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at 10.50 a.m.



New York

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

In the absence of the Chairman, Mr. Soward (Canada), Rapporteur, took the Chair.

Requests for Hearings (continued)

1. The CHAIRMAN announced that he had received two communications from the Union des populations du Cameroun concerning the hearing granted to that organization by the Committee (566th meeting). He suggested that the communications should be distributed to the members of the Committee in accordance with the customary procedure.

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 and Add.1, A/C.4/341, A/C.4/L.452/Rev.1, A/C.4/L.453/Rev.1 and Add.1) (continued)

At the invitation of the Chairman, Mr. Nanamale Gbegbeni, representative of the Union des chefs et des populations du Nord-Togo, Mr. Victor Atakpamey, representative of the Parti togolais du progrès, Mr. Michel Ayassou, representative of the Traditional chiefs of the South, Mr. Sambiani Mateyendou, representative of the Traditional chiefs of the North, Mr. André Akakpo, representative of the Mouvement populaire togolais, Mr. A. I. Santos, representative of the Mouvement de la jeunesse togolaise (Juvento), and Mr. Sylvanus Olympio, representative of the All-Ewe Conference, took places at the Committee table.

GENERAL DEBATE OF THE FUTURE OF TOGOLAND UNDER FRENCH ADMINISTRATION (continued)

2. Mr. MENCER (Czechoslovakia) said that although the two parts of Togoland had developed separately, many Togolandese had never accepted the artificial division and continued to hope that the two Territories would be reunited. After administering one of the two Territories for forty years, France considered that the objectives set out in the Charter had been

attained and it had asked, in its memorandum of 6 December 1956 (A/3169/Add.1, annex I) that the Trusteeship Agreement should be terminated. The request was based on the results of a referendum which had been organized by France without the prior authorization of the United Nations and in which a large majority of the inhabitants was reported to have voted in favour of the termination of trusteeship and for union with France. There could be no doubt that the anti-colonial national liberation movement, which was one of the outstanding forces in international life, had a great influence in Togoland. The Czechoslovak delegation wished to pay a tribute to the people of Togoland who had developed a sense of nationhood and had demonstrated their ability to manage their own affairs. However, in the interests of the people themselves, the United Nations could not take any decision to terminate the Trusteeship Agreement until it had assured itself that Togoland had in fact attained the objectives of trusteeship as set out in Article 76 b of the Charter, namely, full self-government or independence.

3. In the first place, the Committee and the Trusteeship Council must consider whether the referendum had enabled the inhabitants to exercise their right of self-determination and whether the Statute granted genuine autonomy to Togoland. The two questions asked in the referendum did not give the inhabitants an opportunity to opt for independence or for the unification of the two Togolands. Under the two solutions proposed Togoland would continue to be a dependent territory. In assessing the results of the referendum a mechanical comparison of the figures was not enough; it was important to realize that the voters had not been able to choose a third or fourth solution which would have given them a genuine opportunity to exercise their right of self-determination.

4. While his delegation would not contend that the Administering Authority had wished to present the General Assembly with a *fait accompli*, it felt that the manner in which the referendum had been organized and the questions put to the voters selected had not been such as to enhance France's authority in the Trust Territory or, for that matter, the prestige of the United Nations. As regards the new Statute, his delegation recognized that a real advance had been made, since the powers of national organs would be extended and the inhabitants would play a greater part in the administration of the Territory. The Statute was, however, only one stage in the development of the Territory under the Trusteeship System. It might prepare the Territory for future self-government but it did not offer immediate self-government. Under articles 26 and 27 of the Statute the French Republic retained almost all the attributes of sovereignty, including the right to legislate and to regulate almost all phases of public life. The competence of the Togoland Government was limited to local and secondary questions, and in most cases its decisions had to be confirmed

by the High Commissioner, who was appointed by the French Government and who had the right to suspend the enforcement of legislation and to refer draft legislation back to the Legislative Assembly. Real power thus continued to be entirely in the hands of the Administering Authority. Such a system could hardly be said to constitute self-government within the meaning of Article 76 b of the Charter.

5. Czechoslovakia would vote for the Indian draft resolution (A/C.4/L.452/Rev.1), which would provide an opportunity for more thorough examination of the situation and would leave the question open.

Mr. de Marchena (Dominican Republic) took the Chair.

6. Mr. RIVAS (Venezuela) believed it was generally agreed that no decision should be taken at the eleventh session on the French Government's request that, in view of the new political status granted to Togoland, the Trusteeship Agreement for that Territory should be terminated. The two draft resolutions before the Committee proposed the appointment of a commission to visit Togoland, which would enable the General Assembly to postpone a final decision until it was in possession of all the facts. It was therefore important that the commission's terms of reference should be such as to enable it to fulfil the purpose for which it was appointed.

7. A report on the entire situation in Togoland, as proposed by the Indian draft resolution (A/C.4/L.452/Rev.1), would certainly be useful as a means of ascertaining the people's views with regard to the Statute. It might be more logical to examine the Statute first and, if it were found that its provisions enabled the Togolandese to enjoy self-government, the remaining question would be whether the population voluntarily renounced complete independence. It was true that the Committee had not followed that procedure in the case of Togoland under British administration and had agreed that the Territory had attained complete self-government without examining the text of its future Constitution. The terms of reference proposed in the six-Power draft resolution (A/C.4/L.453/Rev.1 and Add.1) seemed to be better adapted to the facts of the case. When the United Nations had information regarding the operation of the institutions established by the Statute and the conditions under which that Statute was being applied, it would be in a position to decide to what extent the reforms represented progress and to suggest changes and improvements. Much information was in fact already in the possession of the Committee as the Administering Authority had made every effort to provide the fullest information and had even voluntarily consented to answer questions from the petitioners. By that gesture, the Minister for Overseas France had confirmed his reputation for liberalism.

8. It was the practice of the Venezuelan delegation to weigh carefully any problem upon which it had to express an opinion. It had in consequence, on several occasions, placed a construction on Article 73 e and Article 76 b of the Charter which was different from that of certain friendly States. In examining proposed constitutional statutes it had noted with regret that they generally left certain governmental functions to the administering Power concerned, thus precluding self-government within the meaning of Chapters XI and XII of the Charter. In the absence of a constitutional text on which to base its judgement, his delegation

preferred not to express an opinion. Any decision regarding definitive measures required the greatest circumspection, for it would be contrary to the Charter to decide that a territory had achieved self-government or independence while the powers inherent in such a status remained in the hands of others.

9. In their desire to "save succeeding generations from the scourge of war" the authors of the Charter had wished not only to prevent the settlement of disputes by force but also to avoid even the indirect causes of conflict. Dependent peoples felt an ever-increasing need to govern themselves. Whenever there had been obstacles to that aspiration, in the past, they had always made use of violent means. With any delay in overcoming such obstacles discontent and impatience grew. Rival Powers were then able to take advantage of the situation in order to create disturbances ostensibly directed against colonialism but actually designed to obtain for themselves the positions formerly occupied by the metropolitan Powers. For that reason the authors of the Charter had stated that the only solution was co-operation among nations. The problems apparent in 1945 had become more serious, and all were in some degree related to colonialism, as they had to do with the liquidation of former empires or the actions of certain countries which pursued the principle of might over right in order to impose an even more unacceptable colonial régime.

10. In order to halt that trend the Administering Authorities had undertaken to interpret self-government in their own way. Friendship and close ties among nations would not lead Venezuela to regard a question as solved while some points were still in dispute, but the principle of international co-operation required that no initiative on the part of the Administering Authority should be rejected solely on the ground that it was made by a colonial Power. It would be petty and pointless to deny the merits of the Statute granted to Togoland. It would have to be studied in detail if the Trusteeship Agreement was to be terminated, but the Committee was not yet called upon to do so. At the present time it should simply recognize the fact that some progress had been made, since the people of Togoland would in future have broader legislative powers, would take over the administration of additional services and assume authority in fields which had been previously closed to them. The Committee should adopt a constructive attitude. It was reasonable to hope that the Statute would be modified so that the General Assembly could take a decision at the twelfth session. His delegation suggested that the commission which would visit Togoland should try to find a way to give the Assembly that opportunity.

11. He believed that the Committee could best contribute towards solving the problem of Togoland by regaining the confidence both of the French Republic and of those Togolandese who regarded the United Nations as a kind of oppressor. The Committee should dispel the mistaken idea that the status of a Trust Territory was humiliating for a people; the status of a colony or protectorate was in fact much more humiliating. The United Nations was not a metropolitan Power or a Government; it was merely a permanent moral authority to which both the Administering Authority and the inhabitants under its administration could apply in their endeavour to find ways to advance and to consolidate their friendship. The petitioners who wished to replace the trusteeship of France alone by a

joint trusteeship of the United Nations and France should understand that until the Trust Territories had acquired a definite status such as full self-government the United Nations could not abandon its obligations, for while rights could be waived, duties could not be. It would be difficult to guarantee that the next generation in Togoland would also believe that Togoland would never be able to govern itself without the intervention of a foreign State.

12. With regard to the draft resolutions, he was prepared to vote in favour of the seven-Power amendments (A/C.4/L.454) to the Indian revised draft resolution (A/C.4/L.452/Rev.1), although he would propose a minor change in the ninth amendment. He believed that the fact-finding commission should be guided in the exercise of its functions by the discussions in the Fourth Committee. He therefore proposed that the word "entire" in operative paragraph 1 of the Indian draft resolution should be deleted and that the words "taking into account the discussion in the Fourth Committee" should be inserted between the words "situation in the territory" and "and submit a report thereon".

13. He hoped that the Statute would mark the beginning of a new era of understanding between France and the United Nations and that the majority of the Member States would, without regard to their interests, endorse the change in that part of the entity of Togoland which they had decided to divide permanently.

14. Mr. RIFAI (Syria) noted that the Italian representative had renewed his attacks against what he called the "irresponsible nationalism" of countries which placed a high value on the freedoms which they had won by force of arms from the aggressive nationalism of certain European Powers. The phenomenon of "irresponsible nationalism" and the exaggerated cult of sovereignty had in the past occurred only in Western countries, not last among which had been Italy. The kind of nationalism which sought to free man from foreign domination was one of the most noble sentiments in the history of mankind.

15. The purpose of trusteeship was to assist the Territories in achieving independence as sovereign States or self-government in association with another political entity, where practical and other important considerations so required. The General Assembly could consider that it had faithfully performed its duty when one of those objectives was attained, but it was not easy to determine when that was the case. If a Territory had really achieved independence it would automatically fulfil the conditions for membership in the United Nations, which would constitute sufficient proof that it had the essential attribute of independence: sovereignty at the international level. It was still more difficult to determine whether a territory was self-governing. It was necessary not only to study the constitutional principles on which the Territory's institutions of self-government were based, but also to determine whether the population of the Territory, exercising the right of self-determination, really desired those institutions and association with another political entity. It was in order to discharge that responsibility that the General Assembly had decided to organize a plebiscite under its supervision in Togoland under British administration, before deciding to authorize the union of that Territory with an independent Gold Coast.

16. He then examined the new Statute for Togoland under French administration in order to see whether, as the Administering Authority maintained, it gave the

Territory self-government. He had the impression that in Togoland as governed by the Statute there were two administrations, one dominating the other, as was proved by the considerable powers vested in the High Commissioner, an official of the French Republic, who received his instructions directly from the Ministry of Overseas France. It was hardly possible to speak of self-government when the High Commissioner was responsible for the administration of justice and the maintenance of public order in the Territory. The absence of self-government was also revealed in part V, which listed the powers reserved to the central organs of the French Republic. He noted that he was judging the Statute in accordance with the definition of self-government given by the French Government and quoted by Mr. Olympio in his statement at the 586th meeting. He felt that not only was the Statute a complete denial of self-government, but that some of its provisions were unacceptable for a Trust Territory. In that respect, he quoted article 25, which gave French citizens all the rights and freedoms of citizens of Togoland and thus opened the door for the subsequent absorption of the Territory into French West Africa and Equatorial Africa and into the French Republic. The petitioners who urged the immediate cessation of trusteeship while at the same time indicating that they wished to protect the individuality of Togoland and even one day to attain independence within the French Union should reflect on the fate awaiting their country. It was true that some of them had tried to justify their hopes by quoting article 38 of the Statute. He did not think that article 38 guaranteed Togoland an opportunity of becoming an independent State within the French Union, particularly if the statement of competent French officials that there could be no question of independence for the Overseas Territories and the extensive powers which France retained over the Territory were borne in mind. Syria, which knew French colonial traditions from experience, was inclined to be very circumspect in the face of such ambiguous promises. If the Statute was in fact susceptible of evolution, it should be clearly stated in what direction and in what manner that evolution would take place.

17. He concluded from his examination that the Statute was wholly insufficient in the light of the purposes of the Trusteeship System: it did not create a republic in the real sense of the word, it did not establish genuinely self-governing institutions in the Territory and in consequence did not justify the termination of trusteeship over Togoland under French administration.

18. He noted the Administering Authority's argument that since a majority of the people of Togoland had voted in favour of the Statute and of the termination of the Trusteeship Agreement, they could not be deprived of the right to decide their fate themselves. He would never accept a system of government which perpetuated the domination of one people over another, even if the first had in their innocence declared themselves satisfied.

19. He then examined the way in which the people of Togoland had been called upon to vote on their future. He recalled that at the 584th meeting the representative of the Administering Authority had quoted the motion of the Territorial Assembly, together with resolution 944 (X), in justification of the referendum. He noted that the Territorial Assembly which had expressed the *voeu* in question had not been elected by direct and secret universal suffrage and did not repre-

sent all shades of public opinion. Furthermore, the General Assembly resolution certainly did not authorize the Administering Authority to act as it had done: in fact, the General Assembly had subscribed to the recommendations of the United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955, concerning the political reforms which would help to make it possible to determine the aspirations of the inhabitants, under United Nations supervision. The Administering Authority had not complied with those very clear recommendations. It had taken the Trusteeship Council by surprise at the eighteenth session by asking it to send observers to follow the course of the referendum (T/1274/Rev.1); all the statements which it had made previously had given the impression that there was no likelihood of a popular consultation so soon. Nobody had imagined that it would organize one before having made the promised reforms, and that it would adopt an entirely different procedure from the one which had been followed in Togoland under British administration.

20. He explained that, in those circumstances, the Syrian delegation to the Trusteeship Council had been unable to accept the French proposal, not because it was opposed to the referendum being held under United Nations supervision, but because it did not think that the Administering Authority should take such precipitate action. If the population was to be properly consulted, a number of conditions should have been fulfilled: the Administering Authority should have educated the people politically by the introduction of reforms; the people should have been given the choice between several solutions within the context of the stated objectives of the Trusteeship System, independence or at least self-government; the Administering Authority should also have made a statement before the General Assembly to the effect that the provisions of the Trusteeship Agreement and the Charter would be respected, whatever the solution chosen by the population; the procedure should have been approved by the General Assembly, which was a party to the Trusteeship Agreement; and there should have been a free and impartial referendum, organized and held under the supervision of the United Nations.

21. Those conditions had been fulfilled in Togoland under British administration, and he did not understand why the French Government had so suddenly taken an entirely different course. He thought that the Council, by rejecting France's invitation, had expressed disapproval of the referendum in the form in which the French Government was proposing to hold it. But, even admitting that France had tried to disregard its own interests and to organize a really free and impartial referendum by enlisting the services of the Conseil d'Etat, which had a reputation for impartiality, it was none the less true that it had not followed a procedure compatible with the responsibilities assumed by the United Nations. The Trusteeship Council and the General Assembly were accordingly fully within their rights in refusing to take into account the results of the referendum. That was the perfectly logical position which the Syrian delegation had upheld before the Trusteeship Council, and in so doing it had not been evading its responsibilities, as it had been accused of doing.

22. The conditions laid down by the Charter for the cessation of trusteeship had not been fulfilled, either

by the Statute or by the manner in which the people had been consulted, and there was accordingly no justification for the termination of the Trusteeship Agreement. He had noted with satisfaction that the French Government had ceased to press for the termination of the Trusteeship Agreement at the current session. It was clear that the Administering Authority and one section of the Togoland people wanted Togoland to remain associated with the French Union; they could rest assured that Syria would not be opposed to development on those lines, provided that it was not contrary to the objectives of the Trusteeship System. The people must be able to decide freely on its own future and it was not debarred from choosing both independence and association with another State.

23. Mr. GRILLO (Italy) noted that, according to the representative of Syria, Italy had, as it were, accused the young nations of irresponsible nationalism, and the impression might be given that the accusation was directed against the young nations and against them alone. However, what the representative of Italy had said at the 593rd meeting was that 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. Consequently, it was not a matter of young or old nations. The Syrian representative's statement lent added force to the reasons that had prompted certain delegations in the Trusteeship Council to urge that the question should be discussed by the Fourth Committee.

24. Mr. VIXSEBOXSE (Netherlands) drew attention to the importance of the question before the Committee, which involved the future of a Trust Territory. Since 1955, the Trusteeship Council and the Visiting Mission had considered the possibility of the rapid advancement of Togoland under French administration. For its part, the Administering Authority had adopted constructive measures to meet the wishes of the Togoland. The Territory now had a new Statute and the United Nations must take stock of the situation.

25. Togoland was not, of course, independent, but it had been granted a large measure of self-government. That self-government was consistent with the Territory's desires and capabilities. Togoland and France were to be congratulated on the decisive step that had been taken, which did not prejudice the course of future development.

26. With regard to the implementation of the Statute, the Netherlands delegation was gratified by the assurances given by France and was persuaded that the Territory's future development would be assisted by the new atmosphere that had been created.

27. The referendum had been carried out fairly and the great majority of Togoland. It remained to be seen how it would be given effect. In the circumstances, the Netherlands was prepared to support the six-Power draft resolution. It would vote in favour of the Indian draft resolution, if the amendments in document A/C.4/L.454 were incorporated.

28. Mr. MAHGOUB (Sudan), referring to the objectives of trusteeship as defined in Article 76 of the Charter, said that the Sudan would vote on the draft resolutions before the Committee in the light of the principles of the Trusteeship System. Both draft reso-

lutions proposed that a commission should be sent to Togoland to study the situation at first hand. However, it was out of place to consider the reforms introduced in Togoland with satisfaction, as provided in operative paragraph 1 of the six-Power draft resolution.

29. Having established an Autonomous Republic of Togoland, France requested the termination of trusteeship. Before that request was complied with, the Trusteeship Council should be given an opportunity to examine conditions in the Territory and to decide whether it was fully self-governing. France had drafted the new Statute of Togoland and had organized a referendum without consulting the United Nations, despite General Assembly resolution 944 (X) and the fact that the United Nations had a voice in the matter.

30. Under the new Statute, the Togoland Assembly was not fully sovereign. The power of the Togolandians was restricted because a certain number of matters were reserved. In reality, the Statute did not grant Togoland either the opportunity for self-government or independence. The General Assembly should consider the question, indicate a number of reforms which would guarantee the freedom of the Togolandians to decide their future, and organize a plebiscite after a specified period. The Togolandians would thus be enabled to exercise their rights in conformity with the Charter.

31. His delegation would vote in favour of the Indian draft resolution because it proposed the only solution possible. The reforms embodied in the Statute should be carefully studied before a decision was made. He could not vote in favour of the six-Power draft resolution or support the amendments in document A/C.4/L.454, which were merely a restatement of that draft resolution.

32. Mr. GREKOV (Byelorussian Soviet Socialist Republic) considered that it would be premature to end trusteeship in Togoland under French administration. The Assembly could not take such a step so long as the Territory was not fully self-governing or inde-

pendent. Article 26 of the Statute clearly showed that Togoland enjoyed only limited self-government. Moreover, its inclusion in the French Union was a barrier to its emancipation.

33. The Byelorussian delegation was gratified by the reforms introduced by France, but many other measures would have to be adopted before the Territory could be considered fully self-governing. The Indian draft resolution viewed the matter in proper perspective and his delegation would vote for it.

34. Mr. MESTIRI (Tunisia) was especially interested in the advancement of Togoland. The Committee had directed its criticism mainly against article 26, 27 and 29 of the Statute, which placed such severe limitations on self-government. The Tunisian delegation had particular misgivings regarding article 3, which stated that "Togoland shall be represented in the [French] Parliament"; article 10, which referred to the French Constitution; and part IV, relating to Togoland citizenship: those provisions were likely to hinder the Territory's advancement towards independence.

35. Although the Statute was undoubtedly a step in the right direction, it did not fulfil the purposes for which the Charter had established the Trusteeship System. By withdrawing its request for the termination of trusteeship, France recognized that fact. Tunisia was gratified that the reforms had been carried through without violence. It was prepared to vote in favour of any proposal endorsing the Statute, and to support the seventh amendment in document A/C.4/L.454. It also supported the Indian draft resolution, but would vote against the second paragraph of the third amendment in document A/C.4/L.454: the reference to the referendum was inappropriate as the regularity of that consultation had been strongly contested.

36. The Tunisian delegation welcomed France's request for the dispatch of a United Nations commission to the Territory to study the situation.

The meeting rose at 12.50 p.m.