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

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

AGENDA ITEM 39

The Togoland unification problem and the future of the Trust Territory of Togoland under British administration: reports of the United Nations Plebiscite Commissioner and of the Trusteeship Council (A/3169 and Corr.1, A/3173 and Add.1, A/3323; A/C.4/332 and Add.1, A/C.4/334, 336, 337; A/C.4/L.435 and Add.1 and 2) (*continued*)

At the invitation of the Chairman, Mr. S. W. Kumah and Mr. F. Y. Asare, representatives of the Convention People's Party, Mr. S. G. Antor, Mr. A. K. Odame, Miss R. Asamany and Mr. F. R. Ametowobla, representatives of the Togoland Congress, Mr. S. Olympio, representative of the All-Ewe Conference, Mr. A. Akakpo, representative of the Mouvement populaire togolais, and Mr. A. I. Santos, representative of the Mouvement de la jeunesse togolaise (Juvento), took places at the Committee table.

**GENERAL DEBATE ON THE FUTURE OF TOGOLAND UNDER
BRITISH ADMINISTRATION (*continued*)**

1. Mr. ESPINOSA y PRIETO (United Nations Plebiscite Commissioner) said that in paragraphs 151-189 of his report (A/3173 and Add.1) he had endeavoured to summarize the question as a whole, and in chapter IV had set out in detail the political and ideological aspect of the problem in order to dispel suspicions and fears. He was glad that the Administering Authority had provided representatives with information on events that had taken place since the preparation of his report; he had taken the liberty of suggesting such a procedure in paragraphs 127, 180 and 530 of his report.

2. When he had left the Gold Coast on 25 May, he had clearly realized that the fate of the plebiscite was bound up with the results of the general election, which would help to solve a difficult national problem. It had been his duty to draw attention to all the consequences of that event. However, he had not

ventured to make predictions or speculate on who would win. He had merely indicated what would happen if a majority of the people voted in favour of one or the other of the constitutional solutions. His views on that point had been set out in paragraphs 135, 188 and 534 of his report. His explanation of the rather extraordinary fact that the Northern People's Party, which had voted with the Convention People's Party in the plebiscite, opposed that party on the question at stake in the general election could be found in paragraphs 160, 196 and 247 of his report.

3. As all speakers had realized, he had made no suggestions on how to evaluate the results of the plebiscite. In paragraphs 15-18, he had reported that representatives from certain parts of the Territory had questioned him on the possibility of adopting the solution of assessing the results on the basis of four distinct units. Having had to comply with the decision of the majority of Members of the General Assembly, he had told them that that solution had been rejected, but had added that it could again be proposed at the eleventh session. In any event, the election results had been given ward by ward, as stated in paragraphs 491, 492 and 526 of the report.

4. The fact that slightly more than 17 per cent of the registered electors had not voted was regrettable but not really serious. The political parties had tried to outdo one another in ensuring that as many people as possible voted. It would have been too much to expect that more than 90 per cent of all registered electors would take part in the election. The fact that there had been over 160,000 valid ballots in a population of 423,000, i.e., 38 per cent of the total population, a large percentage if it were borne in mind that only persons over twenty-one years of age could vote, was proof of the Togoland's sense of civic duty.

5. He thanked representatives for the kind words they had addressed to him. He had prepared his report with a view to providing the Committee with a basis for discussion and had asked petitioners to make any criticisms they felt to be justified to the Committee. Far from wishing to advance a personal point of view, he had tried to present all the information necessary for members of the Committee to form their own opinions.

6. Mr. RYCKMANS (Belgium) proposed an amendment (A/C.4/L.436) to the draft resolution in document A/C.4/L.435 and Add.1 and 2). The Trusteeship System would come to an end when its objectives had been attained, in other words, when the Territory had achieved independence. Trusteeship was therefore being ended not by a decision of the General Assembly, but because the United Kingdom was granting independence to the Gold Coast and uniting Togoland with an independent Gold Coast. The General Assembly, in operative paragraph 1 of the draft resolution, rightly expressed its approval of that union and invited

the Administering Authority to take such steps as were necessary to that end. Yet the Assembly was not called upon to take a decision; it could merely take note of a fact. Operative paragraph 2 was quite useless because when Togoland became independent no one would suggest that it was still under the Trusteeship System. Moreover, the word "*Resolves*" in the English text was undoubtedly further removed from the legal reality than the word "*Décide*" in the French text. He therefore proposed (A/C.4/L.436) that the words "*Resolves*, with the agreement of the Administering Authority . . .", in operative paragraph 2, should be replaced by the words "*Notes*, with the Administering Authority . . ." which corresponded much more closely to the facts of the situation.

7. U ON SEIN (Burma) paid a tribute to the Plebiscite Commissioner, the Plebiscite Administrator and the members of the Secretariat who had contributed to the successful outcome of the plebiscite, which in the words of the report had been held "in an atmosphere of absolute freedom, impartiality and fairness" (A/3173, para. 527). Of the 194,230 persons who had been registered, 160,587 had actually participated in the plebiscite; 93,095 Togolandans had voted for union with an independent Gold Coast and 67,492 had voted for separation and continued trusteeship until the political future of the Territory had been finally determined. The majority in favour of union had therefore been 25,603. Since the Gold Coast was to attain its independence in March 1957, his delegation was of the opinion that the union of Togoland under British administration with the Gold Coast should be effected without undue delay. Burma, which had voted for General Assembly resolution 944 (X) and had supported Trusteeship Council resolution 1496 (XVIII), had agreed to co-sponsor the draft resolution before the Committee (A/C.4/L.435 and Add.1 and 2), which would implement the Trusteeship Council's recommendation.

8. Mr. LOOMES (Australia) drew attention to two incontrovertible facts on which the General Assembly should base its decision concerning Togoland under British administration. Firstly, the people of the Gold Coast were now capable of governing themselves and would shortly become independent. Secondly, the people of Togoland under British administration, who were also capable of deciding their own future, had voted for the union of their country with the sovereign State of Ghana. To suggest, as some had done, that union meant annexation, was to throw doubt on the ability of the Togolandans to recognize what the plebiscite had meant and on the motives of the United Nations General Assembly, which had supervised the plebiscite. Indeed, it had been the General Assembly which, in resolution 944 (X), had decided what questions the Togolandans should be asked. There was not the slightest ground for believing that the union with Togoland was anything other than a voluntary union; the Togolandans had clearly expressed their wishes in a free plebiscite.

9. There had been some suggestion that the plebiscite should not be taken at its face value because the development of various parts of the Territory was unequal. Yet the political maturity of a people need not be measured by educational attainments. People might be, and in this case his delegation believed that they were, able to decide on the form of government they desired without any particular degree of literacy.

The Administering Authority, two United Nations Visiting Missions and the Plebiscite Commissioner had all stated that the Togolandans were capable of reaching an informed decision concerning their future status. There was no question of reversing the decision taken by the Committee a year ago and General Assembly resolution 944 (X).

10. The conduct of the Togolandans in the plebiscite campaign and in the general election and of the petitioners heard by the Committee had shown that the people were fully aware of their political responsibilities. It therefore seemed quite legitimate to leave them free to decide what kind of constitution should be drawn up for the new State of Ghana. The role of the United Nations was simply to ensure that their choice would be made in a democratic way.

11. The objectives expressed in Article 76 of the Charter had been achieved. It was now the Assembly's duty to assist the Togolandans to achieve the form of independence for which they had voted. He was sure that no one would interpret the action of the State of Ghana in joining the Commonwealth, a free association of nations, as inconsistent with its independence or sovereignty.

12. He congratulated all those who had helped in the progress of Togoland—the Government of the United Kingdom, the Plebiscite Commissioner, and above all the people of Togoland, who by their own dignity and good sense had made that progress possible.

13. He would like to hear the views of the sponsors of the draft resolution (A/C.4/L.435 and Add.1 and 2) on the Belgian delegation's amendment; he reserved the right to speak on the point himself at a later date.

14. Mr. MAKSIMOVICH (Ukrainian Soviet Socialist Republic) said that in forming its attitude towards the question of Togoland, his delegation had taken as its starting point the essential aim of the Trusteeship System, which was the independence of the dependent territories. It supported all the attempts to bring the matter to a satisfactory conclusion. The best means of doing so would have been to put an end to the country's artificial division into two parts. However, unification had proved impossible, owing to the Administering Authorities, France and the United Kingdom, which had not given effect to the resolutions adopted to that end by the General Assembly. Nevertheless, there could be no doubt that Togoland under French administration, like the other Trust Territories, would one day become independent.

15. In the case of Togoland under British administration, another solution must be adopted for the time being, and it must be united to the Gold Coast, whose independence was planned for the following year. During the plebiscite, a majority of the people of Togoland had voted in favour of that union, which would undoubtedly contribute to the Territory's economic, social and cultural advancement. It was true that the majority was not very large, being only 58 per cent of the votes, which tended to confirm the fact that unification would have been a preferable solution.

16. The Ukrainian delegation would vote in favour of the joint draft resolution before the Committee. It wished to point out that while the Territory had been under trusteeship, the Administering Authority had done very little in the political, economic and social

fields. The new State would therefore have to exert every effort to secure the harmonious development of all its territory. The Ukrainian SSR welcomed the State of Ghana, whose advent bore witness to the fact that the colonial system was tottering and that the African countries were marching on irresistibly towards political and economic independence.

17. Mr. HARARI (Israel) thought that the forthcoming settlement of the Togoland question was a historic moment for the United Nations, whose failures and weaknesses were often exaggerated while its successes were not afforded due recognition. Every year, the Fourth Committee had seen a once dependent territory become self-governing and the world was advancing towards a time when the colonial system would have completely disappeared.

18. Nevertheless, he was somewhat concerned over certain aspects of the Committee's work. It was entirely in the Committee's interests that the petitioners should be able to express themselves freely, whether or not their statements were pleasing to their audience. Moreover, in view of the principles of the Organization, including freedom of thought and of speech, the representatives of Iraq, Egypt and Yugoslavia ought not to have advised one of the petitioners, Mr. Odame, to delete something from the statement he made at the 554th meeting. The petitioners had always defended their arguments with much skill and that Africa should have such leaders augured well for its future.

19. He noted that, even among the petitioners opposed to union, no one had attacked the plebiscite, and that the proceedings, the first to have taken place in an area where so many of the population were illiterate, seemed to have been carried out in full freedom, impartiality and fairness. He congratulated the United Nations Plebiscite Commissioner and his staff. With regard to the result of the vote, although the rights of minorities must be safeguarded, the rights of the majority must also be respected. He wondered how the petitioners who at the moment represented the minority would have reacted if they had represented the majority.

20. The delegation of Israel would vote in favour of the joint draft resolution (A/C.4/L.435 and Add.1 and 2). It would speak on the Belgian amendment when it had seen the text. It did not know whether the proposed solution was the best, but it believed that it was a lesser evil. Some representatives had been doubtful because of the future constitution of the Gold Coast; they forgot that a constitution could be amended. The United States had taken eleven years and the Soviet Union thirteen to complete their respective Constitutions. Other representatives had objected to the entry of the new State into the Commonwealth. India was a member of the Commonwealth yet it was fully self-governing. If the new State decided that its association with the Commonwealth was not to its advantage, it could always withdraw. Moreover, as the delegation of Israel had pointed out to the Committee during the tenth session (523rd meeting), in connexion with Surinam, the United Nations could not demand that States which were now acceding to independence should be freer than certain Members of the Organization. What the United Nations must find out was whether or not they had the right to decide their own destinies. Israel thought that the Gold Coast and Togoland under British administration would be free, after 6 March 1957, to take any decision regarding their own future,

and it was that consideration which would determine the attitude of the Israel delegation.

21. At the 559th meeting, he had listened with interest to the Minister of Finance of the Gold Coast. He congratulated the future State of Ghana, wished it great prosperity and hoped that it would soon take its place in the United Nations, to the greater good of West Africa.

22. Mr. BOZOVIC (Yugoslavia) said that the representative of Israel had misunderstood the Yugoslav delegation's intervention regarding Mr. Odame's statement. It had never been the intention of Yugoslavia to limit the freedom of speech of petitioners before the Committee. The votes cast by the Yugoslav delegation on requests for hearings and on certain proposals which had been intended to limit the interventions of petitioners were enough to refute any such allegation. In the case in point, it had merely suggested that Mr. Odame should not insist on including the passage in question in the text of his statement which he would make available to members of the Committee as it might cause a dispute and a procedural discussion.

23. Mr. PACHACHI (Iraq) said that his delegation had not in the least sought to restrict the freedom of speech of petitioners as the representative of Israel had charged. It had merely pointed out certain mistaken conclusions and opinions and drawn attention to certain facts which seemed to have escaped the notice of the petitioners. He thought that delegations should enjoy as much freedom of speech as was granted to petitioners.

24. Mr. SOWARD (Canada) said that his delegation had been one of the co-sponsors of the draft resolution before the Committee. He noted with satisfaction that the Administering Authority, with the assistance of the United Nations, had enabled the people of Togoland under British administration to decide their own political future by means of a plebiscite. He regarded with equal satisfaction the other steps which had since been taken to set up a new State of Ghana. He noted, for instance, that in expressing their opinion on the constitutional régime for the new nation, five of the nine constituencies situated wholly or mainly in the Trust Territory had voted during the general election of July 1956 for the party which advocated a unitary form of government. He also noted that according to the constitutional proposals which had been approved by 70 votes to 25 in the Legislative Assembly, and according to the pledge given to the Fourth Committee by the members of the Gold Coast Government, the people of the Trust Territory, once they were citizens of the State of Ghana, would enjoy equal rights with and have the same obligations as their fellow-countrymen residing in what was at present the Gold Coast. In his view the petitioners who had opposed the unitary form of government, despite their skilful presentation, had failed to make a valid case on ethnic, linguistic, geographical or other grounds.

25. In the circumstances, the Canadian delegation felt that it was the duty of the Fourth Committee to facilitate the implementation of the final measures needed in order to allow the wishes of the majority of the people of the Trust Territory for independence with the Gold Coast to be fulfilled. He agreed with the representative of India that at a historic moment when the first Trust Territory was to accede to full independence with all satisfactory democratic guaran-

tees, the United Nations must be careful not to delay the fulfilment of the aspirations of the people concerned. The Canadian delegation therefore invited all the members of the Committee to support the joint draft resolution. It reserved its position on the Belgian amendment until it had received the text.

26. Mr. SPASOWSKI (Poland) said that there were two aspects of the problem before the Committee: the objectives of the Trusteeship System in general and the future of Togoland under British administration in particular. As defined in the Charter, the objective of the Trusteeship System was to develop Territories towards independence or self-government. The joint draft resolution (A/C.4/L.435 and Add.1 and 2), which would approve the union of the Territory of Togoland under British administration with an independent Gold Coast, renewed the proposal made in Trusteeship Council resolution 1496 (XVIII) and was aimed, not at securing the independence of Togoland, but at incorporating it in a larger territory. Such a solution might lead to serious difficulties. It should not be forgotten that some of the Togolandese were living under French trusteeship and that Africa had been divided by the forces of colonialism. For ten years, the United Nations had been trying to unify the two Togolands. The two Territories constituted one and the same problem. It was unfortunate that France had organized a referendum in Togoland under French administration against the advice of the Trusteeship Council.

27. The union of Togoland under British administration with the Gold Coast would be a threat to the minority population. Furthermore, the plebiscite had not enabled the people to decide on the fundamental aim of trusteeship: independence within a unified Togoland. It was regrettable that the population had not been able to vote on that point, all the more so as that solution had been envisaged in General Assembly resolution 860 (IX), which mentioned the unification of Togoland under British administration with Togoland under French administration. The failure to provide for that solution was bound to cause difficulties. In the southern part of Togoland under British administration, where the Ewes lived, a large majority had been in favour of the unification of the two Trust Territories and of the Ewe tribe. That was why they had voted against union with the Gold Coast.

28. In the present circumstances, the Committee had only two alternatives, either to maintain trusteeship or to approve the union of Togoland under British administration with an independent Gold Coast. For that reason, in spite of the reservations it had just made, the Polish delegation would vote for union with the Gold Coast, which it felt to be more in the interest of the Togolandese. It expressed the hope, at the same time, that the Gold Coast would enjoy true independence and that all the African peoples would soon take their rightful place in the international community.

29. Mr. PERERA (Ceylon) felt that the discussion should remain within the limits of General Assembly resolution 944 (X), concerning the organization of the plebiscite. The Trusteeship Council had considered the results of the plebiscite, which had convinced it that most of the Togolandese had been in favour of union with an independent Gold Coast and that the Trusteeship Agreement should be terminated. Ceylon had co-sponsored the joint draft resolution before

the Committee because the purpose of the Trusteeship System was to develop the Territories concerned towards independence and, according to the Administering Authority, that purpose had been achieved in the case of Togoland under British administration.

30. It was disturbing to note that there was a strong separatist minority in Togoland. The minority had all the more weight because it was to be found in the most developed part of the country. On the other hand, the separatists had not managed to win acceptance for their view, although they had been entirely free to campaign throughout the Territory. However that might be, he could not concur with the view of one petitioner, who had argued that the two-thirds majority rule should apply to plebiscites just as it did to important questions discussed by the General Assembly.

31. With regard to the constitution of the future State of Ghana, it was important to remember that the party in power had obtained 73 per cent of the votes in the general election, compared with 58 per cent in the plebiscite. Those who favoured union with the Gold Coast had therefore strengthened their ranks in the meantime. With regard to the safeguards for the inhabitants of Southern Togoland, he felt that the importance of that question had been much exaggerated. The Togolandese of the South had close links with their neighbours in the Gold Coast and there was no reason to grant them any privileges.

32. It was not to be expected that a new State could be born without difficulties, particularly if it had formerly been a colony. The Togoland Congress had spoken of the rivalries which divided the Gold Coast. They would disappear only with time. The representatives of the Togoland Congress had submitted their views with considerable skill. He congratulated them, and was convinced that the cause of the Southern Togolandese was in good hands. He expressed the hope that the new State of Ghana would soon take its place in the United Nations.

33. Mr. YASSEIN (Sudan) said that the time had come for the Committee to take a decision, and the union of Togoland under British administration with an independent Gold Coast was the best solution. No one had questioned the impartial atmosphere in which the plebiscite had been held. A clear majority of the electors—58 per cent—had voted for union with the Gold Coast. The future Togoland minority in the Gold Coast had been given guarantees by the Government; according to the statement made by the Prime Minister of the Gold Coast on 12 November 1956, all the inhabitants of Ghana would have the same rights, irrespective of where they came from; the party in power would take account of the views of the opposition, which would have a say in regional policy; there would be free elections; the regional assemblies would be allowed to examine bills before they were discussed by the Legislative Assembly; finally, the new State would have an independent civil service and an independent judiciary.

34. He felt that such guarantees were fully adequate, and he congratulated the Gold Coast leaders on their breadth of vision. Like all new States, Ghana would have to undertake many reforms. To do that, a strong government and a centralized administration, not a federation, were needed. A federal government was expensive and dilatory and was not suitable when an

underdeveloped country, with areas at different stages of progress, was to be developed.

35. No government could succeed without the support of the people. He therefore appealed to the representatives of the opposition to give the Government their support.

36. Sudan would vote for the joint draft resolution. His delegation welcomed the fact that the Gold Coast was soon to become independent.

37. Mr. RAMAIAH (India) said that he would vote against the Belgian amendment (A/C.4/L.436). Togoland had been placed under trusteeship under an Agreement between the General Assembly and the Administering Authority. That Agreement could not be ended unilaterally. Further, the General Assembly having approved the Agreement, there must be a formal resolution by the General Assembly to terminate it. Merely "noting" would not be sufficient to effect a proper and valid termination of the trusteeship.

38. Mr. DORSINVILLE (Haiti) opposed the Belgian amendment. He pointed out that the word "*Resolves*" was to be found in the text of the Trusteeship Agreement.

39. Mr. BOZOVIC (Yugoslavia) thought that the principle on which the Belgian amendment was based was unsound. According to the Belgian representative, the Administering Authority alone was competent to judge whether the Trusteeship Agreement was valid. That was juridically wrong, as the United Nations was also a party to the Agreement.

40. Mr. RYCKMANS (Belgium) said he was afraid that the Indian and Yugoslav representatives had not grasped the full meaning of his amendment: if a lessor leased his house for three years, the lessee was expected to quit the premises at the expiration of the lease, and there was no need for another agreement to put an end to the contract. In the draft resolution, the General Assembly approved the union of the Trust Territory with an independent Gold Coast. Far from having any dark designs, the Belgian delegation saw no objection to the General Assembly's taking that action; but such approval in itself put an end to trusteeship in the Trust Territory, and no new decision need therefore be taken with regard to the Trusteeship Agreement.

The meeting rose at 12.55 p.m.