mr. F. Y. Asare, representatives of the Convention
 People's Party, Mr. S. G. Antor, Mr. A. K. Odame,
 Miss R. Asamany and Mr. F. R. Ametowobla, rep-
 resentatives of the Togoland Congress, Mr. S. Olympio,
 representative of the All-Ewe Conference, Mr. A.
 Akakpo, representative of the Mouvement populaire
 togolais, and Mr. A. I. Santos, representative of the
 Mouvement de la jeunesse togolaise (Juvento), took
 places at the Committee table.*

HEARING OF PETITIONERS (*continued*)

1. The CHAIRMAN invited members of the Committee to put questions to the petitioners.
2. Miss BROOKS (Liberia) said that some of the petitioners appeared to feel that the union of Togoland under British administration with the independent Gold Coast should take the form of a federation. She asked those who held that view to explain what in their opinion would be the advantages of the federal system.
3. Mr. ANTOR (Togoland Congress) replied that, in the first place, under a unitary form of government Togoland would be unable to maintain its separate identity; secondly, it would not have the necessary constitutional safeguards for its internal interests. Furthermore, a federal form of constitution would leave the door open for possible unification with Togoland under French administration, which was the principal objective of the Togoland Congress.
4. Miss BROOKS (Liberia) asked whether the proposed Gold Coast constitution had been thoroughly discussed by the people of Togoland under British administration.
5. Mr. ANTOR (Togoland Congress) replied that the question had been referred to Parliament and there

had been consultations with members of the territorial councils, who had been invited for the purpose. The Togoland Congress had asked that there should be a constituent assembly in which every organization and institution should be represented, because it considered that the drafting of a constitution should be a national matter above party politics.

6. Miss BROOKS (Liberia) observed that at the tenth session of the General Assembly it had been decided (resolution 944 (X)) that a fair opportunity should be given to the people of Togoland under British administration to choose whatever future status they desired. It would seem that that had been done and that the plebiscite had been fairly carried out. Since it had not been laid down at that time that the decision should be on the basis of a two-thirds majority, she wondered what justification there was for asserting now that it should have been on that basis.

7. Mr. ANTOR (Togoland Congress) pointed out that at the tenth session the request for a simultaneous plebiscite in the two Territories of Togoland had been rejected because the two Territories were under different administrations. Moreover, the Northern and Southern Sections of Togoland under British administration had always been administered separately. A people who had been administratively and legislatively divided for thirty-four years could not be regarded as a single unit. A majority of the voters in the Southern Section had therefore voted for separation, since the questions put in the plebiscite had not made it clear what type of union was envisaged.

8. Mr. SPASOWSKI (Poland) asked Mr. Olympio, firstly, whether he could explain what were the main factors that had influenced the majority of the Ewe people in the Southern Section of the Territory to vote against union with an independent Gold Coast and, secondly, whether the All-Ewe Conference itself had any programme for the future development of that part of the country. If the reply to the second question was in the affirmative, he would like to know whether that programme was supported by the majority of the people and what were its main points.

9. Mr. OLYMPIO (All-Ewe Conference) said that, as most of the members of the Fourth Committee were aware, the All-Ewe Conference had been founded to bring about the unification of the lands and peoples of the Ewe tribe living in both Togolands. The reason why the people living in the South of the Trust Territory had voted against union with the Gold Coast was that they were more interested in the unification of their lands than in union with the Gold Coast, which might or might not be advantageous from their point of view. They felt no animosity towards the people of the Gold Coast, but they wished to achieve the unification of their lands before entering into friendship with them.

10. In reply to the Polish representative's second question, he explained that the All-Ewe Conference

was not a political party and did not therefore lend itself to elaborating social, economic, cultural or other programmes. It was a national movement and was concentrated on the achievement of its primary objective.

11. It was true that there were political parties within the movement, for example the Comité de l'Unité togolaise, to which Mr. Olympio himself belonged, and those parties had programmes, but since they were not generally accepted by the All-Ewe Conference, which he was representing before the Fourth Committee, he would not describe them. The one aim common to all the parties was that their lands should be unified. The result of the voting in the Southern Section of Togoland under British administration clearly showed that the Ewes in that Territory had not abandoned that objective.

12. Mr. KUMAH (Convention People's Party) said he had been surprised that in his reply to the Polish representative Mr. Olympio had ignored the great majority of Ewes who lived in the Gold Coast. As the Fourth Committee had been informed on several occasions, there were over 400,000 Ewes in the Gold Coast, about 137,000 in the Southern Section of Togoland under British administration and about 176,000 in Togoland under French administration. The All-Ewe Conference had been originated by Ewes living in the Gold Coast. Its main purpose was to bring together all Ewes in the Gold Coast and the two Togolands. That was why the Convention People's Party had stressed in the Committee that the integration of Togoland under British administration with the Gold Coast would bring about at least the partial unification of the Ewes.

13. He emphasized that it was not the idea of unifying the Ewe people in the two Trust Territories which had influenced the voting in the Southern Section. The Togoland Congress, which had advocated separation of Togoland under British administration and the Gold Coast, desired a federal form of government. They were not against union with the Gold Coast in principle but they wanted a federal form of government; that was the main reason why some voters in the South had voted against union.

14. Mr. OLYMPIO (All-Ewe Conference) said that the figures given by Mr. Kumah had been repeatedly disproved from official documents, as could be seen from a reference to the summary records of the discussion on Togoland by the Fourth Committee during the tenth session of the General Assembly. In fact there were roughly 500,000 Ewes in Togoland under French administration and 500,000 in Togoland under British administration and the Gold Coast together.

15. He was perfectly well aware that there were Ewes in the Gold Coast, especially in the south-eastern corner, and the All-Ewe Conference was on very good terms with them. Before leaving to come to New York he had crossed the boundary into the Gold Coast and had had discussions with them. He read out a resolution adopted in February 1955 by a council of the Ewe chiefs living in the south-eastern corner of the Gold Coast, vehemently protesting against the idea of integrating Togoland under British administration with the Gold Coast before deciding what action was to be taken to incorporate Togoland under French administration at some future date.

16. Mr. SINGH (India) asked Mr. Asare whether it was a fact that the constitutional proposals envisaged complete equality of citizenship, rights and obligations

for the people of the Gold Coast and the people of Togoland under British administration.

17. Mr. ASARE (Convention People's Party) replied in the affirmative and added that the proposed constitution embodied fundamental rights for all citizens.

18. Mr. ANTOR (Togoland Congress) observed that so far there was no such thing as citizenship of Ghana, or the Gold Coast. In paragraph 32 of the revised constitutional proposals¹ the Government of the Gold Coast had stated that as a consequence of the country's attaining independence legislation would be required to make provision for nationality and citizenship. The people of Togoland were regarded as British-protected persons.

19. Mr. ASARE (Convention People's Party) pointed out that the passage to which Mr. Antor had referred continued: "Under this legislation all citizens of this country would have the same status regardless of whether their citizenship derives from the Gold Coast, Ashanti, the Northern Territories or Togoland under United Kingdom Trusteeship, if it is united with the Gold Coast."

20. Mr. SINGH (India) asked whether it was not a fact that equality of suffrage and common representation on a population basis were proposed.

21. Mr. ASARE (Convention People's Party) replied in the affirmative.

22. Mr. SINGH (India) asked whether it was not a fact that all fundamental rights would be guaranteed under the new constitution.

23. Mr. ASARE (Convention People's Party) replied that that was so.

24. Mr. SINGH (India) asked whether it was not a fact that the supreme legislative authority would be a freely elected parliament of representatives of the people in which the people of Togoland under British administration would be represented on the same basis as those of the Gold Coast.

25. Mr. ASARE (Convention People's Party) replied that there would indeed be representation based on population. The minority referred to by the opposition party was a political and not an ethnic minority.

26. Mr. SINGH (India) understood that the Constitutional Adviser, after examining the position, had advised against a federal scheme on the ground that it would slow down development and introduce an intolerable handicap to the administration of the country.

27. Mr. ASARE (Convention People's Party) confirmed that the Constitutional Adviser had strongly advised against a federal system because it would produce severe and intolerable difficulties for the Government and people of the Gold Coast. He had recommended regional assemblies with wide regional devolution of powers so as to safeguard the interests of the various regions.

28. Mr. SINGH (India) thought that the results of the most recent general election had shown that a large majority favoured a unitary scheme, and that it had since been decided to grant limited regional autonomy, the details of which remained to be worked out.

29. Mr. ASARE (Convention People's Party) said that about two-thirds of the people of the Gold Coast

¹ Gold Coast, *Revised Constitutional Proposals for Gold Coast Independence*, Accra, Government Printer.

had voted for a unitary form of constitution as against a federal constitution. Even in the Southern Section of Togoland under British administration 52.6 per cent of the population had voted in the last general election for a unitary form of government.

30. Mr. ANTOR (Togoland Congress) pointed out that a majority of those who were primarily interested in the internal autonomy of the Northern Territories and Ashanti had voted for federation. Furthermore, three of the seats in the Southern Section had been won by the Togoland Congress; the other was an overlapping constituency in which the population on the Togoland side was outnumbered by that on the Gold Coast side. Even in the Southern Section, therefore, the supporters of federation had won as far as federation was concerned.

31. Mr. ASARE (Convention People's Party) disagreed with Mr. Antor's estimate. When he had said that 52.6 per cent of the people in the Southern Section had voted for a unitary form of government, he had been referring to Togoland under British administration and had not included any figures for a territory outside Togoland under British administration.

32. Mr. SINGH (India) asked whether it was not a fact that the northern and southern parts of Togoland under British administration were administered as part of the Gold Coast and would benefit equally by whatever form of regional autonomy was finally decided on.

33. Mr. ASARE (Convention People's Party) agreed that both sections of Togoland under British administration were and had been administered as an integral part of the Gold Coast; hence whatever advantages accrued from the administration of the Gold Coast accrued equally to Togoland under British administration.

34. Mr. ANTOR (Togoland Congress) maintained that the Northern Section of Togoland under British administration did not exist representatively as such. The Territory had been carved up in such a way that out of several electoral districts five overlapped with the Gold Coast Northern Territories, placing the inhabitants of that part of Togoland in such a minority that in fact they had no representation at all except in two districts where they could elect members from Togoland.

35. Mr. ASARE (Convention People's Party) asked what those two districts were.

36. Mr. ANTOR (Togoland Congress) replied that they were Dagomba East and Dagomba South.

37. Mr. SINGH (India) asked whether Mr. Kumah would comment on Mr. Antor's remarks.

38. Mr. KUMAH (Convention People's Party) said it was true that in the Northern Section of Togoland under British administration some of the constituencies overlapped, but Mr. Antor was apparently trying to give the impression that the overlapping was with a foreign country, which was not the case. The constituencies had been established in accordance with tribal units.

39. He would take the opportunity to say that, at the previous meeting, Mr. Antor had tried to prove that manpower and natural resources were unevenly distributed between the Gold Coast and Togoland under British administration. That was quite true, and it was another reason why a federal system of government should not be adopted. If, for example, there was man-

power in the Northern Territories of the Gold Coast and natural resources in Ashanti, the best course would be to combine the two in order to form a healthy State in the future.

40. Mr. ANTOR (Togoland Congress) stated in amplification of his previous reply that the original intention of the planners had been so to draw the boundaries of electoral districts in both Northern and Southern Togoland as to give voters within the Gold Coast a majority in each district. At a meeting held at Ho on 15 September 1953, which he had attended, that course had been opposed, and except in one district the intention had been frustrated in the South.

41. In Northern Togoland there had been only 1,003 Mamprusi voters in the Mamprusi area; the remainder of the voters there were related, not to the inhabitants of the Gold Coast Northern Territories, but to tribes in Togoland under French administration.

42. Mr. SINGH (India) observed that it was significant that no petitioners from Northern Togoland under British administration were at the Committee table and that in the South 58.6 per cent had voted in favour of a unitary system of Government.

43. Mr. BOZOVIC (Yugoslavia) requested that the United Kingdom delegation should give the Committee the following information concerning the general election held in the Gold Coast and Togoland under British administration in July 1956: the result of the voting for each district in Northern and Southern Togoland; the names of the representatives who had voted respectively in favour of and against the constitutional proposals; the names of the districts which straddled the boundary between the two Territories; and, among those districts, the names of those which lay preponderantly on the Togoland side.

44. The CHAIRMAN expressed the hope that the United Kingdom delegation would find it possible to comply with the Yugoslav request.

45. Mr. RIVAS (Venezuela) asked the petitioners representing the Convention People's Party to comment on the observations of the Constitutional Adviser as reproduced in paragraph 178 of the Plebiscite Commissioner's report (A/3173 and Add.1), which envisaged, as a means of preventing excessive centralization, less drastic administrative changes than those recommended by the National Liberation Movement.

46. Mr. ASARE (Convention People's Party) read out in reply paragraph 30, entitled "Regional Devolution", of the Gold Coast Government's revised constitutional proposals. In that paragraph the Government affirmed its view that there should be a measure of devolution of powers from the central government to the regions, which should be implemented gradually. The regions should be given legislative, executive and financial powers on the lines of the Constitutional Adviser's proposals as modified by the Achimota Conference. To that end the Government proposed to provide in the constitution a guarantee of the office of a chief in Ghana; the establishment of local constitutional commissions to report to the governor-general on matters concerning the mutual relation of states or chiefs, or of traditional custom or law, referred to them. It also intended to provide for the establishment of a regional assembly in each region and to define the authority, functions and powers of those assemblies in a variety of fields, subject to the authority of parliament. A house of chiefs would be established in each region,

with power to consider any matter referred to it by any minister or by the national assembly, and to advise the same regarding traditional constitutional conventions of the states represented in it or regarding matters relating to African customs and customary law. The functions of local constitutional commissions, the boundaries of regions and the existence, composition and powers of regional assemblies, once defined by law, would not be subject to amendment except, on third reading, by a majority of two-thirds of the members of the national assembly present and voting.

47. In reply to a further question from Mr. RIVAS (Venezuela), Mr. ASARE (Convention People's Party) said that the Government had not yet completed the final drafting of the constitution. The text would, however, be based on the proposals approved by the Gold Coast Legislative Assembly on 14 November 1956.

48. Mr. RIVAS (Venezuela) observed that the Committee could form no judgement on a legal text which was not in final form, and that, by the time that text was finally adopted—upon the attainment by the Gold Coast of its independence—the General Assembly would not be competent to appraise the constitution of a new and independent State. The Committee would note, however, that there was a considerable difference between the proposals as they now stood and as originally drafted.

49. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) said that, as previous speakers had pointed out, the petitioners from Togoland under British administration could not be expected to give authoritative and exhaustive replies to questions concerning the future of the Gold Coast; it was accordingly to be hoped that in its statement the United Kingdom, as administering Power, would give detailed explanations on the constitutional questions which had been raised.

50. It was also to be hoped that the ensuing discussion would make it clear whether the proposed fusion of Togoland under British administration with the Gold Coast was to take the form of unification or annexation. So far as he was able to follow the discussion from the interpretation, both terms had been used. Annexation implied the joining of one party to a nexus of existing institutions and the determination of the future of the whole, not by mutual agreement between two parties, but on the basis of what had already been decided upon by one party. In contrast, unification—which was the appropriate course for the Committee to consider—meant equality of rights between the two parties and determination of the terms of the fusion by agreement between them.

51. Mr. CARPIO (Philippines) said that, while his delegation was as anxious as any to ensure that the basic objectives of the Trusteeship System were achieved in Togoland under British administration, it doubted whether the Committee should give its blessing to the integration of that Territory with the Gold Coast purely on an assurance from the Administering Authority that the Gold Coast would shortly become independent within the Commonwealth. Until it was known what type of constitution the future State of Ghana was to have it would be impossible to foresee the nature and extent of the independence to which the Gold Coast could look forward. Careful consideration was needed before the Committee took the irrevocable step of committing the United Nations to termination of the Trusteeship Agreement.

52. Its experience in the Trusteeship Council and the Fourth Committee had given his delegation a lasting impression that Northern Togoland lagged far behind the South of the Territory in educational advancement. According to Mr. Antor of the Togoland Congress, only 2 per cent of the children of school age had been attending school in the Northern Section of the Territory in 1950, and it was doubtful whether the situation had changed radically since that date. He asked whether, in those circumstances, the petitioners of the Convention People's Party or the Administering Authority considered that the people in the Northern Section had yet reached a stage of political maturity at which they were competent to decide irrevocably on their political future.

53. Mr. KUMAH (Convention People's Party) questioned the validity of the 2 per cent figure. Since the peoples of the Gold Coast and Togoland under British administration had begun their struggle for independence, education had made great advances. One of the evils of imperialism was the slow rate of educational advancement in Non-Self-Governing Territories. Furthermore, political maturity did not depend on literacy; the people of Togoland under British administration had amply demonstrated their political consciousness and their desire for self-government.

54. Mr. ASARE (Convention People's Party) stated in reply to the USSR representative that there was no question of annexation of Togoland under British administration to the Gold Coast. What was contemplated was a union between the two Territories, which had been administered as one whole for the past forty years. The inclusion in the constitutional proposals of provision for equal citizenship, fundamental rights and regional devolution of powers demonstrated that there was to be no discrimination or preferential treatment between one party and the other. The contemplated termination of the Trusteeship Agreement, if effected, would be based entirely on the people's wishes.

55. In reply to the Philippine representative he stated that the people of Northern Togoland were not more backward than those of the Gold Coast Northern Territories, who were of the same ethnic stock. Events in the Gold Coast, where education had made spectacular progress in the past five years, made it plain that independence would increase the people's opportunities for advancement. He was unable to state whether 2 per cent was the correct figure for school attendance in Northern Togoland, but in all likelihood it referred only to the orthodox schools. The Northern Section of the Territory was, however, more Moslem than Christian and many children were engaged in Islamic studies. Moreover, mass education teams were providing basic training in literacy throughout the Gold Coast and Togoland under British administration.

56. Mr. ANTOR (Togoland Congress) stated that the 2 per cent figure had been supplied by the Administering Authority.

57. Mr. CARPIO (Philippines), asked whether, in view of the fact that the Assembly had as yet no official information on the nature of the future constitution of Ghana and would therefore be unable to make an intelligent decision on integration, there were any imperative reasons why it should decide the question immediately.

58. Mr. ASARE (Convention People's Party) said that the Assembly had decided to submit the question

to the people of Togoland under British administration themselves; a majority had voted for integration and the Assembly should abide by their will.

59. Mr. KUMAH (Convention People's Party) said he had been shocked by the suggestion that the Assembly should wait longer before deciding the question. The General Assembly had given evidence of its belief that the people were capable of deciding their own future when it had decided that a plebiscite should be held and there was no doubt that the people of Togoland, even those who supported the opposition parties, did not wish to wait any longer for independence.

60. As to the future constitution of Ghana, the Assembly already knew the essential facts, namely, that it would provide for a unitary form of government while guaranteeing some measure of regional self-government. The Government of the Gold Coast was quite ready to go on making changes in the country's form of government until a satisfactory arrangement had been reached. The constitution as already worked out did, however, represent the wishes of the inhabitants; the Assembly should not be misled by spokesmen for the opposition parties, who represented a minority which was attempting to impose its will on the majority.

61. Mr. ANTOR (Togoland Congress) said that it was impossible to determine what were the wishes of the majority of Togoland, since there was no system of democratic representation of the inhabitants. That was the basis of his party's claim that the rights of the people of Togoland had not been safeguarded in connexion with the proposed integration.

62. Mr. CARPIO (Philippines) wondered whether the proposed integration would represent a strict and scrupulous observance of Article 76 of the Charter, which provided that the development of a Trust Territory should be towards self-government or independence. The United Nations had been assured year after year that the administrative union between Togoland under British administration and the Gold Coast would in no way prejudice the separate and distinct character of the Trust Territory. If the Assembly now approved the proposed integration there would be no end to similar annexations of other Trust Territories to the colonies with which they were at present connected by administrative unions.

63. Mr. ASARE (Convention People's Party) said that as a petitioner he could not interpret the Charter; he was sure, however, that it was not its intention that the wishes of the inhabitants of the Trust Territories should be ignored.

64. Mr. CARPIO (Philippines) said that the usual procedure in preparing the constitution of a new nation was to convene a constituent assembly to draft it. He asked why that procedure had not been followed in the case of the Gold Coast.

65. Mr. ANTOR (Togoland Congress) commented that the opposition parties in the Gold Coast had repeatedly requested that the new constitution should be drafted by a constituent assembly, for they felt that a matter of such importance should be considered above politics. It was the Government's invariable refusal of that request which had led to the present constitutional crisis in the Gold Coast, which was now more serious than ever.

66. Mr. CARPIO (Philippines) asked whether it would be the Government of the Gold Coast or the Administering Authority which would, in the last analysis, determine the nature and extent of the self-government the inhabitants of the Trust Territory would enjoy in the new State, and, if it was the Government of the Gold Coast, whether the representatives of the Convention People's Party were in a position to give the Committee assurances in that connexion.

67. Mr. ASARE (Convention People's Party) said that the United Kingdom representative had stated at the previous meeting that the question of the constitution lay more within his competence and that he would discuss it in his statement to the Committee. He therefore suggested that the Committee should postpone further questions on that point until the United Kingdom representative had spoken.

68. Mr. CARPIO (Philippines) agreed that it would be advisable to do so.

69. Miss BROOKS (Liberia) said that her delegation would deal later with the intricate questions raised by the issue before the Committee. She wished to say, however, that the question the USSR representative had asked was highly pertinent. There could be no question of annexation in connexion with a Trust Territory.

70. Mr. PACHACHI (Iraq) expressed warm support for the Yugoslav representative's suggestion that the Committee should be supplied with data on the recent elections in the Gold Coast and Togoland under British administration. If examination of the results showed that a majority of the inhabitants of Togoland under British administration had voted in favour of a unitary form of government the Assembly would be justified in approving integration. If, on the other hand, they had voted in favour of a federal form of government, it would be necessary for the Assembly to reconsider its decision.

71. He asked whether it was Mr. Antor's opinion that because of their educational backwardness the people of Northern Togoland were not ready for a plebiscite, and, if so, whether he was suggesting that their votes should be given less weight, than those of the people of Southern Togoland.

72. In connexion with Mr. Antor's statement that the Government of the Gold Coast had refused to hold a constituent assembly, he asked whether the elections held in July had not, in effect, been a vote on that issue.

73. Mr. ANTOR (Togoland Congress) said he had not meant to imply that the votes of Northern Togoland should count for less, but only that, because of the difference in background, the votes cast in the two parts of the Territory should not be considered as a single unit.

74. Similarly, with regard to the Iraqi representative's second question, the results of the July elections in the Gold Coast should not be assessed as a unit, since, although the total vote had been in favour of a unitary form of government, a majority in both Ashanti and the northern region had voted for a federal constitution.

The meeting rose at 1.5 p.m.