



Thursday, 3 January 1957,
at 3.15 p.m.

New York

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

Requests for hearings (continued)

1. The CHAIRMAN said he had received a telegram from Mr. Nsayay concerning the hearing granted by the Committee (566th meeting) to the Union des populations du Cameroun. He suggested that it should be circulated in the usual way.

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, 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 TOGOLAND UNDER FRENCH ADMINISTRATION (*continued*)

2. Mr. OLYMPIO (All-Ewe Conference) expressed his disappointment at the statements which the French delegation had made at the 584th meeting. They showed that since he had last addressed the Committee (556th meeting) the French delegation had given no indication of a new approach to the unhappy situation he had then described. Yet the Trusteeship Council had now twice expressed its disagreement with the French contention that the Trusteeship Agreement should be terminated, and he consequently felt called upon to suggest ways out of the existing impasse. Mr. Ajavon, the Senator for Togoland, had threatened that if the

French plan was not accepted, Togoland would sever all connexion with the United Nations; the All-Ewe Conference, in contrast, would do all in its power to ensure that any change in relations between the Trust Territory and the United Nations was effected peacefully and in accordance with the Charter.

3. In view of the distorted versions of political developments in Togoland under French administration which the representatives of France had given to the Trusteeship Council and the Fourth Committee, it was essential that the Committee should understand the historical background to the present situation. Togoland under French administration, which in customs, languages and natural resources was closely akin to the Gold Coast, and had a population about one-third as large, wanted neither absolute independence, which might be impossible in the modern world, nor continued external domination as represented by the new Statute, but a middle way, a form of independence which would secure the continuing gratitude of the Togoland for the benefits France had given them and France's continued access to the benefits it derived from Togoland. Such a course should be a practical possibility; yet throughout Togoland's history as a Mandated and Trust Territory the prevalent French attitude had been that to give such a Territory self-government was to give away everything. Ever since the days of the League of Nations France had assumed that the only desire of the Togoland was to be part of France. Under the French Union régime Togoland was officially an "Associated Territory" outside the French Republic. Yet it was still represented in the French Parliament, and the responsibilities and obligations inherent in such representation could not be explained away by a reference to "administrative convenience". Even under the new Statute, the French Parliament still had the sole right to enact fundamental laws for the Territory.

4. The French African Conference held at Brazzaville in 1944 and successive French Governments had categorically excluded any possibility that any peoples under French rule should become independent. The situation had been made plain in other ways than mere words: his own party for instance, because it stood for independence, had been systematically intimidated and persecuted. By a variety of improper practices the political atmosphere had been so falsified as to make it appear that only a minority desired independence and unification. At the United Nations France had maintained that the Togoland would be free to choose independence; yet at the same time it had been preparing, through the *loi-cadre*, to offer them a Statute which fell far short of real self-government, to say nothing of independence. The contention France now advanced, namely that to have voted in the referendum for the alternative to the Statute—the continuance of trusteeship—would have been equivalent to voting for independence, was a pure after-thought.

5. Since independence seemed out of the question, the Committee should consider what prospects existed for self-government. Judging by the provisions of the Statute, "*autonomie*" in French meant something less than "self-government" in English as was borne out by a definition of the English term "self-government" given by the French Ministry of the Colonies in 1945, namely, all powers of government short of external affairs. The *autonomie* conferred by the Statute represented little more than what Togoland had been granted in 1946, according to the Administering Authority's annual report for 1947.¹

6. Self-government was, however, one of the two alternative objectives prescribed by the Charter, and the Charter was the criterion by which the Statute had to be judged. From the official report prefaced to the relevant Decree, but withheld from the Committee, it was obvious that the possibility of future independence and thereby unification of the two Togolands had been excluded from consideration, and that the Territory was to be integrated outright with the French Republic. Again, the provision in article 3 of the Statute for continued representation of Togoland in the French Parliament was scarcely compatible with the French representative's statement to the Trusteeship Council at its 742nd meeting that Togoland was no longer to be administered as an integral part of French territory. The legislative power vested in the Togoland Legislative Assembly under article 6 was presumably confined to subsidiary legislation, for under articles 11 and 12 the High Commissioner—appointed not by the Togoland people but by France—was empowered to request the Assembly to review its decisions, and to refer such decisions to the Council of State in Paris. Article 26, listing the matters in which legislative authority was reserved by France, made it clear beyond doubt that there was to be no real self-government for Togoland. That impression was further strengthened by article 28, which vested in the High Commissioner powers relating to customs control, currency exchange and the like, and by the fact that secondary and higher education were to remain the province of the French Republic.

7. France maintained that the Statute was "susceptible of evolution", and that the Togolandese could amend it whenever they wanted to. Such an assertion was hardly compatible with article 38, which could only be construed to mean that the power of amendment remained with the French Republic as the authority originally responsible for the Statute.

8. He wished to draw the Committee's attention to certain facts which impaired the validity of the referendum held in Togoland under French administration. The referendum had been kept a secret until announced in the government bulletin on 31 July 1956. The revision of the electoral lists to introduce universal suffrage, which had begun on 19 July, had been completed as early as 18 August 1956, before the arrival of the Plebiscite Administrator, and the resultant lists, with minor modifications, had been used in the referendum. Secondly, as was borne out by paragraph 116 of the report of the United Nations Visiting Mission to the Trust Territories of Togoland under British Administration and Togoland under French Administration, 1955 (T/1206 and Add.1), it was clear that there was no freedom of assembly in Togoland. He described the

circumstances in which successive applications by his party for permission to hold a public meeting at Aného had been rejected or shelved on various pretexts. A meeting called by Juvento in defiance of the ban of the authorities had been broken up by the police. Some of the persons present had been arrested and had sought a ruling on the legality of the ban, but so far without result. The responsibility for banning such meetings had now been shifted to the African chiefs; that did not alter the situation, for those same chiefs were all government officials.

9. It could not be claimed that a referendum held in that atmosphere represented the freely expressed wishes of the peoples concerned. His party's best men had been prevented from standing for election by sentences imposed in the courts for trumped-up offences, which involved loss of electoral rights. Moreover members of his party had had the greatest difficulty in securing inclusion in the electoral lists. District officers controlled the lists, and openly campaigned for government candidates. In the circumstances his party had chosen passive resistance, and had boycotted the referendum. No impartial referendum could be held in Togoland under French administration unless the United Nations was in charge of the arrangements.

10. The democratic institutions introduced by the new Statute would not thrive in a country where all public councils and assemblies were composed of members of a single party, and where the Administering Authority openly persecuted all opposition parties. The present Legislative Assembly had been elected on the basis of restricted suffrage and should now be dissolved to make room for one elected on the basis of universal adult suffrage. Those called upon to operate the new institutions should receive training through the secondment of technical advisers to Togoland and, in some cases, by being sent overseas to study such institutions in other countries.

11. It was important to find a solution which would take into account the following three factors: the aspirations of the Togolandese, including freedom to decide for themselves how their country should be unified; France's desire not to lose its rightful and enlightened position in West Africa; and the requirements of the Charter.

12. He thought that, to begin with, all idea of terminating the Trusteeship Agreement on the basis of the Statute should be discarded, and the new Statute should be made to function and to evolve into something better, until self-government had been achieved. When approached, his party had made it clear that it could join the Government only if the Statute was regarded, not as marking the end of trusteeship, but merely as a step to that end. Though that condition had not been met the Statute had many merits and, as a step towards self-government, was welcomed. If the idea of terminating the Trusteeship Agreement immediately was discarded, and certain amendments were made to the Statute, his party would co-operate to ensure the success of the new institutions.

13. The first step should be to hold new elections to the Legislative Assembly in order to make it truly democratic and representative. Those elections must be held in an atmosphere of complete freedom, without official intervention except to maintain order. The group to which his party belonged, and which had felt unable to participate in the 1955 elections, would win several seats if not a majority in a new free election.

¹*Rapport annuel du Gouvernement français aux Nations Unies sur l'administration du Togo placé sous la tutelle de la France, année 1947, Paris, Imprimerie Chaix, 1948.*

14. The next step should be to ensure the proper functioning of the Legislative Assembly, the Council of Ministers, the district councils and the municipal councils. Local self-government in Togoland was at present a mere façade; the whole burden of responsibility rested on the French district administrators instead of the Africans. Civil servants should be disqualified from membership in the Legislative Assembly unless they resigned. More than half the present members of the Assembly occupied government posts.

15. Finally, the Statute should be thoroughly reviewed and amendments should be recommended with a view to its conversion into a constitution providing for genuine self-government as a preliminary to independence. Togoland could not be a "Republic" until its institutions had the sovereign powers of a republic. The representation of Togoland in the French Parliament should be gradually eliminated, and the matters reserved to French legislative control, including internal security, the national police, the judiciary, commerce and trade, freedom of association assembly and speech, and the labour and educational systems, should be progressively transferred to the Togoland Parliament.

16. Such changes should take place under the Trusteeship System, for Togoland desired to remain under United Nations supervision until the objectives of the Trusteeship System were reached. If that solution was adopted with France's co-operation, it should be possible within a year for France to propose to the General Assembly a plebiscite at which the people of Togoland could freely determine their future status.

17. Mr. CARPIO (Philippines) recalled that according to Article 76 b of the Charter, the purpose of the Trusteeship System was to promote the development of the Trust Territories towards self-government or independence. But, under the terms of the new Statute for Togoland under French administration, the Territory became an autonomous republic. He wondered whether that term had the same meaning and scope as the provisions of Article 76 b of the Charter or whether it represented a different status.

18. Mr. ATAKPAMEY (Parti togolais du progrès) said that under the new régime—the Autonomous Republic of Togoland—management of local affairs was entirely in the hands of the inhabitants.

19. Mr. CARPIO (Philippines) pointed out that under the new Statute, however, the French Republic retained exclusive competence in a number of matters of local interest such as criminal law, the organization of the judiciary, public rights and freedoms, currency, secondary and higher education and so on. He asked whether the petitioner was implying that in his opinion those matters were not of local interest.

20. The CHAIRMAN asked representatives to put their questions in as concise and clear a form as possible; otherwise the Committee might have to put up with a great deal of repetition.

21. Miss BROOKS (Liberia) pointed out that although the question of the Philippine representative was very general, it was nevertheless important. If the Committee was to form a completely objective opinion, it must know what the Statute of the Autonomous Republic of Togoland stood for in the eyes of the petitioners.

22. Mr. CARPIO (Philippines) said he would like at any rate to know whether the petitioners did not

regard criminal law, which continued in the hands of France, as a matter of local interest.

23. Mr. ATAKPAMEY (Parti togolais du progrès) agreed that criminal law was of local interest. However, as the petitioners in the opposition had said, Togoland had only three lawyers. France must therefore help the Togoland in local affairs in fields where they lacked qualified personnel.

24. Mr. OLYMPIO (All-Ewe Conference) pointed out that the reason why Togoland had only three lawyers was simply because the law prohibited it from having more.

25. Mr. CARPIO (Philippines) asked how the management of local affairs could be entirely in the hands of the people of Togoland if they were not even competent in matters of criminal law.

26. Mr. GBEGBENI (Union des chefs et des populations du Nord-Togo) stressed that the Statute of Togoland was susceptible of evolution. The French Penal Code itself had not been drawn up in a day. In time, the people of Togoland would acquire the necessary training to be able to take over matters relating to criminal law.

27. Mr. CARPIO (Philippines) wondered whether the French Republic would be bound to accept modifications in the Statute if the Autonomous Republic suggested them.

28. Mr. GBEGBENI (Union des chefs et des populations du Nord-Togo) replied that the Statute made provision for that eventuality since there was a reference to evolution in article 38.

29. Mr. CARPIO (Philippines) noted that under article 26 of the Statute, the powers of legislation and regulation in regard to curricula and examinations in secondary and higher public educational establishments were in the hands of the central organs of the French Republic. He would like to learn how, in the circumstances, the people of Togoland could maintain that they had the management of local affairs.

30. Mr. GBEGBENI (Union des chefs et des populations du Nord-Togo) explained that the country could not for the time being regulate secondary and higher education because it did not yet possess institutions at university level, and secondary and higher studies were carried on in France.

31. Mr. ATAKPAMEY (Parti togolais du progrès) said that Togoland was in the process of development, and counted a great deal on the co-operation of France. So far the number of Togoland who had attended universities was small, but executive posts were being filled by Africans as the specialized staff which would gradually replace French personnel was trained.

32. Mr. CARPIO (Philippines) asked the petitioners whether, since they were not yet in complete charge even of their local affairs, the Autonomous Republic would not do better to remain under the Trusteeship System a while in order to profit from the advice and suggestions of the Member States of the United Nations, which had their interests very much at heart.

33. Mr. ATAKPAMEY (Parti togolaise du progrès) said that the people of Togoland did not feel that the end of the Trusteeship System would mean abandonment. They counted on France and they knew that

France could continue to foster the development of Togoland as it had done so far.

34. Mr. CARPIO (Philippines) thanked the petitioners for their frank admission of their inability as yet to manage their own affairs.

35. Mr. LOIZIDES (Greece) spoke of the importance of keeping the questions put to the petitioners simple, and recalled that the Committee had had a very lengthy discussion before it had approved the list of factors to be used in defining self-government or self-administration contained in General Assembly resolution 742 (VIII).

36. He would like to know who would be responsible for appointing or dismissing police officials in Togoland.

37. Mr. AYASSOU (Traditional chiefs of the South) said that the Togoland Legislative Assembly was at present engaged in settling the question of the maintenance of security in the Territory, and he was confident that it would shortly reach a compromise with the French Government.

38. Mr. LOIZIDES (Greece) asked who appointed the judges and prosecutor for the criminal court.

39. Mr. AYASSOU (Traditional chiefs of the South) said that the powers were to remain in the hands of France, until such time as Togoland had competent personnel of its own.

40. Mr. GBEGBENI (Union des chefs et des populations du Nord-Togo) added that it was a temporary arrangement, and that when the time came the people of Togoland had only to invoke article 38 of the Statute in order to take over the management of certain services.

41. Mr. DEFFERRE (France) remarked that the petitioners were not familiar with the machinery for applying the Statute agreed upon by the French Government and the Government of Togoland. Details of the implementation regulations would be given at the following meeting; but he could state at once that the police, safety and security services had been handed over to the people of Togoland.

42. Mr. EL KOHEN (Morocco) pointed out that the Trusteeship System, which was international and therefore neutral, offered ample safeguards. He was anxious to know, since the Togolandese wished to put an end to the system, what fault they had to find with it.

43. Mr. GBEGBENI (Union des chefs et des populations du Nord-Togo) said that Togoland had no fault to find with the United Nations. The people of Togoland were requesting the termination of the Trusteeship System because the powers were now in their hands, and everything would be done on their initiative. The United Nations would no longer have any reason to supervise the French administration.

44. Mr. AYASSOU (Traditional chiefs of the South) pointed out that Togoland would not be entirely cut

off from the United Nations, because it now had a representative among the members of the French delegation.

45. Mr. ATAKPAMEY (Parti togolais du progrès) also remarked that the Togolandese had no fault to find with the United Nations. However, the opposition took advantage of the hearings granted by the United Nations to create a disturbance.

46. The opposition petitioners, all three of whom came from the South, wished to give the impression that they represented the majority, which was untrue. Actually, the great majority of the population supported the Parti togolais du progrès and the Union des chefs et des populations du Nord-Togo. However, as soon as a United Nations visiting mission was announced, the agents of the opposition travelled through the villages and disrupted the country by spreading falsehoods.

47. Incidentally, France, whose task it was to administer Togoland, must also have certain safeguards, and the Trusteeship System provided nothing specific. The Togolandese therefore demanded the end of trusteeship, which they regarded as a kind of servitude. They wished to become a part of the United Nations and have a voice in its deliberations.

48. Mr. EL KOHEN (Morocco) did not question the good faith of the petitioners or of the French Government. He was sure that the people of France were devoted to democracy, but he felt that the successive Governments of France refused to move with the times and retained their colonialist attitude. Moreover, they changed very frequently which was not indicative of a dependable policy. Comparing the case of Togoland with that of Morocco, he had the impression that a few years earlier he might have made a statement quite similar to that made by certain of the Togoland petitioners.

49. The General Assembly would be shouldering a very heavy responsibility in allowing Togoland to renounce an international system which offered every safeguard, in favour of an ill-defined new system.

50. Mr. DORSINVILLE (Haiti) asked the French representative whether the services of safety and general security referred to in article 27 of the Statute were those which had been the subject of an agreement between the French Republic and the Autonomous Republic of Togoland.

51. Mr. DEFFERRE (France) said that they were.

52. Replying to the representative of Morocco, he said that it was impossible to compare the situation of Black Africa with that of North Africa. Moreover, at the time to which Mr. El Kohen referred, there had been no elections in Morocco, whereas Togoland had a freely elected assembly. The Statute of Togoland had been drawn up in perfect agreement, and in an entirely peaceful atmosphere, by the Assembly of the Territory and the French Government.

The meeting rose at 5.20 p.m.



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French plan was not accepted, Togoland would sever all connexion with the United Nations; the All-Ewe Conference, in contrast, would do all in its power to ensure that any change in relations between the Trust Territory and the United Nations was effected peacefully and in accordance with the Charter.

3. In view of the distorted versions of political developments in Togoland under French administration which the representatives of France had given to the Trusteeship Council and the Fourth Committee, it was essential that the Committee should understand the historical background to the present situation. Togoland under French administration, which in customs, languages and natural resources was closely akin to the Gold Coast, and had a population about one-third as large, wanted neither absolute independence, which might be impossible in the modern world, nor continued external domination as represented by the new Statute, but a middle way, a form of independence which would secure the continuing gratitude of the Togoland for the benefits France had given them and France's continued access to the benefits it derived from Togoland. Such a course should be a practical possibility; yet throughout Togoland's history as a Mandated and Trust Territory the prevalent French attitude had been that to give such a Territory self-government was to give away everything. Ever since the days of the League of Nations France had assumed that the only desire of the Togoland was to be part of France. Under the French Union régime Togoland was officially an "Associated Territory" outside the French Republic. Yet it was still represented in the French Parliament, and the responsibilities and obligations inherent in such representation could not be explained away by a reference to "administrative convenience". Even under the new Statute, the French Parliament still had the sole right to enact fundamental laws for the Territory.

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