



CONTENTS

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 (*continued*)
General debate on the future of Togoland under French administration (*continued*) 217

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

In the absence of the Chairman, Miss Brooks (Liberia), Vice-Chairman, took the Chair.

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) (*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. GRILLO (Italy) said that, in view of the perfunctory nature of the Trusteeship Council's examination of the question, his delegation wished to raise some questions of principle. Since the Council had omitted to transmit records of its sixth special session to the General Assembly, he would be obliged to repeat what he had said at the 749th meeting of the Council.

2. Unlike the Permanent Mandates Commission, which had been an auxiliary body of experts, the Trusteeship Council was one of the principal organs of the United Nations. Under its rules of procedure as approved by the General Assembly there was no difference between the functions exercised directly by the Trusteeship Council and those exercised under the authority of the General Assembly. The Council's duties were related to the basic objectives of the Trusteeship System, which included the progressive development of the Trust Territories towards self-government or independence. Thus self-government,

which might take the form of independence, and independence were equal alternative objectives. In accordance with Article 76 of the Charter the Council's duty was to assist dependent peoples in the gradual development of democratic institutions in keeping with their needs and with the principles of democracy and freedom. In the opinion of the Italian delegation, the Trusteeship Council, by adopting the proposal made by the Guatemalan representative at the 748th meeting, to the effect that the whole question should be transmitted to the General Assembly, had accepted an implicit invitation to disregard those duties. The Council had no right to abdicate its functions: the Italian delegation deplored, *inter alia*, the tendency for petitioners to be heard by the Fourth Committee rather than by the Standing Committee on Petitions. The Council could not ignore what had happened in Togoland under French administration. As the United States representative had said in the Council (748th meeting), the new institutions gave a degree of self-government to the Togolandese which until recently had been considered out of the question for years to come.

3. The Administering Authority had requested the Council to terminate the Trusteeship Agreement. Undoubtedly the Administering Authority was not entitled to terminate the Trusteeship Agreement unilaterally, but on the other hand the Council had no right to delay taking a decision which would affect the welfare of the people of Togoland.

4. Because the Italian delegation had supported the authority of the Trusteeship Council it had been accused of showing less faith in the General Assembly than in the Council. That was not in accordance with the facts, but there were certain matters with which, under the Charter, the Trusteeship Council was empowered to deal. The founders of the United Nations had agreed that there should be various organs with specific authority in order to strike a balance between the legislative and executive powers, and those organs should carry out their various duties in the letter and spirit of the Charter. Article 86 of the Charter laid down that the membership of the Trusteeship Council should be equally divided between those Members of the United Nations which administered Trust Territories and those which did not; it had certainly never been the intention of the authors of the Charter that the Administering Authorities should be deprived of the guarantees deriving from the nature of the Council or that matters which came within the purview of the Council should be examined by the General Assembly, where such parity did not exist. Decisions of the Trusteeship Council were subject to the final approval of the General Assembly but the examination of questions fell within the competence of the Council.

5. The representative of Guatemala had maintained in the Trusteeship Council that his proposal was not intended to avoid a broad discussion. That was no doubt true, but the point was that he had wished that discus-

sion to take place outside the proper forum as laid down in the Charter. He had also stated that his action was prompted by the fact that during the previous discussions on Togoland under French administration some of the documents had not been available. When those documents had been made available, however, the Council had not discussed them. Some members of the Council had hinted that they had special responsibilities because they had been elected by the General Assembly. He could not agree that that gave those members a specially privileged position; the Administering Authorities in the Council also had special responsibilities since they had been designated by the Charter itself.

6. At its 749th meeting, the Trusteeship Council had adopted the Guatemalan proposal by eight votes to six. One representative who had voted with the non-administering Powers had rejected all arguments brought forward in support of the Council's authority to discuss the question. In the opinion of the Italian delegation he had oversimplified the matter by arguing that since the General Assembly was in session the matter might as well be discussed in the General Assembly forthwith. There were precedents for questions being fully debated in the Council while the General Assembly was in session. The Italian delegation had raised its voice against the attempt which was being made to undermine the Council's constitutional position for reasons which obviously had nothing to do with the interests of the people of Togoland. Italy was not a colonialist or imperialist country; it had no colonies and no territorial ambitions and there was no pact between Italy and other Administering Authorities. Nevertheless, the Italian delegation had felt obliged to point out that there was a drive not only against colonialism but against any ties that had grown out of the former colonial relations. Such a campaign was more easily carried out in a larger body than in the Trusteeship Council. The tragedy of the present day was that the danger no longer came from fading Western colonialism and imperialism but from other new forms of colonialism, irresponsible nationalism and anti-colonialism as a method of Communist penetration.

7. The Indian representative had said at the 749th meeting of the Trusteeship Council that he did not understand the meaning of the term "irresponsible nationalism". To the Italian representative it meant the idolatry of the Sovereign State. It had been rightly said that in the modern world countries which had not yet acquired the economic and financial means necessary for an independent existence could not advance except by belonging to a group of peoples or nations capable of helping them to continue their development. That point should be stressed at a time when the old nations of Western Europe, after having passed through the various stages of nationalism, were contemplating limitations of their sovereignty and seeking to create supra-national institutions. Italy looked forward to the day when the United Nations would be able to act as such an institution and would be in a position to take binding decisions on certain questions. The Italian Constitution contained a provision envisaging the acceptance of any limitation of sovereignty which was accepted by other nations.

8. At the 749th meeting of the Council the Soviet representative had accused the Italian representative of making a panegyric of colonialism. What the Italian representative had actually said was that there had

been enough talk of colonialism and anti-colonialism. Every day there were references to Western penetration, capitalist exploitation and imperialist domination. The Chairman of the Indian delegation had stated in the General Assembly (611th plenary meeting), against all the evidence, that the efforts of all the Western nations had served only to divide the peoples of Asia and those of Europe. It was constantly repeated that the fault was entirely on the side of Europe. Two days previously it had been alleged that the Eisenhower-Dulles doctrine was fresh evidence of colonialist aspirations on the part of the United States.

9. At previous meetings the Indian representative had expatiated on the great civilizations which he said had existed in West Africa centuries before European penetration and subsequent domination of that part of the world. Those ancient civilizations might perhaps have existed, but no trace of them had been found. It was often said that the peoples of the dependent territories were winning back their independence; but Mr. Krishna Menon himself had asserted that Togoland had no national historical background and that nationalism in that area must be created by modern circumstances in a continent where the tribe had been the unit for a very long time. He wondered whether the Indian representative believed that it would have been better if Europeans had never set foot in Africa or Asia. Collaboration between Europe and Asia was unquestionably necessary. As for Africa, the people of Europe believed that it was essential that the people of that continent should not be isolated from the rest of the world, for, if they were, some of the African countries would revert to the conditions of life from which they had emerged through their relations with Europe.

10. With reference to the Indian draft resolution (A/C.4/L.452), he was puzzled by the wording of the third paragraph of the preamble. The Trusteeship Council had not been unable to undertake the special study requested of it; it had simply refused to do so. With regard to the fourth paragraph, with all due respect to the Minister for Overseas France, the various stages in the development of the Togoland question had already been familiar to most of the members of the Committee. Moreover, most of the delegations which had taken an active part in the debate were represented in the Trusteeship Council. He did not mean to imply that the debate in the Fourth Committee had been a waste of time, but little or nothing had emerged there that could not have emerged in the Trusteeship Council. The Indian draft resolution was an attempt to pass the question back to the Trusteeship Council. Yet when, in the Trusteeship Council (749th meeting), the Italian delegation had maintained that the matter was one for the Council, the Indian representative had opposed that view. It would be deplorable if the Fourth Committee and the Trusteeship Council were to continue to pass the question back and forth, thereby delaying a decision. Even a negative decision was better than no decision at all. The Indian draft resolution requested the Trusteeship Council to study the question and to transmit the results of its study to the General Assembly. In his opinion the Trusteeship Council should not merely transmit the results of a study but should make formal proposals concerning the action to be taken. He would be unable to vote in favour of the Indian draft resolution in document A/C.4/L.452.

11. Mr. BOZOVIC (Yugoslavia) expressed appreciation of the co-operative and conciliatory spirit shown

by the French delegation in agreeing not to press for the termination of the Trusteeship Agreement. While it was true that in the present case, as in certain others, the Trusteeship Council had not come to a decision, his delegation could not agree that the Trusteeship Council alone was competent to make such a decision. It maintained, on the contrary, that the General Assembly could express agreement or disagreement with the Trusteeship Council and could come to a decision where the Trusteeship Council had failed to do so.

12. His delegation readily acknowledged that the Statute represented a forward step and provided a foundation for the further evolution of the Territory. The petitioners themselves were in agreement on that point and were to be congratulated on their willingness to concede its merits. The fact that a referendum had been held, that the majority of the voters were in favour of the reforms which it introduced and that a Government composed of Africans was now functioning in the Territory was encouraging. The progress the Statute represented was the more significant in that it constituted a departure from France's past record in matters of colonialism and trusteeship. There was no reason why recognition of that progress, which had been expressed by all the preceding speakers, should not be made part of the record, nor was there any reason why the people of Togoland should not be congratulated upon the advances they had made.

13. Turning to the referendum, he said that the idea of holding such a popular consultation was commendable and he only regretted that it was not put into practice more frequently in the dependent territories in Africa. It was unfortunate, however, that in carrying out the referendum the Administering Authority had not followed the procedure adopted in co-operation with the United Nations in the past. In so doing it would have had nothing to lose, for there was no reason to believe that the results of the consultation would have been any different, and its own position would have been strengthened since the Fourth Committee would have been obliged to approve the results even were they not to the liking of all delegations.

14. There was a feeling among certain delegations that the Autonomous Republic of Togoland should not be referred to by that name in any resolution the Committee might adopt, since to do so would be to prejudge the issue. The reply to that contention was that as long as the Trusteeship Agreement was in force there could be no question of prejudgement. Indeed, there was perhaps a distinct advantage to be gained from specific recognition of the existence of the new political entity, for in the past dependent peoples had sometimes been granted liberal reforms only to see them withdrawn later when the Power which had granted them feared they might go farther than it had intended.

15. The Yugoslav delegation favoured the proposal embodied in both the revised Indian draft resolution (A/C.4/L.452/Rev.1) and the five-Power draft resolution (A/C.4/L.453/Rev.1) that the General Assembly should appoint a commission to examine the situation in the Territory and report to the Trusteeship Council on its findings. Such a procedure would be in conformity with the Charter; if it set a precedent, he saw no reason why that should constitute a danger. Since the two draft resolutions were not basically in conflict, he thought their sponsors might combine their

efforts to produce a single text that would be satisfactory to all.

16. U ON SEIN (Burma) said that in view of the petitioners' testimony that the Administering Authority had in some instances banned political meetings, and of the observation of the United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955, that opposition parties in the French Trust Territory had not the same facilities for carrying on political activity as was the case in the British Territory (T/1206, para. 116), his delegation questioned the validity of the results of the referendum. It maintained that if the referendum was to be considered the true expression of the wishes of the people, it should have been held under the auspices of the United Nations. The fact that the Legislative Assembly had not been elected on the basis of universal adult suffrage was another factor to be taken into account. It was true that the Statute introduced significant political reforms, but article 26 reserved to the central organs of the French Republic many powers without the exercise of which no territory could be regarded as truly self-governing. The Statute did not constitute an alternative to the continuance of trusteeship, as the Administering Authority had sought to represent it to the people of Togoland. The Trusteeship Agreement could not be terminated unilaterally. His delegation would therefore oppose any attempt to terminate it on the basis of the Statute.

17. He reserved the right to make further observations should he find it necessary.

18. Mr. CHAMANDI (Yemen) regretted that the spokesmen for different parties in the Territory who had appeared before the Committee were so sharply divided in their views regarding the future of their country instead of sharing a common goal, namely, the unification and ultimate independence of Togoland. The Administering Authority had granted the people of the Territory a Statute under which their country was to be called an autonomous Republic. That designation was fictitious: a republic was independent or it was nothing. Furthermore, a territory could be neither a republic nor autonomous so long as a High Commissioner representing the authority of France and exercising executive power remained in office. The French Government and the representatives of certain groups in the Territory had asserted that the majority of the inhabitants had approved the Statute by the vote they had cast in the recent referendum. Representatives of other groups had testified that the referendum had been attended by violence, political persecution, irregularities and lack of freedom. While he did not propose to judge which faction was right, he maintained that such a referendum could be regarded as valid only if held under United Nations supervision and control. In the circumstances, it did not represent the real will of the people.

19. The steps taken by the Administering Authority undoubtedly brought the Territory nearer to self-government and eventual independence, but it would have been preferable had they been taken by legal means rather than presented to the Committee as a *fait accompli* which was tantamount to virtual absorption of the Territory into the French Union. He would therefore support the revised draft resolution proposed by India (A/C.4/L.452/Rev.1).

20. Mr. AJAVON (France), referring to the Indian representative's statement at the previous meeting that the Territorial Assembly elected in 1955 did not represent the mass of the people of Togoland and was not therefore in a position to request the termination of the Trusteeship Agreement, pointed out that the overwhelming majority of the population, which had voted in favour of the Statute, had reflected the views of that Assembly. The Indian representative appeared to attach more weight to the views of the minority than to those of the vast majority. His reasoning seemed to indicate a profound misunderstanding of the realities of the situation in Togoland, of which he had no knowledge other than that to be found in United Nations documents. His arguments, which had been primarily of a speculative nature, had not served to cast doubt on the correct conduct of the referendum, the validity of the Statute or the legality of the request for termination of the Trusteeship Agreement. The Government of Togoland was a reality and it alone was responsible for governing the country. The Legislative Assembly

was likewise a reality and it alone drafted and enacted the laws governing the Togoland people. The new Government had given proof of its moderation by the willingness it had shown to co-operate with the Fourth Committee. While it had originally requested the Assembly to reach a decision on the termination of the Trusteeship Agreement at its eleventh session, it had withdrawn that request when it had realized the sincere desire of the representatives to acquaint themselves more fully with the situation and it had invited the United Nations to send a commission to Togoland to observe how the Statute was being applied.

21. With regard to the draft resolutions before the Committee (A/C.4/L.452/Rev.1, A/C.4/L.453/Rev.1), he wished to make it clear that any resolution which failed to recognize the material existence of the Autonomous Republic of Togoland and the validity of the referendum would be formally opposed by the Government of Togoland.

The meeting rose at 4.20 p.m.