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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 and Add.1, A/C.4/340 and Add.1, A/C.4/341, A/C.4/L.452/Rev.1, A/C.4/L.453/Rev.1 and Add.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*)

1. Mr. GRINBERG (Bulgaria) said that he would not dilate on the situation in Togoland under French administration, the composition of the Territorial Assembly or the conduct of the referendum, for the petitioners and various representatives had already pointed to every deplorable aspect of those three matters. Moreover an objective opinion could be formed from a simple perusal of the Statute. Article 26 enumerated so many matters reserved to France that one might well wonder what important fields of activity had been left to Togoland. Furthermore, the probable effect of many provisions would be to prevent Togoland from exercising the few rights it was accorded. Under articles 12 and 22, for example, the High Commissioner was empowered to challenge the validity of measures unacceptable to him before the Conseil d'Etat, which sat in Paris and consisted entirely of Frenchmen. That example typified the entire system. Some had suggested that under article 38 it would be easy to amend the Statute, should the Togoland Legislative Assembly so desire. In practice that would be no easy matter, for

France's approval would be required. Indeed, the very existence of article 38 proved that the Statute would require amendment in many respects before Togoland became truly self-governing. In common with all other representatives and the petitioners from the opposition parties, he acknowledged that the Statute marked an advance on the previous state of affairs; it was France's first concession to the Togolandese; but before any conclusions were drawn it would be necessary to see how the Statute was applied.

2. In any case, in conformity with Article 76 of the Charter, trusteeship could not be terminated until Togoland had attained self-government or independence. It was clear from the discussion that that stage had not yet been reached, and those who had wished to advance a formal proposal for the termination of trusteeship had dropped the idea. Believing that the Trusteeship Agreement should remain in force in order to enable Togoland to attain the objectives of the Trusteeship System, the Bulgarian delegation could not accept any draft resolution that made explicit or implicit concessions to those who took a different view.

3. The five-Power draft resolution (A/C.4/L.453/Rev.1) was unsatisfactory, for its provisions contradicted one another. It proposed the dispatch of a commission to study on the spot the conditions under which the Statute was being applied. Either that commission would submit to the General Assembly conclusions which would justify the United Nations in terminating the Trusteeship Agreement, or it would help the United Nations to acquaint itself with the recent reforms and, if the Organization found that progress was being made, to congratulate the Togolandese on their advancement and at the same time endeavour to assist Togoland towards the final objective—self-government or independence. Those, however, were mere hypotheses which would not become reality until the commission had completed its work and the United Nations organs had reached a decision. To refer, as the sponsors of the draft resolution had done, to the Autonomous Republic of Togoland, to the Statute and to the Government of the Autonomous Republic of Togoland was equivalent to making up one's mind in advance on the very questions the commission would have to resolve. Again, if the Fourth Committee adopted the fourth paragraph of the preamble it would be deciding in advance the question whether the Trusteeship Agreement should be terminated, for termination had been one of the alternatives offered in the referendum. If the United Nations recognized *a priori* that a majority of the Togolandese had in fact opted against the Trusteeship System, it could not keep that system in being against the wishes of the people.

4. For all those reasons the Bulgarian delegation opposed the five-Power draft resolution and hoped most members of the Committee would take the same view. In contrast it would vote for the Indian draft

resolution (A/C.4/L.452/Rev.1), which exactly reflected its own views.

5. Mr. PACHACHI (Iraq) said that when the Committee had adopted the draft resolution which had subsequently become General Assembly resolution 944 (X) it had expected the Trusteeship Council to make a close and intensive study which would provide the basis for the Committee's deliberations at the eleventh session of the Assembly. Thereafter the Assembly might have been in a position to take the necessary steps to ascertain the wishes of the inhabitants. There had been no indication that during the eleventh session the General Assembly would be expected to take a decision concerning the termination of the Trusteeship Agreement for Togoland under French administration. Any suggestion concerning such a possibility would have met vigorous opposition from the French representative, who on more than one occasion had emphasized that the future of Togoland under French administration was not an urgent question, and who had drawn a sharp distinction between the respective circumstances of the two Trust Territories of Togoland. The French representative had in fact endorsed the conclusions of the United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955, which had clearly implied that the future of Togoland under French administration would take several years to determine and that, even so, some reforms would be needed. Furthermore, it was pertinent to cite the statement made to the Committee at the tenth session (535th meeting) by Mr. Ajavon, then merely a petitioner. In reply to a question from the Yugoslav representative concerning the role which the United Nations should play in the procedure for terminating the Trusteeship Agreement, Mr. Ajavon had said that after the necessary reforms had been introduced in the Territory the French Government would doubtless inform the Fourth Committee, which would then take the necessary action in consultation with the Administering Authority.

6. In the original draft resolution introduced by India (A/C.4/L.428) which, after subsequent revisions and amendments, had become General Assembly resolution 944 (X), the Assembly had requested the French Government to submit at an early date a programme of political reform for the Territory and suggestions for the holding of a plebiscite. The French delegation had proposed that the relevant paragraph should be replaced by one in which the General Assembly would request the Trusteeship Council to undertake a special study of the matter and report to the General Assembly (A/C.4/L.431, para. 7). The Venezuelan representative had then suggested, at the Committee's 544th meeting, that the Council should submit its report at the eleventh session. The French delegation had accepted that suggestion on condition that the words "if possible" were inserted in the text, which had become paragraph 3 of the final resolution: in other words, France had not excluded the possibility that the study might not be ready in time.

7. He went on to explain why the General Assembly had not received the study which the French delegation itself had suggested. At the Council's seventeenth session (660th meeting) that delegation had announced that the French Government had not had sufficient time to make specific proposals. At the eighteenth session it had submitted a memorandum (T/1274/Rev.1) to

the effect that by an Act of 23 June 1956 the French Government had been authorized to promulgate a statute and hold a referendum; it had asked the Council to send a mission to Togoland, not to supervise, but to follow the referendum operations. The Statute had been referred to in vague terms, and the only specific item of information given by the Administering Authority had been that universal suffrage had been introduced in Togoland under the *loi-cadre* of 23 June 1956. In other words France had asked the Council to forget about the special study requested of it and to send a mission of observers, as though the latter could replace the former. Had the Council not refused to send observers it would in effect have been disregarding the General Assembly resolution and admitting by implication that a statute it had never seen justified the termination of the Trusteeship Agreement.

8. He did not understand why France had pursued such a policy or shown such unseemly haste. After the plebiscite in Togoland under British administration the French Government could not for a moment have believed that the General Assembly would agree to a referendum which did not take independence into account and which was to be held without United Nations supervision. Its behaviour could be attributed only to anxiety to implement the motion passed by the Territorial Assembly in July 1955; but the French representative had certainly been aware of that motion in December 1955, and Mr. Ajavon had in all probability sponsored it in the Territorial Assembly. In reality the French Government could perfectly well have postponed the referendum for a few months until the Statute had been submitted to the General Assembly, particularly since France had already been suffering for the follies of colonial policy in the recent past and its tradition of liberalism and good faith in dealings with dependent peoples had been gravely damaged.

9. With regard to the referendum itself, since no United Nations observers had been present, he did not wish to discuss whether or not it had been free and impartial, but he drew attention to a weakness: the questions addressed to the electorate had prejudged the issue by presupposing that the Statute justified termination of the Trusteeship Agreement. A vote for the Statute of Togoland had automatically involved a vote for the termination of trusteeship. Now the French Government had decided not to press for the termination of the Trusteeship Agreement, but still insisted that the Statute in its present form fulfilled the basic objectives of the Trusteeship System as set forth in Article 76 of the Charter.

10. He proceeded to discuss the text of the Statute itself. With reference to article 1, he said that it was quite possible for a republic not to be self-governing; for example, after the First World War Syria and Lebanon had had their own president and flag, but had nevertheless been mandated territories. He commented on the main provisions which impaired the autonomy which Togoland was supposed to enjoy. Under articles 11 and 12 of the Statute, the Assembly's legislative powers were subjected, in varying degrees, to control by officials and organs of the French Republic. In articles 23 to 25, relating to Togoland citizenship, there seemed to be nothing to prevent French immigrants or citizens from holding high office in Togoland, such as that of Prime Minister. Article 26, which was the most disturbing of all, reserved powers to the French Republic so numerous, so varied and so far-

reaching that one might well ask whether the Autonomous Republic had been left with any powers of consequence. The system of dual administration envisaged in article 27 was incompatible with any idea of autonomy. No country could be regarded as autonomous if it were subject to two separate administrations, one indigenous and the other foreign, and if its daily existence depended, directly or indirectly, on a foreign Government over whose actions it had no control whatsoever. The High Commissioner had wide powers and the French Government could continue through him to control the future of Togoland. Finally, article 38, which dealt with the evolution of the Statute, was very vaguely worded and gave rise to a number of doubts: how far, for example, was the French Government bound by the "wish" (*voeu*) of the Legislative Assembly? How, and in what direction, would evolution proceed?

11. At the 584th meeting the French representative had expressed the hope that the Committee members would not allow themselves to be influenced by considerations extraneous to the discussion. He explained that, whatever complaints had been made against France, it was not they which influenced the Iraqi delegation's position. France had certainly done much to promote the Territory's economic and social progress; Togoland under French administration had made greater strides in economic and social affairs than had Togoland under British administration, and racial discrimination was non-existent in the Territory. Those results were a great credit to France, but it was regrettable that France did not always act according to its best traditions.

12. Mr. CARPIO (Philippines) said that because his country, fortunately, had no direct links with Togoland, he could not be accused of partiality. From the purely objective standpoint, it had to be recognized that the Territory was in no position to provide, on its own, such essential services as education and the administration of justice. The petitioners representing the parties in the Administration had themselves conceded that fact.

13. The Committee had to decide whether trusteeship should be terminated. France's claim was that the Togoland had expressed themselves in that sense; but under Article 76 b of the Charter, the Administering Authorities were enjoined to promote the development of the Territories towards self-government or independence. Whatever the results of the referendum, therefore, the Trusteeship System could not be terminated until its objectives had been achieved.

14. It was true that the new Statute of Togoland had created an Autonomous Republic, but was that autonomy reconcilable with article 26 of the Statute, which enumerated the matters reserved to France? Article 5 spoke of affairs proper to the Autonomous Republic of Togoland, but it looked as if only those of very minor importance were meant. The fact was that the Togoland possessed only the shadow of power, and there would be little point in sending a commission of observers as proposed in the draft resolutions before the Committee (A/C.4/L.452/Rev.1 and A/C.4/L.453/Rev.1).

15. He proposed that a paragraph should be added to the draft resolutions, recommending that France dissolve the present Legislative Assembly and take the earliest possible steps to give effect to the provisions of article 6 of the Statute by organizing elections

based on direct universal suffrage. The drafts should also suggest that the Administering Authority should amend the Statute and invest the Togoland Government with a minimum of autonomy so as to justify the use of the term Autonomous Republic. Unless the two draft resolutions were amended in those respects, the proposed mission to Togoland would be pointless, and the Philippine delegation would be unable to vote for the drafts.

16. Mr. MAKSIMOVICH (Ukrainian Soviet Socialist Republic), though welcoming the reforms carried out by France in Togoland, said they were insufficient to warrant serious talk about the termination of the Trusteeship Agreement. The new Statute was not a Statute conferring autonomy, nor was Togoland a genuine republic. By applying that name to it, France had created confusion; the sole object had been to justify France's request for the termination of the Trusteeship Agreement. Furthermore, France had tried to bring Togoland into the French Union even before Togoland had attained independence.

17. The referendum had been hurriedly organized, without the co-operation of the United Nations. The petitioners had drawn attention to irregularities which had taken place in the preparation of the register of electors and had complained of pressure exerted on certain parties. The result of the referendum was therefore inconclusive.

18. The Committee was in no position to settle the question at that stage. It was necessary, as proposed by the Indian draft resolution (A/C.4/L.452/Rev.1), to examine the situation on the spot and submit the results of the investigation to the Trusteeship Council. The Ukrainian delegation would therefore vote in favour of the Indian draft resolution.

19. Mr. ARAMBURU (Peru) said it would be wrong not to acknowledge France's vital contribution to the considerable progress observable in Togoland. Thanks to the action of the Administering Authority, which had once again demonstrated the enlightened democracy of its institutions, Togoland, now assured of a present and a future, would be able to take its place in the international community. It was significant, also, that the Government of Togoland itself, speaking through the French delegation, had invited the United Nations to send a commission to study on the spot the conditions under which the Statute was being applied. The explanations given by the sponsors of the draft resolution contained in document A/C.4/L.453/Rev.1 had convinced the Peruvian delegation that that draft offered the means of solving the problem of Togoland under French administration, and he was therefore glad to announce that Peru had become one of the co-sponsors of that text.

20. Mr. LARAKI (Morocco) referred to General Assembly resolution 944 (X) which had recommended that in Togoland under French administration "consultation of the population be conducted, as in the case of Togoland under British administration, under the supervision of the United Nations". Actually, however, the procedure had not been the same in the two Territories. In Togoland under British administration, the United Nations Plebiscite Commissioner had been able to make all the necessary arrangements four months before the plebiscite of 9 May 1956, and a publicity campaign had been organized as early as January to enlighten the population as to the meaning of the plebiscite and of the provisions relating thereto.

Since France, on the contrary, had made its request to the Trusteeship Council at a very late date, the latter would have had to be content with sending observers only, without assuming responsibility for organizing the referendum. Nor had the objects of the referendum in the two Territories been comparable. For the purpose of a parallel with the plebiscite in Togoland under British administration, the population of the French Trust Territory should have been asked whether it wished Togoland to be integrated in the French Union, or not to be integrated and instead to remain under the Trusteeship System until such time as its political future could be finally settled. The Togolandese would then have realized that, by choosing the second solution, they would have left the possibility of unifying the two parts of Togoland open and would have remained free to settle their own future at a later date. Since the referendum had offered the choice only between approval and non-approval of a semi-autonomous status, it had not been a concern of the United Nations: the Trusteeship Agreement, which stipulated that the Authority should administer the Territory as an integral part of its own territory, implied that the Authority had power to carry out reforms, though any such reform did not affect the Territory's future definitively. The Trusteeship Council had therefore been correct in not acceding to France's request. The French Government, in deciding to organize a referendum in October 1956 on its own, had acted contrary to the spirit of the General Assembly resolution.

21. Dealing with substance, he said that under Article 76 of the Charter independence was unambiguously the final objective of the Trusteeship System; but it was not independence which was offered to Togoland. Should the United Nations decide to terminate the trusteeship, it would be giving its firm approval to the integration of the Territory in the French Union, or even in the French Republic, since parliamentary representatives from Togoland would be members of

the assemblies of metropolitan France. Any Togolandese who wished to amend the Statute could proceed under article 38, but that was a most unlikely contingency, for it presupposed the institution of a system of public freedoms which would not easily materialize, inasmuch as the former Administering Authority would remain in effective control. France, regarding Togoland as part of the French Union, could take action against anyone who attacked integration on the pretext that it was an attack on the integrity of the territory of France.

22. The Moroccan delegation regretted that the representative of the Togoland parties supporting the Administration should have opposed any resolution that failed to accept the referendum as valid. The agreement reached on the Statute itself was, however, to be welcomed, for the Statute marked a genuine advance towards independence, though not, of course, the final stage in the evolution of Togoland.

23. In reply to an observation made by the Italian representative at the previous meeting, he said that the methods employed by the colonial Powers in Africa inevitably encouraged the nationalism which certain quarters deplored.

24. The Moroccan delegation reserved the right to comment on the draft resolutions before the Committee at a later stage in the discussion.

25. Mr. ROLZ BENNETT (Guatemala) said that the Spanish translation of article 38 of the Statute (A/3169/Add.1, annex I) did not accurately render the original; it was not by decision of, but following a wish expressed by, the Togoland Legislative Assembly that the Statute could be amended. He hoped that the Spanish text would be corrected.

26. The CHAIRMAN said that the Secretariat would make the necessary correction in the printed text of the document.

The meeting rose at 12.20 p.m.