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THE TOGOLAND UNIFICATION PROBLEM AND THE FUTURE OF TOGOLAND UNDER BRITISH ADMINISTRATION

DRAFT SPECIAL REPORT OF THE TRUSTEESHIP COUNCIL

Note: The Secretariat has prepared this draft at the request of the Council along the lines approved by it at the 650th meeting

Introduction

1. In its previous special report^{1/} to the General Assembly on the Togoland unification problem, the Trusteeship Council reported upon difficulties which had been encountered by the Administering Authorities of Togoland under British administration and Togoland under French administration respectively in the proposed reconstitution of a Joint Council for Togoland affairs; and recorded the fact that in the case of the former Trust Territory the Administering Authority had already submitted a memorandum^{2/} to the General Assembly stating that when the Gold Coast assumed within a measurable period full responsibility for its own affairs it would no longer be constitutionally possible for the United Kingdom Government to administer the Trust Territory as an integral part of the Gold Coast, and that the Trusteeship Agreement should then be terminated on the ground that the objectives of the International Trusteeship System would have been substantially achieved in the Territory. The Administering Authority

1/ See Official Records of the General Assembly, Ninth Session, Annexes, agenda items 35 and 52, document A/2669.

2/ Ibid., document A/2660.

had accordingly, in pursuance of Article 76 of the Charter, invited the United Nations to take steps to ascertain the wishes of the people of the Territory as to their future, and had stated that it would be prepared to agree to the holding of a plebiscite if the United Nations should, after the 1955 Visiting Mission had reported, wish to make further inquiries.

2. By its resolution 860 (IX) of 14 December 1954 concerning the Togoland unification problem and the future of Togoland under British administration the General Assembly, taking note of the special report of the Council and of the new situation thus described by the United Kingdom Government, decided in view of the eventual revision or termination of the Trusteeship Agreement for Togoland under British administration that steps should be taken, in the light of the particular circumstances of the Trust Territory, to ascertain the wishes of the inhabitants as to their future, without prejudice to the eventual solution they might choose, whether independence, unification of an independent Togoland under British administration with an independent Togoland under French administration, unification with an independent Gold Coast, or some other self-governing or independent status. The General Assembly, in paragraph 2 of the resolution, requested the Council to take into account the views expressed in the Fourth Committee at that and previous sessions, to consider what arrangements should be made in pursuance of the foregoing decision, and to report thereon to the General Assembly at its tenth session. It further requested the Council, in paragraph 3 of the resolution, to despatch a special mission to the two Togolands to make a special study of the problems mentioned and submit its report in time for the Council, in turn, to report to the General Assembly at its tenth session.

Arrangements for a visiting mission to the Togolands

3. The Trusteeship Council considered the above-mentioned resolution at its fifteenth and sixteenth sessions. By its resolution 1084 (XV) it decided, in conformity with Article 87 of the Charter and with the request contained in the resolution of the General Assembly, to despatch a mission to the two Trust Territories, and charged it with carrying out the tasks prescribed in paragraphs 2 and 3 of that resolution. By its resolution 1252 (XVI) the Council set forth the terms of reference of the Mission as a periodic visiting

mission to the two Togolands and at the same time requested it to submit a special report on the other questions not later than 1 November 1955.

4. The composition of the Visiting Mission, as also approved by the Council during its sixteenth session, was as follows: Mr. S.K. Panerji (India), Chairman, Mr. J.M. McMillan (Australia), Mr. Salah Eddine Tarazi (Syria) and Mr. Robert R. Robbins (United States of America). The Mission left New York on 7 August 1955 and spent the period from 10 August to 23 September in the two Trust Territories and in Accra, Gold Coast, the seat of the Administration of Togoland under British administration. Following discussions with representatives of the respective Administering Authorities in London on 26 September and in Paris on 28 and 29 September it returned to New York on 10 October and adopted and transmitted to the Secretary-General on 18 October 1955 its special report on the Togoland unification problem and on the future of the Trust Territory of Togoland under British administration (T/1206, T/1206/Add.1).

Conclusions and recommendations of the Mission

5. The Visiting Mission, in its conclusions and recommendations, envisaged two main steps, and possibly a third, towards a settlement of the problem as it concerns both of the Trust Territories, namely:

(a) A plebiscite of the population of Togoland under British administration, involving a separate determination of the wishes of the people of the northern and southern parts of the Territory respectively as to integration with an independent Gold Coast or temporary continuance under trusteeship;

(b) A consultation, preferably also by plebiscite, as soon as further political development permitted and the Administering Authority signified the readiness of the Territory, of the population of Togoland under French administration as to self-government within the French Union or independence outside it; and

(c) Thereafter, if any part of Togoland under British administration had decided on the first plebiscite in favour of continuing under trusteeship, a final plebiscite in that part as to joining the Gold Coast or Togoland under French administration as the latter then might be.

6. The views of the Mission on these matters are summarized below:

(a) Plebiscite in Togoland under British administration

7. The Mission concluded that since Article 76 b of the Charter lays down that the progressive development of the peoples of Trust Territories towards self-government or independence should be in accordance with the freely-expressed wishes of the peoples concerned, and in view of the division of opinion in Togoland under British administration regarding the political future of that Territory - principally as between the integration of the Territory with the Gold Coast when the latter becomes independent and the establishment of a separate identity for the Territory pending a choice between (1) federation with the Gold Coast and (2) unification with an independent Togoland under French administration and eventual federation with the Gold Coast - a formal consultation with the people would be necessary to decide this question. The following questions should be put at a plebiscite of the inhabitants of Togoland under British administration:

"(1) Do you want the integration of Togoland under British administration with an independent Gold Coast?

"(2) Do you want the separation of Togoland under British Administration from the Gold Coast and its continuance under trusteeship, pending the ultimate determination of its political future?"

8. The Mission recommended that the results of this plebiscite should, however, be determined separately in the following areas of the Trust Territory:

- (i) In the Northern Section, taken as a single unit, where the Mission found that opinion was overwhelmingly in favour of integration with the Gold Coast, and that distinctive ethnic and linguistic characteristics and other general conditions exist;
- (ii) In the Kpandu and Ho Districts of the Southern Section, taken together as a single unit, where the Mission found that opinion was divided between integration with the Gold Coast on the one hand and independence for a unified Togoland on the other, and that the population is predominantly Ewe;

- (iii) In the Buem-Krachi District, in two separate units divided by the southern boundary of the Akan Local Council area, where the Mission found in the northern unit that there was strong support for integration and in the southern unit that there was a division of opinion, and that populations of different racial composition and other distinctive characteristics exist.

The future of the four units should be determined by the majority vote in each case. If, however, the voting in the separate units in the Buem-Krachi District should result in leaving either or both of those units with a decision different from that reached in the regions both to the north and to the south of it, practical considerations would require that the unit concerned, or both, should follow the same course as the regions on both sides.

9. If the population of both the northern and southern parts decided in favour of the first alternative presented in the plebiscite, no further consultation would be necessary. If either part alone decided in favour of integration with an independent Gold Coast, that decision should similarly be implemented. If, however, the people either of the whole Territory or of the northern or southern parts preferred separation from the Gold Coast pending further determination of this future, it would be necessary for the Administering Authority to be asked to continue its trusteeship for a further limited period for this purpose.

10. The Mission made recommendations as to the arrangements for the holding of the first plebiscite. On the one hand, it recognized that responsibility for the organization and conduct of the plebiscite would of necessity rest primarily upon the Administering Authority in view of its responsibilities in the Trust Territory under the Trusteeship Agreement; on the other hand it regarded it as essential that there should be full United Nations observation and supervision at all stages of the arrangements. For this purpose it recommended that a United Nations Plebiscite Commissioner should be appointed by the General Assembly, and that he should be assisted by a sufficiently large group of United Nations observers to ensure that at least one observer was stationed in each plebiscite electoral district, and by such other staff as might be deemed necessary, the observers and other staff to be appointed by the Secretary-General in consultation with the Plebiscite Commissioner.

11. Observations and recommendations in detail as to the powers of the Plebiscite Commissioner, the establishment of electoral districts, qualifications of voters, registration, campaigning, voting procedure and petitions were also made by the Mission, on the basis of existing electoral regulations.

12. The Mission estimated that the holding of the plebiscite would require approximately four and one half months from the beginning of registration until the counting of votes. It drew attention to the advantage of setting a date which would ensure that the processes of registration and voting did not fall in the rainy season which lasts from mid-May until late October.^{3/}

(b) Consultation in Togoland under French administration

13. The Mission stated that the question of the political future of Togoland under British administration - either as a whole or its northern or southern parts only - in the event of a decision by its people in favour of separating from the Gold Coast, was bound up with the political future of Togoland under French administration. In this latter Territory it found distinct differences of opinion as between, on the one hand, the desire for a permanent association of the Territory with the French Union, and, on the other hand, the desire for the termination of this association prior to unification with Togoland under British administration and the subsequent determination of the political future of the unified country. The Mission considered that when the Administering Authority signified that the Territory was fit for self-government or independence, it would be for the people to decide finally as regards their political future. To this end the Mission hoped that certain important constitutional measures contemplated by the Administering Authority would include such measures as would place the Territory in a very few years in a position to express its wishes.

14. The Mission stated that the most effective and direct method would be, as in the case of Togoland under British administration, by a plebiscite which should decide whether the people of the Territory wished self-government within the French Union, and on what conditions, or whether they desired the termination of their connexion with the French Union and independence. While considering that

^{3/} One member of the Mission considered that in order to ensure that the Territory kept its status as a Trust Territory during the period of the popular consultation, and to avoid any interference from political organizations with headquarters in the Gold Coast, the Territory should be provided with institutions of its own before any consultation was held.

the future progress of the Territory would be best assured by its association with a larger unit, the Mission stated that it would be for the people to express their wishes finally in this matter.

(c) Final plebiscite in Togoland under British administration

15. The Mission considered that a further step should be taken after the political future of Togoland under French administration had thus been finally decided. If in any part of Togoland under British administration a majority vote favoured separation from the Gold Coast, with the result that it continued under trusteeship after the Gold Coast attained its independence, that part should then be called upon, in a final plebiscite conducted in a similar manner to that proposed for the earlier plebiscite, to decide whether it would join the Gold Coast or Togoland under French administration as it might then be.

Consideration by the Council

16. The Trusteeship Council examined the report of the Visiting Mission at the 648th, 649th, 650th [and 651st] meetings on 21, 22, 23 [and 25] November 1955 respectively, in the course of its fifth special session.

(a) Observations of the Administering Authorities

17. At the 648th meeting the representative of the United Kingdom submitted the preliminary observations^{4/} of his Government on the report. He stated that the report bore witness to the thoroughness, impartiality and high sense of duty of the Mission, but that the issues concerned were of such complexity and delicacy that any recommendations for their solution would inevitably raise problems and difficulties. The Administering Authority found no difficulty whatever in accepting the main recommendation that the wishes of the people of Togoland under British administration should be determined by plebiscite.

18. Certain particular recommendations of the Mission, however, raised questions not easily answered. The proposed division of the northern and southern parts of the Territory for the purposes of the plebiscite, being based on an assessment of the present state of public opinion in them, could be argued as to some extent prejudging the result of the plebiscite itself. It could further be contended

that the very conception of a subdivision into areas was contrary to the essential purpose of a general test of public opinion; it might be asked whether the wishes of the people, in accordance with free democratic practice, should not be interpreted to mean the wishes of the majority and that the will of the majority should not govern the whole result and the minority abide by that result. Serious practical results would ensue if such a precedent were generally adopted. In any territory there was bound to be at least one minority opinion on fundamental questions affecting the future of the Territory as a whole. If there was to be a process of fragmentation whenever there was a test of public opinion under the United Nations similar to that now proposed for Togoland under British administration, the prospect was indeed disturbing. The result, as the Visiting Mission must fully have realized, could be none other than the break-up of viable political and economic units and the frustration of true constitutional progress.

19. The recommendation which had caused most difficulty to the United Kingdom Government was that concerning the two questions proposed to be put to the voters. After the Gold Coast became independent, it would be impossible, if the trusteeship continued, for Togoland under British administration to be administered, as at present, as an integral part of the Gold Coast. That arrangement was only possible because the United Kingdom Government at present had the ultimate responsibility for the Gold Coast itself. It was because that state of affairs would come to an end on the day when the Gold Coast achieved independence that the United Kingdom had felt bound to submit the matter to the United Nations in the first place. It followed that some new arrangements would have to be made. It also followed that those new arrangements would involve a dislocation, possibly serious, in the life of the inhabitants of any part of Togoland under British administration which might elect against integration with the Gold Coast.

20. The detailed arrangements for organizing the plebiscite were characterized by thoroughness and good sense. On the all important question of the definition of responsibility, as between the Administering Authority and the United Nations, the Mission's report was quite clear and, in the view of the United Kingdom delegation, accurate. If confusion was to be avoided in the minds of the inhabitants and if the plebiscite was to go smoothly, it was very important

that the clear distinction between the two types of responsibility should be kept constantly in mind by all concerned. That had a bearing on the respective roles of the commissioners mentioned in the Mission's report - the Commissioner who would take charge, under the Governor, of all arrangements for organizing the plebiscite, and the United Nations Commissioner, who should be given the task of directing all the arrangements for the United Nations observers. The United Kingdom Government had already selected an officer of wide experience to act in the former capacity; it welcomed the latter appointment and entirely endorsed all that the Mission said about his functions and about the functions and distribution of the United Nations observers working under him. It was obviously most important that close and friendly relations should exist between the two commissioners and he would also venture to suggest that it was of the utmost importance that the United Nations should select as its commissioner an outstanding personality with a broad range of experience. The precise procedures which the Mission proposed for carrying out the plebiscite followed the practices to which the people of the Territory were already accustomed in voting. Subject to possible later modifications of points of detail, they were on the right lines and regard would be had to them in making the arrangements. The United Kingdom delegation agreed in principle with the Mission's proposals, but such technical and administrative details were essentially matters for the Administering Authority.

21. The representative of the United Kingdom emphasized that no time was to be lost if the preparations were to be completed before the rains. The Administration intended to go ahead with the arrangements immediately the General Assembly had come to a decision. That urgency clearly had a bearing on the appointment and early availability of the United Nations Commissioner.

22. The representative of the United Kingdom concluded by stating that it was the firm conviction of his delegation that the report of the Visiting Mission provided a useful basis for determining how the population of the Trust Territory could be properly consulted about their future.

23. At the same meeting the representative of France made an oral statement in which he said that his delegation generally supported the proposals for a plebiscite in Togoland under British administration and for a possible future

popular consultation, in a form and at a date to be determined, in Togoland under French administration. He stated, however, that the proposed separation of the plebiscite vote would prejudice the results and might therefore tend to influence it; that it was the general rule that plebiscites and referendums, particularly when they were to decide the political future of a country, were addressed to the people of a country as a whole; and that the proposed method would run the risk of dividing a Territory whose unity had never been complete, but which had in the past been subjected as a unit to the same political system.

24. The French Government recognized that in the last resort it lay with the Administering Authority to organize the plebiscite and to be responsible for its arrangements. It should be made clear that the United Nations observers would have to keep strictly to a supervisory role and refrain from any active intervention. The Council would also be wise to make suggestions concerning the appointment of the official who would be responsible for organizing the supervision of the plebiscite, who might be chosen from among the representatives in the Council other than those of the United Kingdom and France, or from the Secretariat.

25. As far as the details of the voting were concerned, the French delegation expressed its regret that non-Africans were not to vote. From the point of view of general principle, it would be impolitic and unjust not to take into account the particularly important role which was played in the life of certain African territories by citizens who came from abroad but who devoted themselves heart and soul to the advancement of those territories. However, if, for purely local reasons which the Administering Authority alone was in a position to appreciate, it was decided not to allow non-Africans to participate in the plebiscite in Togoland under British administration, the French delegation would not object, subject to the reservation that the decision could not in any way be regarded as constituting a precedent. It wished to make a similar general reservation in regard to the various arrangements for the plebiscite.

(b) Petitions concerning the question

26. At the 648th meeting the Council decided that it would consider in conjunction with the special report of the Visiting Mission a number of petitions

relating to the question which had been received from the Trust Territories concerned.^{5/}

(c) Disposal of the question by the Council

27. At the 650th meeting the Council adopted a resolution on the question of the future of the Trust Territory of Togoland under British administration in which it expressed the opinion that the views expressed in the Mission's report provided in general a useful basis for determining the arrangements to be made and decided to transmit the report to the General Assembly for its consideration and action. The resolution is annexed to the present report.
28. At the 651st meeting the Council adopted the present special report to the General Assembly.

^{5/} See T/1213.

ANNEX

Resolution adopted by the Trusteeship Council at its 650th meeting,
on 23 November 1955

THE FUTURE OF THE TRUST TERRITORY OF TOGOLAND UNDER BRITISH ADMINISTRATION

The Trusteeship Council,

Recalling General Assembly resolution 860 (IX) of 14 December 1954 by which it decided that, in view of the eventual revision or termination of the Trusteeship Agreement for Togoland under British administration, steps should be taken, in the light of the particular circumstances of the Trust Territory, to ascertain the wishes of the inhabitants as to their future, without prejudice to the eventual solution they might choose, requested the Trusteeship Council to consider what arrangements should be made in pursuance of the above decision and to report thereon to the General Assembly at its tenth session, and further requested the Trusteeship Council to dispatch a special mission to the Trust Territories of Togoland under British administration and Togoland under French administration to make a special study of these problems and to submit its report thereon in time for the Council to report to the General Assembly at its tenth session,

Recalling its resolution 1084 (XV) of 14 March 1955 by which it decided, in conformity with Article 87 of the United Nations Charter, and in pursuance of the requests addressed to the Council in General Assembly resolution 860 (IX), to dispatch a visiting mission to the Trust Territories of Togoland under British administration and Togoland under French administration and charged this Visiting Mission to carry out the tasks prescribed in General Assembly resolution 860 (IX),

Recalling further its resolution 1252 (XVI) of 8 July 1955 by which it requested this Visiting Mission to submit to the Council a special report on the subject not later than 1 November 1955,

Having received the special report of the Visiting Mission and the observations of the Administering Authorities concerned thereon,

1. Considers that the views expressed in the special report of the Visiting Mission provide in general a useful basis for determining the arrangements to be made in pursuance of General Assembly resolution 860 (IX);

2. Decides to transmit the special report of the Visiting Mission, together with the present resolution, to the General Assembly for its consideration and action;
3. Recommends that the General Assembly examine the special report with a view to action being taken to ascertain the wishes of the inhabitants as to their future.
