



Wednesday, 2 January 1957,  
 at 3.15 p.m.

**New York**

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

**Requests for hearings (*continued*)**

1. The CHAIRMAN drew the Committee's attention to a telegram (A/C.4/329/Add.1) received from Mr. Ajavon, international representative of the Parti togolais du progrès, requesting, on behalf of the traditional chiefs of the South and of the North of Togoland under French administration, that a hearing should be granted to their representatives.

2. Mr. DEFFERRE (France) said he had no objection to the Committee's hearing the petitioners.

*The Committee decided to grant the request.*

3. The CHAIRMAN informed the Committee that he had received a request for a hearing concerning the Cameroons under French administration and several communications relating to hearings already granted. If there was no objection those texts would be circulated to members of the Committee.

*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, A/C.4/341) (*continued*)**

STATEMENTS BY THE REPRESENTATIVES OF THE ADMINISTERING AUTHORITY ON THE FUTURE OF TOGOLAND UNDER FRENCH ADMINISTRATION

4. Mr. DEFFERRE (France) said that Togoland had reached a decisive moment in its history. Describing the political and administrative developments which had brought Togoland under French administration to autonomy, he referred in particular to the establishment of the Representative Assembly in 1946, the constitution of a Government Council under the Act of 16 April 1955 and the dissolution of the Territorial Assembly, followed by elections by a single college on 12

June 1955. At its first meeting, on 4 July 1955, the Assembly had unanimously adopted a motion affirming Togoland's desire to continue its development in close association with France and stating that the moment had come to take up, first with the French Government and then with the United Nations, the question of the termination of the Trusteeship Agreement and that of the political future of Togoland; it had also called upon the French Government to do its utmost, once the status of Togoland had been finally decided upon, to bring the Trusteeship Agreement to an end, proceeding if necessary to further popular consultations, and affirmed its trust in that Government to defend that position before the United Nations as being the wish of the inhabitants of Togoland and their elected representatives.

5. That resolution of the Territorial Assembly tallied with the feeling expressed shortly afterwards by the General Assembly, which, following the special report (T/1206 and Add.1) submitted by the United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955, had recommended in resolution 944 (X) that the wishes of the inhabitants regarding their future might be ascertained by direct and democratic methods and that that "consultation of the population be conducted, as in the case of Togoland under British administration, under the supervision of the United Nations". The French Government had accordingly prepared, in close collaboration with the members of the Togoland Parliament, a draft statute, which the Territorial Assembly had examined article by article. All the amendments proposed by the Assembly had been accepted by the French Government. The Statute, as amended, had received a unanimous vote from the Territorial Assembly and had been adopted on 22 August 1956 at a meeting of the Council of Ministers, over which Mr. Coty, President of the French Republic, had presided.

6. The next step had been to organize the referendum, during which the population would be requested to take its decision on the choice made by its elected representatives. In accordance with General Assembly resolution 944 (X), the French Government had proposed, in a memorandum addressed to the Secretary-General on 30 July 1956 (T/1274/Rev.1), that that consultation should be carried out "under United Nations supervision", like the plebiscite which had been held in Togoland under British administration. However, at the eighteenth session of the Trusteeship Council (744th meeting), that body had, owing to an equally divided vote, failed to adopt a draft resolution to the effect that observers should be sent to observe the conduct of the referendum and report to the Council. But it had not been possible to postpone the democratic procedure of general consultation of the Togoland inhabitants, as requested by their representatives and suggested by the United Nations a year previously.

Furthermore, neither the Charter nor the Trusteeship Agreement provided expressly for international supervision of the consultations which the Administering Authority was competent to arrange, under article 5 of the Trusteeship Agreement, "to enable the inhabitants freely to express an opinion on their political régime and to ensure the attainment of the objectives prescribed in Article 76 b of the Charter". The proposed referendum had accordingly been held on the scheduled date.

7. The French Government had been anxious to ensure that the referendum operations should take place in an atmosphere of frankness and freedom. It had made up for the absence of the observers it had requested by entrusting the direction and organization of the consultation to a Referendum Administration under the leadership of Mr. Guy Périé de Féral, Conseiller d'Etat, whose impartiality had been acknowledged even by the opposition parties. Balloting had taken place without incident on 28 October 1956. The results were known: 71.51 per cent of the registered electors had voted in favour of the Statute of the Autonomous Republic and the termination of the trusteeship, while 5.07 per cent only had asked for its continuation. The proportion of registered electors to the total population showed that inscription on the electoral register had been complete and that the variations by region, and sometimes even by village, in the percentage of votes cast for the Statute showed the frankness and freedom of the consultation. In view of those results and of the incontestable wish of the majority of the population, the French Government had been entitled to expect the Trusteeship Council to take into consideration the wishes which had thus been expressed or at least to examine them with care. Accordingly, he would not attempt to conceal the fact that the decision taken by the Trusteeship Council at its sixth special session (749th meeting) had come as a surprise.

8. He briefly explained the principal features of the Statute of the Autonomous Republic of Togoland. In the first place, except for a few specific matters, the only fields in which France retained powers in Togoland were external sovereignty, defence, foreign affairs and currency. The people of Togoland would henceforth administer their own affairs. Their régime was based on European democratic traditions, with an executive authority, i.e., the Government, and a legislative authority, i.e., an assembly elected by a single college on the basis of universal suffrage. The Assembly also had political power, for it could overthrow the Government, which was responsible to it. Furthermore, the Government was in control of all public services. Thus the whole administration of the Territory had passed into the hands of the Togoland Government, which had been exercising its new responsibilities since the beginning of September. The autonomy of the Republic of Togoland had become a reality, which every inhabitant of the country, whatever his occupation or social position, could daily see for himself.

9. France had therefore fulfilled the undertakings it had made when it had voluntarily placed under the Trusteeship System that part of Togoland which it had been administering, and the basic objectives defined in the Trusteeship Agreement and in Article 76 b of the Charter had been attained. Nevertheless the United Nations, through the Trusteeship Council, had not endorsed the freely expressed wishes of the peoples of Togoland. It would be strange if the French Govern-

ment were accused of having hastened political development in Togoland too much, particularly since the facts showed the logical and inevitable nature of the reforms which had been carried out since 1946. Moreover, that that development had been carried out under the supervision, and sometimes even at the instance, of organs of the United Nations, was shown by resolution 944 (X), in which the General Assembly noted with interest the French authorities' intention of holding consultations in order to ascertain the wishes of the population and endorsed "the conclusion of the United Nations Visiting Mission . . . that the implementation of the contemplated political reforms will 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". France could not be reproached for having purely and simply applied the resolution of the General Assembly. Moreover, there were no grounds for stating that the social development of the people of Togoland under French administration was inferior to that of the people of Togoland under British administration. The United Nations had had no difficulty in endorsing the process of development applied in that Territory. What was good for one could hardly be bad for the other.

10. There could be no question of disputing the validity of the referendum, in view of the safeguards with which it had been surrounded. It had been said that the choice given to the local population was insufficient and that it would have been better to allow the supporters of independence to state their opinions openly. There was no basis for such a criticism. The terms of the referendum coincided exactly with the wishes of the Territorial Assembly as expressed in its motion of 4 July 1955. Moreover, the Togolandians had been free to vote in favour of maintaining the Trusteeship System and thus to show their desire to seek another solution than that proposed, which could only be independence. Lastly, they knew that, even in voting for the maintenance of trusteeship, they would retain the benefits of the Statute of 24 August 1956, which had already entered into force and which would have remained in force even if the referendum had been negative. It was therefore in full knowledge of the facts that the people of Togoland had voted in favour of the Statute and for the termination of trusteeship.

11. The most serious objection was the charge that the autonomy granted to Togoland, no matter how wide and beneficial, could not suffice to justify the French Government's request and that only independence without reservations could do so. He wished to reply to that objection, first from the juridical point of view. According to Article 76 b of the Charter, the purpose of the Trusteeship System was to promote the progressive development of the inhabitants of the Trust Territories towards self-government or independence as might be appropriate to the particular circumstances of each Territory and its peoples and the freely expressed wishes of the peoples concerned. Resolution 860 (IX) clearly indicated that "self-government" could be used to describe a status of autonomy. Moreover, the aspirations of the people of Togoland had been made known very specifically, in view of the fact that in its motion of 4 July 1955 the Territorial Assembly had called for the accession of Togolandians to full administration of their local affairs and had urged that the Territory should not be cut off from a French European and African community whose moral, cultural, economic

and financial support could, in the present-day world, be the only guarantee of the maintenance of Togoland as a separate entity. The French Government had thus acted in complete conformity with the aspirations of the people of Togoland.

12. He turned next to the practical aspect. For a Territory which, like Togoland, wished to preserve its individuality, independence could only be illusory or dangerous for its economic, social and cultural development. Independence might well cause serious problems in the near future in that highly developed part of Africa where democracy was making such remarkable strides. In the modern world, countries which had not yet acquired the economic and financial means necessary for independent existence could only develop if they belonged to a group of peoples or nations capable of helping them to continue their evolution. The essential thing was that there should be perfect equality between all the citizens of such groups of peoples or nations and that all discrimination should be abolished.

13. In a memorandum dated 29 December 1956, which the French delegation had just transmitted to the Secretary-General, the Togoland Government asked for the termination of trusteeship (A/C.4/341). In supporting that request, France felt that it was fulfilling for the Autonomous Republic of Togoland the last of its duties under the mandate which had been entrusted to it. By acceding to that request, the General Assembly would be removing the last barrier to full autonomy for the Republic of Togoland, namely, the provisional trusteeship over the acts of the Togoland legislature and executive, as laid down in articles 39 and 40 of the Statute, pending international action terminating the trusteeship. He hoped therefore that the trust which the people of Togoland had placed in the General Assembly would not be disappointed. The impartiality of the United Nations had sometimes been questioned of late and several of its decisions had not been put into effect. It had been said and written that some Member States had voted, not on the basis of the facts laid before them, but on the basis of considerations foreign to the debates. The question of autonomy for the Republic of Togoland gave the General Assembly an opportunity of giving the lie to such rumours by showing that its Members made their decisions in complete objectivity, guided only by their desire to respect the principles of the Charter.

14. Mr. APEDO-AMAH (France) said that a historic event had occurred in Togoland under French administration: by a referendum, held on 28 October 1956, the people had accepted a new Statute converting the Territory into an Autonomous Republic. On 14 September, a sovereign Togoland Government had been set up. The Togoland people now possessed all the attributes of a modern and democratic State and they considered that the former trusteeship had come to an end.

15. At the request of the Parliament at Lomé, the Government of the Autonomous Republic had prepared a memorandum on the situation arising out of the new Statute and it had been transmitted to the Secretary-General of the United Nations (A/C.4/341). He read out the memorandum. He hoped that the United Nations would understand the interest the Togoland people were taking in the new Statute and the importance they attached to the autonomy of their country.

16. He thanked the Chairman for having allowed him to speak and he offered the members of the Committee the good wishes of the Government of the Autonomous Republic of Togoland.

17. Mr. PERIER DE FERAL (France) reported to the Committee on the conduct of the referendum which it had been his responsibility to organize.

18. After stressing that he had been appointed Referendum Administrator by the officers of the Conseil d'Etat, the supreme administrative tribunal in France, and that his appointment had not been based upon personal considerations or political affiliations, he recalled that his first responsibility had been to inform the people of Togoland that the referendum was to be held, to tell them clearly what the issues were and to advise the political parties to take part in the work of publicity for the referendum. In order to carry out that responsibility he had had large numbers of the copies of the Statute printed and he had asked the Press and the political parties to co-operate.

19. He had taken particular pains to ensure that the organized publicity remained strictly objective and, according to his information, the publicity had been carried out in a very correct manner in the electoral *circonscriptions*; the people as a whole had shown great interest in the referendum, and in some *circonscriptions* the women, who had taken part in the vote for the first time, had been almost as enthusiastic as the men.

20. His next task had been to ensure that all those qualified were inscribed on the electoral register and that the register was expanded, where necessary, according to the procedure laid down in the Decree regarding the referendum. Thanks to the publicity he had organized and in regard to which he had asked the political parties for their co-operation, which had not always been forthcoming, many applications—over 17,000—had been submitted to the magistrates and it had been possible to supplement the electoral register; as a result the registration percentages in certain *cercles*, especially in those where the parties opposed to the new Statute had apparently been in the majority, had increased substantially.

21. When the electoral register had been closed on 12 October 1956, the total number of registered voters had stood at 437,459. That was a reasonable figure, considering that the population of Togoland numbered 1,084,032; indeed, taking into account the young people under the age for registration and the disqualified categories, it could be estimated that the registration represented a real figure of approximately 80 per cent of the theoretical electorate. That was one of the highest percentages of registration ever achieved in an African country. Considering the fact that civil records were not regularly maintained in all parts of the Territory, and having regard to the migratory nature of the population, it could be said that the electoral register had been universal and that the referendum had been held on a basis of universal suffrage.

22. He went on to describe how the voters' cards had been issued. As had been done in Togoland under British administration during the plebiscite of 9 May 1956, he had requested all the political parties to co-operate in supervising the elections and, in particular, to participate in the card-issuing committees. While the political parties in favour of the Statute had been prepared to send representatives to participate in the

committees, the opposition parties, such as the Mouvement populaire togolais, had finally intimidated, after some hesitation, that they would not participate or they had failed to reply. He had therefore been obliged to arrange for the issue of the voters' cards by his own methods, through the referendum officials, under the supervision of assistant administrator-observers. In reply to those who argued that the absence of representatives of the opposition political parties had prejudiced the impartiality in the issue of cards, he would say that the observers had all been magistrates, members of administrative or judicial tribunals, in other words men of absolute integrity. The issue of the voters' cards had therefore been carried out satisfactorily. There had been no more mistakes than was normal in any operation of that kind. The deficit of 29,000 cards by comparison with the number of electors registered had been due to the number of double registrations, the migration or death of some electors and the uncertain instructions the opposition parties had given in some cases.

23. He had hoped that the opposition parties, which had on the whole refrained from participating in the issue of cards, would co-operate more willingly in the actual polling operations. Although he had assured them that they could participate in the polling committees without compromising their position as opponents of the Statute in principle, he had been unable to convince them. Nevertheless the polling operations had gone off smoothly under his supervision and that of the judicial officers whom he had appointed. There had been no technical hitch throughout the day of 28 October. The regular conduct of the election had been ensured by the chairmen of the polling committees and their assistants and by the observers who had supervised operations at the polling places. In accordance with the law, the ballots had been counted immediately, on the spot. On the whole, although legal procedure had been available for appealing against the decisions of the committees, the operations of the polling committees had not been challenged. A mere handful of complaints had been brought before the special committee presided over by a *président de chambre* of the Paris Court of Appeal, who had passed judgement.

24. The people had thus voted in complete freedom. It had, of course, been necessary to maintain order,

but every effort had been made to preclude any measures of a spectacular character which might have given the impression that people were being forced to vote. The number of police on duty had been very small: 901 men for 1,084,000 inhabitants. As for the closing of the frontier with Togoland under British administration, that was exactly the same step as had been taken in Togoland under British administration during the plebiscite of 9 May 1956.

25. In conclusion, he gave a rough idea of the implications of the figures, analysing in particular, the percentage of abstentions, which had amounted to 17.27. In that connexion he pointed out that in France it was not uncommon when elections were over-frequent for the percentage of abstentions to reach 20 to 25, sometimes even 30 to 40 in certain *communes*. In Togoland under French administration, the percentage of abstentions in previous elections had been approximately 17 to 20. In Togoland under British administration, it worked out at about 20 per cent; it had been a little lower—18 per cent approximately—in the plebiscite of 9 May. Admitting that the normal percentage of abstentions for Togoland under French administration was 15, all the abstentions above 15 per cent in the South could be attributed to the opposition parties; in the North the Comité de l'Unité togolaise, Juvento and the Mouvement populaire togolais had very little influence. Accordingly, the votes attributable to the opposition parties could be assessed at approximately 30,000. Even if 10,000 to 15,000 votes were added to that figure, it would be seen that the opposition to the vote had not been substantial. It should therefore be recognized that the referendum, the first of such magnitude held in the Territory, had been universal in character and that the people had voted freely in full awareness of the fact that the future of their country was at stake.

26. Mr. BOZOVIC (Yugoslavia) proposed that the complete texts of the statements just made by members of the French delegation should be circulated as Committee documents.

*It was so decided.*<sup>1</sup>

The meeting rose at 5.5 p.m.

<sup>1</sup> See A/C.4/342 to 344.