

TRUSTEESHIP
COUNCIL

Friday, 16 March 1951, at 11 a.m.

OFFICIAL RECORDS

LAKE SUCCESS, NEW YORK

CONTENTS

	<i>Page</i>
Hearing of the representative of the Togoland Congress (<i>continued</i>)....	247
Examination of the annual report on the administration of the Trust Territory of New Guinea for the year ending 30 June 1950 and of the report of the United Nations Visiting Mission to Trust Territories in the Pacific on New Guinea (T/828 and T/791) (<i>continued</i>)	
Report of the Drafting Committee (T/L.160)	249

President: Mr. HENRÍQUEZ UREÑA (Dominican Republic).

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

Hearing of the representative of the Togoland Congress (*continued*)

At the invitation of the President, Mr. Antor, Representative of the Togoland Congress, took his place at the Council table.

1. The PRESIDENT recalled the Council's decision (342nd meeting) that the representative of the Togoland Congress should be heard and that members of the Council might put questions to him, but that debate on the substance of the question involved was not to be reopened.

2. Mr. SOLDATOV (Union of Soviet Socialist Republics) noted in that connexion that at the 341st meeting the United Kingdom representative in particular, and other members of the Council as well, had made statements on the substance of the question. As the Council had always adhered to the principle of equal treatment of all delegations, he hoped that the USSR delegation would be permitted briefly to state its position after the questions to Mr. Antor.

3. He asked Mr. Antor to give further details about his organization's attitude to the various proposals of the Coussey Committee¹ and the reasons why it had disagreed with the proposals.

4. Mr. ANTOR (Togoland Congress) stated that Togoland had not been invited to participate when the Coussey Committee was formed, and, as it was not represented on that Committee, it had concluded that the Committee's decisions would not affect it. Therefore, when the Committee's findings were being implemented, Togoland had refused to participate in the constitutional reform of the Gold Coast.

¹ See *Gold Coast: Report to His Excellency the Governor by the Committee on Constitutional Reform, 1949*, London: His Majesty's Stationery Office, 1949, Colonial No. 248.

5. The Administration had not consulted the Togoland Congress on any aspect of that reform. The first development had occurred in November, when officials had travelled through the Territory speaking on electoral registration and elections. Since that had occurred despite the fact that Togoland had informed the Administration that it would not participate in the constitutional reform, the Togoland Congress had resolved and informed the government that registration and elections should not be conducted in the Trust Territory.

6. He knew of no social or political organization in the Trust Territory which had participated in the Coussey Committee's work.

7. In reply to further questions from Mr. SOLDATOV (Union of Soviet Socialist Republics) regarding complaints of intimidation of electors and consequent action by the Administering Authority to punish violations of the rights of electors, Mr. ANTOR (Togoland Congress) recalled his statement that there had been a great deal of intimidation by District Commissioners, involving chiefs and individuals in the Trust Territory. At the Council's 343rd meeting he had presented some forms which had been filled in on secret instructions from the District Commissioners.

8. Complaints had been made to the Secretary of State for the Colonies, at London, the District Commissioners, the Chief Secretary at Accra, and the Governor of the Gold Coast. No action had been taken, except that a reply had been received from the Fabian Colonial Bureau in London, which had been informed of the methods used in the registration and elections in the Territory of Togoland. The reply contained comments from Mr. Griffiths, the Secretary of State for the Colonies, regarding the Coussey Committee's work and the objectives of the constitutional reform, but did not reply to the protests which had been made.

9. The Togoland Congress had indicated its absolute refusal to participate in the constitutional reform of the Gold Coast Legislative Assembly.

10. In reply to a series of questions from Mr. KHALIDY (Iraq), Mr. ANTOR (Togoland Congress) con-

firmed the fact that he represented the group which, in addition to the Ewe organization, had so far declined to take part in the Enlarged Standing Consultative Commission for Togoland. The group he represented was the same group that had refused to permit the representatives on the Commission to attend the first session at Lomé. The five members who had not attended the session of the Commission constituted the majority of the representatives of the Southern Section of Togoland under British administration on the Commission.

11. In explaining the refusal to participate in the Commission, he stated that the electoral procedures in Togoland under French administration had been initiated before there was any knowledge of the elections in Togoland under British administration. The people of Togoland under British administration had received no information whatsoever regarding the elections. Only the Native Authorities had been asked to nominate members to the Commission. The Togoland Union alone had been informed about electing a member. The misunderstanding in Togoland under British administration had arisen as a result of the methods adopted in Togoland under French administration when arrests were made.

12. It was correct to state that the majority of the people in the Southern Section of Togoland under British administration considered that the Enlarged Consultative Commission, as constituted, did not properly represent the population as a whole, especially the population of the southern part of Togoland under French administration.

13. The arrests and imprisonments in the latter Territory had influenced the decision of Mr. Antor's group not to participate in the Commission because, since both parts of Togoland sought unification, any action by the Administration affecting any part of Togoland affected the entire territory. Therefore, both Trust Territories had decided not to participate in the Commission.

14. He agreed with the Iraqi representative that the only difference between the wishes of the people of Southern Togoland, in so far as they were represented by Mr. Antor, and the wishes of the Ewe people as a whole, was that the Ewes wanted only their own people united while his group favoured unification of the whole of the two Togolands, as had been the case under the German régime. Thus, his group had much in common with the Ewe unification group.

15. Mr. KHALIDY (Iraq) interpreted the joint congress of all groups favouring unification, which had been held in Palimé, as indication of a very solid movement in favour of unification, at least of the southern parts of the two Togolands.

16. Mr. ANTOR (Togoland Congress) agreed, and added that the Administration had prevented representatives from the north from attending the joint congress at Palimé by removing bridges over the rivers of the north. In one case where a bridge had been removed, the people of the area had provided boats so that representatives could cross the river and attend the meeting. Other methods referred to in the petitions had been used to prevent certain groups which the French authorities thought undesirable from attending the congress and expressing their views.

17. In reply to further requests from Mr. KHALIDY (Iraq) for clarification of the Togoland Congress's position, Mr. ANTOR (Togoland Congress) stated that if, for the sake of argument, the northern part of both Togolands were excluded, it was true that his movement and the Ewe movement were practically the same; the only difference was that his group was particularly anxious not to lose its trusteeship status. It did not wish to be absorbed in the Gold Coast but, once unification had been achieved, would not wish to cut itself off from the Gold Coast. The feeling was that the Territory should be developed until it attained self-government before integration with adjacent territories could be considered. The main concern was, therefore, not the constitutional status or reform of the Gold Coast, but the national status of Togoland. The object was territorial integrity for Togoland and its establishment as a free, independent and democratic State.

18. Mr. KHALIDY (Iraq) asked whether the group Mr. Antor represented advocated a separate regional status for Togoland, with a separate regional assembly, but with representation in the Gold Coast Legislative Assembly as well.

19. Mr. ANTOR (Togoland Congress) said that that might be the case, but he could not make a definite statement on the matter.

20. Mr. GARREAU (France) requested details about the removal of bridges. He would like to know which bridge or bridges had been removed.

21. Mr. ANTOR (Togoland Congress) replied that the congress had been held on 7 January and that the delegates had been due to arrive at Palimé the day before. In his own case, he had found that the boards of the bridge between Agomé Tomegbé and Misahöhé had been removed and that the people of the neighbouring town had had to supply boats so that the representatives could cross. On 7 January a representative from Atakpamé had informed the congress that the bridges beyond Atakpamé had all been removed and that the representatives from the north had therefore not been able to attend the meeting.

22. During the meeting, information had been received regarding the removal of bridges in Togoland under French administration, not in Togoland under British administration. It was not until 28 January, when the Togoland Congress had met again, that information had been received to the effect that a pontoon bridge over a river in Togoland under British administration had been removed that very day and that one of the delegates had been prevented from attending.

23. In accordance with a request from Mr. MATHIESON (United Kingdom), Mr. ANTOR (Togoland Congress) presented the mandate to which he had referred at the 343rd meeting, in his opening statement, and agreed to its circulation as a Council document (T/Pet.6/226-T/Pet.7/183/Add.1).

24. Mr. SOLDATOV (Union of Soviet Socialist Republics) summarized the petitioners' demands as set forth in their petition (T/Pet.6/206, T/Pet.6/206/Add.1, T/Pet.6/206/Add.2, T/Pet.6/206/Add.3) and drew particular attention to their opposition to the recommendations of the Coussey Committee appointed by the Administering Authority as well as to their desire for the integration of the Southern and Northern Sec-

tions of Togoland in one administrative structure with the appropriate administrative and legislative organs. The petitioners' representative, Mr. Antor, had shown that the District Commissioners had intimidated supporters of the Togoland Congress in the Gold Coast Legislative Assembly elections of January 1951, that the illiterate inhabitants had been compelled to register for voting under the pretext of a census, and that registration blanks had been falsified.

25. Mr. Antor's statements confirmed the impression that the Administering Authority was continuing its endeavours to merge the Trust Territory with the Gold Coast Colony. The map submitted by the Administering Authority was so drafted that it was almost impossible to find the boundaries of the Trust Territory; the Southern Section appeared to be joined to the Gold Coast and the Northern Section to the protectorate of the Northern Territories.

26. The United Kingdom representative had failed to answer requests for fuller information concerning an anonymous newspaper article casting slurs upon the petitioners. Such material ought not to be submitted to the Trusteeship Council in the guise of argument or information; as between such slanders, on the one hand, and the facts and documents supplied by the petitioner, on the other, the USSR delegation would not find it hard to decide where the truth lay.

27. The petitioner had stated that he had asked the Gold Coast Supreme Court to stop the Administering Authority's undemocratic practices. He had received an oral reply that the Court was not competent to do so. The United Kingdom representative had, however, stated that the Court had a general legal right to deal with matters in the Trust Territory. Not only did that statement reveal that the Court's oral answer had no real basis, but it also showed that the Administering Authority did not respect the laws which it had itself passed when it was not to its interest to do so. It might even be supposed that the United Kingdom representative would go so far as to supply further dubious documents to discredit the petitioner's appeal to the Supreme Court, since the latter had omitted to ask the Registrar of the Court for a letter notifying him that the Court had refused to receive his appeal. Such efforts were doomed to failure.

28. The USSR delegation therefore believed that the Trusteeship Council must examine that part of the petition which asked for the integration of the Northern and Southern Sections of Togoland under British administration in a single administrative structure with its own administrative and legislative organs. The Council should recommend, as the petitioners requested, the establishment in the Territory of legislative, executive and judicial organs which would not be subordinated to any other organs formed on the basis of the administrative union of the Trust Territory with the neighbouring British colony of the Gold Coast and with the protectorate of the Northern Territories. The Council should further recommend that the Administering Authority should take steps, including legislative steps, to ensure the participation of the indigenous population in legislative, executive and judicial organs of the Trust Territory.

29. The Council should take action on that part of the petition at the current session, as it was an urgent

matter and the representative of the petitioners was present. While the USSR delegation was prepared to bow to the wish of the majority that further examination of the Ewe problem should be deferred until the ninth session, he formally proposed that the Council should immediately take action on the specific problem he had mentioned.

30. Mr. RYCKMANS (Belgium) was strongly opposed to any proposal that the previous decision to defer the subject should be reversed. To take a decision immediately, after only one side of the question had been heard, and to omit to hear organizations which held views contrary to those of the petitioners, would be grossly unjust.

31. Mr. SOLDATOV (Union of Soviet Socialist Republics) asked what organizations had petitioned for the unification of the Trust Territory with the Gold Coast Colony.

32. Mr. ALEKSANDER (Secretary of the Council) said that no such petitions were pending.

33. Mr. GARREAU (France) supported the Belgian representative. Extremely complicated problems were involved. There was the question why certain organizations which desired the unification of the two Togolands had boycotted the Enlarged Consultative Commission, despite the fact that it had been instructed to study the possibility of such unification; and there was the related question of the desirability of administrative union between the Trust Territory and the Gold Coast. While he agreed that the entire question should be deferred to the ninth session, he must abstain from voting for the same reason that had impelled him to abstain from the vote on the resolution concerning deferment of the consideration of certain petitions (341st meeting), namely, France was an interested party in the dispute. Moreover, his delegation again expressed, as it had done in the Fourth Committee of the General Assembly,² the most serious reservations with regard to the procedure followed in connexion with the problems raised in petitions from the two Togolands.

34. Mr. DE MARCHENA (Dominican Republic), Mr. MATHIESON (United Kingdom) and Mr. SAYRE (United States of America) opposed the USSR proposal.

35. After a brief procedural discussion, the PRESIDENT, noting that he had already ruled that the debate was closed, suggested that the vote on the USSR proposal should be taken at the subsequent meeting.

It was so decided.

Mr. Antor, representative of the Togoland Congress, withdrew.

Examination of the annual report on the administration of the Trust Territory of New Guinea for the year ending 30 June 1950 and of the report of the United Nations Visiting Mission to Trust Territories in the Pacific on New Guinea (T/828 and T/791) (continued)

REPORT OF THE DRAFTING COMMITTEE (T/L.160)

36. Mr. QUESADA ZAPIOLA (Argentina) Chairman of the Drafting Committee, noted, in presenting:

² See *Official Records of the General Assembly, Fifth Session, Fourth Committee, 162nd meeting.*

the Committee's report (T/L.160), that the members had been unanimously agreed on all but one of the draft resolutions submitted for the Council's approval. In accordance with its terms of reference, the Committee had attempted to reflect the majority view in drafting the resolutions. Those members of the Council who felt that their views were not correctly interpreted were, however, entirely free to submit alternate drafts. In fact, the Argentine delegation, unable to reconcile its position with that of the majority, had submitted a separate proposal on the legislative council (T/L.162 and Corr. 1).

37. The Committee's report was generally favourable to the Administering Authority; it might in fact be felt that the Council should examine future annual reports on New Guinea in greater detail and with greater energy.

38. In connexion with the administrative union of the Trust Territory with Papua, Mr. Quesada Zapiola drew attention to paragraph 5 of the report and requested the President to fix a date for the meeting of the Council's Standing Committee on Administrative Unions.

39. Mr. SOLDATOV (Union of Soviet Socialist Republics) said that in view of the fact that the Drafting Committee's recommendations took no account of the views expressed by his delegation during consideration of the report on New Guinea, he was submitting six proposals (T/L.164) for inclusion in the Council's final report to the General Assembly.

40. In submitting the first proposal, Mr. Soldatov emphasized that the union of the Trust Territory with the Australian colony of Papua violated the status of New Guinea as a Trust Territory and impeded its progressive development toward self-government or independence, as prescribed in the Charter.

41. The second proposal was essential because the reforms planned by the Administering Authority through the establishment of village councils were in fact tantamount to a further utilization of tribal institutions and their adaptation to the Administration's requirements.

42. The third proposal was indispensable, particularly in view of the Administering Authority's intention to appropriate additional alienated land, some of the best in the Territory, on the pretext that it was not needed by the indigenous owners. On the admission of the Visiting Mission, the problem of land alienation was extremely serious, but to recommend, as the Mission had done in its report (T/791, para. 110), that the land should be returned to the indigenous population "where and when possible" was equivalent to giving the Administration a free hand in its violation of the lawful rights of the indigenous inhabitants.

43. The necessity for implementation of the fourth proposal had been fully justified by the USSR delegation earlier in the discussion.

44. The importance of the fifth proposal had been stressed by several members of the Council. In view of the total absence of measures to prepare the indigenous population for self-government or independence through the establishment of an adequate educational system on a sound basis, the proposal was relatively mild. Not only had no provision been made

for secondary or higher education, but primary education had been almost totally neglected and only a very small percentage of the indigenous children attended government schools. On the other hand, the mission schools were unsatisfactory because they did not furnish a basic elementary education.

45. Finally, the sixth proposal was made necessary by the extremely inadequate medical care offered the indigenous population, as demonstrated by the high rate of infant mortality in the Trust Territory.

46. The USSR recommendations were designed to meet the needs of the indigenous population of New Guinea and to ensure the effective implementation of the obligations of the Administering Authority under the International Trusteeship System.

47. The PRESIDENT called for a vote on the recommendations in the Drafting Committee's report (T/L.160).

SECTION I: GENERAL

Peaceful penetration

48. The PRESIDENT put the recommendation to the vote.

The recommendation was adopted by 10 votes to none, with 2 abstentions.

General Considerations

49. The PRESIDENT drew attention to a slight drafting change that should be made in the last line of the recommendation: the words "be made to" should be deleted.

50. He then put the recommendation to the vote.

The recommendation was adopted by 10 votes to 1, with 1 abstention.

SECTION II: POLITICAL ADVANCEMENT

Administrative union of Papua and New Guinea

51. The PRESIDENT, noting that the first USSR proposal, on the administrative union (T/L.164, para. 1), might logically be inserted at the end of the sub-section under discussion, put that proposal to the vote.

The proposal was rejected by 5 votes to 1, with 6 abstentions.

52. Mr. HAY (Australia) said that he had voted against the USSR proposal because there was nothing in the Papua and New Guinea Act 1949 which violated the separate status of New Guinea as a Trust Territory or impeded the progressive development of the population towards self-government or independence. Provision for an administrative union between the two territories had been clearly made in the Trusteeship Agreement.

Administrative service

53. The PRESIDENT put to the vote the first recommendation in the sub-section.

The recommendation was adopted by 10 votes to 1, with 1 abstention.

54. In connexion with the second recommendation, Mr. SOLDATOV (Union of Soviet Socialist Republics) moved the deletion of the word "more" before "responsible posts". It was clear both from the annual

report³ and from the special representative's replies that no indigenous inhabitant of New Guinea occupied a post in the administration of the Territory. The wording of the recommendation proposed by the Drafting Committee, however, implied the contrary. There should be no ambiguity in the Council's recommendation and no attempt to delude public opinion.

55. Mr. HAY (Australia) pointed out that a clear distinction should be made between responsible posts and key positions. Obviously, in view of the very low standard of educational development and general advancement in New Guinea, it would be some years before an indigenous inhabitant could qualify for a key position. A parallel situation did not prevail in the

Trust Territory of Nauru, regarding which there had been a divergence of views in defining a key position. A key position was not the equivalent of a responsible post; some indigenous inhabitants of New Guinea, such as policemen and school-teachers, did occupy responsible positions in which total reliability was required and the extent of their responsibility was recognized.

56. The PRESIDENT called for a vote on the USSR amendment.

The amendment was rejected by 5 votes to 2, with 5 abstentions.

57. The PRESIDENT put the second recommendation to the vote.

The recommendation was adopted by 10 votes to none, with 2 abstentions.

The meeting rose at 1.5 p.m.

³ See *Report to the General Assembly of the United Nations on the Administration of the Territory of New Guinea from 1st July 1949 to 30th June 1950*, Commonwealth of Australia.