



TRUSTEESHIP COUNCIL

Seventeenth Session

Thursday, 1 March 1956,  
at 2.15 p.m.

OFFICIAL RECORDS

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**President: Mr. Mason SEARS**  
(United States of America).

*Present:*

The representatives of the following States: Australia, Belgium, Burma, China, France, Guatemala, Haiti, India, Italy, New Zealand, Syria, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The representatives of the following specialized agencies: International Labour Organisation; United Nations Educational, Scientific and Cultural Organization; World Health Organization.

**Attainment by the Trust Territories of the objective of self-government or independence (General Assembly resolution 946 (X)) (T/L.640, T/L.641, T/L.642) (*continued*)**

[Agenda item 9]

1. Mr. GERIG (United States of America) said that it was difficult to see what relevance the Soviet Union draft resolution on the holding of nuclear tests in Trust Territories (T/L.642) could have to the item on the attainment of self-government or independence. The United States believed that the draft resolution had been and still was out of order but it would waive the

point, reserving its position on the procedure. It was fully prepared to deal with the subject forthwith.

2. The members of the Council must continue to hope that those organs of the United Nations which were working to bring about an effective plan of armaments control would reach a basis of agreement so that the testing of nuclear weapons being carried out by the United Kingdom and the United States and which had been conducted within the past four months by the Soviet Union would become unnecessary. In the absence of effective international agreement, safeguarded by adequate inspection, to limit or control armaments, preparations must still be made to develop methods of defence against nuclear attack and for the maintenance of international peace and security. The Council was not the place to debate the broad issues involved in the question of nuclear tests. Other organs were dealing with the disarmament problem, of which that question was a part, and his Government would do everything within its power in those bodies to achieve an effective solution.

3. His Government, since 1946 when the general question had first come before the United Nations, had urged the adoption of an effective and dependably controlled programme of disarmament. When such a programme became a reality, in the view of the United States, nuclear testing would become unnecessary.

4. Certain aspects of the question had been discussed by the Council at its fourteenth session in connexion with the nuclear tests at the Pacific proving grounds. In resolution 1082 (XIV) the Council had recommended that if the Administering Authority considered it necessary in the interests of world peace and security to conduct further nuclear experiments in the Trust Territory of the Pacific Islands, it take such precautions as would ensure that no inhabitants of the Territory were again endangered. His Government had unreservedly supported that resolution. In connexion with the forthcoming tests, it would see that all feasible precautions were taken to avoid endangering any inhabitants of the Territory or anyone else, and it would notify air and sea traffic of the details of the warning area well in advance. Hence, as far as the Trust Territory under United States administration was concerned, the question was entirely covered by the Council's earlier resolution. He would therefore vote against the Soviet proposal.

5. Sir Alan BURNS (United Kingdom) agreed that the Soviet draft resolution was irrelevant to the item under discussion. He was surprised that the Soviet representative should have had so little regard for the orderly conduct of the Council's business as to raise the issue of nuclear tests in such a manner.

6. The USSR draft resolution would reverse a clear decision taken by the Council at its fourteenth session, with the support of his delegation. Nothing had occurred in the meantime to cause his delegation to

change its position, and it would therefore vote against the Soviet proposal.

7. Mr. THORP (New Zealand) endorsed the United Kingdom representative's remarks on the irrelevance of the Soviet draft resolution and deplored the USSR delegation's obvious disregard for the Council's rules of debate. His delegation had supported resolution 1082 (XIV), and its attitude on the substance of the issue had not changed. The USSR draft resolution ran counter to the Council's previous decision and no new facts or arguments had been adduced to justify the reopening of the issue. His delegation accepted the assurances given by the United States authorities about the precautions which would be taken. While reserving his delegation's position on the point of procedure, he was prepared to see the draft resolution put to the vote, and he would oppose it.

8. Mr. BARGUES (France) considered that, in principle, the Soviet Union draft resolution was out of order. Nevertheless, since the Administering Authority primarily concerned did not object to the substantive discussion of the matter, he would not press the point.

9. His delegation would be guided by the resolution adopted by the Council at its fourteenth session. The French Government had no reason to doubt the Administering Authority's peaceful intentions and considered that the proposed experiments were intended only to safeguard peace. He would therefore vote against the Soviet Union draft resolution.

10. Mr. TORNETTA (Italy) considered that the USSR draft resolution was outside the Council's competence, both for the reasons stated by previous speakers and because the General Assembly had recently established a scientific committee to consider the problem of the effects of atomic radiation. His delegation would vote against the USSR draft resolution.

11. Mr. CLAEYS BOUUAERT (Belgium) agreed with previous speakers on the irrelevance of the USSR draft resolution. His Government's position on the substance of the question had been clearly stated in the Standing Committee on Petitions during the Council's fourteenth session.<sup>1</sup> It had not changed. He would vote against the draft resolution.

12. Mr. S. S. LIU (China) said that his delegation would vote against the draft resolution for the reasons stated by previous speakers. He accepted as adequate the assurances given by the United States representative on behalf of his Government and believed that they met the requirements of resolution 1082 (XIV); with which the USSR draft resolution was in conflict.

13. Mr. GRUBYAKOV (Union of Soviet Socialist Republics) said that his delegation had noted the United States representative's hope that agreement could be reached on the cessation of nuclear tests and other matters affecting atomic weapons and his statement that in the appropriate organs the United States Government would do its utmost to promote such an agreement. The Soviet Union Government shared that hope and would continue to work for a positive and speedy solution to the problems of the testing, production and possible use of atomic weapons.

14. In introducing the draft resolution his delegation had not sought to complicate the Council's work. It had raised the question as one that directly affected the future of the Trust Territories. Nuclear tests had

grave consequences and might constitute an obstacle to the attainment of self-government or independence, apart from the fact that they were an immediate threat to the life and well-being of indigenous inhabitants. The Council had admittedly adopted a resolution on the subject at its fourteenth session but various new facts had supervened. There was, for instance, a new petition on the subject (T/PET.10/29). If the members of the Council wished to go into the substance of the question, his delegation had certain data and material which it could make available. While the Council was not competent to discuss the general question of prohibiting the use or testing of atomic weapons, it was responsible for the welfare of the Trust Territories and their inhabitants and it could not turn a blind eye to any events that might occur there.

15. Mr. MENON (India) said that his delegation was not at present prepared to vote on the USSR draft resolution. He therefore proposed that the item on the attainment by the Trust Territories of the objective of self-government or independence should be postponed until the following meeting.

*It was so decided.*

#### **Examination of conditions in the Trust Territory of Tanganyika (continued):**

- (i) **Annual report of the Administering Authority for 1954 (T/1205, T/1221, T/1223);**
- (ii) **Petitions circulated under rule 85, paragraph 2, of the rules of procedure of the Trusteeship Council (T/PET.2/L.4, T/PET.2/L.6)**

[Agenda items 3 (a) and 4]

*At the invitation of the President, Mr. Grattan-Bellew, special representative of the Administering Authority for the Trust Territory of Tanganyika, took a place at the Council table.*

#### **QUESTIONS CONCERNING THE TRUST TERRITORY AND REPLIES OF THE SPECIAL REPRESENTATIVE (continued)**

##### *Political advancement (continued)*

16. In reply to a question by Mr. ASHA (Syria), Mr. GRATTAN-BELLEW (Special Representative) said that the regulations for town council elections applied to all, regardless of race or sex. The only qualifications were three months' residence in the town, attainment of the age of twenty-five years and the ownership or sole occupancy of property having an annual value of £18. There was power in the regulations to alter that basic value in the case of any town where the circumstances might be different.

17. In reply to a further question by Mr. ASHA (Syria), Mr. GRATTAN-BELLEW (Special Representative) said that the Governor had never used his power to withhold assent with regard to legislation enacted by the Legislative Council. Indeed he knew of no occasion in any British territory when that power had been used. It was, of course, a delegation to the Governor of the power which Her Majesty the Queen had, with regard to the United Kingdom Parliament. The Governor would use it only for some very good reason such as a major political crisis, and even then his decision would have to be reported back to the Secretary of State and might or might not be upheld.

18. Mr. MENON (India) failed to see how the question of the Governor's veto could arise in Tan-

<sup>1</sup> See T/C.2/SR.197 and 198.

ganyika, where there was an official majority. It was only in a popular parliament that could pass legislation against the wishes of the executive that the question of a veto really arose.

19. Mr. GRATTAN-BELLEW (Special Representative) agreed that where there was an official majority the power to assent or to withhold assent was not of great importance. Even in the best-regulated legislative assemblies, however, mistakes were occasionally made: members of the majority, for instance, might be absent and the minority could then obtain a vote which was opposed to the majority's ideas. It was part of the British system that, where there was an elective body, the assent of the Governor or, in the case of the United Kingdom, of Her Majesty the Queen was essential before an act could become operative.

20. Mr. MENON (India) observed that the system described by the special representative applied to countries in which there was a parliamentary system of government and a Head of State. The analogy did not hold true for the Trust Territory, where there was no parliamentary system.

21. Mr. ASHA (Syria) asked the special representative to amplify the statement in document T/1221 that the debates in the Legislative Council in 1955 had been notable for their non-racial approach.

22. Mr. GRATTAN-BELLEW (Special Representative) explained that the speakers approached each subject from the point of view of the welfare of the Territory as a whole and did not put forward arguments based on the benefits to their particular race.

23. Mr. ASHA (Syria) noted that in 1953 there had been an increase of six in the number of resident magistrates. It would be interesting to know why the six additional magistrates were all Europeans.

24. Mr. GRATTAN-BELLEW (Special Representative) replied that all resident magistrates and all the higher judicial officers such as judges must be qualified lawyers. Unfortunately, there were as yet no Africans qualified as lawyers, although one or two were studying law. Judicial powers were, however, being given to African assistant district officers and district officers and, as they became qualified and passed the local examinations in law and procedure, more and more Africans would become ordinary magistrates. There was a distinction in law and in fact between an ordinary magistrate and a resident magistrate. The resident magistrate was a qualified lawyer and had wider jurisdiction and more extended powers than ordinary magistrates, who were administrative officers. Among the administrative officers in subordinate courts a certain number of Africans had been given powers of second and third-class magistrates. In the local courts all the magistrates were Africans.

25. Mr. ASHA (Syria) observed that it was rather surprising that in the thirty-five years that Tanganyika had been under British administration not a single African had qualified as a lawyer.

26. Mr. GRATTAN-BELLEW (Special Representative) replied that until recently no African had tried to become a qualified lawyer. Two or three were now studying law but he could not say whether they would enter Government service when qualified or go into private practice.

27. Mr. ASHA (Syria) found that argument rather unconvincing.

28. In connexion with the restrictions on the political activities of civil servants, he noted from page 58 of the annual report<sup>2</sup> that the Registrar appointed under the Societies Ordinance had the power to accept or refuse registration of political and other organizations. The Registrar would appear to have a great deal of power, and it would be interesting to have further details on his functions.

29. Mr. GRATTAN-BELLEW (Special Representative) said that the Registrar was in fact the Registrar-General. He was a solicitor and a lawyer of long standing and experience. He had no political powers and was not concerned with politics. His main function was the registration of titles to land and in that capacity he had, for instance, to adjudicate between conflicting claims for the registration of the same piece of land. On occasion he had also to adjudicate between the Government and a private individual when the Government opposed the registration of a title. His functions were therefore mainly judicial.

30. Mr. ASHA (Syria) noted that four societies had been refused registration; one of them had exercised the prerogative of appeal to the Governor. He would like to know on what grounds the other three had been refused registration and whether the Registrar's judgement had been final or whether he had had to refer the matter to a higher body.

31. Mr. GRATTAN-BELLEW (Special Representative) said that the societies concerned had been refused registration on the grounds that their activities were incompatible with and prejudicial to the maintenance of peace, order and good government. Discretion to register or to refuse to register was, by law, vested in the Registrar. In many cases he made extensive inquiries when considering the matter and sometimes obtained the views of Government. The decision, however, was his alone.

32. Mr. ASHA (Syria) remarked that only 348 societies had been registered out of 1,215 applications. He wondered why there was such a long delay.

33. Mr. GRATTAN-BELLEW (Special Representative) replied that to register applicants at a quicker rate would mean employing a considerable number of temporary staff at added expense. The applicants suffered no prejudice from waiting, for, once they had applied for registration, they could carry on their activities.

34. In reply to a further question by Mr. ASHA, (Syria), Mr. GRATTAN-BELLEW (Special Representative) explained that there were a few political associations among the applicants. There were no co-operatives because they were dealt with under the Co-operative Societies Ordinance. It was difficult to give any list of the other societies and associations because they were so varied, covering anything from a European sporting club to an African dance club.

35. Mr. ASHA (Syria) asked whether anyone had yet been convicted of violation of the provision in section 6 of the Penal Code (Amendment) Ordinance, 1955, entitled "Raising discontent and ill-will for

<sup>2</sup> Report by Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland to the General Assembly of the United Nations on Tanganyika under United Kingdom Administration for the year 1954, London, Her Majesty's Stationery Office, 1955, Colonial No. 317. (Transmitted to members of the Trusteeship Council by the Secretary-General under cover of document T/1205).

unlawful purposes", and if so, what was the race of the offender and whether the punishment provided for had been applied.

36. Mr. GRATTAN-BELLEW (Special Representative) said that there had been no cases under that provision between its enactment in late November 1955 and his departure from the Territory. The Attorney-General hoped that the existence of the law would itself be a sufficient deterrent.

37. In reply to a further question from Mr. ASHA (Syria) Mr. GRATTAN-BELLEW (Special Representative) said that the Africanization of the civil service was proceeding slowly though at an accelerated pace year by year as an increasing number of Africans acquired higher educational qualifications. Of late a gazetted police officer and nine doctors had been among the Africans appointed.

38. Mr. ASHA (Syria) asked when it would be possible to introduce elections on a common roll with appropriate voting qualifications.

39. Mr. GRATTAN-BELLEW (Special Representative) said that that could not be in the near future: there were certain areas whose backwardness educationally, economically and in other ways was such that it would be impossible for many years to hold elections there for the Territorial legislative body.

40. Replying to a question from Mr. GERIG (United States of America), Mr. GRATTAN-BELLEW (Special Representative) said that while the general outline of the Government's election policy had already been stated, the Governor, in his statement in April, would probably explain it in greater detail and might perhaps indicate the areas in which he believed it possible to hold elections.

41. Mr. ASHA (Syria) asked whether the Administration was considering conducting a campaign to convince the people of the value of the principle and system of direct elections by secret ballot.

42. Mr. GRATTAN-BELLEW (Special Representative) said that such a campaign was in effect continuously in progress. It was not systematic, for the people were unlikely to pay attention to the arguments presented when they were not specifically required to appoint a new chief or a new district council. Every such opportunity was, however, used to persuade the people that the method of elections was the best system to adopt. In the intervals, of course, educated Africans discussed such matters with their fellows.

43. Mr. TORNETTA (Italy) asked to what extent the new administrative system introduced by the Local Government Ordinance of 1953 would cut across and transform the traditional tribal structure as it had existed under the Native Authority Ordinance.

44. Mr. GRATTAN-BELLEW (Special Representative) said that the powers of the new local government councils would be considerably wider than had been those of the Native Authorities; for example, the two local councils set up so far had jurisdiction over all persons residing in their areas, whether African or non-African, whereas the Native Authorities had jurisdiction over Africans alone. It was intended that the local Government Ordinance should eventually extend to all parts of the Territory. Nevertheless there were certain matters affecting the domestic lives of Africans, the use of land, etc., which it had not been thought proper to place under the control of a local council.

45. In reply to a further question by Mr. TORNETTA (Italy), Mr. GRATTAN-BELLEW (Special Representative) said that the tribes in Tanganyika varied in size from a few thousand to 800,000, and they were very varied in origin. Some were of Zulu origin, some Bantu and others had come from the Middle East through the Sudan. Most had their own languages, although all could speak a certain amount of Swahili; they varied greatly, too, in customs and religious beliefs. Naturally, such differences rendered the task of bringing Tanganyika to nationhood more difficult. It would be a considerable time, Professor W. J. M. Mackenzie had said, before a member of one tribe would accept a member of another tribe as an elected representative. The Administration had not, so far, however, encountered any great difficulties and it believed that in time they could all be overcome.

46. In reply to a further question from Mr. TORNETTA (Italy), Mr. GRATTAN-BELLEW (Special Representative) confirmed that most of the political organizations referred to in the Administering Authority's report were strictly local in character and interest. The Tanganyika African National Union (TANU) aspired to extend over the whole of the Territory, although attendance at its meetings varied very much from place to place. He had learned, since his departure, of the formation of a new party, the United Tanganyika Party, which claimed also to be Territory-wide.

47. Mr. GRUBYAKOV (Union of Soviet Socialist Republics) felt that the so-called multi-racial system implied racial discrimination against the majority of the population, where 20,000 Europeans and 80,000 Asians, on the one side, had equal privileges with 8 million indigenous inhabitants on the other. He wondered why the system had been introduced in Tanganyika; there were other territories where the three races coexisted but where it had not been introduced.

48. Mr. GRATTAN-BELLEW (Special Representative) explained that in other territories under British administration where there were three racial groups, other conditions were different and the system applied, therefore, was different too, for it was the United Kingdom Government's policy to administer its dependent territories in the way best suited to local conditions. The multi-racial system appeared to it to be the best in Tanganyika. It was not true that there was any racial discrimination in that Territory, for the members of all three races were on an equal footing and a member of any one of them could and often did represent the interests of all three. Thus the most able people, regardless of race, could contribute to the solution of the Territory's problems.

49. In reply to questions from Mr. GERIG (United States of America) on the character and composition of the non-government side of the new Legislative Council, Mr. GRATTAN-BELLEW (Special Representative) said that the final three representative members had been appointed to represent the interests of the Territory generally; in fact, between them, the thirty members represented all the Territory's activities, including mining, coffee-producing, agriculture and business. There was no clear development of party representation among the Council members; two of them were known to be members of TANU, while he had been informed since his departure from the Territory

that about twenty-eight representatives had expressed allegiance to the newly formed United Tanganyika Party.

*The meeting was suspended at 3.50 p.m. and resumed at 4.15 p.m.*

50. Mr. JAIPAL (India), referring to the special representative's opening statement at the 670th meeting, asked whether the various unofficial members of the Legislative Council were selected by the Governor at his discretion or in consultation with the Executive Council.

51. Mr. GRATTAN-BELLEW (Special Representative) said that the thirty representative members were nominated by the Governor through the discretionary power vested in him, after consultation with such private and public bodies as he considered to be truly representative of a substantial section of the people. So far as he was aware, the Governor did not consult the members of the Executive Council as a council when nominating members.

52. Replying to further questions by Mr. JAIPAL (India), Mr. GRATTAN-BELLEW (Special Representative) said that there had been no opposition to the nominations made by the Governor, though naturally in one or two cases there had been some criticism.

53. As he had stated at the 672nd meeting, in reply to a question by the Syrian representative, the Governor had communicated with the Tanganyika African National Union on the question of nominations and it was possible that the Kilimanjaro Chagga Citizens Union had also been consulted.

54. None of the bodies or associations he had mentioned had a representative as such on the Council, because members represented areas. Two members of TANU were members of the Council, as were one or two members of the Asian Association and the Ismaili Community Association, and so on.

55. Mr. JAIPAL (India) asked whether the new Legislative Council could legislate freely on all matters or whether some matters were subject to the Governor's approval. He also wished to know in what fields the new Legislative Council would have greater freedom to pass legislation.

56. Mr. GRATTAN-BELLEW (Special Representative) said that no money bill, i.e., one relating to financial matters or which might increase taxation, could be introduced without the Governor's consent, and there were certain matters which could not become law without the prior consent of the Secretary of State for the Colonies. In other cases, the Legislative Council had complete freedom as to the questions on which they might legislate.

57. A private member could introduce a bill on any subject, except a money bill, for which he must get the Governor's consent, by sending it to the Council accompanied by his reasons for wishing the legislation to be enacted.

58. Replying to a further question by Mr. JAIPAL (India), Mr. GRATTAN-BELLEW (Special Representative) said that each of the six unofficial members of the Executive Council was interested in one of the following fields: development, natural resources, education, labour, land, local government. They did not occupy an office in the Government building, but worked under the official member of the Executive Council responsible for the particular subject in which they were interested. The opinions of the six unofficial

members carried very great weight in the Executive Council and they had considerable power.

59. Mr. JAIPAL (India) asked how many bills or resolutions introduced by unofficial members of the Legislative Council had been disallowed and the reasons for such action.

60. Mr. GRATTAN-BELLEW (Special Representative) said that, so far, no unofficial member had instituted a private member's bill, although one bill had been introduced by the Government on the initiative of a private member. He was unable to say how many motions had been tabled but he recalled that one motion had been withdrawn when the mover had heard the Government's side of the question.

61. Replying to further questions by Mr. JAIPAL (India), Mr. GRATTAN-BELLEW (Special Representative) said he hoped there was no real reluctance on the part of town councils to accept elections as the method for appointing councillors. He hoped that such elections would take place when the members of the town councils had gained more experience.

62. The Local Government Ordinance, which was working well at present, might be amended in a year or two, if experience showed that it could be improved. He emphasized that a great amount of preparatory work had to be done before a change was made from one type of local government to another.

63. It was too early to forecast what the future of the Tanganyika African National Union would be. It had not made headway in all parts of the Territory. Another non-racial political party had come into being since he had left the Territory, and, according to Press reports, it was sponsored by twenty-eight unofficial members of the Legislative Council, of all races.

64. The situation as regards the restrictions against political activity by civil servants remained unchanged. Statistics showed that the majority of students who had passed out of the schools in 1950 were not in Government service and were therefore free to join any political association they wished.

65. Mr. JAIPAL (India), referring to the municipality of Dar es Salaam and the town councils, asked whether the elections to be held would be on the basis of universal adult suffrage and a common electoral roll.

66. Mr. GRATTAN-BELLEW (Special Representative) said that the elections would be held on the wardship system, some towns having already been divided into wards. Qualifications for voting would be residence in a town for three months, ownership or sole occupancy of premises having an annual value of not less than £18, and attainment of the age of twenty-five. Until the registers had been prepared, it would be difficult to say what proportion of the total population of the towns where elections were to be held would qualify as electors. He thought, however, that the percentage would be sufficiently high in a town like, for example, Dar es Salaam.

67. Attempts to persuade Africans to accept the elective principle in making local selections and appointments had been most successful with the Chagga in the Moshi District, with the Meru and at Lushoto.

68. Mr. WALKER (Australia) asked whether there were any divisions in the Legislative Council which cut across racial lines.

69. Mr. GRATTAN-BELLEW (Special Representative) said there were divisions of a non-racial nature and on non-racial lines. Sometimes rivalries

existed between one province and another, and the three representatives from one province would support one another in a debate. Divisions sometimes occurred where agricultural interests were concerned. In a debate on a new cotton bill introduced in 1956 there had been a division among the unofficial members and also among the cotton-growers and the owners of ginneries.

70. Replying to a further question by the Australian representative, he said that the prohibition of membership of political associations which had been imposed on a recommendation by the Trusteeship Council, applied to all civil servants other than those in the subordinate service, which was non-pensionable. It was most important, especially in a country which was developing politically and constitutionally, for the civil service to be above suspicion and absolutely impartial from a political point of view.

*Mr. Grattan-Bellew, special representative of the Administering Authority for the Trust Territory of Tanganyika, withdrew.*

#### **Examination of conditions in the Trust Territory of Togoland under French administration (continued):**

- (i) **Annual report of the Administering Authority for 1954 (T/1202 and Add.1, T/1223, T/1232);**
- (ii) **Petitions circulated under rule 85, paragraph 2, of the rules of procedure of the Trusteeship Council (T/PET.7/L.10 to 13);**
- (iii) **Report of the United Nations Visiting Mission to the Trust Territories of Togoland under British administration and Togoland under French administration, 1955 (T/1211, T/1228)**

[Agenda items 3 (e), 4 and 5]

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

#### **GENERAL DEBATE (concluded)**

71. Mr. BARGUES (France) said the debate which had just taken place on the subject of Togoland under French administration had not been objective. Comments had been made on the electoral system of the Territory on the basis of a figure of 190,000 electors, whereas it had repeatedly been stated that there had been over 213,000 at the recent legislative elections. Only wilful misunderstanding could be responsible for the assertion that the Territorial Assembly had no legislative powers and was only authorized to enact regulations of minor importance, to give advisory opinions and to ratify the decisions of the Administering Authority. Furthermore, there was no possible justification for the statement that the presence of elected representatives from the Territory in the French Parliament was contrary to the Charter and to the Trusteeship Agreement. Article 4 of the Trusteeship Agreement laid down that the Territory should be administered "in accordance with French law". In the French Government's view, simple honesty demanded that the population should have a voice in legislation which applied to the Territory. The assertion made by the Indian representative at the previous meeting that the elected representatives of the Territory were too few to exercise much influence betrayed ignorance of the functioning of the French Parliament. It was

well known in France that the representatives of the Trust Territories and the Overseas Territories—two of whom, incidentally, were members of the Cabinet—had had in recent years an important and sometimes decisive influence on the policy followed by Parliament and the Government.

72. The laws and regulations governing public liberties were exactly the same in Togoland under French administration as in France. Obviously the authorities were responsible for keeping public order, and he could not see why a system which satisfied the French people should not be satisfactory for the Togolandese.

73. It was hard to understand the criticism that had been made of the fact that there had been a budgetary surplus. The existence of a surplus was evidence of wise and careful management of public finances.

74. The Indian representative had described the economic structure of the Territory as "colonial", principally because there was a large production of agricultural raw materials for export. If that argument were to be taken seriously it would mean that Egypt, with its cotton, Brazil, with its coffee, and the United States, with its maize and cotton, also had colonial economies.

75. It was curious that France should be accused of not having ratified a number of international labour conventions, seeing that it had ratified more than any other country and that, as the representative of the International Labour Organisation had informed the Council (668th meeting), even conventions it had not ratified were in fact applied in Togoland.

76. A number of delegations unfortunately persisted in misconstruing the nature of the *élite* in the Territory and had even represented them as a caste with special privileges, thus disregarding the principle of equality which was the basis of France's social organization. The Administering Authority considered that the formation of *élites* and particularly of intellectual *élites*, was absolutely necessary and took care to encourage it. In that connexion he protested against the criticisms of the educational system made by the representative of Guatemala at the previous meeting, who, at the same time, had shown great understanding of the whole problem of the *élites*.

77. Apart from the few examples of bias to which he had referred, most of the members of the Council had shown objectivity and understanding of the problems of administration in the Territory and a desire to help the Administering Authority in its task. The French delegation was grateful for the congratulations of some delegations and for the enlightened and constructive criticisms that had been made, to which the special representative would reply in detail. They would be transmitted to the French Government for its examination.

78. As the Indian representative had truly observed, the essential problem was the decision shortly to be taken concerning the political status of Togoland under French administration. He would not reopen that question, which had already been discussed at length, but would merely say that there was general agreement that the people of Togoland under French administration must be consulted with regard to the future of their country. Opinion differed only on whether the plebiscite should be held before or after the granting of self-government or independence. The French delegation's views on that subject had not changed. Its opinion was based partly on Article 76 b of the Charter, partly on article 5 of the Trusteeship Agreement and partly on plain common

sense. How could the people be consulted with regard to the future of the Territory if its future had already been decided?

79. In view of the great developments in the Territory in recent years and the progressive democratization of its institutions, the French Government felt that the time was near when the people of Togoland should be consulted on their political future. He would not take issue with the representative of Haiti on the question whether the Territory's development had been too slow or too rapid. To begin with it had been slow and sure because France, having itself experienced violent upheavals, wished to spare others the same experience; it had later become more rapid for the simple reason that the seed sown by France had borne fruit.

80. There was no point now in referring to the League of Nations Mandate, which had been superseded by the Trusteeship Agreement; nor was it true, as had been stated, that there had been two parties to the Mandate, the Mandatory Power and the Mandated Territory. The two parties had in fact been the League of Nations and the Mandatory Power, just as the two parties to the Trusteeship Agreement had been the United Nations and the Administering Authority. In neither case had the people of the Territory been consulted, presumably because they had not at the time been sufficiently mature politically, as they would shortly be.

81. France was determined to fulfil its obligations under the Charter and the Trusteeship Agreement and to keep faith with its ideals of freedom and democracy; hence it refused to take the responsibility of depriving the people of Togoland of the right to decide as soon as possible what should be the political future of their Territory.

82. Mr. TOUROT (Special Representative) thanked those members of the Council who had expressed appreciation of the efforts of the Administering Authority to promote the political, economic and social advancement of Togoland under French administration and those whose criticisms had been inspired by a spirit of co-operation.

83. In past years the Administering Authority had been anxious to give the Territory as quickly as possible the infrastructure it needed and the social organization which must precede economic development; it was now concentrating its efforts chiefly on agricultural production and the development of the rural communities. The next step would be the exploitation of the recently discovered mineral deposits.

84. He would quote some figures to illustrate the scope of the Administering Authority's activities in the economic and social fields. Between 1947 and 1953 the Fonds d'investissement pour le développement économique et social des territoires d'outre-mer (FIDES) had invested 2,958 million francs CFA,<sup>3</sup> or \$17 million, in the Territory: 390 million for production, 1,589 million for the infrastructure and 963 million for social development. In 1953 the second investment plan, relating chiefly to rural development, had been launched. Over 310 million francs had been expended in 1955 and 545 million had been earmarked for 1956, as well as an additional sum for financing supplementary activities at the cantonal or village level, with the participation of indigenous provident societies. He would not repeat the descrip-

tion already given of the activities of the technical services.

85. Thanks to the Administration's financial and technical assistance, the economic situation was favourable, as was shown by the figures: 650,000 hectares under cultivation, 954,000 tons of food crops, 70,000 tons of export produce. Exports amounted to 3,654 million francs CFA and imports to 3,146 million. The budget had been balanced thanks to the assistance of FIDES, which bore the heavy costs of the development of local resources. Those investments would have the effect of modifying the figures to which he had referred, especially since the economy of the Territory would benefit by a new source of income in the mineral deposits which had recently been discovered.

86. It had been asserted that the indigenous inhabitants would derive no benefit from the development of production. That statement was unfounded; agriculture, which had so far been the only wealth of the Territory, was entirely in the hands of the Togoland. As far as commerce was concerned, there were no controls or monopolies whatsoever. In connexion with doubts expressed by some members of the Council, he emphasized that exports and imports were not reserved to France and that there was trade with the French Union, the dollar area and the sterling area. He drew attention to the fact that the Administration was encouraging the establishment of production and sales co-operatives, which would effectively protect indigenous producers against any attempt to hamper freedom of trade.

87. The insufficiency of doctors had been the subject of comment. He entirely agreed that there were not enough doctors but the practical possibilities must be taken into account. A great effort had been made in that field; moreover medical treatment was given free in Togoland and half the university scholarships went to medical students. The statement that there were only sixteen doctors in Togoland ignored the African doctors, whose skill and devotion were worthy of all praise. There were in fact 37 doctors in Togoland, 30 midwives, 40 nurses, 280 male nurses and 27 senior health officers. That staff was employed in the excellent hospital at Lomé, in 12 medical centres and in 108 dispensaries, in addition to which there were 5 private health units. Those establishments together gave about 6 million consultations a year. Furthermore, there was the work being done in preventive medicine, which the United Nations Visiting Mission to the Trust Territory of Togoland under British administration and Togoland under French administration, 1955, had seen when it had been in the north of the Territory.

88. The Administering Authority was doing its utmost to make education as widespread as possible. Of the children of school age, 39 per cent attended primary schools. Secondary education was being organized and in 1957 the development of secondary and higher education would be intensified. Since for the time being there were no higher educational establishments in the Trust Territory, a large number of students were sent to Dakar, while others attended French universities.

89. The Labour Code promulgated by the Act of 15 December 1952 had been applied to Togoland under French administration. The Territorial Assembly, on the proposal of the Government Council, had recently decided to grant family allowances to private employees. He was unable to give exact details of the international

<sup>3</sup> One franc CFA equals two French francs.

labour conventions that had been applied in Togoland, but he could say that the greater part of the measures laid down by those conventions were in effect in the Territory. There were very few labour disputes in Togoland, thanks in part to the work of the labour inspectors, in part to the close co-operation between the trade unions, the employers and the Administration.

90. The Administering Authority was most anxious to improve the status of women. It was true that much remained to be done in that field, but there were now women's associations and women's branches of the political parties; there were women municipal councillors at Lomé, Atakpamé and Palimé and there were 40,000 women voters.

91. In reply to a remark that had been made concerning the prisons in the Territory, he said that there were ten prisons, one in each *circonscription*; any reduction in the number would merely be an encouragement to crime. On 31 December 1954 there had been 869 persons awaiting trial and 1,156 serving sentences of varying lengths. The penal administration, including the internal organization of the prisons, was very strictly supervised.

92. The Administration's policy with regard to the land tenure system was designed to protect the rights of the indigenous inhabitants and to enable them to enjoy all the advantages of individual ownership. Farmers tended to stay in the same place, partly because of the increasing difficulty of finding vacant land. In the present stage of agricultural production there were endless disputes between communities and between individual farmers. The Administering Authority's attitude in the matter was supported by local public opinion.

93. The French representative had already defined the general political principles followed in Togoland. The Administering Authority's intention of holding a popular consultation was in accordance with the wishes of the people, as officially voiced by the Territorial Assembly the previous year. When the time came, the plebiscite would be held by direct universal suffrage, the genuineness of which would be fully ensured.

94. Some members of the Council considered that the constitutional measures introduced in 1955 were inadequate and that before the plebiscite was held the Government Council and the Territorial Assembly should be given wider powers and greater responsibilities. The Administering Authority maintained that the Act of 16 April 1955 marked a decisive stage in Togoland's political life. The Assembly was sovereign where the budget of the Territory was concerned; he would not again enumerate all the other functions and powers it possessed in connexion with the administration of the Territory. The Government Council was not a mere advisory body, since it had powers of decision. Its decisions were final; if the Commissioner of the Republic considered that it had exceeded its powers, he could appeal to the Minister within a period of eight days. The Council was closely associated with the Commissioner in the exercise of his powers and it supervised the implementation of the decisions of the Assembly and its standing committee. The *conseils de circonscriptions* were bodies corporate; they adopted their budgets and took an increasingly important place in the life of the *circonscriptions*. When they next came to be renewed the members would be elected by direct universal suffrage. The first four *communes de plein exercice* would come into existence during the current year and the number would thereafter increase rapidly.

95. The details he had given made it clear that the new institutions marked an important development in the transfer of the legislative and executive power to the people of Togoland. It was clear, therefore, that they could well be consulted with regard to their future, since they already possessed workable institutions which could progressively be given wider powers as the indigenous leaders acquired experience in administration and a fuller sense of responsibility. They were already beginning to share the responsibility; the Africanization of the civil service would proceed as rapidly as possible.

96. Various comments had been made with regard to the problem of the chiefdoms. The indigenous chiefdoms had always formed the keystone of the country's social and political structure. In Togoland the chiefs were the genuine representatives of the people, since, with a few exceptions, they were democratically elected. Their appointment, which was made only after careful investigation, had to be ratified by the people of the cantons and the villages concerned. It was therefore not surprising that chiefs were members of the Territory's councils and assemblies. The political parties which had now come into being were trying to use the influence of the chiefs in their own interest. The office of chief was gradually losing prestige and the influence of the chiefs was diminishing as the political situation developed. Nevertheless it was still very strong. The Administration realized the danger of the eclipse of the chiefdoms before a new social and political organization had arisen to take their place. It therefore intended to proceed with caution and to ensure that the traditional social organization should develop gradually and adapt itself to the new political administrative organization.

97. In conclusion he paid a tribute to the objectiveness displayed by the Visiting Mission. Certain small differences of opinion between himself and the Visiting Mission were explained by the fact that the Mission had not been able to spend a long enough time in the Territory, whereas he himself had spent a number of years in direct permanent contact with the people of Togoland. It was in the light of that experience that he had replied to the questions put to him by the members of the Council.

#### APPOINTMENT OF THE DRAFTING COMMITTEE

98. The PRESIDENT proposed that the members of the Drafting Committee on Togoland under French administration should be Australia, Belgium, India and Syria.

*It was so decided.*

#### **The Togoland unification problem and the future of the Trust Territory of Togoland under British administration (General Assembly resolution 944 (X))**

[Agenda item 8]

99. The PRESIDENT pointed out that at the present session the Council was concerned only with part II of General Assembly resolution 944 (X). Members of the Council had dealt with that resolution during the questioning of the special representative and the general debate on conditions in Togoland under French administration. He therefore suggested that the Council should refer it to the Drafting Committee just appointed.

*It was so decided.*

The meeting rose at 5.55 p.m.