



**C O N T E N T S :**

	<i>Page</i>		<i>Page</i>
Examination of the annual report on the administration of the Trust Territory of Togoland under French administration for the year 1948 (T/367) .....	113	Examination of the annual report on the administration of the Trust Territory of New Guinea for the year ending 30 June 1949 (T/471, T/471/Add.1, T/471/Add.2) ( <i>continued</i> )....	
		Report of the Drafting Committee (T/L.90)...	120

**President: Mr. HENRÍQUEZ UREÑA (Dominican Republic).**

*Present:* The representatives of the following countries: Argentina, Australia, Belgium, China, Dominican Republic, France, Iraq, New Zealand, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

**Examination of the annual report on the administration of the Trust Territory of Togoland under French administration for the year 1948 (T/367)**

*At the invitation of the President, Mr. Cédile, special representative of the Administering Authority for the Trust Territory of Togoland under French administration, took his place at the Council table.*

1. Mr. CEDILE (Special representative for Togoland under French administration) observed that the annual reports, the statements of the special representatives and the data collected by the Visiting Mission to Trust Territories in West Africa provided the Trusteeship Council with a great deal of information with regard to Togoland under French administration.

2. He had been glad to receive the Visiting Mission, which had been given every facility for carrying out complete inquiries, although those inquiries had unfortunately been limited by the brief period during which the Mission had stayed in the Territory. He paid a tribute to the conscientiousness and efficiency with which the representative of Iraq had presided over the Mission.

3. It had unfortunately proved impossible for the Council to study the report for the year 1948<sup>1</sup> at an earlier date and that report might now appear somewhat obsolete in view of the information brought back by the Visiting Mission. During the year which had passed since the report had been drafted, many events had taken place. He would like to indicate briefly the most interesting points and to bring up to date the statements he had made before the Council at its fourth session.<sup>2</sup>

<sup>1</sup> See "Rapport annuel du Gouvernement français à l'Assemblée générale des Nations Unies sur l'administration du Togo placé sous la tutelle de la France, année 1948."

<sup>2</sup> See *Official Records of the Trusteeship Council*, fourth session, 5th, 20th and 21st meetings.

4. He had nothing to add to what he had previously told the Council with regard to the political life of Togoland. The various institutions had functioned smoothly and there was close and confident administrative co-operation between the Government and the Representative Assembly. During its ordinary and extraordinary sessions the Representative Assembly had studied all the important questions which had arisen, had given its advice on each of them and had amended the draft budget and taxation proposals put forward by the Government.

5. The burning question dominating the whole political life of Togoland, however, was still the unification of the Ewe countries. He did not intend to expatiate on that subject since the Council would be considering it in the very near future and had ample information at its disposal.

6. The Anglo-French Standing Consultative Committee for Togoland had met several times and the question of a conventional zone had been studied at length and on the spot by an Anglo-French Working Party. The numerous difficulties which were continually arising still made it impossible to find a solution to the problem, although the plan contained in the joint observations which had been submitted to the Council by France and the United Kingdom (T/702) represented a certain degree of progress.

7. The economic situation remained favourable and improvements in food supplies had made it possible to abolish all restrictions and rationing. The country was being developed in accordance with the plan for economic and social development. Over a ten-year period the expense of that plan would amount to approximately 6 thousand million francs; 450 million francs had been appropriated in the financial year (1 July-30 June) 1948-1949 and 750 million francs in the financial year 1949-1950. So far the greatest efforts had been made in the social field. In future, however, emphasis would be laid on economic equipment and, in particular, on the expansion of agricultural production, which constituted the main source of wealth in Togoland, as there were no mines, forests or sources of power and the possibility of establishing industries was consequently limited; the Government was not, however, neglecting that aspect of development.

8. The expansion and improvement of communications, an increase in the number of technical personnel, the construction of laboratories, the improvement of research stations and the establishment of model farms were indispensable to all future plans and had constituted the main objective so far.

9. The educational services had been reorganized and strengthened to enable them to play their full part. The number of pupils registered in primary schools had increased from 25,000 to 37,000 in one year and, in 1949, 749 boys and girls had obtained school leaving certificates from primary schools. Progress in the education of girls was slower than in that of boys and, except in the towns, still left much to be desired. A domestic school had recently been established at Lomé, which helped to attract girls to school. The Administration was using its utmost endeavours to make headway among all classes of the population, even in the most remote regions. The first attempts at mass education had been carried out with the valuable assistance of the Government of the Gold Coast; the results had been encouraging and had led the Administration to hope that more might be achieved in that way. Since the Easter holidays, some of the teaching in primary schools had been in the vernacular.

10. Owing to the industrial poverty of the country, vocational training was mainly directed towards agriculture, and two farming schools had been opened at which a number of pupils had enrolled.

11. Secondary education was essential in building up an educated class among the indigenous inhabitants, who were playing an increasingly important part in the administration of the country. During the current year the examination for the *baccalauréat* was being held at Lomé for the first time. There were a number of European professors in Togoland and the teaching at Lomé was similar to that in the French *lycées*. The best pupils completed their higher education in France, at the expense of the State, and approximately eighty scholarship holders, some of whom were girls, were currently attending French universities.

12. The organization of the health services had not been changed, although their field of action had expanded. The Visiting Mission had seen the large hospital which was being built at Lomé and the numerous dispensaries throughout the country. In 1948, 13,000 people had been admitted to hospitals and 700,000 people, including 100,000 children of under a year old, had been given medical care. The high proportion of children indicated the attention which the Administration was giving to child welfare.

13. In conclusion, he stated that his Government was not yet satisfied with the results achieved and would continue its endeavours. Results could not be expected immediately but continuous progress was being made. The French Government would not be influenced by any political considerations but would continue to fulfil its obligations in the best interests of the people of Togoland.

14. The PRESIDENT thanked the special representative for his statement and invited the members of the Council to ask any questions they wished.

15. Mr. INGLES (Philippines) asked the special representative whether the Bill referred to in the reply to written question 4 (T/L.69) had been enacted since that reply had been drafted. The Bill in question would supersede the Decree of 25 October 1946, which prohibited the discussion of political problems by the Representative Assembly, and would omit that restriction.

16. Mr. CEDILE (Special representative for Togoland under French administration) replied that the new decree had not yet been promulgated.

17. Mr. INGLES (Philippines) asked whether the draft order setting up district councils (*conseils de circonscription*), referred to in the reply to question 6 (T/L.69), had been placed before the Representative Assembly and what action the Assembly had taken on the matter.

18. Mr. CEDILE (Special representative for Togoland under French administration) replied that the Government's draft had been submitted to the Representative Assembly at its session in March 1950, and that the Assembly had accepted it subject to minor alterations of detail.

19. In reply to a further question from Mr. INGLES (Philippines), Mr. CEDILE (Special representative for Togoland under French administration) stated that he had not before him the text of the draft. He could transmit it to the Council or to the representative of the Philippines, if the latter desired. The main outlines of the draft were as follows: the district councils would be elected, difficulties having previously arisen from the fact that they were appointed; they would have administrative and advisory powers, and the *Commandant de cercle* would not be able to take certain educational and economic decisions, regarding prices and wages for example, without consulting them; their principal function would be to prepare the district budget; the *Commandant de cercle* would not be able to transmit his draft budget to the Government and the Representative Assembly without the councils' approval.

20. Mr. INGLES (Philippines) pointed out that in the reply to written question 8 (T/L.69) the special representative conceded that the election of chiefs would certainly be a democratic measure, but stated that that would conflict with the oft-repeated wishes of the chiefs themselves, who desired to hold their prerogatives by virtue of custom only.

21. He asked the special representative to clarify the views of the Administering Authority in that regard. His delegation held that, apart from the wishes of the chiefs, consideration should be given to the wishes of the people themselves. He asked the special representative what the people of the Territory wanted in that respect; whether they were on the side of the chiefs or whether they wished for elections.

22. Mr. CEDILE (Special representative for Togoland under French administration) replied that the question raised one of the most frequent causes of conflict in Trust Territories, namely, the clash between the former pre-eminence of the chief and more democratic and liberal methods of administration.

23. The French Administration never appointed chiefs arbitrarily. When a chief died and, as was most frequently the case, there was an heir or successor recognized by customary law, no difficulty arose; the whole population accepted and even proposed its chief and the procedure was almost automatic.

24. If, on the other hand, there were several candidates, the inhabitants of the village concerned were always consulted and in most cases votes were counted and a kind of election was therefore held. There was no election on Western lines because the necessary administrative machinery did not exist, but the population was always consulted whenever there was any difficulty in selecting a chief.

25. Mr. INGLES (Philippines) recalled that one of the objectives of the Trusteeship System was the development of self-government in accordance with the political aspirations and freely-expressed wishes of the people. He asked the special representative whether the Administering Authority should not accede to the wishes of the people themselves rather than to those of the chiefs, if the inhabitants desired to elect local officials or chiefs against the opposition of the latter.

26. Mr. CEDILE (Special representative for Togoland under French administration) replied that, according to French administrative practice, all officials were appointed by the Government, or by the appropriate superior authority, to posts which fitted their qualifications and rank. Teachers or medical personnel, for example, were placed in the posts where they could be of most use. It was inevitable, however, that a teacher or a doctor should sometimes disagree with the wishes of the population in his area, and in such cases the superior authorities initiated an inquiry. So far as possible, and in the interests of good administration, every effort was made to replace a teacher or doctor who did not appear to meet with the approval of the local inhabitants.

27. With regard to chiefs, Mr. Cédile repeated that, when there was only one claimant, he was appointed, but that if several candidates appeared, the population was consulted and the candidate receiving the greatest number of votes was appointed.

28. Mr. LAURENTIE (France) said that, if the representative of the Philippines had meant to ask whether the Administering Authority would accede to the wishes of the population and allow a chief to be elected on the basis of universal suffrage or similar modern methods, that question could be answered in the affirmative. That would represent a natural progress, for as the people developed, their governmental procedure would draw closer to the democratic system of election.

29. As far as facts were concerned, it could already be contended that wishes of the population governed the selection of a new chief. In the near future the feelings of the population would certainly be expressed, not merely in the present somewhat empirical way, but according to the rules of democratic choice and universal suffrage.

30. Mr. INGLES (Philippines) recalled that one objection invoked against granting legislative power to

the Representative Assembly in Togoland was that that Assembly was modelled upon similar institutions in other territories of the French Union and that the French Constitution would have to be amended to allow those territories to enjoy legislative power. He asked whether such an amendment would be necessary to give the Representative Assembly of Togoland real legislative power.

31. Mr. LAURENTIE (France) replied that the question had been considered at length at the sixth session of the Trusteeship Council.<sup>3</sup> At that time he had pointed out, with regard to French legislation, that a clear-cut line must be drawn between regulatory power (*le pouvoir réglementaire*) and legislative power (*le pouvoir législatif*). Laws set forth general principles, whereas administrative decrees were measures of implementation which might go into great detail but which might also have more general application. It was impossible to contemplate a situation in which a regional council or representative assembly could be endowed with legislative power within the strict meaning of French law. It was quite possible, however, to envisage a local assembly having broad regulatory powers, in other words, power to decide everything dealing with the local life of the territory. In certain matters, the Togoland Assembly already enjoyed some degree of regulatory power, since certain decrees could not be adopted unless it was consulted. The situation might be taken a step further and the Assembly might be given the power to enact those decrees itself; that action would not require any amendment of the French Constitution. Progress along those lines should satisfy the most liberal concepts, since the local assembly would then legislate on all matters concerning the life and internal activities of the Territory.

32. Mr. RYCKMANS (Belgium) asked the special representative, in connexion with the reply to question 10 (T/L.69), whether he could inform the Council how many registered voters had exercised the right to vote at the last election.

33. Mr. CEDILE (Special representative for Togoland under French administration) was unable to give that information. He knew that the number of voters exercising their right to vote was increasing and that at a recent election in the District of Anécho, over 5,000 electors or 60 to 70 per cent of the total electorate, had voted. Furthermore, the figures would be substantially increased after 1 January 1951 since the number of persons eligible to vote had been considerably increased by giving the franchise to all head of families.

34. Mr. LIU (China) read part of the reply to question 12 (T/L.69), as follows: "Togoland holders holding a legal qualification may, if they wish, become magistrates. Up to the present they have preferred to practise at the Bar."

35. He asked the special representative if there was any special reason, such as a difference in the remuneration of magistrates and lawyers, for the reluctance of indigenous lawyers to serve as magistrates. He wondered how the remuneration of indigenous magis-

<sup>3</sup> See *Official Records of the Trusteeship Council*, sixth session, 54th meeting.

trates compared with the salaries received by European judges.

36. Mr. CEDILE (Special representative for Togoland under French administration) thought that the main reason why local law school graduates did not become magistrates was that they preferred the greater freedom of action which they enjoyed as members of the Bar. As magistrates, they constituted part of a career system and might be appointed to serve in places which they would not select if they were free to choose.

37. Indigenous magistrates received exactly the same remuneration as European magistrates when they performed the same functions. The *Procureur de la République*, for instance, received the appropriate remuneration, regardless of his race. In the customary courts referred to in the reply to question 12, the customary magistrates were paid according to the number of sessions of the court.

38. Mr. INGLES (Philippines) thought that the last paragraph of the reply to question 14 (T/L.69) required further elaboration, since the small number of accused persons appealing against summary convictions might be explained otherwise than as solid proof of the acceptance of French law.

39. He would therefore like to ask the special representative whether the persons convicted were in fact aware of their right to appeal.

40. Mr. CEDILE (Special representative for Togoland under French administration) replied that persons who had appeared before the courts and had been convicted were certainly aware of their right to appeal. In the first place, they had defending counsels who knew their rights; and secondly, the Togolandese, like all the inhabitants of that coastal area, were well known to be among the most legally-minded people in the world. It could be assumed that anyone who did not appeal was satisfied that justice had been done, for, if there had been the slightest doubt in his mind, or technical possibility for appealing, he would have done so.

41. Mr. INGLES (Philippines) asked the special representative whether the court expenses and the other expenses of litigation, such as lawyers' fees and travel expenses, might not be a deterrent to appeals, even if the person convicted doubted the justice of his conviction.

42. Mr. CEDILE (Special representative for Togoland under French administration) did not think that was the case. Court expenses were generally very low and out of all proportion to the sums involved. Furthermore, the costs were computed after the trial and were borne by the party who lost the case. Thus everyone was well aware of what risks he ran and what he stood to gain when he appealed. Mr. Cédile therefore felt sure that persons who did not appeal considered that justice had been done and that no purpose would be served by appealing.

43. With regard to lawyers' fees, he pointed out that in French law provision was made for free legal assistance, that was to say, lawyers were appointed *ex officio* to act for persons who would not otherwise be able to meet the heavy fees. Travel expenses should not be taken into account, because appeals were usually judged by a court of appeal on the spot, and the lawyer who

had been counsel in the first instance merely transmitted the brief to the lawyer attached to the court of appeal. Of course, in Togoland, as elsewhere, those who wished to appeal merely for the sake of doing so must expect to bear certain financial burdens.

44. Mr. RYCKMANS (Belgium) was not quite clear whether the special representative's statement, in reply to question 18 (T/L.69), that the Administration could not change its policy with regard to forest classification, meant that the Administration could not alter its policy of classifying forests, or that it could not alter its policy of bowing to the opinion of the Legislative Assembly. He wondered, for example, if the Representative Assembly opposed a classification which was considered necessary in the interests of the Territory, whether the Administration would be in a position to override its decision or whether it would abide by that decision in the hope that the Representative Assembly would ultimately come to a better understanding of its responsibility and of the interests of the country.

45. Mr. CEDILE (Special representative for Togoland under French administration) replied that the Administration could not override a decision of the Assembly; that could be done only if the question were taken up at the ministerial level, which would necessarily involve difficulties and delays.

46. Progress had, however, been made since the question had been discussed the previous year,<sup>4</sup> and the Assembly, as well as the Administration, had been co-operative, with the consequence that some results had been achieved. The Administration tried in each case to persuade the local chiefs and delegates, and if there was no local opposition the Assembly accepted the Administration's plans.

47. Mr. SAYRE (United States of America) drew attention to the third paragraph on page 71 of the annual report, which stated that the system of allocating imports by the criteria of past performance had been modified in French West Africa in August 1948, and asked the special representative to explain why Togoland had been excluded from the experiment.

48. Mr. CEDILE (Special representative for Togoland under French administration) replied that regulations which applied to West Africa did not automatically apply to Togoland, although Togoland followed the same economic policy as West Africa, and in fact had the same regulations. West Africa had modified its import system in the light of an increase in trade; many traders had arrived after the war and it had been felt desirable to give them every opportunity to succeed. In Togoland, on the other hand, no new firms had been established since the war and there were only eight firms in all; those worked in close contact with the Administration, were represented in the Chamber of Commerce and allocated the imports received among themselves. When the system in West Africa had been changed in 1948, there had been no great price fluctuations, and Togoland had not changed its system. In 1949 it had adopted a system identical to that of West Africa. All restrictions on imports, however, had now been removed.

<sup>4</sup> See *Official Records of the Trusteeship Council*, fourth session, 21st meeting.

49. Mr. SAYRE (United States of America) referred to pages 79 and 80 of the report, where it was stated that about 25 per cent of the total trade of Togoland under French administration was transit trade. He noted that no transit taxes were charged by the Territory, and asked the special representative to explain why such taxes were not instituted, whether or not the Territory derived any benefit from the transit trade, and whether some form of tax might not constitute a justifiable and valuable source of revenue.

50. Mr. CEDILE (Special representative for Togoland under French administration) replied that the main transit trade was that in cocoa from Togoland under British administration. No transit tax could be imposed on that cocoa, since there was a bilateral agreement between the United Kingdom and France by which France provided the railroad and harbour installations and agreed to transport British cocoa without imposing any transit tax or customs duties on it. He felt that Togoland under French administration received sufficient repayment in the form of transport, wharfage and other costs. Twenty-six thousand tons of cocoa had passed through Togoland in the preceding year and had been one of the main sources of revenue for the railroad. There was little transit trade apart from the cocoa, and if it were to be taxed, customs services would have to be established and the cost would be out of all proportion to the revenue that might be expected.

51. Mr. SAYRE (United States of America) asked, in connexion with the fifth paragraph of page 133 of the report, whether any of the plans to form agricultural co-operatives in 1949 had materialized, and whether the Administering Authority had any plans to encourage or assist in the formation of such co-operatives.

52. He was familiar with the answer to question 27 (T/L.69), which stated that "a timid attempt at forming a copra producers' co-operative has, it appears, now been abandoned". He asked the special representative why it had been abandoned and what prospects there were for assisting the agricultural interests of the country by means of agricultural co-operatives.

53. Mr. CEDILE (Special representative for Togoland under French administration) stated that the Administration had wished to establish co-operatives, but had met with great difficulties; the several attempts that had been made had been unsuccessful, mainly owing to mismanagement. Another difficulty arose from the fact that the agricultural system in Togoland—that of small-scale production on a family basis—was not conducive to the creation of co-operatives, since there were no large plantations where the necessary standardization and supervision could be carried out. An even greater difficulty was the attitude of the indigenous farmer, who did not yet understand the concept of a co-operative. The Administration had tried to establish cocoa co-operatives, because cocoa was the most important produce of Togoland, and had found that all the farmers and planters it approached refused to be content with part payment for their crop and wished to be paid on a daily basis at the maximum market rate of

the cocoa. A co-operative obviously could not take the risk of buying a product at a high price which it might have to sell at a lower price several months later. Nevertheless, Administration was making a thorough investigation and had sent an official to the Gold Coast to study the organization of co-operatives. He hoped that one or two co-operatives would be established in the near future to serve as models.

54. Mr. INGLES (Philippines) noted that in reply to question 23 (T/L.69) it was stated that no provision had been made for expanding the railways of the Territory. He wished to know whether that meant that the Administering Authority planned to concentrate on the expansion and improvement of the road system.

55. Mr. CEDILE (Special representative for Togoland under French administration) explained that the question had recently been discussed at length in Togoland.

56. He pointed out that the Territory was small; there was only one railway, which extended over approximately 440 kilometres, in three sections. It was somewhat old and during the war it had not been possible to renew the rolling stock or maintain the permanent way. There was also a considerable road network, but it consisted chiefly of unsurfaced roads which required considerable maintenance in the rainy season.

57. The Administration had felt that, in view of the small amount of exports, it would be very difficult for the Territory to construct a modern road network, the need for which was generally felt, as well as to improve and renew the railway. It had therefore proposed that the railway should be gradually abandoned over a period of ten years, and that a modern road network should be built with the money thus saved.

58. After lengthy study, the Representative Assembly had rejected the Government plan; it had asked that the railway should be retained, and that a new road network should be built as well.

59. The railway had been maintained, and the Administration would continue to maintain it and would improve the road system at the same time. It was obvious, however, that though the Territory would have both road and rail communications, neither of them would be perfect, as that would cost far more than was warranted by the economic importance of the country.

60. Mr. INGLES (Philippines) drew attention to chapter II, section (c) of the report of the Visiting Mission to Trust Territories in West Africa (T/464), which referred to a memorandum from certain members of the Representative Assembly stating that under the existing system of exchange control the export of coffee, peanuts and cotton was permitted to France only. In reply to a question from the Visiting Mission, the Administration had stated that such controls could not be regarded as discriminatory since they applied to everyone regardless of nationality. The Philippine delegation considered that there did appear to be discrimination in favour of the French market and asked the special representative to explain the reasons, if any, for that discrimination.

61. Mr. CEDILE (Special representative for Togoland under French administration) explained that the system referred to had now disappeared. It had existed during the last years of the war and immediately after the cessation of hostilities, when one of the main problems had been to ensure necessary food supplies to France and other countries. It should be noted, however, that the French Government had paid the coffee producers a premium to encourage the development of coffee production and that, in return, they had been asked to export their product to France. Obviously, if they had wished to send their whole crop elsewhere, the French Government would have been entitled to abolish the premium.
62. In reply to a question by Mr. RYCKMANS (Belgium), Mr. CEDILE (Special representative for Togoland under French administration) stated that the meningitis epidemic which had been noted in 1948 and 1949 had broken out again in 1950, but that it had been much less severe and the percentage of deaths had been far smaller than in the previous year.
63. Mr. DE ANTUENO (Argentina) noted that page 20 of the annual report mentioned two international labour conventions which applied to Togoland; he wondered whether they were given as examples or whether they were the only labour conventions which applied to the Territory.
64. Mr. CEDILE (Special representative for Togoland under French administration) replied that all the international labour conventions on dangerous or unhealthy work applied to Togoland, but that the question did not really arise as there was no industry, apart from agriculture, in Togoland. If a dangerous industry were to be set up in Togoland, the appropriate international conventions would automatically be applied.
65. Mr. DE ANTUENO (Argentina) asked the special representative whether it was necessary to have a thorough and fluent knowledge of the French language or, indeed, any knowledge of French at all to hold a high position in the trade unions.
66. Mr. CEDILE (Special representative for Togoland under French administration) replied that it was not necessary. Persons who did not speak French could be appointed to even the highest posts and all their business with the Administration could be transacted through an interpreter.
67. Mr. SAYRE (United States of America) drew attention to the reply to question 25 (T/L.69), which stated that the implementation of a draft labour code for French overseas territories had been delayed in order that it might first be considered by the National Assembly of the French Union. The Assembly and the Economic Council had discussed the draft and, in the light of those discussions, the Government had compiled a consolidated draft which had been placed before the National Assembly on 12 April 1949. At the time question 25 had been answered, the draft had been under examination by the appropriate committees of the National Assembly. The United States delegation wished to know whether any further action had been taken by the Assembly since that time and what prospects there were for the application of a labour code in Togoland.
68. Mr. LAURENTIE (France) replied that the heavy legislative programme facing the national Assembly had delayed public debate on the draft labour code for Africa. That draft was still before the competent committees, and he was not in a position to inform the Council when it would be discussed by the Assembly, though he thought that it would not be before the autumn.
69. Mr. SAYRE (United States of America) drew attention to the statement on page 212 of the annual report, that in some cases prisoners were hired out to private concerns but that such action required the approval of the head of the Territory. The system of paying prisoners and holding their earnings for them had been under study, but had not been in effect in 1948. He asked the special representative whether the system of hiring prisoners to private concerns still existed, whether any steps were being taken to correct that situation and whether the proposal to pay prison labour and retain the pay for the prisoners themselves had been put into effect.
70. Mr. CEDILE (Special representative for Togoland under French administration) replied that prison labour could be hired out, but only to public authorities for such purposes as street cleaning. As there were no private companies in Togoland, there had not been any cases of hiring prisoners out to private concerns. In the past, various public authorities had used prison labour without payment, but a certain sum was now paid to the prison administration and credited to the prisoner.
71. Mr. INGLES (Philippines) noted that the reply to question 30 (T/L.69) stated that, in 1948 forty-two midwives had been employed in the maternity hospitals in the Territory. He wondered whether that figure included all the midwives in the Territory.
72. Mr. CEDILE (Special representative for Togoland under French administration) replied that the figure referred to matrons only, not to midwives. He would send the representative of the Philippines the exact number of matrons and midwives employed in Togoland.
73. Mr. SAYRE (United States of America) had been interested to note on page 222 of the annual report that great emphasis was placed on the measures to transform the college at Lomé into a full-fledged *lycée* with courses, including Latin, culminating in the *baccalauréat*. Of the 507 students in Government secondary schools in the Territory, 382 attended the college at Lomé. He asked the special representative what criteria had led to the emphasis on conventional academic education and wondered whether consideration might not be given to shifting the emphasis towards types of secondary education more directly adapted to the needs of the Territory.
74. Mr. CEDILE (Special representative for Togoland under French administration) replied that the word "secondary" must be interpreted to cover all courses leading to the *baccalauréat*. There were, of

course, two branches in secondary education, modern and classical. Though the aim was to produce technicians rather than literary scholars, the Administration had felt that a classical secondary education must be provided in order to prepare students who wished to study medicine or arts in France, with a view to returning to the Territory as teachers or doctors. Most students, however, intended to enter advanced engineering schools and therefore chose the modern studies. The exact number of students in each of the two branches of secondary education was not mentioned in the report.

75. Mr. DE MARCHENA (Dominican Republic) asked the special representative whether there was any definite plan for technical engineering courses in the Territory. He had in mind schools attached to the primary or secondary schools for the training of skilled workers and foremen, and not higher engineering establishments.

76. Mr. CEDILE (Special representative for Togoland under French administration) replied that there was a technical college at Sokodé where students were trained in wood and iron work and stone-cutting. Most of the students stayed in the country and never rose higher than foremen. The best, however, completed the third grade and then went on to Lomé, where they continued to work for a *baccalauréat-ès-science* which would permit them to go to the engineering schools in France.

77. The Administration was more concerned with training agronomists than skilled workers, as the Territory was an agricultural country and there were already enough skilled workers and specialists. Special technical agricultural training was given in four farming schools. There was no diploma; the course lasted two years and the pupils learned to raise crops and cattle with more modern methods and greater efficiency. The Administration was also studying the small-scale mechanization of agriculture.

78. Mr. INGLES (Philippines) noted from the replies to questions 34 and 38 (T/L.69) that a large number of pupils had to repeat at least one year's study a second time. He asked the special representative whether that was due to the system of teaching or to other reasons.

79. Mr. CEDILE (Special representative for Togoland under French administration) did not believe that the situation was due to administrative necessities. It must be borne in mind that pupils were not very constant in their attendance, particularly at first; parents were not accustomed to continuity of education and students often failed to attend school at harvest or seeding time; children of officials or traders were often moved from one place to another during their six-year course.

80. Mr. INGLES (Philippines) quoted the following reply to question 40 (T/L.69): "In 1948 the number of pupils taking the school-leaving certificate examination was 1,340, and in 1949 it was 1,861. The figure of 624 pupils passing the examinations affords ample proof of its severity and value."

81. He felt that that reply, together with the fact that many of the pupils repeated at least one year's

study during the primary course, indicated that the teaching required further improvement. He wondered whether the examination was not too severe in relation to the actual instruction received by the pupils.

82. Mr. CEDILE (Special representative for Togoland under French administration) pointed out that in Togoland the inhabitants were very intelligent and interested in education. The Administration must seek to avoid creating a situation in which there would be too many graduates who felt that they had achieved a high degree of education and should not therefore do manual work and whose services would thus be lost to the country. Those graduates would create a very unfortunate social atmosphere and a high incidence of intellectual unemployment while industrial and agricultural work would be deprived of their intelligence and training. The Administration had therefore insisted, in order to avert that danger, that all examinations should be fairly severe.

83. The Administration's efforts in the field of primary education were not wasted, since even those pupils who did not receive school-leaving certificates completed their primary studies and remained in the country contributing their knowledge to its general welfare.

84. Mr. INGLES (Philippines) asked whether the percentage of pupils completing the full primary course referred to in the reply to question 41 indicated pupils who had passed the examination for the school-leaving certificate.

85. Mr. CEDILE (Special representative for Togoland under French administration) said that was correct.

86. Mr. INGLES (Philippines) wondered whether the Administration's policy of making the school-leaving certificate examination so severe did not discourage enrolment in primary schools.

87. Mr. CEDILE (Special representative for Togoland under French administration) felt that the constantly increasing number of students attending school, and the constant requests from Native chiefs to set up schools and appoint teachers, were conclusive evidence that no lack of interest on the part of the inhabitants of Togoland need be feared.

88. Mr. INGLES (Philippines) asked for an explanation, in view of the demand for education, of the fact, apparent from the reply to question 35, that only 25 per cent of the school-age population was actually registered in schools.

89. Mr. CEDILE (Special representative for Togoland under French administration) replied that that was because it had not yet been possible to establish all the schools which the Administration intended to establish in the Territory or to supply them with teachers. As the members of the Visiting Mission had noted, the number of schools was steadily increasing, but the work of building and the training of teachers necessarily imposed certain delays. The ultimate objective was to make primary education compulsory, though that had not proved possible as yet.

*The meeting was suspended at 4 p.m. and was resumed at 4.25 p.m.*

90. The PRESIDENT asked whether the members of the Council had any general observations to make on the annual report on Togoland under French administration.

91. Mr. RYCKMANS (Belgium) said that the work of the Council and of the committee that would draft the report on Togoland under French administration would be greatly facilitated by the thorough and carefully-drafted report of the Visiting Mission (T/464); that report had been unanimously adopted by the members of the Mission, who were representatives of both the Administering and the non-Administering Powers.

92. There were a number of important political issues in connexion with French Togoland—the Ewe question in particular—which need not be considered for the time being as they would be taken up separately.

93. With regard to the general situation in the Territory, the annual report had given the Council a favourable impression of the progress made in different fields. Budgetary appropriations for public health had been increased from 44 million to 66 million and then to 105 million francs; additional amounts for public health purposes had been set aside within the fund for social and economic development, and mobile health units had been organized to protect the health of the indigenous population of the Territory. The figures for 1949 further showed that appropriations for education had been increased by more than 50 per cent, and that the number of persons attending school had risen by 25 per cent as compared with the preceding year. The total number of students had gone up from 18,000 to over 38,000 during the preceding two years.

94. Those facts, he thought, augured well for the future of the Territory.

**Examination of the annual report on the administration of the Trust Territory of New Guinea for the year ending 30 June 1949 (T/471, T/471/Add.1, T/472/Add.2) (continued)**

**REPORT OF THE DRAFTING COMMITTEE (T/L.90)**

95. The PRESIDENT invited the Council to consider the report of the Drafting Committee on New Guinea. Part I of that report merely gave a summary of the annual report on the Territory, and unless there were any comments it would be considered adopted. The Council could then proceed with the consideration of part II, containing recommendations on questions pertaining to New Guinea. There would, of course, be a further opportunity for the consideration of special points in the report before it was adopted as a whole.

96. Mr. STIRLING (Australia) noted that he would indicate to the Secretariat some minor drafting changes which he would like to be made in the factual outline of conditions in the Territory as presented in part I of the report.

*There being no further comments, part I of the report was adopted.*

97. The PRESIDENT suggested that in accordance with the procedure previously followed by the Council,

part II should be considered page by page, beginning with the first four recommendations, on general advancement, status of the inhabitants, civil register, and administrative union, respectively.

98. Mr. RYCKMANS (Belgium) could not associate himself with the third recommendation, regarding the civil register. While not familiar with the situation in New Guinea, he knew that in other Territories which were far more advanced than New Guinea it had not been possible to compile a civil register. He would have no objection to recommending to the Administering Authority that it should establish contact with the indigenous populations, which were still in a savage condition, but to issue a request for the progressive introduction of a civil register in a Territory where the people were still illiterate was utterly unrealistic and would render the Council ridiculous in the eyes of anyone familiar with conditions there.

99. Mr. LAKING (New Zealand) fully endorsed the remarks made by the Belgian representative, which he would have applied to both the second and the third recommendations.

100. In view of the amount of work still remaining to be done in the Territory and the existing difficulties in that regard, referred to in the first recommendation, the Administering Authority should not be asked to use its limited personnel for schemes which had shown themselves to be neither necessary nor practicable in Territories far more advanced than New Guinea.

101. Consequently, while deferring to whatever views the Australian authorities themselves might have on that question, he would find it very difficult to vote for recommendations which seemed to put emphasis on matters of minor importance.

102. Mr. FLETCHER-COOKE (United Kingdom) thought that the adoption of large numbers of recommendations embodying every remark made by individual delegations during the general discussion would defeat the very purpose of those recommendations and reduce their effectiveness.

103. During the discussion many delegations had drawn the attention of the Administering Authority to a number of points to be borne in mind in connexion with the development of the Territory. However, to embody those remarks in formal recommendations included in the Council's report to the General Assembly, which would transmit them to the Administering Authority, was not the right way to deal with the matter.

104. Recalling his remarks on the same subject at the sixth session of the Council, he felt that the Secretariat should not ask delegations whether they wished to present any draft recommendations, as it had done in a number of cases; the initiative of drafting should be left to the delegations themselves.

105. In conclusion he stated that there were a number of recommendations with which he could not associate himself, in particular the third, to which he had the same objections as those put forward by the representatives of Belgium and New Zealand.



106. Mr. INGLES (Philippines) recalled that the draft recommendations under consideration had been unanimously adopted by the Drafting Committee, which was composed of representatives of two Administering and two non-Administering Powers. The draft recommendation on a civil register had been approved by the representatives of the Administering Authority concerned, who had attended the Drafting Committee's meetings; they had even suggested some changes to adapt it to the existing conditions in the Territory.

107. He therefore saw no reason why the recommendation should not be included among those to be approved by the Trusteeship Council.

108. Mr. RYCKMANS (Belgium) agreed with the United Kingdom representative's remarks, which were in conformity with a suggestion he himself had made earlier in the Council.

109. The Drafting Committee merely did preliminary work and endeavoured to find a generally acceptable formula, and its recommendations did not necessarily constitute a positive proposal. He therefore suggested that the Council should consider the various recommendations transmitted by the Drafting Committee and determine which of them it wished to retain. In past years the Council had adopted three or four recommendations with regard to each Territory; that number was adequate.

110. He would vote in favour of the first draft recommendation; abstain on the second one, which he did not think should be retained; and vote against the third.

111. Mr. STIRLING (Australia) concurred in the views of the representatives of Belgium, New Zealand and the United Kingdom concerning the second and third recommendations. In view of the difficulty of compiling a civil register in New Guinea, it would be best to omit the recommendation on that subject.

112. Mr. KHALIDY (Iraq) noted that the third recommendation did not call for the immediate compilation of a complete civil register, but merely asked that the Administering Authority should proceed to the progressive compilation of such a register. That would be useful not only to the Council but also to the Administering Authority in the development of New Guinea, and he therefore supported the recommendation.

113. Mr. RYCKMANS (Belgium), speaking from his own experience in carrying out census operations in Ruanda-Urundi, a Territory more advanced than New Guinea, said that a civil register must be accurate and complete in order to be of any use. It might be possible to set up a civil register if there were at least one man in each village who would be able to keep an account of all births, deaths and marriages in the vicinity. Since that was obviously not the case at present, nor would it be in the near future, the recommendation would serve no purpose.

114. Mr. LAURENTIE (France) shared the Belgian representative's views regarding the recommendation on the civil register. The Council should not give

world public opinion the impression that it was unrealistic by adopting a recommendation of that nature.

115. Concerning the procedural question raised by the United Kingdom representative, he agreed with the latter that delegations should take the initiative in drafting resolutions and recommendations. Furthermore, the Drafting Committee, of which he was a member, merely did preliminary work; it weighed the different proposals, and its decisions were not binding upon the Council.

116. The PRESIDENT said that unless there were any objections to the first recommendation in part II of document T/L.90, he would consider it adopted.

*There being no further comment, the recommendation on general advancement was adopted.*

117. The PRESIDENT invited the Council to state its views on the recommendation regarding the status of the inhabitants.

118. Mr. RYCKMANS (Belgium) said that while he had no objection of principle to the recommendation, he would vote against it because he did not think that it would serve any useful purpose. He suggested that it should be put to the vote, and added that the Drafting Committee should not view a negative vote by the Council as a rejection of its work.

119. Mr. KHALIDY (Iraq) said that his Government attached the utmost importance to the recommendation regarding the status of inhabitants, which it felt involved more than a technical question. Under the Trusteeship Agreement the Administering Authority had the moral obligation to recognize the right of the inhabitants to a national status. It would appear that the Council, far from hesitating to adopt a recommendation to that effect, would have considered it a moral obligation to do so. The provisions of the draft before the Council had been greatly modified; the Administering Authority would merely be asked to consider the adoption of measures for the granting of a national status.

120. Concerning the question of procedure, he recalled that it had hitherto been the practice in the Council to consider texts to which there were no specific objections as adopted without a vote. If a vote were now to be taken on each of the recommendations proposed, it would put the non-Administering Powers at a disadvantage, in view of the absence of one of them from the Council. He therefore hoped that the Council would follow its usual procedure and thus avoid that difficulty. If, however, a vote was taken, he would vote in favour of the second recommendation.

121. Mr. DE MARCHENA (Dominican Republic) stated that his delegation attached great importance to the principles embodied in the second and third recommendations, and would deeply regret it if the Council were to reject them for technical reasons, especially in view of the absence of any objections of principle. He would therefore vote in favour of the recommendations.

122. Mr. RYCKMANS (Belgium) said that he had no desire to introduce a change in the procedure hitherto followed by the Council. Nevertheless, it

seemed that the recommendation would have to be put to the vote, since some representatives objected to it. In order to restore the balance between the Administering and non-Administering Powers, he would abstain in the vote on the second recommendation although he did not favour its inclusion in the Council's report.

123. He would vote against the third recommendation because it would give the impression that the Trusteeship Council attached importance to secondary matters and that it asked the Administering Authority to perform impossibilities.

124. Mr. QUESADA (Argentina) said that he would vote in favour of the recommendations under consideration, for the reasons given by the representative of the Dominican Republic. His delegation would, however, have preferred it if the Drafting Committee had produced generally acceptable recommendations on which no vote would have been necessary.

125. Mr. LAKING (New Zealand), in view of the remarks made by the representatives of the Dominican Republic and Argentina regarding the second recommendation, wished to make his delegation's position quite clear.

126. His delegation was in favour of the principles embodied in the second and third recommendations, but it did not think that the Trusteeship Council should ask an Administering Authority, whose resources were limited, to concentrate its attention on matters of little or no importance especially as there were measures of paramount importance to which it might direct its attention.

127. Consequently his position was essentially the same as that of the Belgian representative. If a vote was taken, he would abstain, not because he was opposed to the recommendation in substance, but because he did not think that a recommendation of that nature should be made at the present time.

128. His delegation was opposed to the third recommendation for the reasons he had just stated. He would therefore abstain in a vote on that recommendation also.

129. After some procedural discussion, the PRESIDENT stated that, unless there was a request for a vote on the second recommendation, it would be considered as adopted, subject to the reservations made by certain delegations.

*The recommendation regarding the status of inhabitants was adopted.*

130. The PRESIDENT invited the Council to proceed to the consideration of the third recommendation, concerning the civil register.

131. Mr. RYCKMANS (Belgium) asked that a vote should be taken. He would not vote against the recommendation, but would like his abstention to be recorded, since he could not associate himself with a recommendation which bore no relation to the reality of the situation.

132. Mr. LIU (China) proposed an amendment to the third recommendation with a view to making it more generally acceptable to the members of the Coun-

cil. As the representative of Iraq had pointed out, its purpose was not to force the Administering Authority to take immediate action, but to invite it to consider measures for the ultimate compilation of a civil register. He therefore suggested that the words "progressive actions be taken" should be replaced by the phrase "preparations be made for the introduction of a civil register".

133. Mr. RYCKMANS (Belgium) considered that even with the Chinese amendment, the recommendation would still be premature.

134. Mr. STIRLING (Australia) said that any recommendation of the kind would seem utterly unrealistic.

135. The PRESIDENT called for a vote on the Chinese amendment.

*The Chinese amendment was adopted by 5 votes to none, with 5 abstentions.*

136. The PRESIDENT called for a vote on the third draft recommendation, as amended, which read as follows:

"The Council, noting the absence in the Territory of a civil register, and recognizing the difficulty arising from existing conditions, including the remoteness of large parts of the Territory, in the way of compiling at the present time a complete register, recommends to the Administering Authority that preparations be made for the introduction of a civil register."

*The recommendation as amended was adopted by 5 votes to none, with 6 abstentions.*

137. Mr. FLETCHER-COOKE (United Kingdom) wished to explain his vote on the recommendation just adopted, as well as on any subsequent recommendations which might be put to the vote and on which he would abstain.

138. While he had no objection of principle to the introduction of a civil register in New Guinea, he did not think it feasible in the near future, and therefore did not wish to associate himself with any suggestion that the Administering Authority should proceed to such an undertaking when it was clear from the report and from the special representative's remarks that the Administering Authority had not yet established contact with a large proportion of the population.

139. The PRESIDENT drew the Council's attention to the fourth recommendation in part II of the Drafting Committee's report, concerning the administrative union with the territory of Papua.

*There being no objection, the recommendation was adopted.*

140. The PRESIDENT turned to the recommendations in the Drafting Committee's report dealing with legislative councils, suffrage, village councils and participation in administration.

141. Mr. FLETCHER-COOKE (United Kingdom) thought that the recommendations dealt with questions which should be deferred until a later stage in the development of New Guinea. He would therefore abstain on the recommendation concerning suffrage, and on that dealing with indigenous jurisdiction.

142. With reference to the second paragraph of the recommendation concerning village councils, he suggested that the words "to increase substantially" should be changed to "to increase so far as may be possible" since he doubted whether it was within the scope or power of the Administering Authority to determine the rate of increase of the councils. The primary concern of the Council was that the Administering Authority should take some action along the lines indicated.

143. Mr. RYCKMANS (Belgium) said that he would abstain on the recommendation regarding suffrage because, while he had no objection of principle, the introduction of suffrage methods with a view to the future establishment of a modern electoral system would be premature.

144. He would also abstain on the third paragraph of the recommendation on village councils since it did not seem likely that any steps could be taken on the question at the present time. Unless any representative asked for its retention, he would suggest that it should be deleted.

145. Mr. LIU (China) felt that the paragraph should be retained.

146. Mr. LAKING (New Zealand) suggested that the word "modernizing" in the third paragraph of the recommendation on village councils should be changed to "modifying".

*There being no objection, the recommendation on legislative councils was adopted.*

*There being no objection, the recommendation on suffrage was adopted.*

*There being no objection, the recommendation on village councils was adopted with the amendments suggested by the United Kingdom and New Zealand.*

*There being no objection, the recommendation on participation in administration was adopted.*

147. The PRESIDENT invited the Council to consider the recommendations pertaining to indigenous jurisdiction, general economic questions and the development of the gold industry.

148. Mr. RYCKMANS (Belgium) thought that the word "injustices," in the recommendation on indigenous jurisdiction, should be replaced by some other

word since it was not so much a question of injustices as of the possible conflict between indigenous jurisdiction and that of the Administering Authority.

149. He had no objection to the recommendation dealing with general economic questions. With regard to the recommendation on the development of the gold industry, he suggested that the end of the text, beginning with the words "urges the Administering Authority to give serious consideration to . . .", should be replaced by the following: "urges the Administering Authority to review the question of taxation of revenues from gold production.

150. After a brief exchange of views concerning the Belgian amendment to the recommendation on indigenous jurisdiction, Mr. FLETCHER-COOKE (United Kingdom) proposed that the opening words should be changed to read: "The Council, considering that confusion may result from the fact that . . .".

*There being no objection, the recommendation on indigenous jurisdiction was adopted with the amendment proposed by the United Kingdom.*

151. Mr. SAYRE (United States of America) thought that the Belgian amendment to the recommendation on the development of the gold industry would considerably weaken the text. He therefore proposed instead that the words "or other" should be inserted before the last five words, "taxes on the gold industry".

152. Mr. RYCKMANS (Belgium) agreed with the United States representative. However, before the Council could take any positive action, the Australian Government would have to consider whether the current 5 per cent royalty on gold production could be increased without rendering the exploitation of the gold mines entirely unprofitable. In some Territories the export duty on gold not only could not be increased, but had actually had to be reduced.

153. Mr. SAYRE (United States of America) remarked that that point was already covered by the words "give serious consideration to increasing . . ."

154. The PRESIDENT expressed the hope that agreement might be reached at the following meeting.

*The meeting rose at 6.5 p.m.*