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TRUSTEESHIP COUNCIL

Ninth Session

VERBATIM RECORD OF THE THREE HUNDRED AND SEVENTY-FIFTH MEETING

Held at Flushing Meadow, New York,
on Wednesday, 18 July 1951, at 2.00 p.m.

President:

Mr. KHALIDY (Vice-President)

(Iraq)

later

Sir Alan BURNS

(United Kingdom)

Note: The Official Record of this meeting, i.e., the summary record, will appear in provisional mimeographed form under the symbol T/SR.375 and will be subject to representatives' corrections. It will appear in final form in a printed volume.

EXAMINATION OF ANNUAL REPORTS OF ADMINISTERING AUTHORITIES ON THE ADMINISTRATION OF TRUST TERRITORIES: TOGOLAND UNDER BRITISH ADMINISTRATION, FOR THE YEARS 1947 AND 1950 (T/787, T/787/Corr.1, T/903, T/909, T/909/Add.1, T/917; T/L.192)
(continued)

Mr. Khalidy, Vice-President of the Trusteeship Council, took the Chair.

At the invitation of the President, Mr. Sutherland, Special Representative for Togoland under British Administration, took a place at the Trusteeship Council table.

Mr. SUTHERLAND (Special Representative): The general discussion on the annual report for Togoland under United Kingdom Trusteeship has brought out with one exception complimentary references to the work of the Administering Authority and the Gold Coast Government and sympathetic understanding of the problems which confront those who work and live in a tropical dependency. Some of these problems, in fact many, are to be met with in independent countries, but those in the Trust Territory come under the glare of scrutiny, examination and criticism more than ^{those} in any type of country in the world. For that reason, objective and constructive suggestions which show a comprehension both of the inherent difficulties in such a Trust Territory as Togoland and the sincere efforts being made by the Administering Authority in the Gold Coast Government to alleviate and overcome these problems are welcome and will receive, as always, the most careful consideration as to how they best can be implemented.

I intend to make a few observations on the most important aspects which have been raised. Any great political advance often brings to a country greater problems and, of course, greater responsibility. I have made it clear in other remarks that these are being tackled resolutely and in a spirit of the keenest endeavour and harmony. It has never been concealed from this Council that there have been gaps to be filled and leeway to make up in the Trust Territory. The most assiduous steps have been, are being and will be taken to further advancement in all spheres.

I should like to make one point. It is not only the duty of a State to do things for the people but also to put the people in a position to do things for themselves. We are doing both in a high degree and I would join issue, with all courtesy but with great firmness, with one speaker who referred to the Trust Territory as "still largely at the tribal stage of development".

It is far beyond that stage, and will quickly be further and even entirely beyond it. The progress of the Gold Coast and the Trust Territory has had as its foundation respect for traditional institutions, with their accumulative wisdom and experience based on deep-rooted social forces in the country, but it is far from correct to affirm that the present-day development of the Territory is at a tribal stage. The political reforms in government, whether central or local, which have been introduced or will shortly take place, and the plans for general advancement are entirely modern in their concept and execution. There has been a jump of centuries, and the speed of evolution is such that the grant of full dominion status to the Gold Coast is likely to take place within less time than some people imagine. This evolution makes heavy demands not only on the Governor, the Ministers and the civil service, but on the people who inhabit the country.

In this Council there have been references in the most sympathetic spirit to the need for more teachers and more doctors, to name the two professions most mentioned. The Administering Authority and the Gold Coast Government recognize this need and have gone to every resort to meet it. But we cannot force persons into careers; these must be a matter of free personal choice. And it would appear that the future lies to a great extent with the inhabitants of the Trust Territory. They want schools and hospitals. So do we. But these need to be staffed. The answer lies with the people. There are facilities to be increased for teacher training in the Trust Territory and the Gold Coast. Let the Togolandese come forward. At present, there are some 271 pupils in training as teachers. This is no small number, but many more will be required. Preliminary courses in medicine can be undertaken at the University College of the Gold Coast at Accra, which is only some 103 miles from Ho, the headquarters of the Southern Section. The fees are moderate and there are many and generous scholarships. Every Togolander at present at the University College is a scholarship holder. For students going overseas to complete a medical course and take a degree, there is equally ample and generous provision in the way of financial aid. I mention this as an illustration of a remedy which is almost entirely in the hands of the peoples of the Trust Territory.

In 1950, there were 229 boys and 17 girls of the Trust Territory enrolled in secondary schools in Togoland or the Gold Coast. Out of this number, is it too much to expect that a high proportion, recognizing the needs of their own Territory, will turn to the professions and take up work in Togoland? If they did so, the problems confronting their parents and their fellow inhabitants would be to a great extent solved. Surely, also, there are amongst the thousands of primary school pupils who may not care to go to higher institutions hundreds who will be willing to undertake training for non-professional posts for which full training facilities exist in the Gold Coast. Careers of promise and of real benefit to the community are open to all, and I would take this opportunity of assuring the Council that, in the aspect I have mentioned, the Commissioner for Africanization will be a valuable practical medium of further emphasizing to the rising generation of Togoland the needs of their Territory and the parts they can play in meeting these needs. In the meantime, especially in the technical sphere, the highest inducements and conditions of service are being offered to suitably qualified persons, be they African or European, to take up posts in the Gold Coast and the Trust Territory. It is not for want of trying that the fullest recruitment has not yet been attainable.

Frequent reference has been made, very rightly, to the field of education. The Administering Authority and the Gold Coast Government attach to it the highest priority, and expansion has in recent years been outstanding. The cost of the new University College will run into millions, and both in architecture and in quality will rival any in tropical Africa. Provision is being made for an eventual capacity of from four thousand to five thousand students, but the immediate aim is for eight hundred students by 1956. This aim should be easily fulfilled, probably before that date, and students from the Territory have entry to the College on exactly the same terms as those from the Gold Coast. The secondary school at Ho has in its short existence had a remarkable expansion of numbers. In the realm of primary education, I am confident that in the next two or three years there will also be outstanding advances.

Speaking from long experience of the Gold Coast and the Trust Territory, I assert with the greatest confidence that the next few years will show

great progress in all spheres of education in the Territory -- and, in making this prophecy, I include the Northern Section, where I confidently predict a largely increasing tempo of advancement.

I should like, on behalf of the Administering Authority and the Gold Coast Government, to express my appreciation of the very encouraging references to the work being undertaken in mass education and to give^{an} assurance that the success of this enterprise in the Southern Section will be maintained. I am only too glad to pay here a tribute not only to the work of the organizers, but to the people themselves, who have so willingly co-operated. I can also assure the members of the Council that this work will be extended to the North as soon as the intensive technical preliminaries are completed.

As I have said, I have concentrated my observations mainly on health and education, but no less attention will be paid to the practicable suggestions of members of the Council on all other matters, including water supplies, roads and the development of local government, all of which are recognized as of urgent priority and for which provision is made in the development plan to be discussed by the Legislative Assembly next month. I would make it clear, however, that development has not waited on formal approval of the plan, which has been in draft for some time. Several important items of the draft have already been put into operation and orders for materials placed. Much of the execution of the plan will depend on the availability of skilled and technical personnel and of essential materials, and I know that members of the Council will join with me in hoping that world conditions may soon so improve as to place no obstacles or delay in the provision of these necessities.

When I opened my observations, I made a reference to one exception to the valuable offering of constructive suggestions by members. That exception is, of course, the USSR, the representative of which found himself unable to see any good in what is being done by the Administering Authority and the Gold Coast Government. About a month or two ago, I read in the newspapers that a United States Senator had described some statement of another Senator as "a miracle of contrived confusion." That phrase, as applied to the remarks of the representative of the USSR, would be an understatement. In my experience, they reach the depths of distortion, and I am unable to let them pass without attempting to correct them or put them in their proper perspective.

The representative of the USSR said:

"As regards the Northern Territories and the northern part of Togoland, the Governor of the Gold Coast is the sole legislative authority..."

This is past history -- and I emphasize the word "past" -- and it was clearly stated in the report that the Governor has now no such power under the new constitution. All legislation is passed by the Assembly, on which the indigenous inhabitants of the Trust Territory are well represented.

The collection of taxes by chiefs -- a system cited by the representative of the USSR -- applies only to the northern section and not to the whole of the Territory as was clearly implied by him, and the assessment of taxes is governed by the native authorities. No chief by himself has any power to levy a tax. It is the local authority, on which persons other than chiefs are represented, which has that power. I have already made it clear too, as the report makes it clear, that the so-called tribal system is being superseded by a greatly advanced type of local government.

The representative of the USSR remarked that it was characteristic of the Ten-Year Plan for the Gold Coast that "expenditures for the construction of police stations are eight times as much as expenditures for social insurance...". Page 96 of the report, to which he referred, shows that expenditure for police buildings amounts to some £1,600,000. Social welfare amounts to £190,000, but that is only one single item under the general head set out in detail in the report of "Social Services". The representative of the USSR studiously avoided mentioning proposed expenditure of £8,500,000 on education, over £3,000,000 on hospitals and so on, nearly £6,000,000 on housing and over £2,000,000 on town and country planning. The total specifically listed under "Social Services" is well over £21,000,000.

The representative of the Soviet Union went on to say,

"The Administering Authority has availed itself of the Trust Territory as a source of raw material for the metropolitan country... The main commodity produced in Togoland is cocoa."

If reference is made to page 443 of the report it will be seen that of this raw material out of 246,000 tons sold in 1949-1950 94,650 tons were purchased by the United States of America and 55,000 tons by the metropolitan country, that is to say the United Kingdom, which had to pay for it on the same terms as any other country. Eighteen other countries shared in the purchases, among them the USSR which bought 5,500 tons from the Cocoa Marketing Board. This Board was set up in

1947 after close consultation with cocoa producers in all parts of the Gold Coast and the Trust Territory. It is, of course, grossly untrue to say that the Trust Territory is not represented. It had a member specifically elected from southern Togoland in the same way as the Colony and Ashanti, and an invitation has been extended for a Togoland producer to be on the new Board. It is quite incorrect to say that "the foreign trade in cocoa... is entirely in the hands of a number of large European companies". Every bean of cocoa is produced by the indigenous inhabitants, and in the Trust Territory the co-operative societies, composed entirely of these inhabitants, marketed in 1949-1950 nearly 20 per cent of the total production.

On the question of alienation of land, the desire to alienate/^{land} and the actual alienation come from the people themselves, but the situation is safeguarded by the Administering Authority in accordance with the terms of the Charter and of the Trusteeship Agreement. There has been no failure to "take appropriate measures to return to the indigenous population lands already alienated from it", and the case cited by the representative of the Soviet Union has been entirely distorted by him. The people concerned sold the land to Germans when Togoland was under German administration. The Custodian of Enemy Property had international legal obligations to see that that land, which was not the property of the Gold Coast Government or of the people, was sold at its fair value. This has been done, and the people themselves who sold the land have now repurchased it. The proceeds, of course, did not go to the Gold Coast Government. The certificate of occupancy granted by the Governor in respect of four acres to a Roman Catholic mission merely approved the transfer of land by the indigenous inhabitants at their own request to a voluntary organization working for the benefit and advancement of the people in the Territory. There is no such thing as "the British authorities alienating land under the guise of a forest reserve scheduling programme". The law provides for the constitution of forest reserves in order to safeguard water supplies, to assist the well-being of the forest and agricultural crops thereon and in the vicinity, and to ensure the supply of forest produce to the indigenous inhabitants. Ownership of the land so constituted is in no way affected. The law says specifically that the land remains in the ownership of the indigenous people.

In connexion with the so-called head tax system the representative of the USSR has ignored my repeated statement that in the southern section the recommended proposals for expanded local government include one to substitute for the existing tax a system of taxation based on property assessment, which is modern local government practice almost throughout the world.

On the subject of medical services it has not been claimed that nothing remains to be done, but the Administering Authority and the Gold Coast Government are, as I have already said, vigorously pursuing a practical policy of intensification of services through dispensaries, clinics, hospital extensions, health centres and mass medical treatment through mobile field units. These mobile field units have already achieved great success in the treatment of sleeping sickness and yaws and in vaccination against smallpox.

The representative of the Soviet Union went on to misrepresent the situation in regard to education. It was quite false to state, as he stated, that "Educational matters in the Territory... are fully in the hands of religious missions", or that they are miserable. The missions, as has been repeatedly made clear in the report and by me, are fully subsidized agents. The central government controls education, and the standard of education throughout the Territory as a whole is, in quality and quantity, far from miserable.

In ending these observations, I should like to make one comment on a matter which has surprised me, and that is the quoting by the Soviet Union representative from petitions which are still under consideration or sub judice by the Council. These quotations have been one-sided and biased and took no note of the observations thereon by the Administering Authority. The representative of the Soviet Union is a member of the committee sitting on these petitions and the manner in which he has quoted from them would appear to prove that he is partial and biased.

In conclusion, I should like to extend a personal note. I have appeared before this Council on several occasions and this will be my last appearance. I should like to express my very sincere appreciation to all the members of the Council for their great courtesy to me, both inside and outside of the Council. In this tribute, I of course include my very good friend Mr. Soldatov, the representative of the USSR, who, as all the members know, is, despite his views, a man of great charm and quality. I would also thank the members of the Secretariat and their staff for their kindness and most willing co-operation. I shall look back upon my association with the members of the Council and the Secretariat with many pleasant memories.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Special Representative of the Administering Authority for Togoland under United Kingdom administration endeavoured to disprove facts alleged by the delegation of the Union of Soviet Socialist Republics on the basis of petitions and other documents at the disposal of the Council. But in this endeavour he only confirmed these facts, inasmuch as he did not submit any evidence contrary to the allegations of the USSR delegation.

He did not disprove our charges with regard to the inadequate and deplorable situation in respect of health services, educational services, educational advancement and social advancement of the indigenous inhabitants of the Trust Territory. Indeed, the Soviet Union delegation has advocated and will advocate the thesis that it is incumbent upon the Administering Authority to comply fully with the provisions of the Charter of the United Nations, according to which it is the duty of the Administering Authority to foster the political, economic, social and educational advancement of the population of the Trust Territory and their progressive development towards self-government and independence. The fact that the Soviet Union delegation

has consistently stressed this point is indeed no secret to anybody, and if this can in any manner be construed as evidence of bias and lack of objectivity, then it may be pointed out that such a bias is a good bias since it serves a good cause. As regards objectivity, that word seems to be open to various interpretations, one being that of the Special Representative and another one being an interpretation which can well be thought of when the Soviet Union delegation insists on the legitimate requests of the indigenous inhabitants of the Trust Territory being met. The Soviet Union delegation is convinced that in so doing it is acting without bias and objectively.

The Special Representative quite recklessly sought to deny facts which I garnered from the report of the Administering Authority and from petitions. This being the case, there is no need for me to enlarge on the statements made by the delegation of the Soviet Union. These things have been said on the record and anybody who wishes to convince himself of the correctness of those statements can easily check up on the verity of our charges and of our statements by looking at the appropriate documents.

As regards the relations prevailing among American Senators, this is certainly not within the competence of the Trusteeship Council. But I must say that I have had no truck whatsoever with American Senators.

Sir Alan BURNS (United Kingdom): As he threatened yesterday and as we all expected, the representative of the Soviet Union has replied to the factual statement of the Special Representative. As all the Special Representative has said is strictly true, there is no need for it to be repeated again. Propaganda needs repetition, but the truth does not, and I shall therefore say no more on this matter.

The PRESIDENT: The debate on the report on Togoland under British administration is concluded and it now remains for me to thank the Special Representative. This must indeed be a special occasion since the Special Representative has just said that he will be unable to appear before this Council in that capacity again. I feel sure that all the members would want me to wish him a very happy future. He is young enough to have a long future before him. I wish to thank him for the splendid manner in which he has discharged his duties.

Perhaps it is a pleasant irony of fate, if I may put it that way, that I should be taking a leave of Mr. Sutherland, in the same manner as I had to do on another occasion about two years ago. I remember that when I had the honour to preside over the Visiting Mission in the capital of Nigeria, and another British representative, Brigadier Gibbons had finished his work, I referred ^{to} him as the "Constant Nymph" of the Visiting Mission -- and Mr. Sutherland would come under the same affectionate term. He need not try to live that down, because it is made in the most affectionate manner. I cannot forget how ^{and co-operative} helpful Mr. Sutherland has been to the Visiting Mission. May I, for the second time, bid him God speed and thank him on behalf of the Trusteeship Council and, in a small way, on behalf of myself, for all the kindness and co-operation he has extended to us.

I shall now appoint a drafting committee for the report on Togoland under British administration. I suggest the following members: Argentina, Australia, China and France. I shall put the appointment of each member to the vote. The Council will now vote on the proposal to appoint Argentina as a member of the Committee.

The proposal was adopted by 10 votes to none, with 1 abstention.

The PRESIDENT: The Council will now vote on the proposal to appoint Australia as a member of the Committee.

The proposal was adopted by 9 votes to none, with 2 abstentions.

The PRESIDENT: The Council will now vote on the proposal to appoint China as a member of the Committee.

The proposal was adopted by 9 votes to 1, with 1 abstention.

The PRESIDENT: The Council will now vote on the proposal to appoint France as a member of the Committee.

The proposal was adopted by 9 votes to none, with 2 abstentions.

The PRESIDENT: The Council will now vote on the appointment of the Committee as a whole.

The proposal was adopted by 10 votes to 1.

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The proposal was adopted by 10 votes to none, with 1 abstention.

The PRESIDENT: The Council will now vote on the proposal to appoint Australia as a member of the Committee.

The proposal was adopted by 9 votes to none, with 2 abstentions.

The PRESIDENT: The Council will now vote on the proposal to appoint China as a member of the Committee.

The proposal was adopted by 9 votes to 1, with 1 abstention.

The PRESIDENT: The Council will now vote on the proposal to appoint France as a member of the Committee.

The proposal was adopted by 9 votes to none, with 2 abstentions.

The PRESIDENT: The Council will now vote on the appointment of the Committee as a whole.

The proposal was adopted by 10 votes to 1.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to explain my vote. The delegation of the Soviet Union abstained from voting on a number of candidacies in connexion with the membership of the Drafting Committee and voted affirmatively in respect of one candidacy. In the matter of one other, it voted negatively. On the membership of the Committee as a whole my delegation voted negatively. It did so because such membership includes a person who is a usurper and who is not the representative of the great Chinese people, but rather represents the Kuomintang clique and, therefore, he himself is a usurper in these precincts. That is why my delegation voted against the membership of the Drafting Committee as a whole, although voting in favour of one candidacy and abstaining on a number of others.

Mr. S.S. LIU (China): The Soviet Union has the right to oppose the election of any member to serve on any of the committees of the Council, but he has no right to use terminology which is not accepted by the Council. On former occasions our President has ruled him out of order, and I appeal to you, as Vice-President of the Council, to do the same thing.

The PRESIDENT: As far as I am concerned, I did not stop the Soviet Union representative as he was making a statement on his own behalf and responsibility and not on behalf of this Council.

Mr. S.S. LIU (China): I do not understand the statement of the Vice-President.

The PRESIDENT: I said that I did not stop the representative of the Soviet Union because he was making a statement on his own behalf and responsibility. My Government's policy is clear and has been made clear on several previous occasions. It is an open secret that my Government does not subscribe to such an attitude, but I cannot stop every representative simply because he says something with which I disagree. That is the reason why I did not deprive one representative of the freedom of speech. That is against my principles. I repeat, the Soviet Union representative, like any other representative of the Council, was making a statement on his own responsibility which did not represent the views of the Council.

Mr. S.S. LIU (China): If that explanation stands, then the President's action in ruling the Soviet Union representative out of order was not right.

The PRESIDENT: I can only reply by saying that the President must do as he thinks right, and the Vice-President must do what he thinks right. I cannot answer for Sir Alan Burns when he is in the Chair.

Mr. S.S. LIU (China): I must protest against the attitude taken by the Vice-President. It is inconsistent with the ruling that has been made by the present President.

The PRESIDENT: I do not agree with the representative of China. I believe the position I have taken is a correct one.

Sir Alan Burns resumed the Chair.

TOGOLAND UNDER FRENCH ADMINISTRATION, FOR THE YEARS 1949 AND 1950 (T/785, 903, 907, 907/Corr.1; T/L.196)

On the invitation of the President, Mr. Pierre Montel, Special Representative for Togoland under French Administration, took a seat at the Trusteeship Council table.

The PRESIDENT: We shall continue the questions under the heading of Political Advancement.

Mr. DAVIN (New Zealand): I had intended to ask a question on the progress of the draft law in the Representative Assembly of Togoland, which is said to extend the powers of the Assembly by comparison with those it possessed under the Decree of 24 October 1946. However, I see that such a question has been asked by the representative of Argentina, and Mr. Pignon has said that he will clarify this point subsequently in a more extensive statement. My delegation looks forward, therefore, to hearing that further statement.

I will pass on to my first question, which relates to regional

organization. It is stated on page 25 of the 1950 report that the proposal for "Conseils de circonscription" for each Circle and Sub-Division is nearing realization, and it appears that when the report was written the French Overseas Department was considering the proposal. I wonder whether the Special Representative could tell me whether there is further progress to report on this subject.

Mr. MONTEL (Special Representative for Togoland under French Administration (interpretation from French): By a Ministerial Decree the constitution of Divisional Councils has been approved by the Government. I can outline the project for the benefit of the Council. The villages will, according to custom, appoint secondary electors, who will be called upon to elect delegates to the Divisional Councils. Since these Councils deal with strictly local affairs, it is essential that the appointment of these members should appeal to the masses, according to the practices prevailing in the different regions. These Councils will be in a position to begin functioning at the end of 1951.

Mr. DAVIN (New Zealand): I should like to thank the Special Representative for that explanation. It is pleasant to be able to note such satisfactory progress.

My next question relates to the election of the Deputy to the French National Assembly. I note on page 26 of the 1950 report that one deputy is elected by a single college of electors as defined by the law of 5 October 1946. It appears that this is a single college comprising the citizens of French status, numbering under one thousand, and certain categories of other electors as defined in article 40 of the law of 5 October 1946. I wonder whether the Special Representative could tell me what has been the personal status of the Deputy or Deputies so far elected; that is to say, whether they have been French citizens or Africans. I may say that I have just noticed in a petition document that there were elections on 17 June 1951 and that Mr. Aku was elected. But I do not know what was the personal status of these people. Perhaps the Special Representative could explain that, together with the status of the members elected to the Council of the Republic and the French Union.

Mr. MONTEL (Special Representative) (interpretation from French):

Both the incoming and the outgoing Deputies are French citizens. One is a doctor holding a medical degree; that is Mr. Aku. The incoming member, Mr. Grunitzky, is a public works entrepreneur. As regards the members of the Council of the Republic, there are two Senators: Mr. Siaut, who is a French tradesman, and Mr. Gustave, who is also a French citizen. In the Assembly of the French Union, Mr. Savi de Tove is also a French citizen.

Mr. DAVIN (New Zealand): My next question relates to the proportion of indigenous inhabitants who are entitled to the vote. It appears from a table on page 173 of the 1950 report that the indigenous population of the Territory as of 31 December 1950 was 997,217. It also appears from the electoral table on page 177 of the report for 1950 that the number of electors in the African College for 1951 was 27,603, consisting of 26,661 men and 942 women.

Now it is true that this represents a considerable increase over the 1950 figures in the same table, which show 15,718 men and 502 women. However, the total figure of indigenous electors -- I am speaking of electors for the Representative Assembly -- still seems to be a rather low proportion of the indigenous population even after we allow for children, and the number of women electors still seems rather low.

Would the Special Representative comment on this situation and indicate the difficulties which are holding up the speedy extension of the franchise, and perhaps add a special word on the position of women electors.

Mr. MONTEL (Special Representative) (interpretation from French): It is true that the electoral legislation at present in force in French Togoland is dated 23 May 1951 and that it provides for certain qualifications for voting. It is not possible for everyone to be included on the voters' register; certain conditions and qualifications must be fulfilled. Our electors include those who possess French civilian status and are twenty-one years of age and over, of both sexes; the heads of families who, on 1 January of this year, paid the minimum tax or any other similar tax; the mothers of two children living or whose children died for France and who receive a pension. This is the recent electoral legislation which added to the previous categories the mothers of two children and the heads of families. During the annual reforms this figure will be substantially increased. The figure of 28,580, following the new provisions of this legislation, has increased to approximately 32,500 electors. The new legislation was introduced about three weeks before the last legislative elections, so that all those benefiting from the new provisions did not have time to be registered as electors. However, during the electoral reforms of next year, the number of thirty thousand odd electors will be very substantially increased.

Mr. DAVIN (New Zealand): I am very glad to hear that such progress is being made. I have just one more question. Page 22 of the report for 1950 refers to the Conseil Privé. It appears from article 4 of the Decree of 3 January 1946 which refers to this body, that the Conseil functions in an advisory capacity to the Commissioner of the Republic, and that it consists of the Commissioner of the Republic as President, the Secretary-General, the Procurer of the Republic attached to the Tribunal of Lome, and four non-official members, two being citizens and two non-citizens, nominated for a period of two years, and two alternates, one a citizen and one a non-citizen. That makes eight in addition to the President, if one counts the alternates.

Could the Special Representative tell me something about the functioning of this body? For example, the type of topics on which it is consulted, how often it meets and whether there are ever disagreements about the advice it will tender, and, if so, how these are resolved.

Mr. MONTEL (Special Representative) (interpretation from French): The Conseil Privé is essentially an advisory body. In French Togoland it meets at least once a week at Lome. The Governor submits all proposed decrees to the Conseil Privé, and it deliberates on these decisions. The Governor cannot take any administrative or other decision without the approval of the Conseil Privé. Thereafter, such decisions are turned over to the Territorial Assembly. The Conseil Privé, therefore, is consulted in connexion with all administrative questions which may arise.

Mr. DAVIN (New Zealand): I did ask a question about how the disagreements, if any, would be resolved. I presume that there is a fairly harmonious measure of co-operation among the members of the Conseil, and I shall not press this question.

Those are all the questions I have, and I want to thank the Special Representative for his full replies.

Mr. PIGNON (France) (interpretation from French): I should like to add a few words to what the Special Representative has said concerning the Conseil Privé. The Conseil Privé has its roots far back in the history of overseas territories. At one time it had its own juridical competence and

competence in other fields. It still has some obligatory competence in juridical matters, particularly as regards dispensations for marital cases and other affairs of civil status. Otherwise, the Conseil Privé is purely advisory. Its advice must be sought, but it does not bind the Governor. It is a high advisory body made up of important and authoritative people whose advice should be sought. A person is selected because he has particular abilities in a certain field. It is therefore an organ within the executive power.

I might add that it is the intention of the French Government to change the status of the Conseil Privé. This organ will be replaced by another one which will embody to a large extent the idea of representation.

Mr. HOUARD (Belgium) (interpretation from French): I should like to put one or two questions to the Special Representative concerning the customary tribunals, which are mentioned on page 46 of the report. I note in the text before us that plaintiffs may choose the court before which they will bring their suit, and that it is only in case of a conflict of customs that the tribunal or the court of first degree alone is competent. Can the Special Representative tell us whether plaintiffs always have the opportunity to turn to a court of first degree or a court of second degree?

Mr. MONTEL (Special Representative)(interpretation from French): This indeed is a derogation from the general rules of French law, according to which it is the tribunal of the defendant that is competent. In French Togoland the option is according to the wishes of the plaintiff. This is in conformity with customary rules, and it favours speed and efficiency. The option of jurisdiction pointed out by the representative of Belgium, relates technically to the plaintiff's ability to choose between two distinct sets of jurisdictions, the competence of which, however, is overlapping in the sense that they may deal with similar cases within a similar field; that is, on the one hand the customary tribunals, and on the other hand the first degree tribunals. A plaintiff may consider that a first degree tribunal offers more safeguards for his case. He may also consider that there might be a favourable or unfavourable prejudice on the part of the local customary tribunal. At any rate, the rights of both parties are always fully safeguarded by the fact that there can always be appeals before the first degree tribunals against decisions of the customary tribunal.

Mr. HOUARD (Belgium)(interpretation from French): Which is the tribunal whose decision stands when the two plaintiffs disagree? One plaintiff may prefer the customary tribunal and another plaintiff, in the same case, may prefer another court. Which would hold sway in such a case?

Mr. MONTEL (Special Representative)(interpretation from French): When there is a conflict between two plaintiffs as well as a conflict between two customs, it is always the tribunal of the first degree which makes the decision.

Mr. HOUARD (Belgium)(interpretation from French): This is indeed an interesting question, because this is an experiment which was introduced by the French Administration two years ago. I am sure the Trusteeship Council would be interested in learning the results. I understand that there are now 15 such jurisdictions. It might be believed that the small number of customary tribunals makes it necessary for parties to travel long distances. One has to file suit, one has to show up for first proceedings and subsequent proceedings several times, trips are required and a lot of money may have to be spent. Does the French administration contemplate, as is being done in other African territories, the introduction, within the system of customary tribunals, of some sort of circuit courts, that is, courts which go around in a circuit, where the judges would travel around the territory?

Mr. MONTEL (Special Representative)(interpretation from French): It is true that the number of customary tribunals may seem to be very small. We must, however, bear in mind that we are still in the organizational stages in this matter, since these courts were set up only very recently. On the other hand, we must remember that the Territory is not very extensive and that, therefore, the number of courts does not seem so very small. All administrative constituencies, moreover, have a customary court, except for one constituency, that of Mango for reasons which are referred to in the report. There are several constituencies which are more densely populated and more extensive in area and which have several customary tribunals, where there is only one court of first degree per section. There are three customary tribunals at Anecho, two at Sokode, two at Bassari and four at Lama-Kara. There is no question at the present time of establishing circuit courts since the area covered by the courts is not very extensive. The thought is rather to multiply the number of courts. This is only an experiment, and it is contemplated to multiply the number of courts once we have noticed the results of our experiments in this field.

The procedure in the courts is as simple and speedy as possible. Written or oral complaints may be registered, and the case may be tried at once when all the witnesses and plaintiffs are present, in which case a decision can be handed down by the court immediately. Actually, the litigant has to travel only a very small distance to go to the customary courts, and this reduces the costs involved.

Mr. HOUARD (Belgium)(interpretation from French): I wish to thank the Special Representative for the complete information he has given us on the French Administration's policy in this field.

I should like to have some clarification, if possible, on the next to the last sentence in the chapter relating to customary tribunals. In this part of the report the administration states, very wisely it would seem to me, that one should see to it that such institutions should not stabilize or perpetuate local custom, in preventing it from evolving normally and being adapted progressively to a system of a higher morality. What is the Administration going to do to prevent such a crystallization of custom? The Special Representative has spoken of increasing the number of tribunals. There certainly will be more than 15 fairly soon. What can be done? What measures can or would the Administering Authority undertake to see to it that the institutions that are established, and that are beyond the mere experimental stage, should not crystallize and stabilize custom to the point where it would no longer be evolving and no longer adaptable to circumstances?

Mr. MONTEL (Special Representative)(interpretation from French): It might indeed be feared that purely customary courts might crystallize or stabilize custom too much. We do not know exactly what can be done in that respect. The heads of tribunals are, of course, chiefs and notables, flanked by assessors. They strictly apply only custom. There are ways of redress which we call homologation. That procedure may be carried out in Dakar where there are authorities that can hand down rulings as to whether or not custom is compatible with our civilized standards.

Mr. HOUARD (Belgium)(interpretation from French): I had not intended to put any further questions, but the Special Representative referred to the procedure known in French law as homologation; I think that procedure has been described in the past. Perhaps it could be summed up briefly now, not necessarily today, but perhaps at a later meeting.

Mr. MONTEL (Special Representative) (interpretation from French):
With the permission of the representative of Belgium I shall be very pleased to give him that information tomorrow.

Mr. HENRIQUEZ URENA (Dominican Republic) (interpretation from Spanish):
There are various questions which, it seems to me, should be clarified and I shall take them up in the order in which they appear in the 1950 report. I see from the report that the Administering Authority points out that the Trusteeship Council had previously recommended the extension of the powers of the Representative Assembly. The report goes on to say on page 25 that this orientation is taking place, and that in point of fact the draft law on the Representative Assembly of Togoland extends the powers of the Assembly beyond those devolved upon it by the decree of 25 October 1946.

I am very pleased to note that the Administering Authority is following the course recommended by the Trusteeship Council. I should, however, appreciate having some details on the measures being taken to that end. What new powers are given to the Representative Assembly in the bill referred to in the report? Perhaps the Special Representative has some background material on this subject which he could use to reply to my question.

Mr. MONTEL (Special Representative) (interpretation from French): The powers of the Representative Assembly are dealt with in a bill which is now before Parliament and which will be taken up during the present session of that body. I am not in a position now to give the broad outlines of the bill; perhaps the representative of France can give some further information on the point.

I can say that France intends to take the first step towards self-government in Togoland by granting more extensive powers to the Representative Assembly. It must be noted that the Representative Assembly now has all the powers necessary for the management of the Territory's special interests. Although this does not take in legislation, the Assembly has the power to promulgate regulations within the framework of the law. I think that considerable progress will be made in this field.

Mr. FIGNON (France) (interpretation from French): I naturally have before me the bill which is at present before the French Parliament. I have, however, been advised by my Government that it intends to submit an amended bill which will substantially alter the text of the present one, in the sense of extending even further the powers of the Representative Assembly. I believe that I shall very shortly be in a position to give the Trusteeship Council the broad outlines of the bill which is to be substituted for the one now before the French Parliament, the text of which I have before me.

Mr. HENRIQUEZ URENA (Dominican Republic) (interpretation from Spanish): The explanations given by the Special Representative and the representative of France are very gratifying, for they fully demonstrate that, by extending the powers of the Representative Assembly, the Administering Authority has

undertaken a programme leading towards greater autonomy for Togoland. That programme is in accordance with the desire voiced by the Trusteeship Council, and it is gratifying to note that the Administering Authority is following our wishes.

Of course, the bill is now before the French Parliament, which must legislate on it. We do not know when Parliament will act upon it, but, at least, things are moving in the proper direction.

I should like to refer now to page 26 of the 1950 report, where the statement appears that women have the right to vote in the Territory. It is recognized in the report that, owing to the customs prevailing in Africa, the principle of the complete equality of the sexes often meets with opposition, and that this very often represents an obstacle in the way of granting women the right to vote. It is quite easy to understand this difficulty. Nevertheless, the report does point out that, for instance, a woman has been elected to the Municipal Commission of Lome. This leads me to conclude that, despite the difficulty, the Administering Authority has succeeded in inducing women to exercise their right to vote. Of course, considerable time will be necessary to achieve the objective of complete equality in this regard.

I should like to know whether, apart from the woman who is on the Municipal Commission of Lome, there are other native women who have obtained similar positions. Is the number of women who are exercising their right to vote increasing?

(interpretation from French):

Mr. MONTEL (Special Representative)/ If I have understood the question correctly, the representative of the Dominican Republic wishes to know whether there are other women who have attained a status similar to that of the woman Municipal Commissioner.

Mr. HENRIQUEZ URENA (Dominican Republic) (interpretation from Spanish): I should like to know whether the number of women voters is increasing and whether there are women who are candidates for election to organs like the Municipal Commission.

Mr. MONTEL (Special Representative) (interpretation from French):

It is very difficult to induce the women to vote. Under the provisions of the new law which I have mentioned, women who are mothers of two living children or who had children who died for France have the right to vote. Since the law was passed on 23 May 1951, the electoral lists have increased by about 5,000 names, most of which are the names of women. I do not know exactly how many women participated in the last elections, but I am sure that they registered shortly before the elections because they intended to vote.

Mr. HENRIQUEZ URENA (Dominican Republic) (interpretation from Spanish):

The statement is also made on page 26 of the report that the present list of registered voters has 28,000 names and that this fact constitutes one more step towards genuine universal suffrage.

I believe that more detailed information on this subject would be useful. For instance, on pages 39 and 40 of the report, the statement is made that in certain municipalities universal suffrage is practised in the election of persons to the Municipal Commissions. The report states that this system was first practised as regards the commune miite of Lome and that it has now been extended to the municipality of Ancho. It will soon also be applied in Palime, Atakpame and Sokode.

I should like to know whether there are any reservations or restrictions on the basis, for instance, of income, status or education which are applied to the system of universal suffrage in the municipalities referred to in the report, or is it genuine universal suffrage -- in other words, does anyone fulfilling certain requirements have the right to vote?

Mr. MONTEL (Special Representative) (interpretation from French):

It is indeed universal suffrage, meaning that persons fulfilling the requirements set by law may vote. The law sets out the qualifications for voting. Persons are qualified to vote when, for instance, they have two living children, know how to read and write, have been soldiers, and so forth. I do not have the list of requirements for voting before me; it is rather lengthy. The requirements are liberal, and all persons meeting them are entitled to vote. In that sense, it may be said that the suffrage is indeed universal.

Mr. HENRIQUEZ URENA (Dominican Republic) (interpretation from Spanish):
If my knowledge of constitutional law is correct, if there are certain conditions for voting which are not met by all individuals, then the system is not one of real universal suffrage; it is still restricted suffrage, as it is practised in many parts of the world. The right to vote is restricted to those who know how to read and write, who have certain incomes, and so forth. That is restricted suffrage, but it does apply equally to all who request the right to vote. I take it that that is a correct interpretation of the situation.

Mr. MONTEL (Special Representative) (interpretation from French): Yes, that is correct.

Mr. HENRIQUEZ-URENA (Dominican Republic) (interpretation from Spanish): In any event, I consider that we should congratulate the Administering Authority for having instituted in these cities and townships, which have already achieved a certain degree of advancement, a system of local self-government. In this way, we find that all members of the Municipal Council are indigenous inhabitants; they are all natives. That this has been achieved proves that an important step has been taken in the field of political advancement in the Territory.

My last question refers to page 46 of the 1950 report. In paragraph 209, reference is made to juvenile delinquency. I find that there is a division here: it speaks of minors of less than 13 years of age and of minors from 13 to 18 years of age. The latter can be brought before the penal tribunals and, unless there is a deliberate offence, the plaintiff is not condemned. A sentence can be handed down by the court, but it is less than the sentence imposed upon an adult under similar circumstances.

This distinction between the two groups is very interesting. Most penal sociologists contend that, up to the age of 15 or 16, there can be no deliberate, wilful misdemeanour, and a minor is not considered to be fully responsible for his acts. But there is another period, up to 18 years of age, in which offences can be committed. However, in this case, the sentence handed down is more lenient due to the circumstances of the plaintiff's age. It seems to me that another distinction should be made with regard to the application of varying penalties, instead of merely saying that, from 13 to 18 years of age, the sentences will be less severe due to extenuating circumstances. This paragraph says that delinquents at this age can be condemned, but that the sentences will be more lenient. Does that mean that there are provided actual categories of penalties for such offences, which would be less severe than those applied to adults committing the same offences?

Also, I should like to have my memory refreshed in this connexion, but I believe that this is the same system which prevails in France with regard to juvenile delinquency.

Mr. MONTELL (Special Representative)(interpretation from French): I shall answer the second part of the question first. This is, indeed, the same system as is used in France. It is natural, as it is the French Penal Code which is applied in French Togoland.

With regard to the first part of the question, there is usually a maximum and a minimum penalty for a certain crime under the French Penal Code. When minors come before the court, they are held to benefit from extenuating circumstances by virtue of being minors. That is why the minimum sentence is usually imposed. In other words, first of all, the minimum sentence is imposed and, after that, the extenuating circumstances are applied.

Mr. HENRIQUEZ-URENA (Dominican Republic)(interpretation from Spanish): I am very grateful to the Special Representative for these explanations, which I find very satisfactory. In this connexion, the judge simply makes a decision, bearing in mind the gradation of penalties to be applied to minors in view of the fact that their youth is considered as an extenuating circumstance.

It seems to me that the measures taken in this connexion are very praiseworthy.

I may wish to put further questions at a later stage.

Mr. SUPHAMONGKHON (Thailand)(interpretation from French): I have read the reports on the administration of Togoland under French Administration with the greatest of pleasure. However, I have found some points which are of considerable interest to me, and I wonder whether the Special Representative could supply some clarification.

I would refer first of all to page 27 of the report for 1950. I have found a sentence at the top of this page, in connexion with questions of civil status, which speaks of the necessity of individualizing persons. It says that this necessity has not yet become crystalized within the mores of the country. At least, that is the way in which I interpret this sentence. I wonder if that is the correct understanding of the meaning of that sentence.

Mr. MONTEL (Special Representative)(Interpretation from French): That is correct. It is not yet possible to make civil status registration compulsory in character. It is rather difficult to apply individualizing characteristics to all persons in the Territory. It is difficult because customs and conditions are different. There is no custom of registering persons at birth, of registering marriages and so on. For this to become the rule in Africa, a long process of education would be necessary, so that the indigenous inhabitant would understand the necessity of having a fixed individual civil status for every individual person. It is difficult to make registration compulsory. It would be difficult to apply sanctions because it would be difficult to make them understand that sanctions should be applied if they did not register.

Mr. PIGNON (France)(interpretation from French): I think the representative of Thailand wanted some clarification with regard to the reference to the fact that the necessity of individualizing persons has not as yet become widely accepted. This is due to the fact that, in a relatively backward society, there is not the same need for such a thing as there is in more advanced societies.

There is not the same type of contract. Economic life does not pervade every aspect of daily life. In Europe or in the more highly-developed countries, it is necessary to know exactly with whom one is in contact. In Togoland -- not in the south where the economic life is very intense -- there is no such essential need to be clearly identified since there are not many contracts which require such identification.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): I thank the representative of France for his explanation.

My second question relates to page 41 of the 1950 report. It is with regard to the management of these mixed townships. The Special Representative has already alluded to this topic in his opening statement. It is stated here that a project analogous to that in Anecho is intended for the three towns of Palime, Atakpame and Sokode. This project has received the favourable comment of the Assembly at its meeting of 24 October 1950. Then it speaks of a certain time limit of three months which is required under the law.

I should like to know whether that three-months time limit begins as of 24 October 1950 or when does it begin? Have third-degree mixed townships already been established in Palime, Atakpame and Sokode?

Mr. MONTEL (Special Representative) (interpretation from French): The papers establishing the mixed townships of Palime, Atakpame and Sokode have just been signed. They are of recent date. Naturally it is not possible for these bodies to deliberate at the end of the year since it is necessary first to have elections for municipal commissions. That is why there is a delay of three months. But before the end of the year or at that time, these bodies will be in a position to function.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): Further down on the same page, in the third paragraph under the heading "General Administration, Place of the Indigenous Official", I read the following:

"It should be noted that some of these officials of the local staff may, though not being holders of the required degrees or although they did not pass successfully the required examinations, be nevertheless assimilated into ^{these} new cadres if, during a certain time, they have discharged properly certain functions and responsibilities."

Does this mention of a definite time limit, a delai determine, apply to one, two or five years?

Mr. MONTEL (Special Representative) (interpretation from French): The time limit has not been specified. When a subordinate official has satisfactorily fulfilled certain functions for a given period of time, it may be a very short one ^{if} he is at once considered capable of going on to higher positions. However, so as to improve his administrative training in certain posts, a longer period of time may be required. In any event, the period which is required before an individual can move from a subordinate position to a higher one without the necessary diplomas varies in different cases.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): Toward the end of page 42, in the second column under the heading "Judicial Organization", I read the following:

"Under civil law, the indigenous inhabitant can opt for French jurisdiction and even for French law".

Could it happen that an indigenous inhabitant, in opting for French jurisdiction, would nevertheless require the application of customary law? Can French law be construed so as to permit the application of custom or does French jurisdiction allow only the application of French law and nothing else?

Mr. MONTEL (Special Representative) (interpretation from French): French jurisdiction obligatorily means French law. The representative of Belgium mentioned the option of jurisdiction. It may happen that two parties agree to bring their suit under French jurisdiction and thus obtain the benefits of French law. That is when their suit is brought to a French court.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): The words here puzzled me slightly because it would appear that in some cases the application of French law would not be required. In any event, I understand it now.

The next page speaks of justices of the peace. It states that justices of the peace of restricted competence must be replaced after a brief delay by justices of the peace with more extensive jurisdiction. Could the Special Representative elaborate on this formula which speaks of certain brief time limits. What do those time limits refer to with regard to certain instances of jurisdiction?

Mr. MONTEL (Special Representative) (interpretation from French): There are four justices of the peace with limited jurisdiction in French Togoland. It is true that they are to be replaced by justices of the peace with more extensive jurisdiction. However, this cannot be done at once. That is why the report does not specify the exact time which will elapse before this extension of power takes place.

It is a question of having qualified magistrates on hand. This reform applies to all the Territory and it is necessary to have a large number of magistrates available before it can come into play. Justices of the peace with wide jurisdiction are career magistrates whereas justices of the peace with more limited jurisdiction are not career magistrates although they naturally hold law degrees and are independent of the Administration. However, since career magistrates are needed in view of the proposed reform, it is not possible to secure all the magistrates at once to fill these posts.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): Let us now pass to the customary tribunals which are dealt with on page 46. The report states that customary tribunals are presided over by the customary chiefs or respected notables assisted by two assessors and a secretary who knows French. How are these persons selected? Is it by appointment by the Commissioner or by somebody else?

Mr. MONTEL (Special Representative) (interpretation from French): The composition of customary courts is determined by a decision of the Commissioner of the Republic after nominations by the Commandants de Cercle or the chiefs of the sub-divisions. Usually the president of the court or the assessor of a customary tribunal is a traditional chief who previously had the power of conciliation and it was only natural that he should assume such office. Other members of the court are notables who are known for their honesty, equity and their knowledge of custom. In other words, the customary councils nominate members for the customary tribunals to their Commandants de Cercle, who transfer these nominations to the Governor. It is the Governor who appoints members to the customary courts.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): A little further down, I read that there is a similar procedure but that it has been simplified and shortened, that appeal can always be lodged before the Tribunal de Cercle. Is that appeal the last one open, or can further appeal be taken by way of cassation or along similar legal lines?

Mr. MONTEL (Special Representative) (interpretation from French): The appeal goes to a court of first instance. All cases of appeal from a customary court are appealed in a court of first instance, which is presided over by the head of the division.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): And that judgment is final? No further appeal is available?

Mr. MONTEL (Special Representative) (interpretation from French): All the decisions of the court of first instance are subject to appeal to a court of second instance, the Tribunal de Cercle.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): I have a question on the report for 1949. We read on page 39 that the customary chiefs are inviolable, that they cannot be removed ^{and} cannot be deposed except for special circumstances of public safety or under circumstances approved by custom. Can the Special Representative tell us about these circumstances relating to public order under which a chief can be removed?

Mr. MONTEL (Special Representative) (interpretation from French): If, for instance, the chief has embezzled funds or has committed some other offence, that would come under the heading of "public order" and he would no longer be inviolate; he would be brought before a court and, if condemned, would no longer hold the position of chief.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): We read, further along in the report, that these chiefs may collect a certain percentage from the collected taxes. Can the Special Representative tell us what the procedure is in regard to this money which is withheld by the chiefs out of the taxes which they collect?

Mr. MONTEL (Special Representative) (interpretation from French): Normally, the inhabitants of a village or county bring their taxes to the chief, and the chief goes with his notables to the capital of the sub-division or of the Cercle and hands in the tax which he has levied. At that time, a given percentage of the tax receipts is returned to the chief.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): Can the Special Representative tell us what that percentage is?

Mr. MONTEL (Special Representative) (interpretation from French): I am afraid I do not have precise figures. I believe, however, that it amounts to roughly three per cent.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): In other words, the more money the customary chiefs collect from the inhabitants, the higher will be their salaries.

I have a question relating to the number of indigenous inhabitants in the administrative service. I have compared the statistics given on page 185 of the 1949 report with the statistics given on page 203 of the 1950 report. I note that 248 indigenous inhabitants were in higher posts in 1949 and that this figure went down to 185 in 1950. Can the Special Representative tell us the reasons for this reduction in the number of indigenous inhabitants in such higher posts?

Mr. MONTEL (Special Representative) (interpretation from French): Actually, the statistics do seem to indicate a reduction in the number. However, the difference between the figure of 248 for 1949 and the figure of 185 for 1950 does not mean that there has been a substantial decrease in the number of indigenous inhabitants occupying higher posts. It is simply a matter of different methods of calculation having been followed. Certain posts were included in the 1949 figures which were not included in the 1950 figures. In the 1950 figures, "higher posts" applies only to officials actually belonging to the higher cadres. This is the case, for example, under the heading "administrative clerks". In 1950, these are to be found in the column applying to subordinate positions -- that is, administrative clerks, auxiliaries, daily workers, , and so forth. Only the administrative clerks of the cadre remain counted under "higher posts". But

many of these administrative clerks do occupy higher positions: they are chiefs of sections in various offices, and so on.

However, I recognize that this does lead to some confusion. The 1951 report will distinguish clearly as between higher posts and subordinate posts and will classify these posts according to various categories.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): Can the Special Representative tell us what the demarcation line is between "higher posts" and "subordinate posts"? Is the criterion one of salary, or are there certain categories which determine whether a person is to be counted in a higher or a lower category?

Mr. MONTEL (Special Representative) (interpretation from French): It is true that anyone can place his own interpretation on the meaning of the phrase "higher posts". As I see it, "higher posts" in Togoland refers to posts which are held by the general staff, members of which come from metropolitan France, and the higher cadres. In both these cases, it may be said that many officials occupy higher posts. This is not, therefore, separated on the basis of wages or salaries.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): On page 187 of the report for 1949, under the heading "Posts, Telegraphs and Telephones", we find that there were eleven indigenous inhabitants in higher posts, and in the 1950 report there are none. On the same page in the 1949 report, we see that there were twenty-six indigenous inhabitants in higher posts in the customs services in 1949, while in 1950 there are none. Can the Special Representative explain this?

Mr. MONTEL (Special Representative) (interpretation from French): I am afraid that I cannot give a precise reply since I did not draw up the report. The person who drafted the report would be in a much better position than I am to reply to this question.

Mr. PIGNON (France) (interpretation from French): To answer as exactly as possible the question put by the representative of Thailand as to the manner in which one distinguishes between higher posts and subordinate posts I must say that it is purely a matter of administrative definition -- of an order or ordinance to the effect that a certain job category shall be regarded as a higher post and another as a subordinate post. It is not even a matter of the salary received or even, necessarily, of the work involved. A post is higher or lower in accordance with the conditions of recruitment, and this does not mean that the employee ^{in a subordinate post} will of necessity be regarded as incapable of filling a post normally classified as higher. In the administrative service there are holders of higher and lower posts whose functions overlap. Normally, of course, the holders of higher posts may be expected to go farther in their careers. It is often a question of holding certain degrees and possessing certain qualifications. The conditions of recruitment are established at the beginning of the employee's career and the line of demarcation drawn in accordance with educational and other qualifications.

Mr. SUPHAMONGKHON (Thailand) (interpretation from French): I attach a great deal of importance to this question because it seems to me that the Administering Authority intends to increase the number of indigenous inhabitants taking part in the public service. I have no further questions, but I wish to thank the representative of France and the Special Representative.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): My first question refers to representation in the so-called Representative Assembly. The representative of New Zealand has already broached this subject. He cited certain figures and the Special Representative provided some clarification as to the number of indigenous inhabitants who take part in the elections to the Representative Assembly.

According to the report for 1950 some 997,000 indigenous inhabitants were represented in the Representative Assembly by 24 members, which means one member for every 41,550 constituents. At the same time, the report shows that 1,443 Europeans have six representatives in the Assembly, or one member per 240 constituents. Even if we disregard the total number of the indigenous population and merely concern ourselves with the restricted number of qualified Africans who are in fact entitled to vote for representatives to the Assembly it will be evident that the Europeans elect one member per 240 electors whereas the African voters elect one representative per 1,150 of their number. More precisely it appears that one member of the Assembly is elected by each 163 Europeans inasmuch as not all Europeans are actually voters.

In this connexion, could the Special Representative account for the discrimination which is to be noted even if we deal only with figures showing the number of persons who in fact participate in the elections? As I have said, it appears that in the case of Europeans 163 persons elect one representative, while in the case of the qualified indigenous inhabitants -- those ^{Africans} who are actually allowed to vote and who are thus already privileged, but who represent only a fraction of the total indigenous population -- only one member is elected for each 1,150 of their number.

Mr. MONTEL (Special Representative) (interpretation from French): In the case of the new Representative Assembly it was necessary to have some European members for the enlightenment of the indigenous members. Again, all the Europeans in Togoland represent some very important interest and it was only legitimate and fair that they should have a certain degree of representation in the Assembly. I should like to point out that while there are 24 indigenous members and 6 Europeans, 2 of the Europeans are in fact indigenous inhabitants possessing French citizenship.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): I must say that that answer does not meet the point at all. The discrimination which I thought might be explained in some manner in fact remains unexplained. It just exists. I thought that we might perhaps be told why it was deemed necessary, even in regard to the privileged fraction of the indigenous population which is allowed to vote. The Special Representative

has not accounted for this. Could we have an explanation of this discrimination which is practised against the main bulk of the population? In the case of the Europeans each member represents only 240 persons, whereas in the case of the Africans one member represents 41,550 indigenous inhabitants, which is a large figure indeed. Does the Administering Authority feel that this kind of representation fully safeguards the interests and needs of the indigenous inhabitants? Does it regard as satisfactory a situation where 41,550 indigenous inhabitants are represented by one representative whereas one European member represents only 240 Europeans?

After all, what is a representative in the Representative Assembly? A representative in the Representative Assembly is supposed to be a person whose duty it is to watch over the interests of his constituents from the area which sent him to the Representative Assembly, no matter whether he was elected direct or indirectly. But let us look at the situation. Let us take an indigenous inhabitant. 41,000 indigenous inhabitants are required to elect a representative. Let us not consider all of the 41,000. Let us consider 10,000 or 15,000 of them who will actually be in a position to enter into contact with their representative and who are articulate and vocal. It is still a tremendous number of constituent. As for the European representatives, they have to deal with only 240 constituents. It would appear that the contrary should be the case, the Europeans being there, as the Special Representative said, to help in the guidance of the indigenous inhabitants. But this sort of guidance should not be granted in the form of increasing the representation of the Europeans and not the indigenous inhabitants. Some other method, I think, ought to be found.

The example, I submit, is not well taken. How can a representative of the indigenous inhabitants discharge his function as a member of the Representative Assembly when he is supposed to represent so many constituents and where his constituency is so large as compared to the one of the European? The Special Representative, of course, knows the conditions prevailing in the Trust Territory. The representative receives his letters and requests from his constituents. Problems have to be solved. They pile up and there are many of them. Nevertheless, it is the constituency of the indigenous members that is so large. Does the Administering Authority intend to do anything to supply a form of representation under which the indigenous inhabitants will be in a position to effectively have their interests safeguarded through their representatives in the Representative Assembly?

I have only dealt with one aspect of the matter, and that is the personal interests of various voters. I shall reserve for subsequent treatment the question of the representativeness of this Assembly as regards the Territory as a whole. Now I only wish to have a reply to this question from the first aspect, the personal interest of the constituents.

Mr. PIGNON (France) (interpretation from French): The question of the representative of the USSR can actually be broken down into several questions. The first question is one which we have encountered frequently in the past, which is always brought up by the representative of the USSR, and virtually in identical words, as regards the territorial Representative Assembly of the Cameroons, for instance. Here again, the representative of the USSR referred to this problem of discrimination as between the two segments of the population sitting in the Assembly, the population enjoying French citizenship and the indigenous population. At that time, only a few days ago, I took the opportunity, before the Council, of giving the views of my delegation on this matter, and I stated that since this was a reform dating back to 1946, a reform which was enacted with virtually no experimenting in the representative system, in assemblies and in the electoral system, I said that since that was the case, it seemed essential to the Government, while undertaking such bold reforms, to take certain precautionary measures and to provide certain counselors to give guidance to the indigenous inhabitants.

In Togoland, the measures were very liberal indeed in this respect, since only six seats were reserved for Europeans and since, in any event, the overwhelming majority of seats was granted to the indigenous population. I should like to make it clear that there was no racial discrimination underlying this distinction. It was simply a question of differences in status of various individuals. As the Special Representative pointed out, two of the six members elected by the first electoral college are Togolese who have acquired French nationality.

The second question in the set of questions submitted by the representative of the USSR referred to, as I understand it, the electoral representativeness of those sitting in the second electoral college, that is, indigenous representatives. Suffice it to say that the movement and trend toward an extension of suffrage in Togoland has gone apace, and the extension to the Representative Assembly of the provisions embodied in the law of 23 May 1951 for elections to the National Assembly will entail a very substantial increase in the number of those voting.

I shall now deal with the third aspect of the question raised by the representative of the USSR, and I must confess that this question, to which the representative of the USSR seemed to attach particular importance, was somewhat surprising as far as I was concerned. It was sought to know

to what extent African representatives, numbering only twenty-four, could keep in constant touch with their constituents. I must confess that I fail to grasp this question, perhaps because my point of departure is the French system and I am accustomed to assemblies in which every deputy represents a large number of constituents and voters. The deputy of my department, Charente, for instance, represents a number of voters and constituents far above the number of constituents represented by a Togolese in the Representative Assembly. Deputies in France do not seem to have any particular difficulty in keeping in touch with their constituents. If I understand correctly the thesis advanced by the representative of the USSR, if it is to be considered a thesis, it is that the present number of members of the Representative Assembly should be drastically increased. The figure should be multiplied by ten, so that there would be 240 representatives, for instance. Perhaps that is the idea. I see no ideological drawback here, but I see several drawbacks in a country which is still a primitive one. An assembly of that magnitude and comprising such a numerous membership would find it very difficult to tackle the very complex questions brought before it. I hope that I have replied correctly to this question, although I must say I was rather surprised by its tenor.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): The representative of France, in answering my question, sought to argue from the French situation and from a situation which we know prevails in a number of other countries, where one representative in parliament certainly represents much larger constituencies than is the case in Togoland under French administration. This indeed is comprehensible. But an argument from analogy is not always probative, inasmuch as we should base ourselves on the concrete conditions prevailing in the Trust Territory.

In the Trust Territory the indigenous population is backward; it is at a stage of development where it needs a considerable measure of guidance and assistance. On the other hand, there are also Europeans residing in the Trust Territory, although there are not many of these. They have been, presumably, assimilated into the political, economic and social life of the area. They are experienced -- or they should be experienced -- and it would appear to me that the people whose interests are to be tended are the indigenous inhabitants since it is they, and not the Europeans, who find it difficult sometimes to grasp the concept of democratic government and related matters. Therefore, if we are to speak ^{comparatively} of representation for the indigenous inhabitants and the Europeans, the situation should be such that there are more representatives for the indigenous inhabitants; hence, the African constituency should be a smaller one so that it would be easier to take care of the interests of the African voters, which interests need more of such care than those of the Europeans. The participation of those people in the political life of the Territory should be encouraged. On the other hand, there is no need to grant any special representation to Europeans, particularly in the proportion of one representative per 240 European voters, since these voters, presumably, are already versed in governmental affairs and need no particular protection or care.

Does the Administering Authority contemplate taking measures to create conditions in which the indigenous inhabitants would be more effectively coached, politically speaking, so that more of them would be more thoroughly represented in a representative organ such as the Representative Assembly and the conditions be such that the number of electors per member of the Assembly should be smaller and the members of the Assembly able to take care of the interests of their constituents? Mr. Pignon spoke of the situation in France, but after all, in France the voter will not always address himself to his Deputy. He has hundreds of ways of safeguarding his interests and, in any event, the population of France is already accustomed to political and other institutions. The case is different in the Trust Territory.

My point is that a greater number of indigenous inhabitants should be attracted to political life. The representative character of the Representative Assembly should be safeguarded. Instead of that, what happens is that there is privileged representation for the Europeans, who do not need it. If this

is not racial discrimination, I would like to know what kind of discrimination it is. Is it social, or what would you call it? When I spoke of discrimination I did not use the word "racial"; if it was interpreted as racial discrimination, that was not accurate. I said "discrimination" without any adjective. I hope my explanation has served to clarify the thought which I am trying to convey and the point which I raised. If the representative of France and the Special Representative could comment on this point it would be gratifying to learn the intentions and policies of the Administering Authority as regards the political interests of the indigenous inhabitants of the Trust Territory.

Mr. PIGNON (France) (interpretation from French): After the explanatory statement made by the representative of the Soviet Union I am, of course, in a better position to grasp his ideas. His point is the guarantee of the best possible contact between a representative and his constituents. The purpose is two-fold: that of educating politically the indigenous inhabitants and of educating a larger number of individuals by means of participation in political life, including the Representative Assembly. I must say that I cannot take exception to any part of the statement made by the representative of the Soviet Union in this respect. Although I cannot at the moment take any particular stand on the matter, it is quite clear that an increase in the number of representatives in the Representative Assembly must not be considered as precluded in any way. Surely this is a question which can and should be considered among the various aspects of the powers of the Representative Assembly, which are at present under study and consideration in France. I should like to assure the representative of the Soviet Union in that respect.

The indigenous inhabitants of the Trust Territory are quite astute in pursuing their interests and defending them and in getting in touch with their representatives. An African representative is also characterized by his ability to keep in touch with his constituents. There are deeply rooted traditions in Africa. Village palavers are held, and I may tell the Soviet Union representative that he need have no misgivings on this point, since, in Togoland there is always close contact between representatives and electors.

The meeting was suspended at 4.15 p.m., and resumed at 4.40 p.m.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to obtain an answer to the following question: What measures, if any, is the Administering Authority prepared to take in order to remove the discriminatory aspects of representation in the Representative Assembly as between indigenous inhabitants and Europeans?

Mr. MONTEL (Special Representative) (interpretation from French): I am afraid that it is rather difficult for me to reply to the question put by the representative of the Soviet Union since this is a question of government. A reform of the Representative Assembly is contemplated, and I believe that new measures are going to be taken in order to eliminate the discriminatory aspects to which the representative of the Soviet Union alluded.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): In so far as I was able to understand the material on pages 203 and 204 of the 1950 report, all key posts in the Administration are held by Europeans. Could the Special Representative tell us how many indigenous inhabitants, if any, have been appointed to responsible posts in the Administration within the last 5 years, that is, the years covered by the reports?

Mr. MONTEL (Special Representative) (interpretation from French): If my memory is correct, I can refer to certain indigenous inhabitants who have been named to higher posts. There already are three State physicians who have been placed in electoral divisions. One of these was in 1949 and another quite recently. There is also a licensed professor, and this is the first such case in Togoland, who was appointed to the Modern College at Lome as a science professor. Furthermore, an indigenous inhabitant was entrusted with the responsibility for the general administration office. The chief of cabinet of the High Commissioner's office is also an indigenous inhabitant. In the French Institute of Black Africa there is also an indigenous inhabitant who is ^a technical assistant; he is the head of a service in the Institute.

These are high posts, but besides these there are any number of other posts which can be considered responsible ones and which have been entrusted to indigenous inhabitants. All the special agents responsible for the treasuries of the sub-divisions are indigenous inhabitants. The same holds true for those responsible for revenue from the post and telegraph service, and the same holds true for school directors, railway managers, and so forth. There is also a chief of police who is an indigenous inhabitant.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to know in what manner indigenous inhabitants are being trained for the purpose of occupying responsible posts in the Administration. Are there any special courses under the Administration, or under the appropriate administrative departments for such training?

Mr. MONTEL (Special Representative) (interpretation from French): There is no special Togolese establishment to train persons for higher posts, except for a number of special administrative posts. Any indigenous inhabitant, however, can occupy such high posts provided he meets the appropriate qualifications. The

grade schools, either of the metropolitan territory or of Togo, which do provide such educational qualifications, are open to all students. Those who cannot meet the costs get scholarships. A Togolese, like a metropolitan Frenchman, who has the appropriate diplomas can submit his candidacy for a post of his choice and be appointed provided he meets the qualifications; it is up to him to meet those qualifications. No special courses or measures, in my opinion, are necessary to train persons to fill various posts.

In Africa and particularly in Togoland, public office is very popular. There is no particular effort needed to induce persons to take such posts. What is necessary is to have persons meet the necessary educational and other qualifications for key positions. Persons are appointed to such positions, be they indigenous inhabitants or Frenchmen -- it does not make any difference -- provided they meet the qualifications and provided they are sufficiently proficient in their calling.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): In other words, in the Trust Territory itself there are no schools or courses which deal especially with the training of indigenous inhabitants for the occupation of responsible posts in the Administration.

Mr. MONTEL (Special Representative) (interpretation from French): There is, of course, the Modern College, which provides secondary education and does grant a diploma, after the receipt of which one can embark upon higher educational courses and attain higher degrees. There is also the Normal School at Atakpani. This school trains students to become assistant teachers or teachers. After leaving this school the students are able to become school inspectors or school directors, posts which heretofore were held by Europeans.

Whoever exerts the necessary efforts can obtain a higher post. There is secondary schooling available and there is also a specialized school for the training of teachers.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Special Representative has mentioned the Modern College, and he also said that graduates of that college may apply for administrative posts. But of course that college does not give specialized training; it is a usual, ordinary, academic educational establishment.

I would not say that this type of college could be classified as being designed to train indigenous inhabitants to take up higher posts. Since, however, the Special Representative has stated that the college in question gives the kind of training which qualifies persons for responsible posts in the administration, I should like to ask him how many graduates of the college have been appointed within the last two years to responsible, key posts in the administration.

Mr. MONTEL (Special Representative) (interpretation from French):

This college has been functioning for only two years. It is necessary for students graduating from it to go on to higher education, for which they either use means at their disposal or receive scholarships. Hence, three to five years of study are required before the necessary qualifications for the higher posts can be obtained. That is why it is not yet possible to place in higher posts the graduates of the school to which I have referred. As soon, however, as they have obtained the necessary qualifications, they will be eligible for appointment to any post, even the highest.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): In other words, this college does not train indigenous inhabitants properly. Thus far, owing to the fact that it has just started functioning, it has not prepared a single indigenous inhabitant for a higher post in the administration.

When I heard the original answer given by the Special Representative, I had the impression that there was a one- or two-year curriculum, upon the completion of which persons could be appointed to administrative posts. It appears that that is not at all the case.

To return to the college referred to by the Special Representative, he indicated that there might be a five-year curriculum. Has the Administration established any special courses to train indigenous inhabitants for responsible posts in any branch of the administration?

Let me clarify my point. In certain colleges, the last two or three years are not restricted to general academic subjects and sciences. Where there is a need of qualified personnel for administrative posts, that need is borne in mind in determining the content of certain special courses, so that persons

may be trained to take up the vacant posts. Does the curriculum of the college mentioned by the Special Representative contain any special courses designed to train persons for vacant posts in the administration? For instance, school inspectors would have to have special training, as would persons occupying posts in the medical or agricultural services.

When I asked how indigenous inhabitants were trained for administrative posts, I was told that they were trained in the ordinary educational establishments. Then I asked why it was that persons who had completed courses in such ordinary educational establishments had not been appointed in any considerable numbers to posts in the administration. To that question the reply was given that they could not be appointed because they had not received the additional, specialized training after having completed the general academic training. This seems to be a vicious circle. How does the Administration propose to solve this problem in the Territory of Togoland under French Administration?

Mr. PIGNON (France) (interpretation from French): I must say that it seems to me that the vicious circle to which the representative of the Soviet Union has just referred exists only because of the construction which he places on the matter.

In point of fact, there is only one educational system in Togoland. It is a system of general education, both at the primary school level and at the secondary school level. The successful completion of secondary education, under French educational traditions, leads to a baccalaureate. The holder of a baccalaureate, however, cannot automatically be appointed to a public post. It would be rather abnormal to maintain that the holder of such a degree, who may be from 17 to 20 years old, should immediately be placed in a responsible position. Such a person may, however, go on to take a series of examinations.

Now, obviously, it has not as yet been possible to organize in Togoland, a country which is rather sparsely populated, the kind of examinations to which I have referred. In fact, it would be rather pointless to have, for instance, higher medical training provided in the Territory, since French policy requires that an inspecting physician must hold a full medical degree. Hence, if a young Togolese wants to obtain a responsible post in the medical services, he must go to Paris, Montpellier or Dakar, where there are faculties of medicine. He will be provided with scholarships for the purpose. After having

completed the lengthy medical studies required, by which time he will have reached the age of 25, 26 or 27, he may apply for a responsible post in ^{the} medical services. The same situation applies to administrative or judicial functions. Obviously, a young Togolese wishing to become a magistrate will have to leave his country and take additional training in Dakar or in France, leading to a law degree.

We must remember that Togoland is a small country, with a population of less than one million. In the present circumstances, it is impossible to provide faculties of law, medicine, and so forth, to train persons for responsible posts.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): The representative of France has given me the information I was seeking. Indigenous inhabitants are not being trained in the Trust Territory to take up responsible posts in the administration.

My next question relates to the 1949 report, although some aspects are also covered in the 1950 report. My question has to do with the tribal system.

We have been told that in French Trust Territories, such as, for instance, the Cameroons and Togoland, there is no such thing as the tribal system. We have also been told that the Administering Authority certainly does not encourage the existence of such a system.

Before asking my question, I should like to refer to the Order of the Commissioner for Togoland, which is numbered 951-49/APA and is dated 2 December 1949. This Order concerns the re-organization of the native administration of Togoland. The text appears on page 308 of the 1949 report.

Article 1 of the Order states that the native administration of the Territory shall be carried out by the chiefs of villages, districts and cantons and by higher chiefs who shall be designated in accordance with customary rules and shall be assisted by councils the members and terms of reference of which shall be determined by custom and communicated to the Administration.

Article 2 states that the village represents the indigenous administrative unit.

Article 3 says:

"Every individual must belong to the village where he habitually resides and is, by virtue of that fact, subject to the authority of the chief of the village".

There is, of course, also the canton in which that village is located, and the person is also subject to the chief of the canton.

Then there is Article 8, which reads:

"The chief is the representative of the collectivity and is, at the same time, the agent of the local government. His designation is carried out in accordance with the customary rules and must be recognized by the Administering Authority".

We then read about the functions of the chiefs, heads and so on.

The sections of the ordinance which I have read out make it clear that this is a question of adapting the tribal system, which prevails in the Territory, to the administrative needs of the Administering Authority. In this connexion, I would ask the following question: in what way does the Administering Authority envisage a transfer from a system based on the tribal system to one which would be based on democratic principles?

Mr. MONTEL (Special Representative) (interpretation from French): It is rather difficult to do away overnight with a social and political structure which has heretofore operated satisfactorily for all.

As regards the chiefs, the Administration does not appoint them; it simply endorses the appointments of the Councils. These chiefs cannot be removed by the Administration, and they cannot, therefore, be compared in any way to administrative officials.

The changeover from the tribal system to a much more democratic structure must take place gradually and progressively, by means of various measures. Some of these measures have already been taken. For example, the indigenous inhabitants have become more accustomed to political life by participating in elections and in the work of the various Assemblies. In this way, they have acquired the training necessary to enable them to fulfil functions which have been reserved so far to the indigenous chiefs.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): The information in the report and the statement of the Special Representative make quite clear the role of the tribal system in the Trust Territory. Sometimes representatives of France assert that one cannot speak of a tribal system in French territories, and that one can speak even less of a tribal system encouraged by the Administering Authority. Let us look at Article 25 of the ordinance I mentioned before. Article 25 appears on page 310 of the report for 1949, and it says:

"All acts, words, gestures, manoeuvres, voluntary abstentions susceptible of constituting opposition to the customary chief vested in his office and recognized by the Administration and thus contrary to public order... shall be punished by police measures".

This shows that this is, indeed, a tribal system which is encouraged by the Administering Authority. In what manner does the Administering Authority safeguard the democratic rights of the indigenous inhabitants residing in a village or canton, in the light of the provisions of Article 25, as set out on page 310 of the report for 1949?

Mr. PIGNON (France) (interpretation from French): First of all, I should like to advise the representative of the Soviet Union that, from the ethnographic point of view, there is no link between the tribal system and the chieftainship system. These two matters are not of necessity closely and intimately connected, though there are links between them. The representative of the Soviet Union seems to believe that this text is designed to bolster and strengthen the tribal system and the authority of the chiefs. Quite the contrary. The text is designed to assimilate the traditional chiefs into administrative sections and cadres. This is a way of secularizing these traditional chiefs, so to speak. They become officials of a special type, a sui generis type. They are not administrative officials, but they are representatives of public authority.

I hope the representative of the Soviet Union will agree that whoever represents public authority is entitled to respect. A chief, in whom certain powers are vested, must not have his authority challenged and superseded. Furthermore, the only penalties provided are simple police penalties, which do not even call for court action. They are very lenient penalties, indeed.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): Page 78 of the report for 1949 notes ^{the} dissatisfaction of many indigenous youths with the tribal system. They are said to have objected in particular to the traditional customary authorities. In what places in the Trust Territory has this phenomenon been noted, and what is the attitude of the Administering Authority toward these manifestations of the indigenous youths with regard to the tribal system?

developed. Could the representative of France inform the Council as to the measures that are contemplated for the purpose of ensuring the grant of legislative rights to the Representative Assembly in Togoland and in what manner these rights will be implemented?

Mr. PIGNON (France) (interpretation from French): It seems to me that the question put by the representative of the USSR was really addressed to me rather than to the Special Representative.

It is true that during the discussion of the report on the Cameroons, I did refer to a problem which is rather controversial. This is due primarily to a question of terminology. In French legal terminology, we consider legislative all that depends on or derives from the Parliament. This is expressed by means of laws. We consider regulatory any decree or ordinance which emanates from the executive power. This does not in any way affect the substance of the matter. This criterion is a formal rather than a substantive one. A very important matter may be dealt with by an ordinance and a matter of secondary importance may be provided for by law. By tradition, so as to avoid confusion, the term "legislative" applies to acts emanating from Parliament. All acts, regardless of their importance, emanating from the President of the Republic, the President of the Council or a Minister are regulatory in our terminology.

From this point of view of French terminology, there can be no doubt that a territorial representative assembly, whether it is situated in the Senegal, the Cameroons or Togoland, cannot have any legislative power. However, this does not mean that such an assembly cannot have powers identical or similar to those which we usually classify under the heading "legislative". In all matters not already covered or reserved for legislation by the French Constitution, the territorial assembly enjoys powers of a legislative character. The French Government intends to increase the powers of the Representative Assembly by extending the list of matters upon which it can deliberate. The representative of the Soviet Union is surely very well acquainted with these texts. He knows that in certain matters the Assembly can deliberate and that, in connexion with other matters, the Assembly must be consulted and simply acts as an advisory body and submits its views.

Mr. MONTEL (Special Representative) (interpretation from French): The statement in the report is couched in general terms. No specific or important incident during the past two years can be used as an illustration of this general comment. It is true that the youths in Togoland, as in virtually all countries, are tiring somewhat of the traditional system of the customary chiefs. They would also like to do away with this sort of control which they consider burdensome. However there are no specific instances involved. This is simply a general comment in the report.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): I was referring to the left-hand column, paragraph 5 of page 78 of the report where it is stated that in numerous cases, ill management and even embezzlement on the part of certain chiefs of families who took for their own profit the income of collective patrimony, incited the youths to rebel against customary authority. It is a rebellious attitude on the part of the youths. That is to what I have referred and it is also referred to in certain previous paragraphs. Does this reference make the point clear to the Special Representative?

Mr. MONTEL (Special Representative) (interpretation from French): I do have before me this paragraph in the report. There can be no doubt that the structure of the family in "black" Africa confers great authority on the heads of families. They have many rights as well as many duties. Children, when they are able to earn their own living, consider it a duty to provide for the heads of the families even though a large part of their income may be directed to the maintenance of the heads of the families. It is to do away with this sort of authority that this feeling of dissatisfaction exists. However, as I pointed out, it exists in many countries of the world.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): The question of the legislative rights and powers of the Representative Assembly has already been raised and discussed. To my understanding, the representative of France in answer to a question promised a more detailed reply if the necessity arose. However, the member of the Council who asked the question seemed to be satisfied with the reply which had already been given by the representative of France so that the question was not further

The intention of the French Government is to transfer into the category of matters upon which the Assembly can deliberate and exercise powers of a legislative nature the largest number of matters/^{upon} which at present the advice of the Assembly and nothing more is sought.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): When is it proposed to take this step?

Mr. PIGNON (France) (interpretation from French): This study is at present in progress. In a recent letter, the French Government advised me that it intends to send certain corrigenda to the draft law at present before Parliament and which were not voted before the end of the last session.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): On page 22 of the report for 1949, it is stated that Togoland is part of the jurisdiction of the Court of Appeals of French West Africa sitting in Dakar. This is contained in the first paragraph under subparagraph(d). I understand that this situation also prevails at present.

Could the Special Representative account for this type of unification of the judicial administration of the Trust Territory in French West Africa?

Mr. MONTEL (Special Representative) (interpretation from French): This is justified on practical grounds. The establishment of a court of appeals is, after all, an important matter; it calls for a number of higher magistrates. So far, it has not been possible to set up a court of appeals in French Togoland. There is, however, a proposal to set up a court of appeals very shortly in Douala, but for Togoland this sort of judicial establishment is too important for us to contemplate it at present in the Territory, for material reasons. That is why it is the court of appeals of French West Africa, sitting in Dakar, which is responsible.

Mr. SOLDATOV (Union of Soviet Socialist Republics) (interpretation from Russian): I have no further questions.

Mr. SAYRE (United States of America): Most of the questions which I had in mind have been covered, but there are one or two on which I should like a little further clarification. One is the matter which has been referred to by several representatives with regard to the question of suffrage and the recent extensions of the suffrage which have taken place. I felt very happy to note, in the statement which the Special Representative made yesterday, that there are now 32,500 electors taking part in the legislative elections, and that this was -- I think he said -- three times as many as there were in the elections of 1946, as well as a substantial increase over the figure given in the 1950 report, which was 28,580. I understand, from the Special Representative's answers to previous questions, that the increase this year resulted from the addition of two new categories eligible to register as voters: the heads of families and the mothers of two children. I wonder whether the Special Representative has at hand the figures which would indicate the approximate total number of persons who would be eligible to become voters in each college under the present regulations.

Mr. MONTEL (Special Representative) (interpretation from French): It is rather difficult to provide these figures, and I am afraid I cannot supply them, since they increase every year. Already this year there has been a substantial increase due to the addition to the electorate of the mothers of two children, the heads of families, and so on. Each year, the increase in number takes place automatically since there are new heads of families

and new mothers of two children. It is rather difficult, however, to state exactly what will be the total number of persons included on the electoral lists. This figure appears at the beginning of each year, when the electoral lists are reviewed. I am afraid it is rather difficult to specify the exact number in this case. If we look at statistics, however, we may infer that there would be roughly an increase of 4,000 per year in the light of past increases.

Mr. SAYRE (United States of America): I quite realise that it is a shifting and an increasing number, and I delight in that increase. My question, however, was whether or not the Special Representative happened to have the figures to show the present number of eligible voters in each of the two colleges.

Mr. MONTEL (Special Representative) (interpretation from French): On page 163 of the 1949 report, there is a table which gives the figures for those on the list in the first college and in the second college, as divided between men and women. The table gives that information for 1949 and also for 1950. In 1949, there was a total of 13,130. Of these, there were 272 men and 155 women in the first college, and 12,450 men and 441 women in the second college. In 1950, the total figure had increased to 16,830. In the first college there were 378 men and 229 women, and in the second college there were 15,718 men and 502 women. On page 177 of the 1950 report, we see a similar table, which gives the figure of 28,580 -- referred to a moment ago by the representative of the United States -- as the total for 1951. That figure has increased to 32,500 due to inclusions in the lists of new categories of voters.

Mr. SAYRE (United States of America): Are individuals registered automatically or do they have to go through a process of registration, enrolment and so on? What I am still not clear about is whether there are, under the classifications set up by the law, certain groups of people who are entitled to register but whose names do not appear on the voting lists until they actually go to the polls and register, or whether, on the other hand, once this law has been passed relating to certain classes of people, the lists of registered voters will automatically include them. Do I make my difficulty clear?

Mr. MONTEL (Special Representative) (interpretation from French): Yes, I have understood the question put by the representative of the United States. Persons are not automatically included in the electoral lists: they themselves have to ask to be registered. The same procedure is followed in metropolitan France where, each year, the electoral lists are revised. Usually this revision takes place from 1 January to 10 January. The old electoral lists are posted or otherwise made public and persons can verify whether their names appear in them. Anyone whose name does not appear in the lists can request that it be included, when the Commission for the Revision of Electoral Lists will investigate the matter and ascertain whether the person in question fulfils the necessary qualifications for inscription. The Commission then decides on the basis of the facts. It must, however, be the voter himself who asks to have his name included in the list.

Mr. SAYRE (United States of America): I would appreciate some information on the following. What would be the proportion of those eligible to register in proportion to the total population of the group? The second college, for instance, is, I believe, open to certain groups of indigenous peoples. What proportion of the total indigenous population of just under a million would be represented by the number of indigenous persons eligible to vote? I am endeavouring to ascertain if possible what proportion of the total adult population is represented by the number eligible to vote under the present regulations. If I do not make myself clear I trust that the Special Representative will ask me to clarify my question.

Mr. MONTEL (Special Representative) (interpretation from French): I understand the question put to me by the representative of the United States but, as far as I know, the statistical work in this connexion has not yet been completed. As a matter of fact it would be of great interest to know the percentage to which he has referred, and I shall endeavour to obtain the figure in order that it may appear in next year's report.

Mr. SAYRE (United States of America): I should appreciate that very much. I should like to ask one further question with regard to this matter of suffrage. I note from the 1950 report that, in order to facilitate the registration of indigeneous persons on the electoral lists, a decree, dated 30 December 1950, set up Boards of Review -- Commissions de Revision -- in the Cercle and in the sub-division. Could the Special Representative tell us how these Boards function? Is it possible, for instance, to comment at this time on the degree of success which they are having? I realize that it is only six months since they were established and that the Special Representative may not, therefore, have this information.

Mr. MONTEL (Special Representative) (interpretation from French): I referred to these Boards of Review a moment ago. Each year they revise the electoral lists, eliminate from them any deceased person or any person who has lost the right to vote, and add the names of those who have recently qualified for inclusion. They function in each administrative constituency, either in the Cercle or in the sub-division. Following the procedure I outlined a moment ago, the would-be voter comes before the Board of Review which decides whether he is in fact entitled to have his name inscribed on the electoral list. If a person challenges the decision of the Board in this respect he may appeal against it to a justice of the peace.

Mr. PIGNON (France) (interpretation from French): The main importance of the decree of 30 December 1950, to which the representative of the United States referred, was that it brought the Board of Review into closer contact with the voter. Previously there were boards of review only in the capitals of the Cercle. After the 1950 ordinance there were boards of review in the sub-divisions. In other words, the voter no longer had to undertake costly travel in order to check whether his name appeared on the list. In this way he would have an opportunity to check his electoral rights near his village. This is the main importance of the 1950 law, about which the representative of the United States put several questions.

Mr. SAYRE (United States of America): In that connexion, are efforts being made to stimulate the interest of the local people in voting and to explain to them perhaps what this democratic process of voting means, in order to bring home to them certain of the issues? In other words, is this system utilized in order to bring home to the people a greater appreciation of what western democratic processes, if I may call them such, mean?

Mr. MONTEL (Special Representative) (interpretation from French): Such training is given from school age and upward. There are lessons and courses in civics in which children are taught their duties as citizens. The Cercle and sub-division chiefs instruct the inhabitants as to their duties before every election. At the last election to the National Assembly, the percentage of voters was considerable. Eighty-two per cent of the registered voters actually took part in the voting, which is a figure rather seldom reached.

Mr. SAYRE (United States of America): I am very pleased to hear that last statement. I have one other matter about which I would like to inquire, which has been barely touched upon in a previous question. I am now looking at page 43 of the 1950 report where a discussion is found on the operation of the French penal code and the "Code d'instruction criminelle", and the second sentence of the left hand column says that steps have been taken to adapt these codes to local necessities. This is a matter which we discussed

in the case of the French Camercons. This particular sentence struck my eye. I wonder whether the Special Representative could tell us, in a little more detail, what steps have been taken to adapt the provisions of the French penal code to local necessities. That is a problem which is a very difficult one, and which, as I say, we have touched upon before in the Council. I would be interested to know the more specific provisions or steps which have been taken to make this adaptation.

Mr. MONTEL (Special Representative) (interpretation from French): There is no adaptation of the French penal code to the Territory; it is applied as it is. But certain gaps have had to be filled as circumstances required. There are certain offences for felonies which do not exist in Europe, such as cannibalism. Cannibalism is a crime which is not covered by the French penal code. Also, there are certain offences in connexion with dowries, where cheating and similar acts take place. These are offences which are not covered by the French penal code. Such gaps have been filled in order to render it more complete.

Mr. PIGNON (France) (interpretation from French): This question of the penal code has been a controversial one and, therefore, I understand the interest of the representative of the United States. In 1945 a Commission assembled and did a considerable amount of work in an attempt to write a penal code which would apply to all of French Equatorial Africa, including the Cameroons and Togoland. Magistrates and other legal authorities participated in the work of the Commission, of which I was also a member. But the Representatives in the French Parliament, such^{as} Mr. Lamine-Guèye asked that, instead of using that paper, the Metropolitan French code should be applied to the Territory. When that was done we found certain gaps in the Metropolitan code which had to be filled. Other adjustments may be required in order to provide for certain offences which do not exist in France or which, in France, would be covered by too generalized headings. The Special Representative cited cannibalism. The French code speaks of murder and manslaughter, but not cannibalism. In reality, however, we must understand that cannibalism is not actually connected with murder. Cattle thieving is much more grave in Africa than it would be in French Normandy, for example. Therefore, we started off from the foundation requested by the indigenous inhabitants through their representatives, and on that basis we introduced the French code, adding certain characteristics which derived from conditions in Africa and were not covered by the French code.

Mr. SAYRE (United States of America): If I understand correctly, the French Metropolitan penal code has not been changed at all. It is applied, but applied with certain offences added to it to take care of practices in the colonial area.

Mr. PIGNON (France)(interpretation from French): That is correct.

Mr. SAYRE (United States of America): We heard the other day, in connexion with another Trust Territory, about the practice of placing a fetish on a person. Does that happen to be included in one of these additional offences?

Mr. MONTEL (Special Representative)(interpretation from French): This is not yet covered exclusively, but it could be covered under "charlatanry".

Mr. SAYRE (United States of America): Is charlatanry an offence at present?

Mr. MONTEL (Special Representative)(interpretation from French): Yes.

Mr. PIGNON (France) (interpretation from French): What the representative of the United States has pointed out is an example of the difficulties which we have encountered in using a code which was devised for the metropolitan territory and transferring it to Africa. Let us say that the judge notes certain practices which appear to be contrary to good morals and public order. He will have to apply the articles of a code which does not deal with fetishism. Charlatanism may apply to such matters as embezzlement or other abuses of confidence, but fetishism may always involve an abuse of confidence. I think the example is perfect in that respect.

Mr. S. S. LIU (China): Reference has been made to the system of communes, as described on page 39 of the report for 1950. As a result of the establishment of this system a number of localities are beginning to enjoy a type of municipal autonomy. I take it that the Administering Authority intends to grant this autonomy to other localities in addition to those that are now enjoying it. Can the Special Representative tell us whether the Administering Authority contemplates any plans in regard to this matter.

Mr. MONTEL (Special Representative) (interpretation from French): The report for 1950 mentions the promotion of Lome and Anecho to communes of the third degree. However, since then, the municipal organization has been extended and liberalized. In 1950 the Commissioner of the Republic submitted a report recommending that Palime, /^{Atakpame and} Sokode should be promoted to third degree towns, and this has already been accomplished. These three townships are now townships of the third degree. This municipal organization will be extended to all capitals of cercles. All administrative centres and capitals of cercles in Togoland will be promoted to third degree townships. The mixed commune of Lome is to be granted a special status, which will be ^a commune plein exercice, the status of Dakar, a status which is applied to towns in France. This will probably be done next year. Lome will be exercising full powers. The mayor will be elected by the commune. All other administrative centres in Togoland will be promoted to mixed townships of the third degree.

Mr. S. S. LIU (China): I have another question in connexion with the separation of administrative and judicial functions. May I recall that the Trusteeship Council at its seventh session considered that this separation of administrative and judicial functions is essential to the proper administration of justice. Can the Special Representative inform us whether any progress has been made in this direction in the three years under review?

Mr. MONTEL (Special Representative) (interpretation from French): Heretofore the posts of justices of the peace with limited jurisdiction were held by administrative officials, but these administrative officials were wholly independent and they were fully qualified to discharge these judicial functions. As I was saying a moment ago, the present problem is one of having a sufficient number of competent magistrates. Justices of the peace with a limited jurisdiction will very shortly have their jurisdiction extended. This may have been done since I left the country. At that time the posts will be filled by career magistrates. The real question is one of having adequate staff to fill these posts. Otherwise the measure would already have been fully applied.

Mr. S. S. LIU (China): Is the Administering Authority taking steps to expedite the training of the necessary personnel to fill the posts?

Mr. MONTEL (Special Representative) (interpretation from French): Yes, the Administration is giving active consideration to this problem.

Mr. de ANTUENA (Argentina) (interpretation from Spanish): I should like to refer to the status of women as regards the franchise. A little while ago the representative of the Dominican Republic put a similar question. It seemed to me that the reply given to this question referred to women qualified to vote. It seems to me that the question might, however, be couched as follows. Besides the woman who has been elected to the Municipal Council at Lome, are there any other women who would be in a position to be elected? That is the real question. In other words, are there already a number of women who would be capable of being elected to positions in the Municipal Council, just as the other woman was elected in Lome?

Mr. MONTEL (Special Representative) (interpretation from French): All women who meet the requirements of the law can stand for the Assembly...

Mr. de ANTUEÑA (Argentina) (interpretation from Spanish): I must press this because perhaps my point has not been clearly understood. I already know that if women fulfil certain conditions they can be elected. What I wanted to know is if there are any women in active political life and who are running for election, besides the one woman already elected to the Municipal Council in Lome. Are there any other women in a position to be elected and are there any actually running for election?

Mr. MONTEL (Special Representative) (interpretation from French): For the moment that one woman is an exception. But given progress in the participation of women in education and so forth, it may be expected that they are being trained to the point where they will participate in political life and stand for office.

Mr. de ANTUEÑA (Argentina) (interpretation from Spanish): That is just what I wanted to know. I wanted to know whether that was an exception or not.

The PRESIDENT: If there are no other questions on political advancement, we shall continue tomorrow with questions on economic advancement.

15

I understand that the Committee on Petitions is unable to meet tomorrow but is prepared to meet all day on Friday. For that reason, I am afraid I shall have to ask the Trusteeship Council to agree to the suggestion which I made yesterday -- that is, that there should be plenary meetings of the Council both in the morning and in the afternoon tomorrow. If there is no objection, I propose that we should meet at 10.30 a.m. and at 2.30 p.m. That will allow the Committee on Petitions to meet all day on Friday. The Drafting Committee on British Togoland would also meet at 10.30 a.m. on Friday. Both Committees would meet here at Flushing Meadows.

The agenda for tomorrow's meetings would comprise the following items: first, / ^{the} continuation of the discussion on Togoland under French Administration; secondly, the approval of the observations of individual members in the report on Ruanda-Urundi, and the approval of the report as a whole; thirdly, the approval of the observations of individual members in the report on the Cameroons under British Administration, and the approval of the report as a whole; fourthly, the question of social advancement in the Trust Territories: the report of the ILO; fifthly, the Secretary-General's report on credentials; sixthly, the report concerning New Guinea of the Standing Committee on Administrative Unions; and, finally, if time permits, the report of the Drafting Committee on the Cameroons under French Administration.

Since there are no objections, I take it that my proposal is accepted. The meeting is therefore adjourned until 10.30 a.m. tomorrow.

The meeting rose at 6 p.m.