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**GENERAL  
ASSEMBLY**

**ELEVENTH SESSION**

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**FOURTH COMMITTEE, 589th  
MEETING**

**Monday, 7 January 1957,  
at 10.50 a.m.**

**New York**

**CONTENTS**

	<i>Page</i>
Requests for hearings ( <i>continued</i> ) .....	197
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 ( <i>continued</i> )	
Hearing of petitioners on the future of Togoland under French administration ( <i>continued</i> ) .....	197

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

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

1. The CHAIRMAN announced that he had received a telegram from the Cameroons under British administration concerning the hearing granted by the Committee (566th meeting) to the Union des populations du Cameroun. He proposed that the telegram should be circulated in accordance with the usual 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) (*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.*

**HEARING OF PETITIONERS ON THE FUTURE OF TOGO-  
LAND UNDER FRENCH ADMINISTRATION (*continued*)**

2. Mr. ROLZ BENNETT (Guatemala) recalled that the draft Statute had expressly provided that any individual or body corporate might ask the Conseil d'Etat for a ruling on the constitutionality of a Togoland law. He would like to know why that right of appeal had been omitted from article 12 of the Statute in its final form.

3. Mr. SANTOS (Mouvement de la jeunesse togolaise (Juvento)) said that he too was surprised that the Togoland Assembly had seen fit to ask for such an

amendment, which was contrary to all the principles of French law.

4. Mr. AJAVON (France) explained that the Territorial Assembly had considered that a mere private citizen could not dispute the constitutionality of a legislative act. The President of the French Union was the President of the Autonomous Republic and he was represented in Togoland by the High Commissioner. That official could, in the same way as the President of the Republic of France, appeal to the Conseil d'Etat when he considered that the bills approved by the Togoland Assembly constituted a violation of the provisions of article 10 of the Statute.

5. Mr. ROLZ BENNETT (Guatemala) had been glad to hear that Togoland was to be responsible for the police force. That, however, was among the services enumerated in article 27 of the Statute which were to be within the exclusive competence of the French Republic. He inquired whether there had been any other transfers of competence since the Statute had been drafted.

6. Mr. DEFFERRE (France) said that article 27 followed logically on article 26 and did not confer any additional rights on France. As France was reserving certain services to itself, it was only logical that France should finance them. In addition to the police, the telecommunications and broadcasting system had been transferred to Togoland at that country's request.

7. Mr. ROLZ BENNETT (Guatemala) understood that all the details had not yet been worked out and that France and Togoland were at present negotiating the final points concerning the execution of the Statute.

8. Mr. DEFFERRE (France) said that a record of the discussion between the French Government and the Government of the Autonomous Republic had been prepared and that a representative of France would make a statement on it during the general debate.

9. Mr. ROLZ BENNETT (Guatemala) asked what steps had been taken so far to co-ordinate the services of the French Republic with those of Togoland, in conformity with part VII of the Statute.

10. Mr. DEFFERRE (France) said that a representative of France would deal with that important question in the general debate. He would like to explain, however, that the department for the general co-ordination of administrative action had been specially established to ensure that the French services, particularly those coming under the High Commissioner, should not encroach upon the functions of the autonomous Government, which was to be quite free in the exercise of its powers. The French Government had stated at the previous meeting that it was prepared to welcome to Togoland an observation mission which would be able to see for itself that the transfer of power had in fact taken place in Togoland.

11. Mr. RIFAI (Syria) did not understand exactly what Togoland's position was in the French

Union. He inquired whether the relations between France and Togoland might be changed by some evolution of the Statute.

12. Mr. OLYMPIO (All-Ewe Conference) said that that question was a matter of great concern to him. There was nothing in the Statute to show in what direction Togoland would evolve or whether it might, for instance, become an Associated State of the French Union.

13. Mr. DEFFERRE (France) pointed out that the States which were members of the French Union could have very varied kinds of status. Togoland was a special case; France had wished to be completely non-committal about the future in order to leave the door open to all possibilities. It had specified that the Statute was susceptible of evolution. By stating in article 1 that the relationship of Togoland with the French Republic was defined in the Statute, it had intended to indicate clearly that the ties between the two countries would depend on the wishes of the Government and the Assembly of Togoland, as also on the agreement to be concluded between the French Government and the Government of the Autonomous Republic of Togoland.

14. Mr. SANTOS (Mouvement de la jeunesse togolaise (Juvento)) pointed out that Togoland's position in the French Union had not been defined. Although it was a Trust Territory placed on the same footing as the Overseas Territories for matters of administration, it was in principle, though not in fact, an Associated Territory. The question was whether the special status would confirm the *de facto* situation or whether Togoland would be able to evolve and become an Associated Territory.

15. Mr. DEFFERRE (France) said that the Statute had actually established a new category of State within the French Union. In any case, the most important point was not the category in which Togoland was placed but the extent of the rights conferred on it.

16. Mr. RIFAI (Syria) asked the petitioners concerned whether they wanted the Trusteeship Agreement terminated because they thought that the objectives of the Trusteeship System had been attained or because they wished to go through the final stage that remained before they reached full autonomy in close and unfettered relationship with France.

17. Mr. ATAKPAMEY (Parti togolais du progrès) was afraid he had expressed himself badly at the 586th meeting, when he had said that trusteeship was regarded as a kind of servitude. He had meant to say that it was the wish of the Togoland people that France should no longer act as Administering Authority over them, because a republic could not be subject to trusteeship. The United Nations should work out a system whereby it could supervise the services which were still under the jurisdiction of France.

18. Mr. RIFAI (Syria) asked whether, by its actions in Togoland, France appeared to be seeking to establish a federation of West African States or to unite Togoland with Dahomey, as had sometimes been suggested.

19. Mr. OLYMPIO (All-Ewe Conference) said that France had abandoned its plan to establish a federation or to unite Togoland with Dahomey because of the concerted opposition of all Togoland parties. The fact remained that the Statute made Togoland an integral part of France, since henceforth the Territory would

be represented in the French Parliament, a sovereign body in which only French citizens could sit.

20. Mr. PACHACHI (Iraq) noted that under article 40 of the Statute the application of the provisions of article 20 could be suspended during the period of the provisional trusteeship. As article 20 concerned the removal from office of the Prime Minister by the Legislative Assembly, he did not see the connexion between the functions exercised by France under the Trusteeship and the power of the Legislative Assembly to remove the Prime Minister. He would like some clarification of that point.

21. Mr. DEFFERRE (France) observed that the part of the Statute that dealt with transitional provisions concerned the situation in Togoland as long as it remained under international trusteeship. That part undoubtedly restricted temporarily a certain number of the rights granted to Togoland by the Statute.

22. Mr. PACHACHI (Iraq), referring to article 13 of the Statute, asked for how long the Legislative Assembly could be dissolved.

23. Mr. DEFFERRE (France) replied that it was for the Togoland Government or the Togoland Assembly itself, before dissolution, to decide on the time that should elapse before the election of the Assembly. Pending further legislation, it might be assumed that the original enactment prescribing a period of not less than one month and not more than three months should continue to be applied.

24. Mr. DE SILVA (Ceylon) asked in what circumstances the Togoland Government could impose new customs duties.

25. Mr. OLYMPIO (All-Ewe Conference) replied that the Legislative Assembly was empowered to impose or abolish the duties collected in the Territory itself. Under the Statute France retained, in principle, the power of drafting customs laws. Thus, France could, for example, have a preferential tariff adopted by Togoland.

26. Mr. DEFFERRE (France) explained that the power of the Legislative Assembly in customs matters would be limited only by the international conventions to which France had become a party. Within those limits, the Legislative Assembly could impose whatever duties it considered appropriate on both imports and exports. France could not impose preferential tariffs if there was an international convention opposing such tariffs. Moreover, by virtue of international agreements, Togoland was subject to a special system to which the Togoland Government would have to adhere.

27. Mr. DE SILVA (Ceylon) asked whether the Autonomous Republic of Togoland would be bound by subsequent engagements into which the French Republic might enter.

28. Mr. DEFFERRE (France) replied that under the Statute the Togoland Republic was not independent but autonomous. France was accordingly responsible for the external relations of the Autonomous Republic, but always negotiated in full agreement with Togoland representatives.

29. Mr. DE SILVA (Ceylon), referring to that subparagraph of article 27 of the Statute reading "The inspectorate of labour and social legislation, its role being limited to supervision and advice", asked it that meant that the only expenditures covered by the French budget with regard to the inspectorate of labour and

social legislation were those relating to supervision and advice.

30. Mr. DEFFERRE (France) replied that it was normal for France to meet the cost of those functions over which it retained jurisdiction. It was agreed with the Togoland Government that the inspectorate of labour and social legislation would be within the jurisdiction of Togoland but that the French Republic should provide Togoland with assistance and advice so as to ensure that the labour laws were properly applied. The provision in question was designed to cover the travel and subsistence costs of officials of the French Republic going to Togoland for that purpose.

31. Mr. DE SILVA (Ceylon) asked whether there were financial matters on which the Togoland Government could legislate without infringing article 26, and whether, in social matters, the role of France was merely that of advising the Togoland Government.

32. Mr. DEFFERRE (France) explained that the Togoland Government was free to impose whatever duties it considered appropriate on imports and exports. With regard to family allowances, the legislation on industrial accidents and social security, France could only advise the Togoland Government but could neither oppose nor restrict its decisions.

33. Mr. RIVAS (Venezuela) recalled that the frontier question had long preoccupied the United Nations. There were close links between the economy of the two parts of Togoland based as it was on cocoa. Many inhabitants of Togoland under French administration had property in Togoland under British administration, and *vice versa*. He asked whether article 2 of the Statute, which stated that the French Republic guaranteed the territorial integrity of the Autonomous Republic, meant that the customs control would be stricter than it had previously been.

34. Mr. ATAKPAMEY (Parti togolais du progrès) said that the existing legislation on that subject in the Autonomous Republic had not been amended. As soon as Togoland under British administration was unified with an independent Gold Coast, the two Republics would meet to draw up new customs laws.

35. Mr. OLYMPIO (All-Ewe Conference) said that if Togoland became really independent, the question would be easy to solve, since, as the petitioners from Togoland under British administration had already pointed out, an agreement could be reached among the Africans themselves if there was no need to consider the interests of foreign Powers.

36. Mr. RIVAS (Venezuela), referring to part IV of the Statute, asked what were the requirements for Togoland citizenship and what would be the status of children who, born of parents from Togoland under French administration, lived in Togoland under British administration. The question also arose for the northern tribes, many members of which had property or relatives in Dahomey.

37. Mr. ATAKPAMEY (Parti togolais du progrès) replied that the two Territories of Togoland had never made any distinction of citizenship and that the necessary decisions would now have to be made by their respective Parliaments.

38. Mr. OLYMPIO (All-Ewe Conference) said that if Togoland under French administration became truly independent, its Parliament could discuss the matter freely with the Parliament of Ghana.

39. Mr. RIVAS (Venezuela), referring to the provision of article 25 that French citizens would enjoy in Togoland all the rights and freedoms attached to the status of Togoland citizens, asked whether persons from Dahomey or any other region of French "Black" Africa were eligible for posts in the government or administration of Togoland.

40. Mr. ATAKPAMEY (Parti togolais du progrès) replied that Togoland had expressed the wish that its territorial integrity should be respected and that it did not want to be attached to neighbouring territories. He therefore saw no reason why Dahomans should have the right to sit in the Togoland Parliament.

41. Mr. OLYMPIO (All-Ewe Conference) said that the provision in question was not clear. However, nothing in the Statute indicated that a Dahoman did not have all the rights of a French citizen.

42. Mr. SANTOS (Mouvement de la jeunesse togolaise (Juvento)) pointed out that at the moment the Legislative Assembly already had Dahomans among its members and that they took an active part along with the Togolandians in drafting laws concerning the people of Togoland. If French citizens included all the citizens of the French Union, how could Dahomans be excluded?

43. Mr. NOGUEIRA (Portugal), referring to articles 23 and 24 of the Statute, expressed surprise that nationals of Togoland (*ressortissants du Togo*) who enjoyed all the rights and freedoms guaranteed to French citizens were not subject to military service, which was compulsory for French citizens. He asked whether that point was to be the subject of subsequent legislation.

44. Mr. ATAKPAMEY (Parti togolais du progrès) considered that such a restriction was fair. The Togolandians wanted to enjoy the advantages of being French citizens but they had no reason for sharing the disadvantages.

45. Mr. SANTOS (Mouvement de la jeunesse togolaise (Juvento)) said that while the Togolandians were not bound by certain obligations attaching to French citizenship, they likewise did not enjoy all the rights attaching thereto; for example, it was common knowledge that they were not represented in the French Parliament on the same terms as Frenchmen.

46. Mr. DEFFERRE (France) said that the Togolandians belonged to a privileged class of citizens who shared in the advantages of citizenship, such as eligibility for public office, without having to assume all its obligations. Togolandians were already employed in the French Administration outside Togoland; they were a credit to their country and it was to be hoped that their number would increase.

47. Mr. NOGUEIRA (Portugal) asked whether the enforcement of penalties was the responsibility of the French Administration.

48. Mr. ATAKPAMEY (Parti togolais du progrès) replied that the administration of justice was entirely the responsibility of France; that was a precaution which safeguarded the interests of the opposition parties.

49. Mr. OLYMPIO (All-Ewe Conference) said it was doubtful whether the guarantee had much value, inasmuch as police matters were in the hands of Togoland.

50. Mr. DEFFERRE (France) explained that the French Republic was responsible for the application of criminal and administrative law only; Togoland was competent in matters of customary law, civil law and protection of minorities.
51. Mr. NOGUEIRA (Portugal) asked whether the conditions governing the franchise were the same in Togoland as in France.
52. Mr. ATAKPAMEY (Parti togolais du progrès) and Mr. DEFFERRE (France) replied in the affirmative.
53. Mr. SANTOS (Mouvement de la jeunesse togolaise (Juvento)) pointed out that universal suffrage had not been introduced in Togoland until 1956.
54. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) asked for particulars concerning any governmental bodies that had been set up, particularly at the local level, other than the Legislative Assembly and the Council of Ministers of Togoland.
55. Mr. DEFFERRE (France) replied that, at the local level, the establishment of the necessary bodies was the responsibility of the Government of Togoland.
56. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) noted that the Autonomous Republic of Togoland had been established one month before the referendum had been held. It would, however, have been more logical to consult the population first and then, if the circumstances warranted, to set up the Autonomous Republic. Conceivably, the new Statute might have constituted a means of exerting pressure on the population.
57. Mr. ATAKPAMEY (Parti togolais du progrès) explained that, on the contrary, it was precisely because the referendum had followed the formation of the Autonomous Republic that the Togoland had been able to cast their votes intelligently.
58. Mr. SANTOS (Mouvement de la jeunesse togolaise (Juvento)) said that it would nevertheless have been preferable to wait not a month, but a year, before holding the referendum. In any event, the fact that the referendum had followed the establishment of the Autonomous Republic had in no way influenced the electorate.
59. Mr. DEFFERRE (France) added that, in any event, there could not have been any pressure on the population: if the Togoland had voted against the new Statute, the implication would have been that the measures contemplated were inadequate and that some more ambitious action was needed.
60. Mr. TAZHIBAEV (Union of Soviet Socialist Republics) expressed the opinion that the establishment of the Autonomous Republic of Togoland was tantamount to a unilateral modification of the Trusteeship System. What legal grounds had the Administering Authority relied on for the purpose of modifying that system?
61. Mr. DEFFERRE (France) replied that the change in status had not been unilateral, for it had been preceded by lengthy negotiations between Togoland and France. So far as the United Nations was concerned, it was the responsibility of the Administering Authority to provide for the development of the Territory, and in the action it had taken it had done no more than give effect to the provisions of the Trusteeship Agreement, in particular article 5 thereof.
62. Mr. HASAN (Pakistan) asked why the Togoland were exempt from military service, which meant that they were unable to organize the defence of their country themselves.
63. Mr. GBEGBENI (Union des chefs et des populations du Nord-Togo) recalled that Togoland was not completely independent; defence was one of the matters reserved to France.
64. Mr. OLYMPIO (All-Ewe Conference) said that the status of Togoland was capable of evolving; it was by no means inconceivable that the country might one day have its own army.
65. Mr. ROLZ BENNETT (Guatemala) asked for particulars concerning the scope of the term "regulation" in the introductory phrase of article 26 of the Statute. For example, was France or the Republic of Togoland responsible for supervising the exercise of public freedoms?
66. Mr. DEFFERRE (France) replied that in the case of public freedoms, as in that of all the other reserved matters, France was responsible for legislation and regulation only. "Legislation" included the formulation of principles at the legislative level, and "regulation" meant the enactment of provisions to give effect to, and elaborate the concise terms of, legislation. However, the application of those principles was the exclusive responsibility of the Togoland Government.
67. Mr. CARPIO (Philippines) recalled that the General Assembly, in its resolution 558 (VI), had invited the Administering Authorities to report on the period of time in which the Territories could attain the goal of self-government or independence. That resolution had been adopted before the question of the self-government of Togoland under French administration or even of Togoland under British administration had arisen. He was surprised that no Administering Authority had sent in a report in response to that resolution.
68. Mr. BARGUES (France) said that the Administering Authorities had opposed the resolution and that it would have been difficult, and even dangerous, to specify a period of time for the attainment of self-government. It could hardly have been foreseen in 1954 that two years later Togoland under French administration would become self-governing. Rather than give ill-considered undertakings, the Administering Authorities had preferred to act and, as it were, to give evidence of progress by actually moving.
69. Mr. CARPIO (Philippines) said it was also surprising that the rate of the Territory's development should have become so rapid during the past two years. The progress had been so sudden that he could not help having some misgivings.
70. Mr. BARGUES (France) said that a country's political development did not take place with clock-like regularity. Long periods of stagnation might be followed by periods of rapid progress. The Philippines had gone through a similar experience.
71. Mr. PACHACHI (Iraq) recalled that at the end of the preceding meeting, Mr. Apedo-Amah and Mr. Defferre had invited the Committee to send an infor-

mation mission to Togoland. The Chairman had noted at the time that Mr. Apedo-Amah had been speaking on behalf of France. It was strange that Mr. Defferre should have associated himself with the invitation extended by Mr. Apedo-Amah. That had not been necessary, for Mr. Apedo-Amah himself had spoken

on behalf of France. The United Nations recognized only the Administering Authority and could not consider the Autonomous Republic of Togoland as a separate entity.

The meeting rose at 12.50 p.m.