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Chairman: Mr. Thanat KHOMAN (Thailand).

AGENDA ITEM 37

**The future of Togoland under French administration:
report of the Trusteeship Council (A/3676 and Corr. 1,
A/3677, A/C.4/367, T/SR.841-847) (continued)**

HEARING OF PETITIONERS (continued)

At the invitation of the Chairman, Mr. Anani Ignacio Santos, representative of the Mouvement de la jeunesse togolaise (Juvento), Mr. Alexandre John Ohin and Mr. André Akakpo, representatives of the Mouvement populaire togolais, and Mr. Sylvanus Olympio, representative of the All-Ewe Conference, took places at the Committee table.

1. The CHAIRMAN invited the Committee to question the petitioners concerning the statements which they had made at the previous meetings.

2. Mr. PRADO (Ecuador) asked Mr. Olympio what his present position was with regard to unification of the Ewe people.

3. Mr. OLYMPIO (All-Ewe Conference) recalled that although his party had not favoured the solution which had made the Ewes in the former Trust Territory of Togoland under British administration citizens of the new State of Ghana and had isolated them from the rest of their people, it had bowed to the decision of the majority and of the General Assembly, in accordance with democratic principles. While it had recognized that incorporation in the State of Ghana meant independence for one part of the Ewe people, it had feared that the manner in which that independence had been granted might be invoked as a pretext for the integration of Togoland under French administration into the French Republic. It had received assurances at the time that there was no such danger. Now, however, such an attempt at integration was actually being made. His party considered that the only satisfactory solution would be to enable Togoland under French administration to become fully independent so that the two sovereign States of Togoland and Ghana could then decide what relationship should exist between the Ewe-speaking peoples.

4. Mr. PRADO (Ecuador) asked whether, should the General Assembly decide to recommend the holding of a new election to the Togoland Legislative Assembly,

as the opposition desired, the petitioners would consider that the transfer of powers to the Government of Togoland, which was another of their demands, should be carried out before, simultaneously with or after the election.

5. Mr. OLYMPIO (All-Ewe Conference) replied that it was not the election which was the fundamental issue, but rather the effective functioning of the democratic institutions which had already been set up. In the view of his party, the Legislative Assembly and the autonomous Government itself were at present composed of people who to all intents and purposes had been appointed by the Administering Authority. They would not be able to function as truly democratic bodies until they had been freely elected by the people themselves.

6. The transfer to the Government of Togoland of the powers still held by the Administering Authority was the condition on which termination of the Trusteeship Agreement would depend. Whether it occurred before, simultaneously with or after a new election was immaterial, however, for the purpose of the election would simply be to ensure the proper functioning of the democratic institutions which already existed on paper, whereas the purpose of the transfer of powers would be to make the Territory fully self-governing.

7. Mr. PRADO (Ecuador) asked whether, if the General Assembly recommended a new election and it was held freely and democratically, the opposition parties would participate.

8. Mr. OLYMPIO (All-Ewe Conference) said that the opposition parties would certainly participate in such an election, for it was they who had asked for it. He wished to make it clear, however, that their participation would depend on an assurance that the French Government would not interfere in any way whatsoever and that the election would be held under United Nations supervision.

9. Mr. PRADO (Ecuador) asked whether supervision by the United Nations was a prerequisite for participation by the opposition parties in such an election.

10. Mr. OLYMPIO (All-Ewe Conference) said that the majority of the opposition would participate only if the election was supervised by the United Nations, because the people had lost all confidence in the Administering Authority. The fact was that the Administering Authority had interfered so flagrantly in all past elections that no one in the Territory would believe that an election conducted exclusively under its auspices would be truly free.

11. Mr. PRADO (Ecuador) asked whether the opposition would respect the decision of Legislative Assembly if, after having been freely and democratically elected under United Nations supervision, it decided to request the United Nations to terminate the Trusteeship Agreement.

12. Mr. OLYMPIO (All-Ewe Conference) replied that if such a Legislative Assembly requested termination of the Trusteeship Agreement on the basis of the Statute as it now stood, he did not think the United Nations would be ready to accede to that request.

13. Mr. SANTOS (Juvento) said that the question whether the Trusteeship Agreement should be terminated was one which should eventually be put to the entire electorate in the form of a plebiscite and should not be made an issue in the proposed election of a new Legislative Assembly. To elect the Legislative Assembly and then allow it to decide the question of terminating the Trusteeship Agreement would be tantamount to making that question an election issue.

14. Mr. OHIN (Mouvement populaire togolais) said that if a free and democratic election were held, the parties which were now in opposition might well become the majority in the new Assembly and the party now in power would become the opposition.

15. Mr. AKAKPO (Mouvement populaire togolais) added that whichever group was in the opposition following new elections, if it really favoured democratic rule, might be expected to insist on the population as a whole being consulted on so important a question as the termination of trusteeship.

16. Mr. OLYMPIO (All-Ewe Conference) said that in any case if it was intended to ask the newly elected Legislative Assembly to decide the future status of the Territory, the electorate should be so informed before it went to the polls. It would be unfair both to the deputies themselves and to the population as a whole to leave the responsibility for such a far-reaching decision to the Legislative Assembly alone. A question with such implications for the future should properly be decided by means of a plebiscite.

17. Mr. SANTOS (Juvento) said that the new Legislative Assembly would be required to draft a constitution, after which it would be for the people themselves to decide in the light of that constitution whether they wanted the Trusteeship Agreement terminated.

18. The fundamental issues were two: the safeguarding of the democratic principles, which alone would enable the Territory to prosper, and the right to independence. Any procedure adopted which took those two issues into account would be endorsed by the opposition.

19. Mr. PRADO (Ecuador) said he wished it to be understood that his questions did not imply the adoption of a definite position by his delegation with regard to the point at issue. He had merely wished to ascertain what the opposition's views would be if a newly elected Legislative Assembly were to request the termination of trusteeship, since the final decision in the matter would rest with the United Nations.

20. Mr. CARPIO (Philippines) asked what effect free elections would have on peace and order in the Territory, on the possibility of co-operation by all segments of the opposition with the institutions established by the new Statute, and on the solution of the vital political problems confronting the Territory.

21. Mr. SANTOS (Juvento) thought that the best answer to the first part of the question was contained in the report of the United Nations Commission on Togoland under French Administration (A/3677), in which it was

noted that a state of tension existed in the Territory owing to the fact that the opposition parties considered the Administering Authority to be biased in favour of the party in power. If that was the only cause of the tension noted, the intervention of the United Nations as the supreme arbiter would surely help to ease the situation. During the discussion at the seventh special session of the Trusteeship Council the Guatemalan representative had pointed out that, when the United Nations Commission had been in the Territory, the opposition had felt that it could express its views freely. The exercise of that democratic right was a factor in the maintenance of peace and order.

22. With regard to the second part of the Philippine representative's question, if the terms of the opposition parties were met, there was no reason why they should not be willing to co-operate. With regard to the third part, if the people of Togoland were given the opportunity to manage their own affairs, he was confident that they could find a solution to their most pressing political problems.

23. Mr. CARPIO (Philippines) noted that the Administering Authority had given assurances that it was contemplating the transfer of further powers to the autonomous régime. In that connexion, he would like to know whether the petitioners considered that such a transfer should be effected in accordance with the present Statute, by means of amendments to that Statute or by means of separate agreements between the two Governments concerned?

24. Mr. SANTOS (Juvento) said that the procedure by which the powers were transferred was less important than the timing and the identity of the body to which they were transferred. What the opposition was requesting was the transfer of sovereign power to a Government representing the people of Togoland rather than to a particular Government in power at a given time. The opposition would be glad to see that power transferred to the present Government since it was, after all, composed of Togoland. Many of its members favoured real independence and the difference between the aspirations of the party in power and those of the opposition was primarily a matter of timing; the opposition was pressing for independence at an earlier date. It was therefore immaterial whether independence was attained by means of amendments to the Statute or of separate agreements concluded with the French Government.

25. Mr. OHIN (Mouvement populaire togolais) said that the crux of the matter was that the opposition wanted power to be transferred to the people of Togoland, which meant that the body assuming such power should be representative of the people. The present Government was not truly representative.

26. Mr. MUFTI (Syria) said that Mr. Olympio had referred, in his statement at the previous meeting, to prisons belonging to traditional chiefs in the Territory. He wished to know how many such private prisons there were, under what decree they had been established and how many political prisoners were held in them.

27. Mr. OLYMPIO (All-Ewe-Conference) confirmed that chiefs in Lama-Kara had arrested certain inhabitants of the district who were nationalists and had kept them for some weeks in their private prisons, where they had undergone corporal punishment and done hard

labour. As far as he was aware, the chiefs had no real authority to detain prisoners, but the Administering Authority allowed them to do so in order to enhance their authority. In the particular case to which he had referred, where the offence had been to advocate independence, the chiefs had acted more or less on the direct instructions of the district commissioner. He could not give exact figures, but he knew that the paramount chief of Lama-Kara had imprisoned a number of people and inflicted corporal punishment on them. It was only after a formal complaint had been made to the Procureur général that some of them had been released.

28. Mr. MUFTI (Syria) asked what specific measures had been taken to prevent the opposition party from carrying on political activities in the north of the Territory, and whether political activities were permitted in other parts of the Territory.

29. Mr. OLYMPIO (All-Ewe Conference) explained that there were no official regulations prohibiting political activity in the north of the country, but that such activity was prevented in practice. For example, his party had tried to open a branch in the Lama-Kara district, but after the organizing secretary had spent a few days there recruiting members the district commissioner had sent for him and informed him that the chiefs were not in agreement with such a subversive movement. He had explained that the movement was not subversive and that all he was trying to do was to explain the new Statute to the people. Nevertheless he had been warned to cease his activities. He had referred the matter to the central office of the party and the district commissioner had been asked to confirm his statement in writing. He had not done so, but each time the organizing secretary had gone to a village, the district commissioner had sent policemen and clerks from his office to beat up all those who attended the meeting. Furthermore, the secretary's house had been set on fire and the office he had opened had been wrecked. A few weeks before the arrival of the United Nations Commission his house had been searched by the police and he had been greatly surprised when they announced that they had found a modern revolver, for possession of which he had been arrested and thrown into prison. His brother and a friend had continued his work; they had been arrested, and it was that which had brought about the shooting to which Mr. Olympio had referred at the previous meeting.

30. In practically every village or town in the north of the Territory the same pattern had been repeated. All political activity which was not in favour of the Government was regarded as subversive and was prohibited.

31. Mr. MUFTI (Syria) said that at the seventh special session of the Trusteeship Council (842nd meeting) an all-party conference had been suggested. He asked whether the calling of such a conference might help to improve the political climate in the Territory and whether it was practicable.

32. Mr. SANTOS (Juvento) said that his party was always ready to take part in such a conference. In 1955 it had suggested a meeting with the Parti togolais du progrès and the Union des chefs et des populations du Nord-Togo in order to decide on a common programme to be submitted to the United Nations Visiting Mission to the Trust Territories of Togoland under British

Administration and Togoland under French Administration. The other two parties had not even replied to the invitation. Moreover, shortly before the arrival of the United Nations Commission, a neutral body, the Conseil de la jeunesse du Togo, had proposed a round-table conference. The Parti togolais du progrès had refused to take part, first on the pretext that its leaders were in Paris and later on the grounds that they would be too busy until after the Commission had left. Juvento had requested the Commission to sponsor such a meeting but nothing had come of that suggestion. It was because of those fruitless attempts that Juvento felt that the election should be supervised by the United Nations.

33. Mr. MUFTI (Syria), referring to the petitioners' replies to the representative of Ecuador, said he did not agree with the view that the only condition for the cessation of trusteeship should be the holding of free elections. He would like to know the petitioners' views on that point.

34. Mr. OLYMPIO (All-Ewe Conference) entirely agreed with the Syrian representative; he had already stressed that the holding of an election and the termination of the Trusteeship Agreement should be treated as separate issues. The people of Togoland wished for a free and democratic election so that the institutions which had been established could function properly. There were other conditions which must be fulfilled before the Trusteeship Agreement could be terminated.

35. Mr. ARAMBURU (Peru) recalled that at the previous meeting Mr. Olympio had referred to the possibility of the unification of Togoland. He would like to know whether he had meant to suggest that a plebiscite should be held in that part of Togoland which had been incorporated into Ghana.

36. Mr. OLYMPIO (All-Ewe Conference) pointed out that the matter of the former Togoland under British administration had already been settled. What he had intended to say was that if Togoland under French administration became an African independent State, as Ghana was already, it would be possible for the two to negotiate with a view to finding a modus vivendi.

37. Mr. KHAN (Pakistan) asked what Mr. Olympio considered would be the result of an election in Togoland not held under United Nations supervision.

38. Mr. OLYMPIO (All-Ewe Conference) replied that such an election would change nothing; it would result in the same Legislative Assembly and the same Government. No one in Togoland could have any faith in an election that was not supervised by the United Nations.

39. Mr. KHAN (Pakistan) asked what, in the petitioner's view, would be the strength of his party in the Legislative Assembly if an election were held under United Nations supervision.

40. Mr. OLYMPIO (All-Ewe Conference) said he was confident that his party would obtain a very large number of seats, if not a majority.

41. Mr. KHAN (Pakistan) recalled that, in reply to a question by the representative of Ecuador, Mr. Olympio had said that it was immaterial whether the transfer of powers was made before, simultaneously with or after the election. He wondered how that statement could be reconciled with the assertion that the Togo-landers had lost confidence in the French Government.

42. Mr. OLYMPIO (All-Ewe Conference) pointed out that the Togoland Government was made up of Togoland and his party therefore felt that even though the members of that Government were its political opponents more powers should be transferred to them. He had understood the representative of Ecuador to be referring to the timing of the transfer of powers and had said that his party had no particular time-table in mind. The essential thing was that the powers should be transferred from Frenchmen to Togoland.
43. Mr. KHAN (Pakistan) suggested that if the petitioner believed the French Government was not willing to part with its powers, it might be necessary to insist on the transfer of powers before the election.
44. Mr. OLYMPIO (All-Ewe Conference) maintained that it was immaterial whether power was transferred before or after the election. In his view, the question of the election should be kept entirely separate from that of the transfer of powers. His party had no faith in elections conducted by the French Government, because in the past France had used elections as an instrument of policy. If France were to retain its present powers and if after a free election the opposition obtained a large number of seats in the Assembly, his party would still ask the French Government to transfer the powers in question. If France were unwilling to do so, the matter could be brought before the United Nations.
45. Mr. SANTOS (Juvento) felt there was some misunderstanding. In his view, there were two points at issue. The first concerned the transfer of powers, which must lead to independence. There was, however, another point: in order to safeguard democracy the real representatives of the people must be in power. Hence, the opposition parties were mainly concerned with obtaining guarantees that the Government would be truly representative of the people of Togoland. Whether the powers were transferred before, during or after the elections was unimportant, since there was no doubt they would be transferred sooner or later. What was important was that there should be a healthy democracy in the country in order to ensure that the powers could be exercised.
46. Mr. KHAN (Pakistan) said that, according to the petitioners, the people of Togoland were not yet fully aware of the implications of the choice between trusteeship and independence. He asked whether that could not be made an issue if elections were held under United Nations supervision. In that event, there would be no need to hold a plebiscite.
47. Mr. SANTOS (Juvento) observed that the people's understanding of the complexity of the problems involved depended on the stage of development they had attained and the amount of information that reached them. The petitioners themselves were aware of the difficulties of finding a solution to the problem that would satisfy the United Nations, the Togoland and the Administering Authority. The people had faith in the United Nations and believed that through the Organization their aspirations would be achieved.
48. Mr. KHAN (Pakistan) pointed out that the petitioners pressed for a plebiscite. He asked whether there would be any necessity for a plebiscite, if the election could be fought on the issue of independence and the termination of the Trusteeship Agreement, under United Nations supervision.
49. Mr. SANTOS (Juvento) said he could see no reason why there should not be an election first and a plebiscite later. The plebiscite would not relate to the question of independence but to the question whether the people, having achieved independence, wished for integration with another country or not.
50. Mr. KHAN (Pakistan) asked whether the Territory would be economically viable as a separate entity.
51. Mr. OLYMPIO (All-Ewe Conference) drew attention to a document which the Comité de l'Unité togolaise, the political party to which he belonged, had handed to the members of the United Nations Commission on Togoland (A/3677, annex II, sect. J) and which demonstrated that Togoland was viable. From 1920, when France had been given the Mandate for Togoland, the budget of the country had balanced without any subsidy from France until the year 1951-1952, when the movement for independence had started. The Togoland had then been informed of the existence of a deficit. Mr. Olympio and other members of the Territorial Assembly had asked to be allowed to check the accounts, but had been told that they must accept the figures that had been given. After lengthy discussion, the deficit had been reduced from 400 million francs CFA to about 250 million; that sum had been raised in France, not as a subsidy but as a loan from the French Treasury, which had been repaid in two years.
52. Admittedly Togoland was not a rich country, but between 1920 and 1951 money had been found to build a wharf and for other development works without a subsidy from France. It might be necessary in the future to borrow for development schemes, but the budget would suffice to cover the Government's day-to-day activities, as it had done in the past.
53. Mr. KING (Liberia), referring to Mr. Santos' remarks regarding the Commission's reaction to the proposal for a round-table conference, drew attention to paragraph 417 of the Commission's report, which stated that the Commission had taken the matter up with the leaders of the Government parties and had ascertained that they were well acquainted with the suggestion; that they had agreed to the idea in principle, but had not considered that it was feasible during the stay of the Commission.
54. Mr. KADRY (Iraq) considered the questions put by the representative of Ecuador and others of such importance that they warranted a recapitulation of the position of the opposition parties concerning the termination of trusteeship. From the answers given by the petitioners, he understood that, in their view, the procedure for termination should have four main stages. First, there should be free elections under United Nations supervision in order to establish democratic institutions; secondly, the newly elected Legislative Assembly should determine the precise powers conferred on Togoland's political institutions under the Statute and, if necessary, clarify the matter with the French Government or negotiate with it on the transfer of further powers; thirdly, the new democratic institutions should be allowed to function freely for a certain period in order to test their soundness; finally, the desirability of terminating the Trusteeship Agreement should be considered by the United Nations in the light of whether those institutions effectively ensured full self-government.
55. Mr. OLYMPIO (All-Ewe Conference) replied that

that was a true statement of the opposition's views. As Mr. Santos had said, the Togolandese desired independence and had no doubt that it would ultimately be attained. The only question that remained was whether it would be attained in association with another State or in isolation.

56. Mr. KENNEDY (Ireland) referred to two conflicting communications, reproduced in document A/C.4/354/Add.3, which left some doubt as to who was the legitimate representative of Juvento. In a telegram dated 21 September 1957, the national chairman of Juvento announced that Mr. Santos would be that party's spokesman, whereas an extract from a letter of 15 September 1957 from Mr. Aihitson, who purported to be the national secretary of Juvento, intimated that any acceptance by the United Nations of Mr. Santos as representative of Juvento would lead to protests from the party's national executive. He hoped that Mr. Santos would be able to clear up the matter to the satisfaction of his delegation.

57. Mr. SANTOS (Juvento) thought that the authority of the representative appointed by the chairman and national committee of the party could hardly be doubted on the word of a person who merely claimed to be the national secretary. However, he would gladly explain the reasons why Mr. Aihitson had been unable personally to represent Juvento at the United Nations. Having been arrested and imprisoned by the French authorities, Mr. Aihitson had, on his release from prison, been expelled from Togoland and deprived of his citizenship. He had therefore been unable to represent his party at the United Nations from 1954 onwards. Moreover, as a result of those circumstances, and the misfortune of losing his livelihood as a teacher, Mr. Aihitson had naturally become embittered and inclined to extremist views, feeling that the party was not sufficiently active in fighting for the independence of Togoland. In view of Mr. Aihitson's militant nationalism, the national committee of Juvento, which favoured a policy of moderation, could not allow him to remain national secretary of the party. His claim to that office was therefore unfounded. While he understood Mr. Aihitson's feelings and appreciated his devotion to the party, Mr. Santos felt that he himself was justified in representing Juvento at the present session.

58. Mr. KELLY (Australia) asked Mr. Olympio whether he considered the French Authorities or the Togoland Government responsible for the conduct of elections in Togoland.

59. He also asked the Chairman how the Committee could determine Mr. Santos' competence to represent Juvento or the validity of Mr. Aihitson's protest.

60. Mr. OLYMPIO (All-Ewe Conference) said that since the Trusteeship Agreement was still in force, the Administering Authority was responsible for the proper administration of the country and consequently for the conduct of elections, although it might have transferred electoral powers to the Togolandese.

61. The CHAIRMAN pointed out that it had been the Committee's practice to grant hearings to petitioners

on an individual basis without conducting any investigation into their qualifications.

62. Mr. KELLY (Australia) asked if Mr. Olympio's statement that France, as the Administering Authority, was responsible for the conduct of elections in Togoland implied that he wished the French authorities to take back the control of elections from the Togoland authorities.

63. Mr. OLYMPIO (All-Ewe Conference) replied that there was no question of the French withdrawing any powers from the Togoland Government, which was in effect nothing more than an agent of the French Government. In fact, an article of the Statute provided for the exercise of the veto by France. Furthermore, the United Nations General Assembly recognized that the French Government was fully responsible for ensuring that properly conducted elections were held so that the new democratic institutions could function.

64. Mr. SANTOS (Juvento) considered that a comparison might be drawn with the Government of Togoland under British administration prior to the plebiscite; the plebiscite had been held without derogating from the powers of the Government of the Territory. Thus, the Administering Authority for Togoland under French administration could still organize elections under United Nations supervision without giving the Government of Togoland cause for complaint that its powers had been infringed.

65. Mr. ABU BAKAR (Federation of Malaya) wished to know, first, how many members of the Legislative Assembly were elected and how many were nominated; and secondly, if the elections had not taken place in accordance with democratic principles, what action had been taken by the opposition in protest.

66. Mr. SANTOS (Juvento) replied that, in accordance with the Statute, all members of the Legislative Assembly were elected. The only course open to the opposition, since it had renounced force or violence, was to appeal to the United Nations to organize free democratic elections under United Nations supervision. Those requests had been the object of various General Assembly resolutions, but as the desired result had not been obtained, they were renewed each year.

67. Mr. JAIPAL (India) referred to a remark made by Mr. Ajavon at the 694th meeting to the effect that political independence would be meaningless without economic independence, and wished to know Mr. Olympio's view of the question.

68. Mr. OLYMPIO (All-Ewe Conference) said that, in his party's opinion, independence should not be dependent on economic viability. He would go so far as to say that any country desiring real economic independence must first have political independence. Togoland should not forfeit its inherent right to independence merely because it was a poor country. If it became necessary to request outside economic assistance after independence had been attained, then that should be done.

The meeting rose at 5.25 p.m.